

1 nominees within 60 days after receiving notification of the vacancy from the chief justice of the supreme court.
2 The governor shall appoint a justice from those names within 60 days after receiving the names. If the
3 nomination committee fails to provide at least three qualified nominees by the required date, the governor shall
4 appoint an individual from a list of 10 nominees chosen by lottery from a full list of qualified nominees. The full
5 list of qualified nominees must be created using a method determined by the nomination committee.

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

8 (e) A supreme court justice shall serve until the expiration of the term for which the justice was
9 appointed or until the expiration of the term of the justice's predecessor if the appointment was to fill an
10 unexpired term.

11 ~~(2)~~ (4) For any vacancy in the office of ~~supreme court justice or~~ district court judge, the governor shall
12 appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint
13 within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment
14 from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this
15 subsection shall be subject to confirmation by the senate, as provided by law. If the appointee is not confirmed,
16 the office shall be vacant and a replacement shall be made under the procedures provided for in this section.
17 The appointee shall serve until the election for the office as provided by law and until a successor is elected
18 and qualified. The person elected or retained at the election shall serve until the expiration of the term for which
19 his predecessor was elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his
20 predecessor without standing for election.

21 ~~(3)~~ (5) If an incumbent files for election for the office of district court judge and there is no election
22 contest for the office, the name of the incumbent district court judge shall nevertheless be placed on the general
23 election ballot to allow the voters of the ~~state or~~ district to approve or reject him. If an incumbent district court
24 judge is rejected, the vacancy in the office for which the election was held shall be filled as provided in
25 subsection ~~(2)~~ (4)."

26
27 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
28 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote

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

2

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

4 January 4, 2027.

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

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

8

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

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

11 [this act] and the following:

12 YES on Constitutional Amendment ____.

13 NO on Constitutional Amendment ____.

14 - END -