

Regular Session, 2014

SENATE BILL NO. 216

BY SENATOR MURRAY

JUDGES. Provides relative to courts and vacancies in the office of a judge.
(2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article V, Sections 15(D) and 22(B) of the Constitution of Louisiana, relative to the judicial branch; to provide relative to courts, judges, and judicial offices; to provide relative to vacancies in the office of a judge; to authorize certain procedures for the reallocation, filling, or abolition of a vacancy in the office of a judge; to provide certain terms, conditions, procedures, requirements and effects; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Sections 15(D) and 22(B) of the Constitution of Louisiana, to read as follows:

§15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

Section 15.

* * *

(D) Number of Judges. ~~The~~ **Except as otherwise provided by Section 22(B) of this Article, the** legislature may change the number of judges in any judicial

1 district by law enacted by two-thirds of the elected members of each house.

2 * * *

3 §22. Judges; Election; Vacancy

4 * * *

5 (B) ~~Vacancy. A newly-created judgeship or a vacancy in the office of a~~
6 ~~judge shall be filled by special election called by the governor and held within twelve~~
7 ~~months after the day on which the vacancy occurs or the judgeship is established,~~
8 ~~except when the vacancy occurs in the last twelve months of an existing term. Until~~
9 ~~the vacancy is filled, the supreme court shall appoint a person meeting the~~
10 ~~qualifications for the office, other than domicile, to serve at its pleasure. The~~
11 ~~appointee shall be ineligible as a candidate at the election to fill the vacancy or the~~
12 ~~newly-created judicial office. No person serving as an appointed judge, other than~~
13 ~~a retired judge, shall be eligible for retirement benefits provided for the elected~~
14 ~~judiciary. Newly-created judgeship and vacancy in the office of a judge.~~

15 (1) Newly-created judgeship. A judgeship newly created by the
16 legislature shall be filled by special election called by the governor and held
17 within twelve months after the day on which the judgeship is established. Until
18 the special election, the supreme court shall appoint a person meeting the
19 qualifications for the office, other than domicile, to serve at its pleasure. The
20 appointee shall be ineligible as a candidate at the election to fill the newly-
21 created judicial office. No person serving as an appointed judge, other than a
22 retired judge, shall be eligible for retirement benefits provided for the elected
23 judiciary.

24 (2) Vacancy in the office of a judge.

25 (a) Not later than sixty calendar days after a vacancy in the office of a
26 judge, the supreme court shall determine whether the vacancy should be filled
27 without change, or whether such vacant judicial office should be reallocated to
28 another court of equivalent jurisdiction due to need and filled, or whether such
29 vacant judicial office should be abolished by law. The supreme court shall

1 **advise the governor and legislature of its determination.**

2 **(b) If the supreme court determines that the vacancy should be filled**
 3 **without change or that reallocation is necessary, a special election in the**
 4 **appropriate jurisdiction to fill such judgeship shall thereafter be called by the**
 5 **governor and held within fourteen months after the day on which the vacancy**
 6 **occurs, except when the vacancy occurs in the last fourteen months of an**
 7 **existing term. A judicial office reallocated to a court pursuant to this Paragraph**
 8 **shall have the same rights and duties as other judicial offices of that court, and**
 9 **shall thereafter be filled by election to that court as provided by law.**

10 **(c) Until the vacancy is filled, the supreme court shall appoint a person**
 11 **meeting the qualifications for the office, other than domicile, to serve at its**
 12 **pleasure. The appointee shall be ineligible as a candidate at the election to fill**
 13 **the vacancy. No person serving as an appointed judge, other than a retired**
 14 **judge, shall be eligible for retirement benefits provided for the elected judiciary.**

15 **(d) If the supreme court determines that the vacant judicial office should**
 16 **be abolished, it shall so advise the legislature and governor prior to the next**
 17 **annual legislative session after the vacancy occurs and shall not fill the vacancy**
 18 **by appointment. If the legislature does not abolish the judicial office, it shall be**
 19 **filled by election at the next regular congressional election.**

20 * * *

21 Section 2. Be it further resolved that this proposed amendment shall be submitted
 22 to the electors of the state of Louisiana at the statewide election to be held on November 4,
 23 2014.

24 Section 3. Be it further resolved that on the official ballot to be used at said election
 25 there shall be printed a proposition, upon which the electors of the state shall be permitted
 26 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 27 follows:

28 Do you support an amendment to authorize the supreme court to allocate
 29 vacant judgeships to other courts of equivalent jurisdictions on the basis of

- 1 need and to recommend the abolition of vacant judgeships, and to provide
2 procedures to fill vacant judgeships?
3 (Amends Article V, Sections 15(D) and 22(B))
-

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Murray (SB 216)

Present constitution relative to the judicial branch states that except as otherwise provided in the present constitution, all judges shall be elected. Election shall be at the regular congressional election.

Present constitution further provides that a newly-created judgeship or a vacancy in the office of a judge shall be filled by special election called by the governor and held within twelve months after the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last twelve months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy or the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

Proposed constitutional amendment provides that a judgeship newly created by the legislature shall be filled by special election called by the governor and held within twelve months after the day on which the judgeship is established. Until the special election, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the newly-created judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

Proposed constitutional amendment further provides that not later than sixty calendar days after a vacancy in the office of a judge, the supreme court shall determine whether the vacancy should be filled without change, or whether such vacant judicial office should be reallocated to another court of equivalent jurisdiction due to need and filled, or whether such vacant judicial office should be abolished by law. The supreme court shall advise the governor and legislature of its determination.

Proposed constitutional amendment further provides that if the supreme court determines that the vacancy should be filled without change or that reallocation is necessary, a special election in the appropriate jurisdiction to fill such judgeship shall thereafter be called by the governor and held within fourteen months after the day on which the vacancy occurs, except when the vacancy occurs in the last fourteen months of an existing term. A judicial office reallocated to a court shall have the same rights and duties as other judicial offices of that court, and shall thereafter be filled by election to that court as provided by law. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the vacancy. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary.

Proposed constitutional amendment further provides that if the supreme court determines that the vacant judicial office should be abolished, it shall so advise the legislature and

governor prior to the next annual legislative session after the vacancy occurs and shall not fill the vacancy by appointment. If the legislature does not abolish the judicial office, it shall be filled by election at the next regular congressional election.

Present constitution provides that the legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house.

Proposed constitutional amendment provides that, except as provided by the proposed constitutional amendment, the legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house.

Specifies submission of the amendment to the voters at the statewide election to be held on Nov. 4, 2014.

(Amends Const. Art. V, Sec. 15(D) and 22(B))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Added "and held" to requirement that special election be called by governor within 14 months after the day on which the vacancy occurs.