

SENATE JOINT RESOLUTION L

May 12, 1999, Introduced by Senators SIKKEMA, JOHNSON, STEIL,
SCHWARZ and BENNETT and referred to the Committee on
Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 8, and 9 of article VI, to provide for the appointment of justices of the supreme court and judges of the court of appeals by the governor.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the appointment of justices of the supreme court and judges of the court of appeals by the governor, is proposed, agreed to, and submitted to the people of the state:

ARTICLE VI

1
2
3
4
5

Sec. 2. (1) The supreme court shall consist of seven justices ~~elected at non-partisan elections as provided by law~~ APPOINTED BY THE GOVERNOR. The term of office shall be eight years and not more than two terms of office shall expire at the

1 same time. ~~Nominations for justices of the supreme court shall~~
2 ~~be in the manner prescribed by law.~~ AN INCUMBENT JUSTICE MAY BE
3 RETAINED IN OFFICE AFTER THE EXPIRATION OF THE TERM HE OR SHE IS
4 SERVING BY SUBMITTING TO A RETENTION ELECTION IN THE MANNER PRO-
5 VIDED BY LAW. IF A MAJORITY OF THE ELECTORS VOTING ON THE QUES-
6 TION VOTE TO RETAIN THE JUSTICE, HE OR SHE SHALL REMAIN IN OFFICE
7 FOR AN ADDITIONAL TERM. IF A MAJORITY OF THE ELECTORS VOTING ON
8 THE QUESTION VOTE AGAINST RETAINING THE JUSTICE, A VACANCY SHALL
9 EXIST IN THAT OFFICE UPON THE EXPIRATION OF THAT JUSTICE'S TERM,
10 WHICH SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR. Any incum-
11 bent justice whose term is to expire may become a candidate for
12 ~~re-election~~ RETENTION IN OFFICE by filing ~~an affidavit of~~
13 ~~candidacy~~ A DECLARATION OF HIS OR HER INTENTION TO BE RETAINED
14 IN OFFICE, in the form and manner prescribed by law, not less
15 than 180 days prior to the expiration of his OR HER term.

16 (2) THE CHANGES MADE BY THE CONSTITUTIONAL AMENDMENT THAT
17 ADDED THIS SUBSECTION SHALL NOT HAVE THE EFFECT OF REMOVING FROM
18 OFFICE A JUSTICE OF THE SUPREME COURT DURING THE TERM HE OR SHE
19 WAS SERVING ON THE DATE ON WHICH THIS SUBSECTION BECAME PART OF
20 THE CONSTITUTION.

21 Sec. 8. The court of appeals shall consist ~~initially~~ of
22 ~~nine~~ 28 judges who shall be ~~nominated and elected at~~
23 ~~non-partisan elections~~ APPOINTED BY THE GOVERNOR from districts
24 drawn on county lines and as nearly as possible of equal popula-
25 tion, as provided by law. The supreme court may prescribe by
26 rule that the court of appeals sit in divisions and for the terms
27 of court and the times and places thereof. Each such division

1 shall consist of not fewer than three judges. The number of
2 judges comprising the court of appeals may be increased, and the
3 districts from which they are ~~elected~~ APPOINTED may be changed
4 by law.

5 Sec. 9. (1) ~~Judges~~ A JUDGE of the court of appeals shall
6 hold office for a term of six years. ~~and until their successors~~
7 ~~are elected and qualified.~~ AN INCUMBENT JUDGE MAY BE RETAINED IN
8 OFFICE AFTER THE EXPIRATION OF THE TERM HE OR SHE IS SERVING BY
9 SUBMITTING TO A RETENTION ELECTION IN THE MANNER PROVIDED BY
10 LAW. IF A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION VOTE
11 TO RETAIN THE JUDGE, HE OR SHE SHALL REMAIN IN OFFICE FOR AN
12 ADDITIONAL TERM. IF A MAJORITY OF THE ELECTORS VOTING ON THE
13 QUESTION VOTE AGAINST RETAINING THE JUDGE, A VACANCY SHALL EXIST
14 IN THAT OFFICE UPON THE EXPIRATION OF THAT JUDGE'S TERM, WHICH
15 SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR. The terms of
16 office for the judges in each district shall be arranged by law
17 to provide that not all terms will expire at the same time.

18 (2) THE CHANGES MADE BY THE CONSTITUTIONAL AMENDMENT THAT
19 ADDED THIS SUBSECTION SHALL NOT HAVE THE EFFECT OF REMOVING FROM
20 OFFICE A JUDGE OF THE COURT OF APPEALS DURING THE TERM HE OR SHE
21 WAS SERVING ON THE DATE ON WHICH THIS SUBSECTION BECAME PART OF
22 THE CONSTITUTION.

23 Resolved further, That the foregoing amendment shall be sub-
24 mitted to the people of the state at the next general election in
25 the manner provided by law.