

HOUSE JOINT RESOLUTION NO. HJ0003

Supreme court justices-senate confirmation.

Sponsored by: Representative(s) Lindholm, Blake, Gray and
Salazar and Senator(s) Driskill, Hicks and
Nethercott

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to require senate confirmation of Wyoming
3 Supreme Court selections, to allow temporary selections and
4 to provide a ballot statement.

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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:

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

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2 **Article 5, Section 4. Supreme court generally; number;**
3 **election of chief justice; quorum; vacancies in supreme court**
4 **or district court; judicial nominating commission; terms;**
5 **standing for retention in office.**

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7 (b) A vacancy in the office of:

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9 (i) Justice of the supreme court ~~or~~ shall be
10 filled by a qualified person nominated by the governor and
11 confirmed by the senate. The governor shall select the nominee
12 from a list of three potential nominees that shall be
13 submitted by the judicial nominating commission. The
14 commission shall submit such a list not later than 60 days
15 after the death, retirement, tender of resignation, removal,
16 failure of an incumbent to file a declaration of candidacy or
17 certification of a negative majority vote on the question of
18 retention in office under subsection (g) of this section. The
19 senate shall consider whether to confirm a nominee at the
20 first available legislative session. If a vacancy occurs
21 between legislative sessions, the governor may select a
22 nominee to serve temporarily on the supreme court through the
23 first legislative session following the selection;

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(ii) Judge of any district court or of such other courts that may be made subject to this provision by law, shall be filled by a qualified person appointed by the governor from a list of three nominees that shall be submitted by the judicial nominating commission. The commission shall submit such a list ~~not later than 60 days after the death, retirement, tender of resignation, removal, failure of an incumbent to file a declaration of candidacy or certification of a negative majority vote on the question of retention in office under section (g) hereof~~ in the same manner as required by paragraph (i) of this subsection. If the governor shall fail to make any such appointment within 30 days from the day the list is submitted to him, such appointment shall be made by the chief justice from the list within 15 days.

(g) Not including temporary selections to the supreme court, each justice or judge selected under these provisions shall serve for one year after his appointment and until the first Monday in January following the next general election after the expiration of such year. He shall, at such general election, stand for retention in office on a ballot which shall submit to the appropriate electorate the question

1 whether such justice or judge shall be retained in office for
2 another term or part of a term, and upon filing a declaration
3 of candidacy in the form and at the times prescribed by law,
4 he shall, at the general election next held before the
5 expiration of each term, stand for retention on such ballots.
6 The electorate of the whole state shall vote on the question
7 of retention or rejection of justices of the supreme court,
8 and any other statewide court; the electorate of the several
9 judicial districts shall vote on the question of retention or
10 rejection of judges of their respective districts, and the
11 electorate of such other subdivisions of the state as shall
12 be prescribed by law shall vote on the question of retention
13 or rejection of any other judges to which these provisions
14 may be extended.

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

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1 This amendment to the Wyoming Constitution would require
2 senate confirmation for nominees selected by the governor to
3 serve on the Wyoming Supreme Court. This amendment would also
4 allow the governor to make temporary selections to the Wyoming
5 Supreme Court pending senate confirmation.

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(END)