

2024 Third Extraordinary Session

SENATE BILL NO. 5

BY SENATOR MORRIS AND REPRESENTATIVE MCMAKIN

COURTS. Constitutional amendment to provide for elections to fill newly-created judgeships and judicial vacancies and for exceptions as to courts of limited or specialized jurisdictions. (2/3 - CA13s1(A)) (Item #20)

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A JOINT RESOLUTION

Proposing to amend Article V, Section 22(B) of the Constitution of Louisiana, relative to judicial elections; to provide for election dates for newly-created judgeships or vacancies in office of judge; to provide for exceptions involving courts of limited or specialized jurisdictions upon request from the supreme court concerning persons appointed to fill these positions; and 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, Section 22(B) of the Constitution of Louisiana, to read as follows:

§22. Judges; Election; Vacancy

Section 22.(A) Election.

\* \* \*

(B) Vacancy. A newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held ~~within twelve months~~ **on the election date first available pursuant to applicable law** after the

1 day on which the vacancy occurs or the judgeship is established, except when the  
2 vacancy occurs in the last twelve months of an existing term. If the date of the next  
3 gubernatorial or congressional election is within twelve months of the date when  
4 the vacancy occurred, then the special election shall be held at the next  
5 gubernatorial or congressional election, if the special election can be held on  
6 that date in accordance with applicable law. Until the vacancy is filled, the  
7 supreme court shall appoint a person meeting the qualifications for the office, other  
8 than domicile, to serve at its pleasure. The appointee shall be ineligible as a  
9 candidate at the election to fill the vacancy or the newly-created judicial office;  
10 however, the legislature may provide by law for exceptions concerning courts  
11 of limited or specialized jurisdiction upon request of the supreme court. No  
12 person serving as an appointed judge, other than a retired judge, shall be eligible for  
13 retirement benefits provided for the elected judiciary.

14 \* \* \*

15 Section 2. Be it further resolved that this proposed amendment shall be submitted to  
16 the electors of the state of Louisiana at the statewide election to be held on March 29, 2025.

17 Section 3. Be it further resolved that on the official ballot to be used at said election  
18 there shall be printed a proposition, upon which the electors of the state shall be permitted  
19 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
20 follows:

21 Do you support an amendment to provide for the use of the earliest election  
22 date to fill judicial vacancies and authorize certain legislation concerning  
23 temporarily filling vacancies in courts of limited or specialized jurisdiction?

24 (Amends Article V, Section 22(B))

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The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

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## DIGEST

SB 5 Reengrossed

2024 Third Extraordinary Session

Morris

Present constitution provides for calling a special election by the governor to fill a newly-created judgeship or vacancy in a judgeship within 12 months after the day the judgeship is created or the vacancy occurs, except when the vacancy occurs in the last 12 months of an existing term.

Proposed constitutional amendment provides for calling the special election on the date first available pursuant to law after the day the vacancy occurs or judgeship is established, except when the vacancy occurs in the last 12 months of a term.

Proposed constitutional amendment provides that if the date of the next gubernatorial or congressional election is within 12 months of the date when the vacancy occurred, then the special election shall be held at the next available gubernatorial or congressional election date, if the special election can be held on that date in accordance with applicable law.

Present constitution requires that until a vacancy is filled, the supreme court appoints a person meeting the qualifications for office, except domicile, to serve at its pleasure and that this appointee is not eligible as a candidate at the election to fill the vacancy or the newly-created judgeship.

Proposed constitutional amendment retains this ineligibility of the appointee, but authorizes the legislature to provide exceptions concerning appointees to courts of limited or specialized jurisdiction upon request of the supreme court.

Specifies submission of the amendment to the voters at the statewide election to be held on March 29, 2025.

(Amends Const. Art. V, Sec. 22(B))

Summary of Amendments Adopted by Senate

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

1. Makes technical change.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Changes the election date for submission of the proposed amendment to the voters from November 15, 2025, or the next statewide election, to March 29, 2025.
2. Changes the proposed constitutional amendment to provide that if the date of the next gubernatorial or congressional election is within 12 months of the date when the vacancy occurred, then the special election shall be held at the next available gubernatorial or congressional election date, if the special election can be held on that date in accordance with applicable law.