



2023 South Dakota Legislature

Senate Joint Resolution 501

Introduced by: **Senator Schoenbeck**

1 **A JOINT RESOLUTION, Proposing and submitting to the electors at the next general**
 2 **election an amendment to the Constitution of the State of South Dakota,**
 3 **providing for the retention elections of circuit court judges.**

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

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

10 **Section 2. That Article V, § 7 of the Constitution of the State of South Dakota, be**
 11 **AMENDED:**

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

14 A vacancy, as defined by law, in the office of a Supreme Court justice or circuit
 15 court judge, shall be filled by appointment of the Governor from one of two or more
 16 persons nominated by the judicial qualifications commission. The appointment to fill a
 17 vacancy of a ~~circuit court judge shall be for the balance of the unexpired term; and the~~
 18 ~~appointment to fill a vacancy of a Supreme Court justice~~ or circuit court judge shall be
 19 subject to approval or rejection as hereinafter set forth.

20 Retention of each Supreme Court justice or circuit court judge shall, in the manner
 21 provided by law, be subject to approval or rejection on a nonpolitical ballot at the first
 22 general election following the expiration of three years from the date of ~~his~~ appointment.
 23 Thereafter, each Supreme Court justice and circuit court judge shall be subject to approval
 24 or rejection in like manner every eighth year. All incumbent Supreme Court justices and
 25 circuit court judges at the time of the effective date of this amendment shall be subject to
 26 a retention election in the general election in the year in which their respective existing

1 terms expire. Each Supreme Court justice shall be subject to a statewide retention election
2 and each circuit court judge shall be subject to a retention election by the electorate of
3 the circuit the judge represents.