

BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM NO. 132 (LR-132)

LEGISLATIVE REFERENDUM NO. 132

AN ACT REFERRED BY THE LEGISLATURE

AN ACT ESTABLISHING SUPREME COURT DISTRICTS; PROVIDING FOR THE SELECTION OF THE CHIEF JUSTICE; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORATE AT THE 2022 GENERAL ELECTION; AMENDING SECTION 3-2-101, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

This Act would require the chief justice and each of the six associate supreme court justices to be elected by district rather than on a statewide basis. This Act would change existing law so that each justice is elected from one of seven districts of approximately equal population. Only Montanans living in the relevant district would vote for that district's justice.

This Act provides for a transition schedule for sitting justices. Each sitting justice is assigned to a district corresponding to that justice's seat number. No sitting justices will lose their seats as a result of this Act. A sitting justice may file for reelection in the justice's assigned district, or a sitting justice may seek election in any other district if, upon filing for election, the justice resigns from his or her current seat.

YES on Legislative Referendum 132.

NO on Legislative Referendum 132.

THE COMPLETE TEXT OF HOUSE BILL NO. 325, REFERRED BY LR-132

AN ACT ESTABLISHING SUPREME COURT DISTRICTS; PROVIDING FOR THE SELECTION OF THE CHIEF JUSTICE; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORATE AT THE 2022 GENERAL ELECTION; AMENDING SECTION 3-2-101, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, election, and term of office -- selection of chief justice. (1) The supreme court consists of a chief justice and six associate justices who are elected in separate districts by the qualified electors of the ~~state at large~~ districts provided in [section 2]. Each justice must be elected at the general ~~state elections~~ election next preceding the expiration of the ~~terms~~ term of office of ~~their predecessors, respectively, the justice's predecessor and hold their offices~~ holds office for the term of 8 years from ~~and after~~ the first Monday of January ~~next~~ succeeding their the justice's election.

(2) After the general election in 2024, the chief justice must be selected by the majority vote of the seven justices at the first meeting of the court in each year after a general election."

Section 2. Supreme court districts defined -- number of judges. (1) In this state there are seven supreme court judicial districts, distributed as follows:

(a) First district: Blaine, Cascade, Chouteau, Fergus, Hill, Judith Basin, Liberty, Pondera, Teton, and Toole Counties;

(b) Second district: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, and Wibaux Counties;

(c) Third district: Yellowstone County;

(d) Fourth district: Beaverhead, Broadwater, Deer Lodge, Granite, Jefferson, Lewis and Clark, Powell, and Ravalli Counties;

(e) Fifth district: Flathead, Glacier, Lincoln, and Sanders Counties;

(f) Sixth district: Gallatin, Madison, and Silver Bow Counties; and

(g) Seventh district: Mineral, Missoula, and Lake Counties.

(2) There must be one supreme court justice selected for each district.

(3) The legislature shall review the districts after each decennial census for purposes of maintaining districts with approximately equal populations while following county lines.

Section 3. Transition. (1) [This act] may not remove any justice that is holding office on [the effective date of this act] during the term for which the justice was elected or appointed. After [the effective date of this act], each sitting associate justice must be assigned to the judicial district that corresponds to the associate justice's current seat number and the chief justice must be assigned to the seventh district.

(2) (a) Except as provided in subsection (2)(b), each supreme court justice who chooses to seek reelection at the end of the justice's current term shall run for reelection in the district to which the justice is assigned under subsection (1).

(b) A sitting justice that chooses to seek election in a district other than the district assigned under subsection (1) may run for election in the district if the justice resigns the justice's current seat effective as of the date the justice files for election in the district to which the justice seeks election.

Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 3, chapter 2, part 1, and the provisions of Title 3, chapter 2, part 1, apply to [section 2].

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective date. [This act] is effective upon approval by the electorate.

Section 7. Applicability. [This act] applies to the election and appointment of supreme court justices to terms that begin on or after [the effective date of this act].

Section 8. Submission to electorate. [This act] shall be submitted to the qualified electors of Montana at the general election to be held in November 2022 by printing on the ballot the full title of [this act] and the following:

YES on Legislative Referendum 132.

NO on Legislative Referendum 132.