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 DIGEST

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Murray

SB No. 216

Present constitution, relative to the judicial branch, states that except as otherwise provided in the present constitution, all judges shall be elected. Election shall be at the regular congressional election.

Present constitution further provides that 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 after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last twelve months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

Proposed constitutional amendment substantially retains present constitution provisions regarding newly-created judgeships.

Proposed constitutional amendment requires that the legislature shall provide by law the procedures for filling a vacancy in the office of judge, which procedure may include a determination of whether the vacant judicial office should be maintained, abolished, or transferred to another court of equivalent jurisdiction.

Proposed constitutional amendment provides that until a vacancy in the office of a judge is filled, abolished, or transferred, the supreme court may appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure, and that the appointee shall be ineligible as a candidate at an election to fill the judicial office.

Proposed constitutional amendment prohibits any person serving as an appointed judge, other than a retired judge, from being eligible for retirement benefits provided for the elected judiciary.

Specifies submission of the amendment to the voters at the statewide election to be held on Nov. 4, 2014, and provides that the proposed constitutional amendment shall become effective on January 1, 2016, if approved by the voters.

(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. Added "and held" to requirement that special election be called by governor within 14 months after the day on which the vacancy occurs.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Deleted provisions establishing specific procedures to fill, abolish, or reallocate a vacant judgeship.

2. Added provisions requiring the legislature to establish by law the procedures to fill, abolish, or transfer a vacant judgeship.
3. Added an effective date of January 1, 2016.
4. Added technical amendments.
5. Changed the ballot language to reflect the changes made by adoption of the committee amendments.