

SENATE JOINT RESOLUTION NO. 2—SENATORS PICKARD;
HAMMOND, KIECKHEFER, SEEVERS GANSERT AND
SETTELMEYER

FEBRUARY 18, 2019

JOINT SPONSORS: ASSEMBLYMEN HANSEN,
ROBERTS, TOLLES AND YEAGER

Referred to Committee on Judiciary

SUMMARY—Proposes an amendment to the Nevada Constitution
that revises the provisions governing appointments
of judicial officers to fill vacancies. (BDR C-766)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada
Constitution to revise the provisions governing
appointments of judicial officers to fill vacancies.

Legislative Counsel's Digest:

Section 20 of Article 6 of the Nevada Constitution provides that if a vacancy occurs before the expiration of a term of office in the Supreme Court, the court of appeals or a district court, the Governor is required to fill the vacancy from among three nominees selected for the vacancy by the Commission on Judicial Selection. Under this provision of the Nevada Constitution, nominations to fill a vacancy in the Supreme Court or court of appeals are required to be made by a permanent Commission composed of: (1) the Chief Justice or another justice of the Supreme Court designated by him or her; (2) three members of the State Bar of Nevada appointed by its Board of Governors; and (3) three persons appointed by the Governor who are not members of the legal profession. Nominations to fill a vacancy in a district court are required to be made by a temporary Commission composed of: (1) the members of the permanent Commission; (2) a member of the State Bar of Nevada who resides in the judicial district and is appointed by the Board of Governors of the State Bar of Nevada; and (3) a resident of the judicial district appointed by the Governor who is not a member of the legal profession. (Nev. Const. Art. 6, § 20)

This resolution: (1) reduces from three to one the number of members of the permanent Commission appointed by the Governor who are not members of the



legal profession; (2) requires each temporary Commission that is making nominations to fill a vacancy in a district court to consist of at least three but not more than five members of the State Bar of Nevada who are appointed by its Board of Governors, who reside in the judicial district and who practice law in the area of law of the division of the district court in which the vacancy occurs; (3) provides that an application to fill a vacancy in the Supreme Court, the court of appeals or a district court, and the information contained in such an application, is confidential and not a public record.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court or the court of appeals or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court or the court of appeals must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) ~~{Three—persons,}~~ **One person**, not ~~{members}~~ **a member** of the legal profession, appointed by the Governor.

4. ~~{Each}~~ **Except as otherwise provided in subsection 5,** **each** nomination for the district court must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. A temporary commission must be composed of at least three but not more than five members of the State Bar of Nevada who reside in the judicial district in which the vacancy occurs and who practice law in that judicial district in the area of law of the division of the district court in



which the vacancy occurs. If additional members must be appointed to a temporary commission to comply with this subsection, the Board of Governors of the State Bar of Nevada must appoint to the temporary commission the members that are necessary to comply with this subsection.

~~15-1~~ 6. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~16-1~~ 7. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

~~17-1~~ 8. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➔ No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

~~18-1~~ 9. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

10. An application for appointment to fill a vacancy in the Supreme Court or court of appeals or among the district judges submitted to the permanent Commission or a temporary commission, and all information contained therein, is confidential and does not constitute a public record.

