1   HOUSE BILL NO. 506

2   INTRODUCED BY B. BARKER, E. ALBUS, D. BEDEY, M. BERTOGLIO, K. BOGNER, L. BREWSTER, J.

3   DARLING, D. FERN, J. FITZPATRICK, T. FRANCE, J. FULLER, W. GALT, G. HERTZ, C. HINKLE, L. JONES,

4   S. KLAKKEN, G. LAMMERS, F. MANDEVILLE, R. MARSHALL, T. MCGILLVRAY, W. MCKAMEY, R. MINER,

5   F. NAVE, G. NIKOLAKAKOS, G. OBLANDER, C. SCHOMER, J. TREBAS, M. VINTON, Z. WIRTH, D.

6   ZOLNIKOV, K. ZOLNIKOV, S. ESSMANN, J. ETCHART, G. PARRY, G. HUNTER

7

8   A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN

9   AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE

10   METHOD OF SELECTION FOR JUSTICES OF THE MONTANA SUPREME COURT; AND PROVIDING AN

11   EFFECTIVE DATE AND AN APPLICABILITY DATE."

12

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

14

15   **Section 1.** Article VII, section 8, of The Constitution of the State of Montana is amended to read:

16   "**Section 8.   Selection.** (1) Supreme court justices ~~and district court judges shall be elected by the~~

17   ~~qualified electors as provided by law~~ shall be selected as provided in subsection (3).

18   (2)   District court judges shall be elected by the qualified electors as provided by law.

19   (3)   (a) Supreme court justices shall be appointed by the governor from a list of nominees provided

20   by a nomination committee consisting of the president of the senate, the speaker of the house of

21   representatives, the minority leaders of each house, and two current or former attorneys. The two attorneys

22   must be selected by the first four members, with the majority and minority party members of the committee

23   each selecting one attorney to serve on the committee.

24   (b)   For a vacancy in the office of supreme court justice caused by the end of the justice's term, the

25   nomination committee shall provide to the governor the names of at least three but no more than five qualified

26   nominees at least 60 days prior to the end of the justice's term. The governor shall appoint a justice from those

27   names within 60 days after receiving the names. If the nomination committee fails to provide at least three

28   qualified nominees by the required date, the governor shall appoint an individual from a list of 10 nominees

*Legislative
Services
Division*

1   chosen by lottery from a full list of qualified nominees. The full list of qualified nominees must be created using

2   a method determined by the nomination committee.

3   (c)   For a vacancy in the office of supreme court justice caused by any other reason, the

4   nomination committee shall provide to the governor the names of at least three but no more than five qualified

5   nominees within 60 days after receiving notification of the vacancy from the chief justice of the supreme court.

6   The governor shall appoint a justice from those names within 60 days after receiving the names. If the

7   nomination committee fails to provide at least three qualified nominees by the required date, the governor shall

8   appoint an individual from a list of 10 nominees chosen by lottery from a full list of qualified nominees. The full

9   list of qualified nominees must be created using a method determined by the nomination committee.

10   (d)   Appointments of supreme court justices made under this subsection (3) shall be subject to

11   confirmation by the senate, as provided in law.

12   (e)(d)   A supreme court justice shall serve until the expiration of the term for which the justice was

13   appointed or until the expiration of the term of the justice's predecessor if the appointment was to fill an

14   unexpired term.

15   (2)(4)   For any vacancy in the office of supreme court justice or district court judge, the governor shall

16   appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint

17   within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment

18   from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this

19   subsection shall be subject to confirmation by the senate, as provided by law. If the appointee is not confirmed,

20   the office shall be vacant and a replacement shall be made under the procedures provided for in this section.

21   The appointee shall serve until the election for the office as provided by law and until a successor is elected

22   and qualified. The person elected or retained at the election shall serve until the expiration of the term for which

23   his predecessor was elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his

24   predecessor without standing for election.

25   (3)(5)   If an incumbent files for election for the office of district court judge and there is no election

26   contest for the office, the name of the incumbent district court judge shall nevertheless be placed on the general

27   election ballot to allow the voters of the state or district to approve or reject him. If an incumbent district court

28   judge is rejected, the vacancy in the office for which the election was held shall be filled as provided in

1   subsection ~~(2)~~ (4)."

2

3   NEW SECTION. **Section 2.   Two-thirds vote required.** Because [section 1] is a legislative proposal

4   to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote

5   of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

6

7   NEW SECTION. **Section 3.   Effective date.** If approved by the electorate, [this act] is effective

8   January 4, 2027.

9

10   NEW SECTION. **Section 4.   Applicability.** [This act] applies to vacancies in the office of supreme

11   court justice that occur on or after [the effective date of this act].

12

13   NEW SECTION. **Section 5.   Submission to electorate.** [This act] shall be submitted to the qualified

14   electors of Montana at the general election to be held in November 2026 by printing on the ballot the full title of

15   [this act] and the following:

16   ☐   YES on Constitutional Amendment ____.

17   ☐   NO on Constitutional Amendment ____.

18   - END -