

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SENATE CONCURRENT RESOLUTION 1001**

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 4, 12, 20, 36, 37, 39, 41 AND 42, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Article VI, sections 4, 12, 20, 36, 37, 39, 41 and 42, Constitution  
4 of Arizona, are proposed to be amended as follows if approved by the voters  
5 and on proclamation of the Governor:

6 4. Supreme court; appellate court; term of office

7 Section 4. A. THROUGH DECEMBER 31, 2012, justices of the  
8 supreme court shall hold office for a regular term of six years  
9 except as provided by this article.

10 B. FOR ANY TERM BEGINNING ON OR AFTER JANUARY 1, 2013,  
11 JUSTICES OF THE SUPREME COURT AND JUDGES OF ANY INTERMEDIATE  
12 APPELLATE COURT SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT  
13 YEARS EXCEPT AS PROVIDED BY THIS ARTICLE.

14 12. Superior court; term of office

15 Section 12. A. Judges of the superior court in counties  
16 having a population of less than two hundred fifty thousand  
17 persons according to the most recent United States census shall  
18 be elected by the qualified electors of their counties at the  
19 general election. THROUGH DECEMBER 31, 2012, they shall hold  
20 office for a regular term of four years except as provided by  
21 this section from and after the first Monday in January next  
22 succeeding their election, and until their successors are  
23 elected and qualify. FOR ANY TERM BEGINNING ON OR AFTER JANUARY  
24 1, 2013, THEY SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT  
25 YEARS EXCEPT AS PROVIDED BY THIS SECTION FROM AND AFTER THE  
26 FIRST MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND  
27 UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY. The names of  
28 all candidates for judge of the superior court in such counties  
29 shall be placed on the regular ballot without partisan or other  
30 designation except the division and title of the office.

31 B. The governor shall fill any vacancy in such counties  
32 by appointing a person to serve until the election and  
33 qualification of a successor. At the next succeeding general  
34 election following the appointment of a person to fill a  
35 vacancy, a judge shall be elected to serve for the remainder of  
36 the unexpired term.

37 C. THROUGH DECEMBER 31, 2012, judges of the superior  
38 court in counties having a population of two hundred fifty  
39 thousand persons or more according to the most recent United  
40 States census shall hold office for a regular term of four years  
41 except as provided by this article. FOR ANY TERM BEGINNING ON  
42 OR AFTER JANUARY 1, 2013, JUDGES OF THE SUPERIOR COURT IN  
43 COUNTIES HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND  
44 PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES

1 CENSUS SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT YEARS  
2 EXCEPT AS PROVIDED BY THIS ARTICLE.

3 20. Retirement and service of retired justices and judges

4 Section 20. A. The legislature shall prescribe by law a  
5 plan of retirement for justices and judges of courts of record,  
6 including the basis and amount of retirement pay, and requiring  
7 except as provided in section 35 of this article, that justices  
8 and judges of courts of record be retired ~~upon~~ ON reaching ~~the~~  
9 ~~age of seventy~~ SEVENTY-FIVE YEARS OF AGE.

10 B. Any retired justice or judge of any court of record  
11 who is drawing retirement pay may serve as a justice or judge of  
12 any court. When serving outside his county of residence, any  
13 such retired justice or judge shall receive his necessary  
14 traveling and subsistence expenses. A retired judge who is  
15 temporarily called back to the active duties of a judge is  
16 entitled to receive the same compensation and expenses as other  
17 like active judges less any amount received for such period in  
18 retirement benefits.

19 36. Commission on appellate court appointments and terms,  
20 appointments and vacancies on commission

21 Section 36. A. ~~There shall be~~ A nonpartisan commission  
22 on appellate court appointments ~~which shall be composed of~~ IS  
23 ESTABLISHED AND CONSISTS OF THE FOLLOWING MEMBERS:

24 1. The chief justice of the supreme court, who shall be  
25 chairman. ~~;~~ IN THE EVENT OF THE ABSENCE OR INCAPACITY OF THE  
26 CHAIRMAN, THE SUPREME COURT SHALL APPOINT A JUSTICE OF THE  
27 SUPREME COURT TO SERVE IN THE CHIEF JUSTICE'S PLACE AND STEAD.

