

Article 3 Adjustment Amendment

Reasons

The Federal Judge serves little to no purpose, and the Legislature should be allowed to add forms of lawsuit, specifically mediation and Constitutional Review. This amendment would allow that to happen. This amendment will also fix the issue of the slow appointment times of Supreme Court Justices, as well as allow the court to function at a smaller capacity.

Additions are highlighted in green.

~~Removals are crossed out in red.~~

Text

This Amendment hereby changes the following...

Article 3: Judicial Branch

SECTION 1: Purpose

1. The Judicial Branch shall refer to the Supreme Court, the Lower Courts, and the Court Clerks, and its purpose is to determine the legality and constitutionality of events.
2. Members of the Judicial Branch must vow to make rulings as impartially as possible, in accordance with the Constitution and the law, and without favoring unfairly any individual or faction.

SECTION 2: Supreme Court

1. The Supreme Court shall have one Chief Justice, ~~one Federal Justice and three Associate Justices.~~ ,at minimum 2 total Associate Justices, and at maximum 4 total Associate Justices.
 - a. This number of Justices is determined at the discretion of the sitting Chief Justice, save that no members of the Court may have their term end prematurely through this process.

2. The Chief Justice is the leader of the Supreme Court who is responsible for conducting all hearings and splitting any tie votes whenever there is no conflict of interest.
- ~~3. The Federal Justice is responsible for collecting and reviewing Governors' proposed State Reports before the play sessions (if provided), and to initiate Gubernatorial arbitrations cases when necessary.~~
3. The Associate Justices are members of the Supreme Court other than the Chief ~~or Federal~~ Justice, and each of them is responsible for attending hearings and voting whenever there is no conflict of interest.
4. All Supreme Court Justices are to attend all Supreme Court cases and rule as they deem fit, so long as they have no reason for recusal.

SECTION 3: Lower Courts

1. The Supreme Court may collectively delegate portions of its responsibilities to a Lower Court, by submitting a proposal for the creation of said Lower Court to the Legislative Cabinet, outlining its intended purpose, procedure and specific delegated powers and/or responsibilities.
 - a. The leader of a Lower Court will always be a Chief Judge, and its remaining members will be Associate Judges.
 - b. The Legislative Cabinet must automatically add the Lower Court proposal to the next possible Legislative Agenda upon its reception. If the proposal receives more 'Yea' votes than 'Nay' votes by the Legislature, the proposal is enacted into law.
 - c. Further amendments issued by the Supreme Court to a Lower Court proposal must follow the same process as ~~its conception~~ outlined above.
2. Any case heard by a Lower Court may be appealed to the Supreme Court ~~on the grounds of a constitutional violation.~~

SECTION 4: Court Clerks

1. Each Court must have at least one Court Clerk present at every case hearing.
2. The responsibility of a Court Clerk is to keep transcripts for the hearings and an organized record of votes. This information is to be sent to Moderation.
3. The Chief Justice or Chief Judge may hire any number of Court Clerks for their Court.

4. A Court Clerk ~~may~~ will immediately be removed from their position ~~in~~ if any of the following ways occurs:
 - a. The Court Clerk issues a letter of resignation.
 - b. The individual who hired the Court Clerk decides to fire the Court Clerk.
 - c. Their Court unanimously votes to fire the Court Clerk.
 - d. A simple majority (at least $\frac{1}{2} + 1$) of the Legislative Branch decides to fire the Court Clerk.
5. The position of Court Clerk is assistatory and should not be construed to prevent the Court Clerk from seeking or holding any other governmental office.

SECTION 5: Case Types

1. One case type is judicial review (stylized as JR-#).
 - a. Judicial review is about whether part of an enacted law contradicts the Constitution.
 - b. The plaintiff must be a member of the democraciv community who is directly affected by the part of the enacted law in question.
 - c. The common opinions are that the law (or specific clauses) are to be struck down as unconstitutional or that the law is upheld as constitutional.
 - d. Judicial review of a law may not be heard if there currently is a criminal investigation underway that involves the law in question.
 - e. Impeachment trials are included as part of Criminal Investigations Cases
2. One case type is criminal investigation (stylized as CI-#).
 - a. Criminal investigation is about whether an action performed by a citizen or multiple citizens of Democraciv is a violation of an active law or the Constitution.
 - b. The plaintiff must be a citizen of Democraciv.
 - c. The common opinions are that the action violated the law; and thus defendants may be sentenced any punishment that the law in question deems appropriate, or that the action did not violate the law.
 - d. If deemed to have violated a law and sentenced a punishment; an individual may appeal the case by requesting a judicial review on the law that they were said to

have violated; on the grounds that the law, or an offending clause within the law, is unconstitutional. If the judicial review strikes down the part of the law that was deemed violated, then the sentence for violating the law is also overturned.

