

2021 Regular Session

SENATE BILL NO. 163

BY SENATORS MCMATH AND HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Constitutional Amendment to increase the composition of the Louisiana Supreme Court from six to eight associate justices. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article V, Sections 3 and 4 of the Constitution of Louisiana, relative to composition of the Louisiana Supreme Court; to provide for redistricting in accordance with most recent decennial federal census; to require districts to be substantially equal in population; to provide for the redistricting of supreme court districts; to provide for two additional supreme court justices; to specify an election for submission of the proposition to electors; and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Sections 3 and 4 of the Constitution of Louisiana, to read as follows:

§3. Supreme Court; Composition; Judgments; Terms

Section 3. ~~(A) Effective until January 1, 2025, The~~ **the** supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a supreme court judge shall be ten years.

(B) Effective on January 1, 2025, the supreme court shall be composed of a chief justice and eight associate justices, five of whom must concur to

1 render judgment. The term of a supreme court justice shall be ten years.

2 §4. Supreme Court; Districts

3 Section 4. ~~(A)~~ The state shall be divided into ~~at least six~~ supreme court
4 districts, and ~~at least one judge~~ **justice** shall be elected from each. The districts ~~and~~
5 ~~the number of judges assigned to each on the effective date of this constitution are~~
6 ~~retained~~, subject to change by law enacted by two-thirds of the elected members of
7 each house of the legislature.

8 (B) The legislature shall by law set forth the specific method of
9 transitioning to nine single member supreme court districts to be drawn in
10 accordance with the provisions of this Section. Notwithstanding any provision
11 herein to the contrary, no supreme court justice in office at the time of the
12 adoption of the amendment to this Section, nor his or her successor, shall, as a
13 result of this amendment, have their term diminished or extended. The initial
14 term for a new justice elected to a district that is drawn without an incumbent
15 justice may be shorter than ten years. Any decision reached by a majority of the
16 supreme court after the passage of this constitutional amendment, but before
17 its full implementation by the legislature, shall be binding and be given full
18 effect.

19 (C) By the end of the year following the year in which the population of
20 this state is reported to the president of the United States for each decennial
21 federal census, the legislature shall, in the same manner as provided for under
22 Paragraph (A) of this Section, redistrict the supreme court districts to be
23 substantially equal on the basis of population shown by the census.

24 (D) If the legislature fails to redistrict the supreme court when required
25 by this Section, then redistricting shall occur in the same manner as specified
26 in Article III, Section 6(B) of the Constitution of Louisiana.

27 Section 2. Be it further resolved that this proposed amendment shall be submitted
28 to the electors of the state of Louisiana at a statewide election to be held on October 9, 2021.

29 Section 3. Be it further resolved if approved by the electors at the election held

1 pursuant to Section 2 of this Resolution, that the proposed amendment to Article V, Section
 2 4(C) shall become effective on January 1, 2025. The remainder of the proposed amendment
 3 shall become effective pursuant to the provisions of Article XIII, Section 1(C).

4 Section 4. Be it further resolved that on the official ballot to be used at said election
 5 there shall be printed a proposition, upon which the electors of the state shall be permitted
 6 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 7 follows:

8 Do you support an amendment to reform the Louisiana Supreme Court to
 9 require court districts be more equal in population with a court comprised of
 10 nine justices?

11 (Amends Article V, Sec. 3 and 4)

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 163 Reengrossed

2021 Regular Session

McMath

Present constitution provides that the supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment.

Proposed constitutional amendment provides that, effective January 1, 2025, the composition of the Louisiana Supreme Court will increase from six associate justices to eight, five of whom must concur to render judgment.

Present constitution provides that the state shall be divided into supreme court districts, and at least one judge shall be elected from each district. The districts and the number of judges assigned to each are subject to change by law if enacted by two-thirds of the elected members of each house of the legislature.

Proposed constitutional amendment retains present constitution but provides that the state shall be divided into supreme court districts as substantially equal based upon population and one justice shall be elected from each district.

Proposed constitutional amendment mandates the legislature to set forth the specific method of transitioning to nine single member districts.

Proposed constitutional amendment provides that no supreme court justice in office at the time of the adoption of the proposed constitutional amendment, nor his or her successor, shall, as a result of this amendment, have their term diminished or extended.

Proposed constitutional amendment requires the legislature to redistrict each supreme court district to be substantially equal on the basis of population shown by the census at the end of the year following the year in which the population of this state is reported to the president of the United States.

Proposed constitutional amendment mandates redistricting of the supreme court by the supreme court in the manner provided in present constitution if the legislature fails to do so as required by proposed constitutional amendment.

Provides that if the amendment is approved by the voters, it shall become effective on January 1, 2025.

Specifies submission of the amendment to the voters at a statewide election to be held on October 9, 2021.

(Amends Const. Arts. V, Sec. 3 and 4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Provides January 1, 2025, as an effective date for the supreme court to transition from seven to nine justices.
2. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Raises the level required to redistrict the supreme court districts from "as equal as practicable" to "substantially equal" on the basis of population shown by the census.
2. Makes technical changes.