28 2. Five attorney members, who shall be ~~nominated by the~~  
29 ~~board of governors of the state bar of Arizona and~~ appointed by  
30 the ~~governor~~ FOLLOWING PEOPLE with the advice and consent of the  
31 senate in the manner prescribed by law: ~~;~~ and

32 (a) THE GOVERNOR SHALL APPOINT FOUR OF THE MEMBERS.

33 (b) THE PRESIDENT OF THE STATE BAR OF ARIZONA SHALL  
34 APPOINT ONE OF THE MEMBERS WHO SHALL BE A MEMBER OF THE STATE  
35 BAR OF ARIZONA.

36 3. Ten nonattorney members who shall be appointed by the  
37 governor with the advice and consent of the senate in the manner  
38 prescribed by law.

39 B. At least ninety days ~~prior to~~ BEFORE a term expiring  
40 or within twenty-one days of a vacancy occurring for ~~a~~  
41 ~~nonattorney~~ AN ATTORNEY member on the commission ~~for~~ ON  
42 appellate court appointments, the ~~governor shall appoint a~~  
43 ~~nominating committee of nine members, not more than five of whom~~  
44 ~~may be from the same political party. The makeup of the~~  
45 ~~committee shall, to the extent feasible, reflect the diversity~~

1 ~~of the population of the state. Members shall not be attorneys~~  
2 ~~and shall not hold any governmental office, elective or~~  
3 ~~appointive, for profit. The committee shall provide public~~  
4 ~~notice that a vacancy exists and shall solicit, review and~~  
5 ~~forward to the governor all along with the committee's~~  
6 ~~recommendations for appointment.~~ STATE BAR OF ARIZONA SHALL  
7 SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS FOR  
8 APPOINTMENT ALONG WITH THE STATE BAR'S RECOMMENDATIONS FOR  
9 APPOINTMENT.

10 C. Attorney members of the commission shall have resided  
11 in the state and shall have been admitted to practice before the  
12 supreme court for not less than ~~five~~ TEN years, SHALL BE MEMBERS  
13 IN GOOD STANDING OF THE STATE BAR OF ARIZONA, SHALL HAVE NO  
14 FORMAL DISCIPLINARY COMPLAINTS AND SHALL NOT HAVE EVER BEEN  
15 FORMALLY SANCTIONED AS A RESULT OF A DISCIPLINARY ACTION. Not  
16 more than three attorney members shall be members of the same  
17 political party and not more than two attorney members shall be  
18 residents of any one county.

19 D. ~~Nonattorney~~ Members WHO ARE NOMINATED PURSUANT TO  
20 SUBSECTION A, PARAGRAPH 3 shall have resided in the state for  
21 not less than five years and shall not be judges, retired judges  
22 or admitted to practice before the supreme court. Not more than  
23 five nonattorney members shall be members of the same political  
24 party. Not more than two nonattorney members shall be residents  
25 of any one county.

26 E. ~~None of~~ The attorney ~~or~~ AND nonattorney members of the  
27 commission shall NOT hold any governmental office, elective or  
28 appointive, for profit, and ~~no~~ AN attorney member OF THE  
29 COMMISSION shall NOT be eligible for appointment to any judicial  
30 office of the state until one year after ~~he~~ THE ATTORNEY MEMBER  
31 ceases to be a member OF THE COMMISSION.

32 F. ~~Attorney~~ Members of the commission shall serve  
33 staggered four-year terms ~~and nonattorney members shall serve~~  
34 ~~staggered four-year terms~~. Vacancies shall be filled for the  
35 unexpired terms in the same manner as the original appointments.

36 ~~B-~~ G. No person other than the chief justice shall serve  
37 at the same time as a member of more than one judicial  
38 appointment commission.

39 ~~C-~~ H. In making or confirming appointments to the  
40 appellate court commission, the governor, the senate and the  
41 PRESIDENT OF THE state bar shall endeavor to see that the  
42 commission reflects the diversity of Arizona's population.

