

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

238B0650

## SENATE JOINT RESOLUTION NO. 3

Introduced by: Senator Nelson and Representative Pischke

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to the Constitution of the State of South Dakota, related to partisan elections  
3 of judges.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH  
5 DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article V, section 7 of the Constitution of the State of South Dakota, as set forth in section 2 of  
8 this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
9 for approval.

10 Section 2. That Article V, section 7 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 7. Circuit court judges shall be elected in a ~~nonpolitical~~ partisan election by the electorate  
13 of the circuit each judge represents for an eight-year term.

14 A vacancy, as defined by law, in the office of a Supreme Court justice or circuit court judge,  
15 shall be filled by appointment of the Governor from one of two or more persons nominated by



1 the judicial qualifications commission. The appointment to fill a vacancy of a circuit court judge  
2 shall be for the balance of the unexpired term; and the appointment to fill a vacancy of a  
3 Supreme Court justice shall be subject to approval or rejection as hereinafter set forth.

4 Retention of each Supreme Court justice shall, in the manner provided by law, be subject  
5 to approval or rejection on a ~~nonpolitical~~ partisan ballot at the first general election following  
6 the expiration of three years from the date of ~~his~~ the justice's appointment. Thereafter, each  
7 Supreme Court justice shall be subject to approval or rejection in like manner every eighth year.

8 All incumbent Supreme Court justices at the time of the effective date of this amendment shall  
9 be subject to a retention election in the general election in the year in which their respective  
10 existing terms expire.