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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Engrossed Senate Bill No. 217 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "relative" delete "enact R.S. 13:11," and insert "amend and reenact R.S. 18:621,"

AMENDMENT NO. 2

On page 1, line 7, change "R.S. 13:11" to "R.S. 18:621" and after "hereby" and before "to" change "enacted" to "amend and reenacted"

AMENDMENT NO. 3

On page 1, delete lines 8 through 10 in their entirety and insert the following:

§621. Vacancy in office of judge
A.(1) ~~Within twenty-four hours after having knowledge of a vacancy in the office of a judge, including a vacancy by reason of a newly created judgeship, the supreme court shall give written notice to the governor that the vacancy exists, the date on which it occurred, and the cause thereof.~~ Vacancy by reason of a newly created judgeship. A vacancy in the office of a judge by reason of a newly created judgeship 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.

B. Vacancy in the office of a judge.
(1) Not later than one hundred twenty calendar days after a vacancy in the office of a judge, the judicial council shall determine whether the vacancy should be filled, whether such vacant judicial office should be transferred to another court of equivalent jurisdiction due to need, or whether such vacant judicial office should be abolished. If the legislature determines that the vacant judicial office should be abolished, filled, or transferred, it shall do so by legislative act.
(2) If the judicial council determines that the vacant judicial office should be abolished, it shall advise the governor and legislature of its determination prior to the next annual legislative session after the vacancy occurs. If the legislature does not abolish the judicial office, it shall be filled by election at the next regular congressional election.
(3) If the judicial council determines that the vacancy should be filled, 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.

(4) If the judicial council determines that the vacant judicial office shall be reallocated, it shall make a recommendation to the legislature, and the legislature shall provide for the transfer by legislative act in the appropriate court of equivalent jurisdiction. A judicial office reallocated to a court pursuant to this Paragraph 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.

(5) Until a vacancy is filled or abolished, the supreme court may 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 an 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.

C. (2) If more than twelve months of the term remain unexpired, then within ten days after being notified of the vacancy, the ~~The~~ governor shall determine the dates on which the special elections to fill the ~~a~~ vacancy shall be held and the dates of the qualifying period and shall issue his proclamation ordering a special election and specifying the dates on which the primary and general elections will be held and the dates of the qualifying period for the election. However, if the deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing such proclamation.

D. (3) The governor shall call any special election to fill a newly created judgeship or a vacancy in an existing judgeship in accordance with the dates for elections set forth in R.S. 18:402, if such dates can be utilized to fill a newly created judgeship or fill a vacancy in an existing judgeship within the period of time prescribed in Article V, Section 22(B) of the Louisiana Constitution. In selecting the dates for such special elections, the governor shall first choose a gubernatorial or congressional election date; if no such date is available during the constitutionally prescribed time period, the governor shall then select another election date, as provided for in R.S. 18:402.

E. B. Immediately after issuance of the proclamation, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred.

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article V, Section 22(B) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 216 of this 2014 Regular Session of the Legislature is adopted at the statewide election to be held on November 4, 2014, and becomes effective on January 1, 2016."