43 ~~In the event of the absence or incapacity of the chairman~~  
44 ~~the supreme court shall appoint a justice thereof to serve in~~  
45 ~~his place and stead.~~

1           ~~D. I. Prior to~~ BEFORE making recommendations to the  
2 governor ~~as hereinafter provided~~, the commission shall conduct  
3 investigations, hold public hearings and take public testimony.  
4 An executive session as prescribed by rule may be held ~~upon~~ ON a  
5 two-thirds vote of the members of the commission in a public  
6 hearing. Final decisions as to recommendations shall be made  
7 without regard to political affiliation in an impartial and  
8 objective manner. The commission shall consider the diversity  
9 of the state's population, however the primary consideration  
10 shall be merit. Voting shall be in a public hearing. The  
11 expenses of meetings of the commission and the attendance of  
12 members ~~thereof~~ for travel and subsistence shall be paid from  
13 the general fund of the state as state officers are paid, ~~upon~~  
14 ON claims approved by the chairman.

15           ~~E. J.~~ After public hearings the supreme court shall  
16 adopt rules of procedure for the commission on appellate court  
17 appointments.

18           ~~F. Notwithstanding the provisions of subsection A, the~~  
19 ~~initial appointments for the five additional nonattorney members~~  
20 ~~and the two additional attorney members of the commission shall~~  
21 ~~be designated by the governor for staggered terms as follows:~~

22           ~~1. One appointment for a nonattorney member shall be for~~  
23 ~~a one-year term.~~

24           ~~2. Two appointments for nonattorney members shall be for~~  
25 ~~a two-year term.~~

26           ~~3. Two appointments for nonattorney members shall be for~~  
27 ~~a three-year term.~~

28           ~~4. One appointment for an attorney member shall be for a~~  
29 ~~one-year term.~~

30           ~~5. One appointments for an attorney member shall be for a~~  
31 ~~two-year term.~~

32           ~~G. The members currently serving on the commission may~~  
33 ~~continue to serve until the expiration of their normal terms.~~  
34 ~~All subsequent appointments shall be made as prescribed by this~~  
35 ~~section.~~

36           37. Judicial vacancies and appointments; initial  
37 terms; residence; age

38           Section 37. A. Within sixty days from the occurrence of  
39 ~~a~~ ANY vacancy in the office of a justice or judge of ~~any court~~  
40 ~~of record, except for vacancies occurring in the office of a~~  
41 ~~judge of the superior court or a judge of a court of record~~  
42 ~~inferior to the superior court~~ THE SUPREME COURT OR AN  
43 INTERMEDIATE APPELLATE COURT OF RECORD, the commission on  
44 appellate court appointments, ~~if the vacancy is in the supreme~~  
45 ~~court or an intermediate appellate court of record~~, shall submit

1 to the governor the names of not less than ~~three~~ EIGHT persons  
2 nominated by it to fill such EACH vacancy, ~~no more than two of~~  
3 ~~whom shall be members of the same political party unless there~~  
4 ~~are more than four such nominees, in which event not more than~~  
5 ~~sixty percentum of such nominees shall be members of the same~~  
6 ~~political party,~~ EXCEPT THAT ON A TWO-THIRDS VOTE, THE  
7 COMMISSION MAY REJECT AN APPLICANT AND SUBMIT LESS THAN EIGHT  
8 NAMES. ANY APPLICANT WHO RECEIVES A MAJORITY VOTE OF THE VOTING  
9 MEMBERS FOR NOMINATION SHALL BE NOMINATED FOR THE VACANCY. IF  
10 MORE THAN ONE VACANCY EXISTS IN THE SAME COURT AT THE SAME TIME,  
11 THE COMMISSION SHALL SUBMIT THE NAMES OF NOT LESS THAN SIX  
12 PERSONS NOMINATED BY IT TO FILL EACH VACANCY AND SHALL NOT  
13 SUBMIT THE NAME OF THE SAME PERSON FOR MORE THAN ONE VACANCY.

