

1 AN ACT proposing to amend Sections 117, 118, 119, and 122 of the Constitution
2 of Kentucky relating to the election of appellate judges.

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

4 ➔Section 1. It is proposed that Section 117 of the Constitution of Kentucky be
5 amended to read as follows:

6 **(1) (a) Justices of the Supreme Court and judges of the Court of Appeals**
7 **shall initially be appointed to terms of office in the manner provided under Section 118**
8 **of this Constitution.**

9 **(b) Any justice of the Supreme Court or judge of the Court of Appeals who was**
10 **initially appointed and seeks an additional term for the same judicial office shall be**
11 **retained in office by a nonpartisan vote of the electorate, which shall require the**
12 **affirmative vote of a majority of those voting in the respective districts to retain the**
13 **justice or judge. The General Assembly shall by general law establish the procedures**
14 **for conducting an election under this subsection.**

15 **(2) Judges of the**~~Justices of the Supreme Court and judges of the Court of~~
16 ~~Appeals,~~ Circuit and District Court shall be elected from their respective districts or
17 circuits on a nonpartisan basis as provided by law.

18 ➔Section 2. It is proposed that Section 118 of the Constitution of Kentucky be
19 amended to read as follows:

20 **(1) (a) An initial appointment as a justice of the Supreme Court or a judge of**
21 **the Court of Appeals under Section 117 of this Constitution shall be made by the**
22 **Governor from a list of three names presented by the judicial nominating commission.**

23 **(b) The judicial nominating commission shall present the list to the Governor**
24 **not less than sixty days before the end of the term of office to be filled. If the Governor**
25 **fails to make an appointment from the list within sixty days from the date it is**
26 **presented, the appointment shall be made from the same list by the chief justice of the**
27 **Supreme Court.**

1 ~~(2)~~~~(1)~~ A vacancy in the office of a justice of the Supreme Court, or of a judge of
2 the Court of Appeals, circuit or district court which under Section 152 of this Constitution
3 is to be filled by appointment by the Governor shall be filled by the Governor from a list of
4 three names presented ~~to him~~ by the appropriate judicial nominating commission. If the
5 Governor fails to make an appointment from the list within sixty days from the date it is
6 presented to the Governor~~him~~, the appointment shall be made from the same list by the
7 chief justice of the Supreme Court.

8 ~~(3)~~~~(2)~~ There shall be one judicial nominating commission for the Supreme Court
9 and the Court of Appeals, one for each judicial circuit, and one for each judicial district,
10 except that a circuit and district having the same boundary shall have but one judicial
11 nominating commission. Each commission shall consist of seven members, one of whom
12 shall be the chief justice of the Supreme Court, who shall be chairman. Two members of
13 each commission shall be members of the bar, who shall be elected by their fellow
14 members. The other four members shall be appointed by the Governor from among
15 persons not members of the bar, and these four shall include at least two members of each
16 of the two political parties of the Commonwealth having the largest number of voters.
17 Members of a judicial circuit or judicial district nominating commission must be residents
18 of the circuit or district, respectively, and the lawyer members of the commission shall be
19 elected by the members of the bar residing in the circuit or district, respectively. The terms
20 of office of members of judicial nominating commissions shall be fixed by the General
21 Assembly. No person shall be elected or appointed a member of a judicial nominating
22 commission who holds any other public office or any office in a political party or
23 organization.

24 ➔Section 3. It is proposed that Section 119 of the Constitution of Kentucky be
25 amended to read as follows:

26 Justices of the Supreme Court and judges of the Court of Appeals and circuit court
27 shall severally hold their offices for terms of eight years, and judges of the district court

1 for terms of four years. ~~[All]~~ Terms *of office for circuit and district court judges*
 2 commence on the first Monday in January next succeeding the regular election for the
 3 office. *Terms of office for justices of the Supreme Court and judges of the Court of*
 4 *Appeals commence on the first Monday in January next succeeding an initial*
 5 *appointment or a retention election for the office.* No justice or judge may be deprived
 6 of his *or her* term of office by redistricting, or by a reduction in the number of justices or
 7 judges.

8 ➔Section 4. It is proposed that Section 122 of the Constitution of Kentucky be
 9 amended to read as follows:

10 (1) To be eligible to serve as a justice of the Supreme Court or a judge of the
 11 Court of Appeals, Circuit Court or District Court a person *shall*~~[must]~~ be a citizen of the
 12 United States, licensed to practice law in the courts of this Commonwealth, and have been
 13 a resident of this Commonwealth and of the district from which *the person*~~[he]~~ is
 14 *appointed or* elected for two years next preceding *the*~~[his]~~ taking *of* office.

15 (2) In addition, to be eligible to serve as a justice of the Supreme Court or judge
 16 of the Court of Appeals or Circuit Court a person *shall*~~[must]~~ have been a licensed
 17 attorney for at least eight years. No district judge shall serve who has not been a licensed
 18 attorney for at least two years.

19 (3) *Justices of the Supreme Court and judges of the Court of Appeals shall be*
 20 *limited to two full terms of office on the Supreme Court and the Court of Appeals in a*
 21 *lifetime. Any time served in a vacancy appointment to an unexpired term shall not be*
 22 *counted toward the lifetime term limits established by this subsection.*

23 ➔Section 5. It is further proposed as a part of this amendment and as a schedule
 24 of transitional provisions, for the purpose of this amendment, and any other provision of
 25 the Constitution of Kentucky notwithstanding:

26 1. The justices and judges from Districts 1, 2, 3, and 7 who are subject to the
 27 provisions of this amendment and in office at the time of the adoption of this amendment

1 shall remain in office until the expiration of the eight-year term of office for which they
2 were elected, unless earlier removed pursuant to law, at which time Section 118 of this
3 Constitution regarding vacancies shall apply.

4 2. The justices and judges from Districts 4, 5, and 6 who are subject to the
5 provisions of this amendment and in office at the time of the adoption of this amendment
6 shall remain in office for an additional two years beyond the eight-year term of office for
7 which they were elected, unless earlier removed pursuant to law, at which time Section
8 118 of this Constitution regarding vacancies shall apply to fill the extended ten-year term.

9 3. The justices and judges who are subject to the provisions of this amendment
10 and in office at the time of the adoption of this amendment are eligible for appointment to
11 the same judicial office to which they were elected, or another judicial office in the
12 respective districts. Those appointments shall be considered initial appointments only for
13 the purposes of this amendment, and past years of service shall not be counted toward the
14 lifetime term limits established in this amendment.

15 ➔Section 6. This amendment shall be submitted to the voters of the
16 Commonwealth for their ratification or rejection at the time and in the manner provided
17 for under Sections 256 and 257 of the Constitution and under KRS 118.415, and if so
18 ratified, shall become effective on January 1, 2020. The question to be submitted to the
19 voters regarding this proposed amendment shall read: "Are you in favor of amending the
20 Kentucky Constitution to end the practice of electing justices of the Supreme Court and
21 judges of the Court of Appeals, and instead have those offices filled by the Governor, or
22 by the chief justice of the Supreme Court in the event the Governor fails to act, from a list
23 of three names presented by the judicial nominating commission, with any additional term
24 in the same judicial office subject to the approval of a majority of voters in the respective
25 judicial district, and with a lifetime limit of two full terms on the Supreme Court and two
26 full terms on the Court of Appeals?"