

SENATE JOINT RESOLUTION NO. SJ0003

Senate confirmation of supreme court justices.

Sponsored by: Senator(s) Massie and Burns and Representative(s) Ross

A BILL

For

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution relating to the judicial department; providing  
3 that the appointment of justices of the Wyoming supreme  
4 court be done with the consent of the senate; providing for  
5 the designation of acting supreme court justices by the  
6 chief justice of the supreme court; and providing  
7 conforming amendments.

8

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

12

13 **Section 1.** The following proposal to amend Wyoming  
14 Constitution, Article 5, Section 4(a) and (b) is proposed  
15 for submission to the electors of the State of Wyoming at  
16 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.**

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9 (a) The supreme court of the state shall consist of  
10 not less than three nor more than five justices as may be  
11 determined by the legislature. The justices of the court  
12 shall elect one of their number to serve as chief justice  
13 for ~~such~~a term and with ~~such~~ authority as shall be  
14 prescribed by law. A majority of the justices shall  
15 constitute a quorum, and a concurrence of a majority of  
16 such quorum shall be sufficient to decide any matter. If a  
17 justice of the supreme court for any reason shall not  
18 participate in hearing any matter or a vacancy in the  
19 office of justice exists, the chief justice may designate  
20 one of the district judges to act for ~~such~~the  
21 nonparticipating justice or temporarily occupy the vacant  
22 office for not longer than one (1) year.

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1 (b) A vacancy in the office of justice of the supreme  
2 court ~~or judge of any district court or of such other~~  
3 ~~courts that may be made subject to this provision by law,~~  
4 shall be filled by a qualified person appointed by the  
5 governor and confirmed by the senate, while a judge of any  
6 district court or other courts that are subject to this  
7 provision by law shall be filled by a qualified person  
8 appointed by the governor. Any appointment shall be made  
9 from a list of three nominees that shall be submitted by  
10 the judicial nominating commission. The commission shall  
11 submit ~~such~~ a list not later than 60 days after the death,  
12 retirement, tender of resignation, removal, failure of an  
13 incumbent to file a declaration of candidacy, ~~or~~  
14 certification of a negative majority vote on the question  
15 of retention in office under ~~section~~ subsection (g) hereof,  
16 or adjournment of a legislative session at which an  
17 appointment was not confirmed. If the governor shall fail  
18 to make any ~~such~~ appointment within 30 days from the day  
19 the list is submitted to him, ~~such~~ the appointment shall be  
20 made by the chief justice from the list within 15 days,  
21 subject to senate confirmation for appointment of a supreme  
22 court justice.

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

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4 The adoption of this amendment would require Supreme Court  
5 justices appointed by the Governor be confirmed by the  
6 Senate, and allow the Chief Justice of the Supreme Court to  
7 temporarily designate district judges to fill vacancies on  
8 the Supreme Court for not longer than one (1) year.

9

10

(END)