

AN ACT proposing to create a new section of the Constitution of Kentucky and to amend Sections 112 and 113 of the Constitution of Kentucky relating to judicial redistricting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

In the years in which legislative redistricting is required under Section 33 of the Constitution of Kentucky, the Supreme Court shall analyze the geographical arrangement of the Commonwealth's judicial circuits and districts and the assignment of judges therein relative to their respective populations and caseloads. The Supreme Court shall do a similar analysis for its own districts based on population only. The Supreme Court shall submit this analysis to the General Assembly by the last day of January of that year. If the analysis indicates that any judicial circuits or districts are significantly unbalanced regarding population or caseload, the Supreme Court shall include a proposed redrawing of circuit or district boundaries or, for circuit and district courts, a reallocation of the number of judges assigned to particular circuits or districts.

➔Section 2. It is proposed that Section 97 of the Constitution of Kentucky be amended to read as follows:

In the year two thousand *and eighteen*~~[, and every six years thereafter]~~, there shall be an election in each county for a Circuit Court Clerk, and for a Commonwealth's Attorney, in each circuit court district, unless that office be abolished, who shall hold their respective offices for *four*~~[six]~~ years from the first Monday in January after their election, and until the election and qualification of their successors. *In the year two thousand and twenty-two, and every eight years thereafter, there shall be an election in each county for a Circuit Court Clerk, and for a Commonwealth's Attorney, in each circuit court district, unless that office be abolished, who shall hold their respective*

offices for eight years from the first Monday in January after their election, and until the election and qualification of their successors.

➔Section 3. It is proposed that Section 112 of the Constitution of Kentucky be amended to read as follows:

(1) Circuit Court shall be held in each county.

(2) The Circuit Court districts existing on the effective date of this amendment to the Constitution shall continue under the name "Judicial Circuits," the General Assembly having power~~[upon certification of the necessity therefor by the Supreme Court]~~ to reduce, increase or rearrange the judicial districts. A judicial circuit composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a judicial circuit.

(3) The number of circuit judges in each district existing on the effective date of this amendment shall continue, the General Assembly having power~~[upon certification of the necessity therefor by the Supreme Court,]~~ to change the number of circuit judges in any judicial circuit.

(4) In a judicial circuit having only one judge, he shall be the chief judge. In judicial circuits having two or more judges, they shall select biennially a chief judge, and if they fail to do so within a reasonable time, the Supreme Court shall designate the chief judge. The chief judge shall exercise such authority and perform such duties in the administration of his judicial circuit as may be prescribed by the Supreme Court. The Supreme Court may provide by rules for administration of judicial circuits by regions designated by it.

(5) The Circuit Court shall have original jurisdiction of all justiciable causes not vested in some other court. It shall have such appellate jurisdiction as may be provided by law.

(6) The Supreme Court may designate one or more divisions of Circuit Court within a judicial circuit as a family court division. A Circuit Court division so designated

shall retain the general jurisdiction of the Circuit Court and shall have additional jurisdiction as may be provided by the General Assembly.

➔Section 4. It is proposed that Section 113 of the Constitution of Kentucky be amended to read as follows:

(1) District Court shall be held in each county.

(2) The Circuit Court districts existing on the effective date of this amendment shall continue for District Court purposes under the name "Judicial Districts," the General Assembly having power~~[upon certification of the necessity therefor by the Supreme Court]~~ to reduce, increase or rearrange the districts. A judicial district composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a judicial district.

(3) Each judicial district created by this amendment initially shall have at least one district judge who shall serve as chief judge and there shall be such other district judges as the General Assembly shall determine. The number of district judges in each judicial district thereafter shall be determined by the General Assembly~~[upon certification of necessity therefor by the Supreme Court]~~.

(4) In a judicial district having only one judge he shall be the chief judge. In those districts having two or more judges they shall select biennially a chief judge and if they fail to do so within a reasonable time, the Supreme Court shall designate the chief judge. The chief judge shall exercise such authority and perform such duties in the administration of his district as may be prescribed by the Supreme Court.

(5) In any county in which no district judge resides the chief judge of the district shall appoint a trial commissioner who shall be a resident of such county and who shall be an attorney if one is qualified and available. Other trial commissioners with like qualifications may be appointed by the chief judge in any judicial district upon certification of the necessity therefor by the Supreme Court. All trial commissioners shall have power to perform such duties of the district court as may be prescribed by the

Supreme Court.

(6) The district court shall be a court of limited jurisdiction and shall exercise original jurisdiction as may be provided by the General Assembly.

➔Section 5. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be submitted to voters shall read as follows: "Are you in favor of requiring the Supreme Court of Kentucky to recommend to the General Assembly redistricting proposals for circuit and district courts based on caseload and population, and are you also in favor of electing Circuit Court Clerks and Commonwealth's Attorneys for a single term of four years in the year 2018, and then in 2022 and every eight years thereafter electing Circuit Court Clerks and Commonwealth's Attorneys for eight-year terms?".