

HOUSE JOINT RESOLUTION NO. HJ0006

Election of judges and justices.

Sponsored by: Representative(s) Schmid, Brady, Brown, G,
Lucas and McCann and Senator(s) Kolb and
Pearson

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION to amend the Wyoming Constitution to
2 provide for the election of judges and to repeal conflicting
3 constitutional provisions concerning the selection and
4 retention of judges.

5

6 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
7 *two-thirds of all the members of the two houses, voting*
8 *separately, concurring therein:*

9

10 **Section 1.** The following proposal to amend Article 5,
11 Sections 4(b), (g) and (h), 19, 21 and 27 of the Wyoming
12 Constitution, is proposed for submission to the electors of
13 the State of Wyoming at the next general election for approval
14 or rejection to become valid as a part of the Constitution if
15 ratified by a majority of the electors at the election:

1

2 **Article 5, Section 4. Supreme court generally; number;**
3 **election of chief justice; quorum; vacancies in supreme court**
4 **or district court; terms; election.**

5

6 (b) A vacancy in the office of justice of the supreme
7 court or judge of any district court or of such other courts
8 that may be made subject to this provision by law, shall be
9 filled by a qualified person ~~appointed by the governor from~~
10 ~~a list of three nominees that shall be submitted by the~~
11 ~~judicial nominating commission. The commission shall submit~~
12 ~~such a list not later than 60 days after the death,~~
13 ~~retirement, tender of resignation, removal, failure of an~~
14 ~~incumbent to file a declaration of candidacy or certification~~
15 ~~of a negative majority vote on the question of retention in~~
16 ~~office under section [subsection] (g) hereof. If the governor~~
17 ~~shall fail to make any such appointment within 30 days from~~
18 ~~the day the list is submitted to him, such appointment shall~~
19 ~~be made by the chief justice from the list within 15 days~~
20 selected at the next general election by the electors of the
21 state for the office of justice of the supreme court or other
22 statewide judicial office or by the electors of the judicial

1 district for judges of the district court and any other
2 judicial office that is not statewide.

3
4 (g) Each justice or judge selected under these
5 provisions shall serve ~~for one year after his appointment and~~
6 until the first Monday in January following the next general
7 election after the expiration of ~~such year. He shall, at such~~
8 ~~general election, stand for retention in office on a ballot~~
9 ~~which shall submit to the appropriate electorate the question~~
10 ~~whether such justice or judge shall be retained in office for~~
11 ~~another term or part of a term, and upon filing a declaration~~
12 ~~of candidacy in the form and at the times prescribed by law,~~
13 ~~he shall, at the general election next held before the~~
14 ~~expiration of each term, stand for retention on such ballots~~
15 the justice's or judge's term. The electorate of the whole
16 state shall vote on the ~~question of retention or rejection~~
17 election of justices of the supreme court, and any other
18 statewide court; the electorate of the several judicial
19 districts shall vote on the ~~question of retention or rejection~~
20 election of judges of their respective districts, and the
21 electorate of such other subdivisions of the state as shall
22 be prescribed by law shall vote on the ~~question of retention~~
23 ~~or rejection~~ election of any other judges ~~to which these~~

1 ~~provisions may be extended~~ of other subordinate courts
2 created under this article.

3
4 (h) A justice or judge selected hereunder, or one that
5 is in office upon the effective date of this amendment, who
6 shall desire to retain his judicial office a succeeding term,
7 following the expiration of his existing term of office, or
8 any other qualified person seeking the office of justice or
9 judge for the next term, shall file with the appropriate
10 office not more than 6 months nor less than 3 months before
11 the general election to be held before the expiration of his
12 existing term of office a declaration of intent to stand for
13 election. ~~for a succeeding term.~~ When such a declaration of
14 intent is filed, the appropriate electorate shall vote upon
15 a nonpartisan judicial ballot on the ~~question of retention in~~
16 ~~or rejection from office~~ election of ~~such the~~ justice or
17 judge, ~~and if a majority of those voting on the question vote~~
18 ~~affirmatively, the justice or judge shall be elected to serve~~
19 ~~the succeeding term prescribed by law. If a justice or judge~~
20 ~~fails to file such a declaration within the time specified,~~
21 ~~or if a majority of those voting on the question vote~~
22 ~~negatively to any judicial candidacy, a vacancy will thereby~~
23 ~~be created in that office at the end of its existing term~~

1 from a list of all qualified candidates who file under this
2 subsection.

3
4 **Article 5, Section 19. State divided into districts;**
5 **election and terms of judges.**

6
7 (a) Until otherwise provided by law, the state shall be
8 divided into three judicial districts, in each of which there
9 shall be elected at general elections, by the electors
10 thereof, one judge of the district court therein, whose term
11 shall be six (6) years from the first Monday in January
12 succeeding his election. ~~and until his successor is duly~~
13 ~~qualified.~~

14
15 (b) Justices of the supreme court and judges of other
16 courts created in accordance with this article shall be
17 elected at general elections in accordance with this article
18 and as provided by law.

19
20 **Article 5, Section 21. Increase in number of districts**
21 **and judges.**

22

1 The legislature may from time to time increase the number of
2 said judicial districts and the judges thereof, but such
3 increase or change in the boundaries of the district shall
4 not work the removal of any judge from his office during the
5 term for which he may have been elected; ~~or appointed;~~
6 provided the number of districts and district judges shall
7 not exceed four (4) until the valuation of taxable property
8 in the state shall be equal to one hundred million
9 (\$100,000,000) dollars.

10
11 **Article 5, Section 27. Judges of supreme and district**
12 **courts shall not hold other office.**

13
14 No ~~judge-justice~~ of the supreme or judge of the district court
15 shall be elected or appointed to any other office other than
16 judicial offices or be eligible ~~thereto~~ for appointment to
17 any other office during the term for which ~~he~~ the justice or
18 judge was elected. ~~or appointed such judge.~~

19
20 **Section 2.** Article 5, Section 4(c) through (e) of the
21 Wyoming Constitution is repealed.

22

1 **Section 3.** That the Secretary of State shall endorse
2 the following statement on the proposed amendment:

3

4 Currently, justices of the Wyoming Supreme Court and judges
5 of the Wyoming judicial branch are selected through a process
6 by which three (3) qualified persons are selected by a
7 judicial nominating commission, who forwards the three (3)
8 names to the governor for appointment. Justices and judges
9 then stand for a retention vote on a nonpartisan ballot during
10 general elections immediately preceding the expiration of the
11 judicial term.

12

13 This constitutional amendment would provide for the election
14 of all justices and judges at general elections for specified
15 terms and would repeal the judicial nominating commission and
16 the requirement that judges and justices stand for retention.
17 Instead, justices and judges in office would be required to
18 stand for reelection if they desire to seek another term in
19 judicial office.

20

21

(END)