~~3. One Case type are Gubernatorial Arbitration Cases (stylized as GA-#)~~

- ~~a. Gubernatorial Arbitrations deal with cases in which governors are in dispute for a Wonder, scarce strategic resources (defined as under 3 units of a resource), workers, or a tile overlapping between two cities.~~
 - ~~i. These cases are to take precedence, and are the only case types that, by their nature may forcibly recess other cases until such a time as these cases are resolved.~~
- ~~b. The two former types of GA cases begin when it is brought to the attention of the Federal Judge that governors are using scarce strategic resources or building the same wonder on their State Reports. In the third and fourth forms of GA cases, a plaintiff must be a governor.~~
- ~~c. For strategic resources, the common opinions are where would the resources be used the most effectively. The President may be called upon to testify in such cases, so the courts understand how the Presidential Chamber is thinking of using the resources.~~
- ~~d. For Wonders, the common opinions are where should the wonder be built. The court might consider: the duration of the construction, the amount of turns before the planned beginning of the construction, the use of a Wonder in a City, etc.~~
- ~~e. For Workers, the common opinions are to which state would the worker be more useful, which tiles need to be improved the fastest for resource, or which was the city where the worker was built.~~
- ~~f. For tiles, the common opinions are which city was at the origin of the border cultural expansion that made this tile be part of the empire, or in which city would working this tile be more useful.~~

4. Additional case types may ~~only be added via an amendment to the Constitution.~~ be added in the same way that any law is passed. Any case types added in this way may also be removed with the same process.
 - a. No case types that are defined by the constitution (e.g. Judicial Review and Criminal Investigation) may be removed without the passage of a Constitutional Amendment doing so.

SECTION 6: Judicial Process

1. To file a case, ~~the plaintiff must~~ a post must be created on /r/democracivjudicial, outlining the details of the case.
 - a. A template may be provided on a stickied post in /r/democracivjudicial.
 - b. Failure to follow the template is grounds for automatic dismissal of a case.
 - c. Ineligibility to be a plaintiff is grounds for automatic dismissal of a case.
 - d. The legislative branch may create more grounds for automatic dismissal.
 - e. The Chief Justice will declare when a case has been automatically dismissed.
- ~~2. Justices or Judges must respond to each post within 3 days of it being posted whether the case should be heard or dismissed. Justices who do not respond forfeit their vote.~~
3. A case will be heard or denied under the following conditions clauses.
 - a. If at least 2 Justices or Judges, ~~or at least one if the number of Justices or Judges voting shall be less than 3;~~ agree(s) to hear the case, the case will be heard.
 - b. If at least 4 Justices or Judges agree to deny the case, the case will be denied.
 - c. The Court Clerk will post the results of the vote on whether to hear and the date and time when the hearing will begin.
4. All cases that receive a hearing will be ~~moved either to a new~~ conducted on the case's reddit post or an official, public, Court Discord channel, ~~with the agreement of all parties involved, that~~ The case will be conducted by the Chief Justice or the Chief Judge presiding over the case, as is warranted by the Case Type.
 - a. If the Chief Justice or Judge feels that there is a conflict of interest, they may recuse themselves from the case and select an Associate Justice or Judge in their Court to serve as the Acting Chief Justice or Judge for the hearing.

- b. During a hearing, any members of the community may request to argue either side, and the Justices may ask any questions that will help the court to decide.
 - c. After the hearing ends, the Court Clerk will provide a public transcript of the hearing, and the Court may move into quiet deliberation.
- 5. The Court may have closed-door deliberation for at most 48 hours, when each Judge or Justice can write their own opinion or join the opinions of other Judges or Justices. Judges or Justices who do not respond within the 48 hours forfeit their vote to an opinion.
 - a. The opinion with the majority of Justices or Judges becomes the majority opinion and is the basis of the final ruling.
 - b. If the opinion is split, then the opinion that the Chief Justice supports becomes the majority opinion and is the basis of the final ruling.
 - c. If written, opinions other than the majority opinion, i.e. concurring or dissenting opinions, will be posted alongside the majority opinion upon publication of the final ruling.

SECTION 7: Judicial Appointments

- 1. The Judicial Election cycle will only occur once upon ratification of this Constitution.
 - a. A 'candidacy announcement' thread, and a 'judicial debate' thread shall be created, and made accessible on the main democraciv subreddit by the Electoral Board. The creation of these threads denotes the beginning of the Judicial election cycle.
 - b. Registered voters wishing to run for the Supreme Court must first announce their candidacy by commenting on the candidacy announcement thread, and are thenceforth considered Supreme Court candidates.
 - c. Supreme Court candidates may withdraw their candidacy at any time prior to the publication of the Judicial ballots, by notifying the Electoral Board.
 - d. Members of the Democraciv community may pose questions to the candidates or specific candidates on the debate thread - all Supreme Court candidates must

answer at least one question posted on the debate thread to be included on the Judicial ballot.

