

Constitution of South Dakota, Article 5, § 7

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

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

Retention of each Supreme Court justice shall, in the manner provided by law, be subject to approval or rejection on a nonpolitical ballot at the first general election following the expiration of three years from the date of his appointment. Thereafter, each Supreme Court justice shall be subject to approval or rejection in like manner every eighth year. All incumbent Supreme Court justices at the time of the effective date of this amendment shall be subject to a retention election in the general election in the year in which their respective existing terms expire.

History: 1889 Const., art. V, §§ 8, 15, 37; amendment proposed by SL 1972, ch 2, approved Nov. 7, 1972; amendment proposed by SL 1979, ch 3, approved Nov. 4, 1980; amendment proposed by SL 2003, ch 1, § 1, rejected Nov. 2, 2004.