

HOUSE BILL NO. 506

INTRODUCED BY B. BARKER, E. ALBUS, D. BEDEY, M. BERTOGLIO, K. BOGNER, L. BREWSTER, J. DARLING, D. FERN, J. FITZPATRICK, T. FRANCE, J. FULLER, W. GALT, G. HERTZ, C. HINKLE, L. JONES, S. KLAKKEN, G. LAMMERS, F. MANDEVILLE, R. MARSHALL, T. MCGILLVRAY, W. MCKAMEY, R. MINER, F. NAVE, G. NIKOLAKAKOS, G. OBLANDER, C. SCHOMER, J. TREBAS, M. VINTON, Z. WIRTH, D. ZOLNIKOV, K. ZOLNIKOV, S. ESSMANN, J. ETCHART, G. PARRY, G. HUNTER

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE METHOD OF SELECTION FOR JUSTICES OF THE MONTANA SUPREME COURT; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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

**"Section 8. Selection.** (1) ~~Supreme court justices and district court judges shall be elected by the qualified electors as provided by law shall be selected as provided in subsection (3).~~

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

(3) (a) Supreme court justices shall be appointed by the governor from a list of nominees provided by a nomination committee consisting of ~~the president of the senate, the speaker of the house of representatives, the minority leaders of each house, and two current or former attorneys. The two attorneys must be selected by the first four members, with the majority and minority party members of the committee each selecting one attorney to serve on the committee:~~

(i) three attorney members appointed to six-year terms by the governing body of the state bar;

(ii) three nonattorney members appointed to six-year terms by the governor and subject to confirmation by the senate; and

(iii) the chief justice of the supreme court as an ex officio seventh member who shall serve as the presiding officer of the nomination committee.

(b) For a vacancy in the office of supreme court justice ~~caused by the end of the justice's term, the nomination committee shall provide to the governor the names of at least three but no more than five qualified nominees at least 60 days prior to the end of the justice's term. The~~ the governor shall appoint a justice from those names within 60 days after receiving the names. ~~If the nomination committee fails to provide at least three qualified nominees by the required date, the governor shall appoint an individual from a list of 10 nominees chosen by lottery from a full list of qualified nominees. The full list of qualified nominees must be created using a method determined by the nomination committee a list of two or more persons nominated by the nomination committee.~~

(c) For a vacancy in the office of supreme court justice ~~caused by any other reason, the nomination committee shall provide to the governor the names of at least three but no more than five qualified nominees within 60 days after receiving notification of the vacancy from the chief justice of the supreme court. The governor shall appoint a justice from those names within 60 days after receiving the names. If the nomination committee fails to provide at least three qualified nominees by the required date, the governor shall appoint an individual from a list of 10 nominees chosen by lottery from a full list of qualified nominees. The full list of qualified nominees must be created using a method determined by the nomination committee.~~

(d) ~~Appointments of supreme court justices made under this subsection (3) shall be subject to confirmation by the senate, as provided in law.~~

(e)(c) A supreme court justice shall serve until the expiration of the term for which the justice was appointed or until the expiration of the term of the justice's predecessor if the appointment was to fill an unexpired term. ~~At the general election ballot preceding the expiration of the justice's term, the justice must be placed on the general election to allow the voters of the state to approve or reject the justice. The office of a supreme court justice becomes vacant 90 days after the election at which the justice is rejected by a majority of those voting on the question or for which the justice fails to file a declaration of candidacy to stand in the retention election.~~

(2)(4) For any vacancy in the office of ~~supreme court justice or~~ district court judge, the governor shall appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this

subsection shall be subject to confirmation by the senate, as provided by law. If the appointee is not confirmed, the office shall be vacant and a replacement shall be made under the procedures provided for in this section. The appointee shall serve until the election for the office as provided by law and until a successor is elected and qualified. The person elected or retained at the election shall serve until the expiration of the term for which his predecessor was elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his predecessor without standing for election.

~~(3)(5)~~ If an incumbent files for election for the office of district court judge and there is no election contest for the office, the name of the incumbent district court judge shall nevertheless be placed on the general election ballot to allow the voters of the ~~state or~~ district to approve or reject him. If an incumbent district court judge is rejected, the vacancy in the office for which the election was held shall be filled as provided in subsection ~~(2)~~ (4)."

**NEW SECTION. Section 2. Two-thirds vote required.** Because [section 1] is a legislative proposal to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

**NEW SECTION. Section 3. Effective date.** If approved by the electorate, [this act] is effective January 4, 2027.

**NEW SECTION. Section 4. Applicability.** [This act] applies to vacancies in the office of supreme court justice that occur on or after [the effective date of this act].

**NEW SECTION. Section 5. Submission to electorate.** [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2026 by printing on the ballot the full title of [this act] and the following:

☐ YES on Constitutional Amendment \_\_\_\_.

☐ NO on Constitutional Amendment \_\_\_\_.

- END -