

SENATE BILL NO. 152

INTRODUCED BY F. THOMAS

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 9, OF THE MONTANA CONSTITUTION REQUIRING CANDIDATES FOR THE OFFICE OF SUPREME COURT JUSTICE TO SERVE AS DISTRICT COURT JUDGES BEFORE BEING ELIGIBLE TO RUN FOR ELECTION; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Article VII, section 9, of The Constitution of the State of Montana is amended to read:

"Section 9. Qualifications. (1) A citizen of the United States who has resided in the state two years immediately before taking office is eligible to the office of ~~supreme court justice~~ or district court judge if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. A citizen of the United States who has resided in the state for two years immediately before taking office is eligible to the office of supreme court justice if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election and if the candidate for supreme court justice has served as a district court judge. Qualifications and methods of selection of judges of other courts shall be provided by law.

(2) No supreme court justice or district court judge shall solicit or receive compensation in any form whatever on account of his office, except salary and actual necessary travel expense.

(3) Except as otherwise provided in this constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.

(4) Supreme court justices shall reside within the state. During his term of office, a district court judge shall reside in the district and a justice of the peace shall reside in the county in which he is elected or appointed. The residency requirement for every other judge must be provided by law."

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.



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2 NEW SECTION. **Section 3. Effective date.** [This act] is effective upon approval by the electorate.

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4 NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified
5 electors of Montana at the general election to be held in November 2014 by printing on the ballot the full title of
6 [this act] and the following:

7 YES to requiring experience as a district court judge before being eligible for candidacy for
8 supreme court justice.

9 NO to requiring experience as a district court judge before being eligible for candidacy for
10 supreme court justice.

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- END -