

A PROPOSAL TO AMEND 1963 CONST ART VI, § 2

By JUSTICE ELIZABETH A. WEAVER

This proposal (shown below in red highlighting and ~~strikeout~~) would limit Supreme Court Justices to one 8-year term. A justice could not be appointed nor elected to more than one term. There would continue to be an election for Supreme Court positions every two years.¹

In this proposal, the constitutional amendment would become effective at noon on January 1, 2009, in time for the 2010 elections, when Justices Weaver and Young will be up for re-election. With the possible exception of Justice Young, the current incumbent justices would not be allowed to

¹ There would be positions available on the Court as follows:

2010 2 seats open

2012 2 seats open

2014 2 seats open

2016 1 seat open

2018 2 seats open

and so on.

run for re-election after January 1, 2009.² The

proposed amendment states that the transition would occur as provided by law, and proposed statutes enacting the transition are included.

The current justices or their replacements are up for re-election on the following dates:

- 2008 Taylor
- 2010 Weaver, Young
- 2012 Kelly, Markman
- 2014 Cavanagh, Corrigan

(Note: Justices Cavanagh and Kelly are not eligible for re-election because they will be over 70 on the dates they would be up for re-election and take office.)

² After January 1, 2009, Justice Young is the only incumbent justice who will not be eligible for full retirement when his current term ends. When Justice Young's current term ends, on December 31, 2010, he will be 59.5 years old (Justice Young was born on June 16, 1951) and he will have 15+ years of service in the Michigan courts. At that time Justice Young would be able either to wait 6 months and receive his full pension at age 60, or to take a reduced retirement immediately, reducing his pension by 3%, from an approximate pension of \$98,000 per year to approximately \$93,480 per year.

The Constitutional amendment could be written to allow any incumbent justice (like Justice Young) who is not eligible for full retirement to run for one more term. Or special legislation could be passed to allow a justice (like Justice Young) to receive his full retirement at age 59.5.

Here are proposed amendments to Art VI, §2:

The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. ~~No person shall be elected or appointed more than one time to the office of justice of the supreme court. Any person appointed to fill a vacancy in the office of justice shall be considered to have been elected to serve one time in that office.~~ Nominations for justices of the supreme court shall be in the manner prescribed by law. ~~The transition shall take place as provided by law. An incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.~~

Here is language for the statutes providing for the transition:

AN ACT to provide for the transition to the term limits for Michigan Supreme Court justices as provided in the 2006 amendment to Art VI, § 2.

Sec 1.

There will be an election for the Supreme Court every two years, for not more than two terms each election, as follows:

2010 2 seats open

2012 2 seats open

2014 2 seats open

2016 1 seat open

2018 2 seats open

and so forth.

Sec 2.

Any incumbent justice in the defined benefit retirement plan who is in office before noon, January 1, 2009, and who is not eligible for full retirement benefits upon the expiration of his current term on the supreme court, may retire early, with full benefits, within one month before the expiration of his current term on the supreme court.

Sec 3.

This Act will take effect at noon on January 1, 2009, if and only if the proposed amendments to Const 1963 art VI § 2 take effect.