

SB 108 INTRODUCED BY BISHOP
CONSTITUTIONAL AMENDMENT REQUIRING ELECTION TO FILL
VACANT JUDICIAL OFFICE

1/15 INTRODUCED
1/15 REFERRED TO JUDICIARY
1/22 HEARING
1/24 COMMITTEE REPORT--BILL PASSED AS AMENDED
1/28 2ND READING PASS MOTION FAILED 23 26
(PROPOSED CONSTITUTIONAL AMENDMENT;
PROCEEDED TO 3RD READING)
1/30 3RD READING FAILED 21 29
(PROPOSED CONSTITUTIONAL AMENDMENT;
PROCEEDED TO OTHER HOUSE)

TRANSMITTED TO HOUSE
2/04 REFERRED TO JUDICIARY
3/12 HEARING
3/17 COMMITTEE REPORT--BILL NOT PASSED
3/18 ADVERSE COMMITTEE REPORT ADOPTED 77 7
3/18 RETURNED TO SENATE NOT CONCURRED

1 *Senate* BILL NO. *108*
 2 INTRODUCED BY *Al Bishop*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,
 6 SECTIONS 6, 8, AND 9, OF THE MONTANA CONSTITUTION TO PROVIDE
 7 FOR THE FILLING OF VACANCIES IN JUDICIAL OFFICES BY ELECTION
 8 RATHER THAN BY APPOINTMENT."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Article VII, section 6, of The Constitution
 12 of the State of Montana is amended to read:

13 "Section 6. Judicial districts. (1) The legislature
 14 shall divide the state into judicial districts and provide
 15 for the number of judges in each district. Each district
 16 shall be formed of compact territory and be bounded by
 17 county lines.

18 (2) The legislature may change the number and
 19 boundaries of judicial districts and the number of judges in
 20 each district, but no change in boundaries or the number of
 21 districts or judges therein shall work a removal of any
 22 judge from office during the term for which he was elected
 23 or appointed.

24 (3) The chief justice may, upon request of the
 25 district judge, assign district judges and other judges for

1 temporary service from one district to another, and from one
 2 county to another."

3 Section 2. Article VII, section 8, of The Constitution
 4 of the State of Montana is amended to read:

5 "Section 8. Selection. (1) ~~The governor shall~~
 6 ~~nominate a replacement from nominees selected in the manner~~
 7 ~~provided by law for any vacancy in the office of supreme~~
 8 ~~court justice or district court judge. If the governor fails~~
 9 ~~to nominate within thirty days after receipt of nominees,~~
 10 ~~the chief justice or acting chief justice shall make the~~
 11 ~~nomination. Each nomination shall be confirmed by the~~
 12 ~~senate, but a nomination made while the senate is not in~~
 13 ~~session shall be effective as an appointment until the end~~
 14 ~~of the next session. If the nomination is not confirmed, the~~
 15 ~~office shall be vacant and another selection and nomination~~
 16 ~~shall be made. A vacancy in the office of supreme court~~
 17 ~~justice or district court judge shall be filled by election~~
 18 ~~as provided by law.~~

19 (2) If, at the first election after senate
 20 confirmation, and at the election before each succeeding
 21 term of office, any candidate other than the incumbent
 22 justice or district judge files for election to that office,
 23 the name of the incumbent shall be placed on the ballot. If
 24 there is no election contest for the office, the name of the
 25 incumbent shall nevertheless be placed on the general



1 election ballot to allow voters of the state or district to
2 approve or reject him. If an incumbent is rejected, another
3 selection and nomination shall be made.

4 (3) If an incumbent does not run, there shall be an
5 election for the office."

6 Section 3. Article VII, section 9, of The Constitution
7 of the State of Montana is amended to read:

8 "Section 9. Qualifications. (1) A citizen of the
9 United States who has resided in the state two years
10 immediately before taking office is eligible to the office
11 of supreme court justice or district court judge if admitted
12 to the practice of law in Montana for at least five years
13 prior to the date of ~~appointment-or~~ election. Qualifications
14 and methods of selection of judges of other courts shall be
15 provided by law.

16 (2) No supreme court justice or district court judge
17 shall solicit or receive compensation in any form whatever
18 on account of his office, except salary and actual necessary
19 travel expense.

20 (3) Except as otherwise provided in this constitution,
21 no supreme court justice or district court judge shall
22 practice law during his term of office, engage in any other
23 employment for which salary or fee is paid, or hold office
24 in a political party.

25 (4) Supreme court justices shall reside within the

1 state. Every other judge shall reside during his term of
2 office in the district, county, township, precinct, city or
3 town in which he is elected ~~or-appointed~~."

4 NEW SECTION. Section 4. Submission to electorate.
5 This amendment shall be submitted to the electors of Montana
6 at the general election to be held November 8, 1988, by
7 printing on the ballot the full title of this act and the
8 following:

- 9 FOR filling vacancies in judicial offices by
10 election rather than by appointment.
11 AGAINST filling vacancies in judicial offices by
12 election rather than by appointment.

-End-

CONSTITUTIONAL AMENDMENT
APPROVED BY COMMITTEE
ON JUDICIARY

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2 INTRODUCED BY BISHOP
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SECOND READING



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14 SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES by
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CONSTITUTIONAL AMENDMENT

SENATE BILL NO. 108

INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTIONS 6, 8, AND 9, OF THE MONTANA CONSTITUTION TO PROVIDE FOR THE FILLING OF VACANCIES IN JUDICIAL OFFICES OF SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES BY ELECTION RATHER THAN BY APPOINTMENT."

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(3) The chief justice may, upon request of the

district judge, assign district judges and other judges for temporary service from one district to another, and from one county to another."

Section 2. Article VII, section 8, of The Constitution of the State of Montana is amended to read:

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(2) If, at---the---first---election---after---senate confirmation;-and at the election before each succeeding term of office, any candidate other than the incumbent justice or district judge files for election to that office, the name of the incumbent shall be placed on the ballot. If there is no election contest for the office, the name of the

THIRD READING



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