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The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

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DIGEST

SB 5 Reengrossed

2024 Third Extraordinary Session

Morris

Present constitution provides for calling a special election by the governor to fill a newly-created judgeship or vacancy in a judgeship within 12 months after the day the judgeship is created or the vacancy occurs, except when the vacancy occurs in the last 12 months of an existing term.

Proposed constitutional amendment provides for calling the special election on the date first available pursuant to law after the day the vacancy occurs or judgeship is established, except when the vacancy occurs in the last 12 months of a term.

Proposed constitutional amendment provides that if the date of the next gubernatorial or congressional election is within 12 months of the date when the vacancy occurred, then the special election shall be held at the next available gubernatorial or congressional election date, if the special election can be held on that date in accordance with applicable law.

Present constitution requires that until a vacancy is filled, the supreme court appoints a person meeting the qualifications for office, except domicile, to serve at its pleasure and that this appointee is not eligible as a candidate at the election to fill the vacancy or the newly-created judgeship.

Proposed constitutional amendment retains this ineligibility of the appointee, but authorizes the legislature to provide exceptions concerning appointees to courts of limited or specialized jurisdiction upon request of the supreme court.

Specifies submission of the amendment to the voters at the statewide election to be held on March 29, 2025.

(Amends Const. Art. V, Sec. 22(B))

Summary of Amendments Adopted by Senate

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

1. Makes technical change.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Changes the election date for submission of the proposed amendment to the voters

from November 15, 2025, or the next statewide election, to March 29, 2025.

2. Changes the proposed constitutional amendment to provide that if the date of the next gubernatorial or congressional election is within 12 months of the date when the vacancy occurred, then the special election shall be held at the next available gubernatorial or congressional election date, if the special election can be held on that date in accordance with applicable law.