

DIGEST

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SB 163 Reengrossed

2021 Regular Session

McMath

Present constitution provides that the supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment.

Proposed constitutional amendment provides that the composition of the supreme court shall increase from six associate justices to eight, five of whom must concur to render judgment.

Present constitution provides that the state shall be divided into supreme court districts, and at least one judge shall be elected from each district. The districts and the number of judges assigned to each are subject to change by law enacted by two-thirds of the elected members of each house of the legislature.

Proposed constitutional amendment retains present constitution but provides that the state shall be divided into supreme court districts substantially equal in population and one justice shall be elected from each district.

Proposed constitutional amendment requires the legislature to set forth the specific method of transitioning to nine single member districts.

Proposed constitutional amendment provides that no supreme court justice in office at the time of the adoption of the proposed constitutional amendment, nor his or her successor, shall, as a result of this amendment, have his term diminished or extended.

Proposed constitutional amendment mandates redistricting of the supreme court by the supreme court in the manner provided in present constitution if the legislature fails to do so as required by proposed constitutional amendment.

Provides that if the amendment is approved by the voters, the provisions regarding redistricting of the court becomes effective on Jan. 1, 2025, and the remainder of the provisions become effective 20 days after the governor proclaims its adoption in the manner provided in the present constitution.

Specifies submission of the amendment to the voters at a statewide election to be held on Nov. 8, 2022.

(Amends Const. Arts. V, Sec. 3 and 4)

Summary of Amendments Adopted by Senate

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

1. Provides January 1, 2025, as an effective date for the supreme court to transition from seven to nine justices.
2. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Raises the level required to redistrict the supreme court districts from "as equal as practicable" to "substantially equal" on the basis of population shown by the census.
2. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Require that when redistricting the supreme court districts, every effort be made to ensure that the number of districts with a majority population of persons in a racial minority group reflects the racial demographics of the population the state to the extent practicable.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

1. Change the ballot language.
2. Change the election date from Oct. 9, 2021, to Nov. 8, 2022.
3. Remove the requirement that when redistricting the supreme court districts, every effort be made to ensure that the number of districts with a majority population of persons in a racial minority group reflects the racial demographics of the population of the state to the extent practicable.