14 B. Within sixty days from the occurrence of ~~a~~ ANY  
15 vacancy in the office of a judge of the superior court or a  
16 judge of a court of record inferior to the superior court except  
17 for vacancies occurring in the office of a judge of the superior  
18 court or a judge of a court of record inferior to the superior  
19 court in a county having a population of less than two hundred  
20 fifty thousand persons according to the most recent United  
21 States census, the commission on trial court appointments for  
22 the county in which the vacancy occurs shall submit to the  
23 governor the names of not less than ~~three~~ EIGHT persons  
24 nominated by it to fill such vacancy, ~~no more than two of whom~~  
25 ~~shall be members of the same political party unless there are~~  
26 ~~more than four such nominees, in which event no more than sixty~~  
27 ~~per centum of such nominees shall be members of the same~~  
28 ~~political party,~~ EXCEPT THAT ON A TWO-THIRDS VOTE, THE  
29 COMMISSION MAY REJECT AN APPLICANT AND SUBMIT LESS THAN EIGHT  
30 NAMES. ANY APPLICANT WHO RECEIVES A MAJORITY VOTE OF THE VOTING  
31 MEMBERS FOR NOMINATION SHALL BE NOMINATED FOR THE VACANCY. IF  
32 MORE THAN ONE VACANCY EXISTS IN THE SAME COURT AT THE SAME TIME,  
33 THE COMMISSION SHALL SUBMIT THE NAMES OF NOT LESS THAN SIX  
34 PERSONS NOMINATED BY IT TO FILL EACH VACANCY AND SHALL NOT  
35 SUBMIT THE NAME OF THE SAME PERSON FOR MORE THAN ONE VACANCY. A  
36 nominee shall be under sixty-five years of age at the time ~~his~~  
37 THE NOMINEE'S name is submitted to the governor. Judges of the  
38 superior court shall be subject to retention or rejection by a  
39 vote of the qualified electors of the county from which they  
40 were appointed at the general election in the manner provided by  
41 section 38 of this article.

42 C. A vacancy in the office of a justice or a judge ~~of~~  
43 ~~such courts of record~~ shall be filled by appointment by the  
44 governor without regard to political affiliation from one of the  
45 nominees whose names shall be submitted to ~~him~~ THE GOVERNOR as

1 hereinabove provided. IF MORE THAN ONE VACANCY EXISTS IN THE  
 2 SAME COURT AT THE SAME TIME, THE GOVERNOR MAY MAKE AN  
 3 APPOINTMENT FROM ANY OF THE NOMINEES PRESENTED FOR ANY OF THE  
 4 VACANCIES IN THAT COURT. In making the appointment, the  
 5 governor shall consider the diversity of the state's population  
 6 for an appellate court appointment and the diversity of the  
 7 county's population for a trial court appointment, however the  
 8 primary consideration shall be merit. If the governor does not  
 9 appoint one of ~~such~~ THE nominees to fill ~~such~~ THE vacancy within  
 10 sixty days after their names are submitted to the governor by  
 11 ~~such~~ THE commission, the chief justice of the supreme court  
 12 forthwith shall appoint on the basis of merit alone without  
 13 regard to political affiliation one of ~~such~~ THE nominees to fill  
 14 ~~such~~ THE vacancy. If ~~such~~ THE commission does not, within sixty  
 15 days after ~~such~~ THE vacancy occurs, submit the names of nominees  
 16 as hereinabove provided, the governor ~~shall have the power to~~  
 17 MAY appoint any qualified person to fill ~~such~~ THE vacancy at any  
 18 time thereafter ~~prior to~~ BEFORE the time the names of the  
 19 nominees to fill ~~such~~ THE vacancy are submitted to the governor  
 20 as hereinabove provided.

21 D. Each APPOINTED justice or judge ~~so appointed~~ shall  
 22 initially hold office for a term ending sixty days following the  
 23 next regular general election after the expiration of a term of  
 24 two years in office. Thereafter, the terms of justices or  
 25 judges of the supreme court and the superior court shall be as  
 26 provided by this article.

27 ~~D.~~ E. A person appointed to fill a vacancy on an  
 28 intermediate appellate court or another court of record now  
 29 existing or hereafter established by law shall have been a  
 30 resident of the counties or county in which that vacancy exists  
 31 for at least one year ~~prior to his~~ BEFORE THE PERSON'S  
 32 appointment, in addition to possessing the other required  
 33 qualifications. A nominee shall be under sixty-five years of  
 34 age at the time ~~his~~ THE NOMINEE'S name is submitted to the  
 35 governor.

