

SENATE JOINT RESOLUTION NO. SJ0009

Judicial vacancies.

Sponsored by: Senator(s) Scott and Representative(s)
Osborn

A BILL

for

1 A JOINT RESOLUTION relating to the judicial department;
2 providing for the submission of additional lists by the
3 judicial nominating commission if requested by the
4 governor; providing for confirmation of judicial
5 appointments by the senate under certain circumstances; and
6 providing for conforming amendments.

7

8 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
9 *two-thirds of all the members of the two houses, voting*
10 *separately, concurring therein:*

11

12 **Section 1.** The following proposal to amend Wyoming
13 Constitution, Article 5, Section 4(b) and (g) is proposed
14 for submission to the electors of the State of Wyoming at
15 the next general election for approval or rejection to

1 become valid as a part of the Constitution if ratified by a
2 majority of the electors at the election:

3

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

8

9 (b) A vacancy in the office of justice of the supreme
10 court or judge of any district court or of such other
11 courts that may be made subject to this provision by law,
12 shall be filled by a qualified person appointed by the
13 governor from a list of three nominees that shall be
14 submitted by the judicial nominating commission, unless
15 otherwise provided by this subsection. The commission
16 shall submit such a list not later than 60 days after the
17 death, retirement, tender of resignation, removal, failure
18 of an incumbent to file a declaration of candidacy or
19 certification of a negative majority vote on the question
20 of retention in office under ~~section~~ subsection (g) hereof.
21 If the governor refuses to appoint any of the nominees, the
22 commission shall submit a new list to the governor not
23 later than 20 days after receiving notice of his refusal.
24 Should the governor refuse to appoint any of the nominees

1 from the second list, he may request the commission provide
2 a third list of nominees or appoint any qualified person of
3 his choosing. If the governor appoints a person the
4 commission has not nominated, then that appointment shall
5 be subject to confirmation by the senate, as provided by
6 law. If the governor shall fail to make any ~~such~~
7 appointment or request additional nominees as provided by
8 this subsection within 30 days from the day ~~the~~a list is
9 submitted to him, ~~such~~an appointment shall be made by the
10 chief justice from the last list provided by the commission
11 within 15 days.

12

13 (g) Each justice or judge selected under these
14 provisions shall serve for one year after his confirmation,
15 if applicable, or appointment and until the first Monday in
16 January following the next general election after the
17 expiration of such year. He shall, at such general
18 election, stand for retention in office on a ballot which
19 shall submit to the appropriate electorate the question
20 whether such justice or judge shall be retained in office
21 for another term or part of a term, and upon filing a
22 declaration of candidacy in the form and at the times
23 prescribed by law, he shall, at the general election next
24 held before the expiration of each term, stand for

1 retention on such ballots. The electorate of the whole
2 state shall vote on the question of retention or rejection
3 of justices of the supreme court, and any other statewide
4 court; the electorate of the several judicial districts
5 shall vote on the question of retention or rejection of
6 judges of their respective districts, and the electorate of
7 such other subdivisions of the state as shall be prescribed
8 by law shall vote on the question of retention or rejection
9 of any other judges to which these provisions may be
10 extended.

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

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15 The adoption of this amendment would allow the
16 Governor to refuse to appoint a judicial nominee submitted
17 by the judicial nominating commission and request a second
18 or third list of three nominees. If the Governor does not
19 wish to appoint any nominee submitted he may choose any
20 qualified person. If the Governor appoints a person who
21 was not nominated, the Senate must confirm that
22 appointment.

23

24

(END)