

SENATE JOINT RESOLUTION G

February 4, 2004, Introduced by Senator SWITALSKI and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VI, to provide for the appointment of justices of the supreme court 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 by the governor, is proposed, agreed to, and submitted to the people of the state:

ARTICLE VI

Sec. 2. (1) The supreme court shall consist of seven justices. ~~—elected at non-partisan elections as provided by law.~~
~~The term of office shall be eight years and not more than two~~
~~terms of office shall expire at the same time. Nominations for~~
~~justices of the supreme court shall be in the manner prescribed~~

1 ~~by law. Any incumbent justice whose term is to expire may become~~
2 ~~a candidate for re-election by filing an affidavit of candidacy,~~
3 ~~in the form and manner prescribed by law, not less than 180 days~~
4 ~~prior to the expiration of his term.~~

5 (2) Beginning January 1, 2006, justices of the supreme court
6 shall be appointed as provided in this section and shall be
7 eligible to serve only one term each. A person appointed to fill
8 a vacancy in an unexpired term shall be considered to have served
9 one term for purposes of this subsection.

10 (3) The governor shall appoint a nominee to fill the office
11 of supreme court justice whenever a vacancy occurs due to the
12 expiration of a term of office or by death, removal, resignation,
13 or vacation of office. In the case of an expiration of a term of
14 office, the governor shall appoint the nominee within a 60-day
15 period immediately preceding the date on which that term of
16 office will expire. In all other cases, the governor shall
17 appoint the nominee within a 60-day period beginning on the date
18 of the vacancy. The appointment shall not take effect unless,
19 within 60 days after the date on which the appointment was made,
20 the appointment is approved by a vote of two-thirds of the
21 members elected to and serving in the senate. The senate shall
22 hold at least one public hearing on the issue of that appointment
23 during that 60-day period.

24 (4) If the governor does not submit a nominee as required
25 under subsection (3), the senate may make the appointment to fill
26 that office by a vote of two-thirds of the members elected to and
27 serving in the senate.

1 (5) Except as provided in subsection (6), the term of a
2 justice appointed to a full term shall be 14 years. One term
3 shall expire at 12 noon on the first day of January of each odd
4 numbered year.

5 (6) The terms of the justices first appointed under this
6 section may be less than 14 years to the extent necessary to
7 allow those terms to expire in the manner prescribed in
8 subsection (5).

9 (7) The changes made by the constitutional amendment that
10 added this subsection shall not have the effect of removing from
11 office a justice of the supreme court during the term he or she
12 was serving on the date on which this subsection became part of
13 the constitution.

14 Resolved further, That the foregoing amendment shall be
15 submitted to the people of the state at the next general election
16 in the manner provided by law.