

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
5 AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REQUIRE SUPREME
6 COURT JUSTICES TO BE APPOINTED BY THE SPEAKER OF THE HOUSE AND CONFIRMED BY THE
7 SENATE; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Article VII, section 8, of The Constitution of the State of Montana is amended to read:

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

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

15 (3) (a) Supreme court justices shall be selected by the speaker of the house and confirmed by the
16 senate.

17 (b) For any vacancy in the office of supreme court justice that occurs between legislative sessions,
18 the governor shall appoint a replacement from nominees selected in the manner provided by law. If the
19 governor fails to appoint within thirty days after the receipt of nominees, the chief justice or acting chief justice
20 shall make the appointment from the same nominees within thirty days of the governor's failure to appoint.
21 Appointments made under this subsection (3) shall serve until the next legislative session and until a successor
22 is selected by the speaker and confirmed. The person selected by the speaker and confirmed shall serve until
23 the expiration of the term for which his predecessor was appointed.

24 (2)(4) ~~For any vacancy in the office of supreme court justice or district court judge, the governor shall~~
25 ~~appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint~~
26 ~~within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment~~
27 ~~from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this~~
28 ~~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. Applicability. [This act] applies to vacancies in the office of supreme court justice or chief justice of the supreme court occurring on or after [the effective date of this act].

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

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 -