2. Approximately three days after its creation, the candidacy announcement thread be closed, and the Judicial ballot will be published by the Electoral Board to the main democraciv subreddit.
 - a. Judicial ballots shall list each Supreme Court candidate. Registered voters may rank the Supreme Court candidates in order of preference, or simply abstain.
 - b. Judicial ballots shall be close, and their results will be announced by the Electoral board on the main democraciv subreddit approximately three days from the time they opened.
3. The Judicial election shall use a Single Transferable Vote method for allocation of Supreme Court seats. Moderation must also choose a fair, unbiased method for determining 3rd and 5th place ties: The 5 highest-ranked candidates shall gain the role of Supreme Court Justice.
 - a. The 1st, 2nd, and 3rd highest-ranked Supreme Court candidates will receive 8 week terms on the Supreme Court.
 - b. The 4th and 5th highest-ranked Supreme Court candidates will receive 4 week terms on the Supreme Court.
4. When a term ends, a Justice's seat is vacated, and the following clauses come into effect. Future Justices shall each receive 8 week terms on the Supreme Court.
 - a. At the end of any given term, regardless of circumstance of the ending of that term, the Justice who previously held their newly vacated seat may request to remain as a Temporary Justice of the court.
 - i. Temporary Justices of the Court are approved only by a majority vote of the sitting Supreme Court.
 1. If there is a situation in which a majority vote cannot be reached, any current Temporary Justice which was appointed at the earliest time and date by the court, may be permitted to place a single vote, as if they were a duly appointed member of the Supreme Court.

- a. This vote shall only apply to the procedural vote used to appoint Temporary Justices.
 - ii. Temporary Justices may not, under any circumstance, involve themselves in new measures or procedures of the court. Their sole function is to complete any open cases which they were involved in as a duly appointed member of the Supreme Court.
 - iii. Temporary Justices are to be replaced in the order of their original vacancy, not in the order of their acceptance as a Temporary Justice.
- 5. Should there exist a vacancy on the Supreme Court, the President and Council* must nominate a willing Registered Voter for each vacant seat, and notify the Legislative Cabinet of their identities within approximately two days of its vacancy; these are thenceforth referred to as Supreme Court nominees.
 - i. Within three days of receiving the determined Supreme Court nominee(s), the Legislature must hold a hearing for the nominee(s), who must be notified in advance of the specific time and date of the hearing; During the hearing Legislators may ask questions to the nominee(s), should the nominees(s) be present, regarding the Supreme Court.
 - ii. If a nominee fails to attend the hearing, without notifying the Legislative Cabinet 12 hours prior to the hearing, they will automatically fail to be confirmed and the President and Executive Council* must choose a new, willing Registered Voter within two days of the nominee failing, following the same procedure outlined in [Article 7, Section 7.2].
 - iii. During the next Legislative meeting from the time of the hearing, the Legislative Cabinet must add to the legislative agenda the confirmation of each Supreme Court nominee; should a supermajority (at least $\frac{2}{3}$) or more of the Legislature vote in favor of approving a nominee, that nominee gains the role of Supreme Court Justice.
 - iv. In the event a nominee fails to be confirmed, the President and Executive Council* must choose a new, willing Registered Voter within two days of

the failed confirmation vote, following the same procedure outlined in [Article 7, Section 7.2].

SECTION 8: Removal from Office

1. A Justice is removed from office immediately after any of the following occur:
 - a. The Justice issues a letter of resignation.
 - b. The Justice misses three hearings in a row.
 - i. Recusal does not count as a missed hearing.
 - ii. Justices may request a temporary holiday, not to exceed two weeks per term, and any hearings in that duration will not count as missed hearings.
 - c. The Legislature impeaches the Justice for violating their oath [Article 3 Section 1.2].
2. If a Justice leaves their seat before their term ends, their replacement will be selected using the procedure laid out in [Article 7 Sec 7.2]; ~~however the new Justice will only finish the term of their predecessor.~~
3. Justices or Judges must not, while in the Judicial Branch, hold nor proxy any other federal office nor the position of Senior Moderator nor the position of Deputy Moderator.

*Note: In the event that the Amendment known as “The Executive Overhaul Amendment” drafted by solace005 passes, any iteration of the combination of the terms “President” and “Council” or “Executive Council” shall be replaced with “Council” alone.

Credits

Original Ideas by Sorocco

Drafted by Solace005

Signed by: /u/[blondehog78](#), /u/[LePigNexus](#), /u/[femamerica13](#), /u/[WesGutt](#), /u/[afarteta93](#), /u/[Sorocco](#), /u/[ALEXANDER_HAMILTON88](#), /u/[cyxpanek](#), /u/[Emass100](#), /u/[La Patria](#), /u/[Vicotaco](#)