

Document: Wyo. Const. Art. 5, § 4

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Wyoming Statutes Annotated Constitution of the State of Wyoming Article 5. Judicial Department

§ 4. Supreme court generally; number; election of chief justice; quorum; vacancies in supreme court or district court; judicial nominating commission; terms; standing for retention in office.

(a) The supreme court of the state shall consist of not less than three nor more than five justices as may be determined by the legislature. The justices of the court shall elect one of their number to serve as chief justice for such term and with such authority as shall be prescribed by law. A majority of the justices shall constitute a quorum, and a concurrence of a majority of such quorum shall be sufficient to decide any matter. If a justice of the supreme court for any reason shall not participate in hearing any matter, the chief justice may designate one of the district judges to act for such nonparticipating justice.

(b) A vacancy in the office of justice of the supreme court or judge of any district court or of such other courts that may be made subject to this provision by law, shall be filled by a qualified person appointed by the governor from a list of three nominees that shall be submitted by the judicial nominating commission. The commission shall submit such a list not later than 60 days after the death, retirement, tender of resignation, removal, failure of an incumbent to file a declaration of candidacy or certification of a negative majority vote on the question of retention in office under section [subsection] (g) hereof. If the governor shall fail to make any such appointment within 30 days from the day the list is submitted to him, such appointment shall be made by the chief justice from the list within 15 days.

(c) There shall be a judicial nominating commission for the supreme court, district courts and any other courts to which these provisions may be extended by law. The commission shall consist of seven members, one of whom shall be the chief justice, or a justice of the supreme court designated by the chief justice to act for him, who shall be chairman thereof. In addition to the chief justice, or his designee, three resident members of the bar engaged in active practice shall be elected by the Wyoming

state bar and three electors of the state not admitted to practice law shall be appointed by the governor to serve on said commission for such staggered terms as shall be prescribed by law. No more than two members of said commission who are residents of the same judicial district may qualify to serve any term or part of a term on the commission. In the case of courts having less than statewide authority, each judicial district not otherwise represented by a member on the commission, and each county, should the provisions hereof be extended by law to courts of lesser jurisdiction than district courts, shall be represented by two nonvoting advisors to the commission when an appointment to a court in such unrepresented district, or county, is pending; both of such advisors shall be residents of the district, or county, and one shall be a member of the bar appointed by the governing body of the Wyoming state bar and one shall be a nonattorney advisor appointed by the governor.

(d) No member of the commission excepting the chairman shall hold any federal, state or county public office or any political party office, and after serving a full term he shall not be eligible for reelection or reappointment to succeed himself on the commission. No member of the judicial nominating commission shall be eligible for appointment to any judicial office while he is a member of the commission nor for a period of one year after the expiration of his term for which he was elected or appointed. Vacancies in the office of commissioner shall be filled for the unexpired terms in the same manner as the original appointments. Additional qualifications of members of the commission may be prescribed by law.

(e) The chairman of the commission shall cast votes only in the event of ties. The commission shall operate under rules adopted by the supreme court. Members of the commission shall be entitled to no compensation other than expenses incurred for travel and subsistence while attending meetings of the commission.

(f) The terms of supreme court justices shall be eight years and the terms of district court judges shall be six years.

(g) Each justice or judge selected under these provisions shall serve for one year after his appointment and until the first Monday in January following the next general election after the expiration of such year. He shall, at such general election, stand for retention in office on a ballot which shall submit to the appropriate electorate the question whether such justice or judge shall be retained in office for another term or part of a term, and upon filing a declaration of candidacy in the form and at the times prescribed by law, he shall, at the general election next held before the expiration of each term, stand for retention on such ballots. The electorate of the whole state shall vote on the question of retention or rejection of justices of the supreme court, and any other statewide court; the electorate of the several judicial districts shall vote on the question of retention or rejection of judges of their respective districts, and the electorate of such other subdivisions of the state as shall be prescribed by law shall vote on the question of retention or rejection of any other judges to which these provisions may be extended.

(h) A justice or judge selected hereunder, or one that is in office upon the effective date of this amendment, who shall desire to retain his judicial office a succeeding term, following the expiration of his existing term of office, shall file with the appropriate office not more than 6 months nor less than 3 months before the general election to be held before the expiration of his existing term of office a declaration of intent to stand for election for a succeeding term. When such a declaration of intent is