36 39. Retirement of justices and judges; vacancies

37 Section 39. A. On attaining ~~the age of seventy~~  
 38 SEVENTY-FIVE years OF AGE a justice or judge of a court of  
 39 record shall retire and ~~his~~ THE JUSTICE'S OR JUDGE'S judicial  
 40 office shall be vacant, except as otherwise provided in section  
 41 35 of this article. In addition to becoming vacant as provided  
 42 in this section, the office of a justice or judge of any court  
 43 of record becomes vacant ~~upon his~~ ON THE JUSTICE'S OR JUDGE'S  
 44 death, ~~or his~~ voluntary retirement pursuant to statute or ~~his~~  
 45 voluntary resignation, and also, as provided in section 38 of

1 this article, ~~upon~~ ON the expiration of ~~his~~ THE JUSTICE'S OR  
2 JUDGE'S term next following a general election at which a  
3 majority of those voting on the question of ~~his~~ THE JUSTICE'S OR  
4 JUDGE'S retention vote in the negative or for which general  
5 election ~~he~~ THE JUSTICE OR JUDGE is required, but fails, to file  
6 a declaration of ~~his~~ desire to be retained in office.

7 B. This section is alternative to and cumulative with the  
8 methods of removal of judges and justices provided in ARTICLE  
9 VI.I AND ARTICLE VIII, parts 1 and 2 ~~of article 8 and article~~  
10 ~~6.1 of this Constitution.~~

11 41. Commission on trial court appointments;  
12 membership; terms

13 ~~A. Except as otherwise provided, judges of the superior~~  
14 ~~court in counties having a population of two hundred fifty~~  
15 ~~thousand persons or more according to the most recent United~~  
16 ~~States census shall hold office for a regular term of four~~  
17 ~~years.~~

18 ~~B.~~ A. There shall be a nonpartisan commission on trial  
19 court appointments for each county having a population of two  
20 hundred fifty thousand persons or more according to the most  
21 recent United States census which shall be composed of the  
22 following members:

23 1. The chief justice of the supreme court, who shall be  
24 the chairman of the commission. In the event of the absence or  
25 incapacity of the chairman the supreme court shall appoint a  
26 justice thereof to serve in his place and stead.

27 2. Five attorney members, none of whom shall reside in  
28 the same supervisorial district and not more than three of whom  
29 shall be members of the same political party, who are ~~nominated~~  
30 ~~by the board of governors of the state bar of Arizona and who~~  
31 ~~are~~ appointed by the ~~governor~~ FOLLOWING PEOPLE subject to  
32 confirmation by the senate in the manner prescribed by law:

33 (a) THE GOVERNOR SHALL APPOINT FOUR OF THE MEMBERS.

34 (b) THE PRESIDENT OF THE STATE BAR OF ARIZONA SHALL  
35 APPOINT ONE OF THE MEMBERS WHO SHALL BE A MEMBER OF THE STATE  
36 BAR.

37 3. Ten nonattorney members, no more than two of whom  
38 shall reside in the same supervisorial district.

39 ~~C.~~ B. At least ninety days ~~prior to~~ BEFORE a term  
40 expiring or within twenty-one days of a vacancy occurring for a  
41 ~~nonattorney~~ AN ATTORNEY member on the commission for trial court  
42 appointments, the ~~member of the board of supervisors from the~~  
43 ~~district in which the vacancy has occurred shall appoint a~~  
44 ~~nominating committee of seven members who reside in the~~  
45 ~~district, not more than four of whom may be from the same~~

1 ~~political party. The make up of the committee shall, to the~~  
2 ~~extent feasible, reflect the diversity of the population of the~~  
3 ~~district. Members shall not be attorneys and shall not hold any~~  
4 ~~governmental office, elective or appointive, for profit. The~~  
5 ~~committee shall provide public notice that a vacancy exists and~~  
6 ~~shall solicit, review and forward to the governor all~~  
7 ~~applications along with the committee's recommendations for~~  
8 STATE BAR OF ARIZONA SHALL SOLICIT, REVIEW AND FORWARD TO THE  
9 GOVERNOR ALL APPLICATIONS FOR APPOINTMENT ALONG WITH THE STATE  
10 BAR'S RECOMMENDATIONS FOR appointment. The governor shall  
11 appoint two persons from each supervisorial district who shall  
12 not be of the same political party, subject to confirmation by  
13 the senate in the manner prescribed by law.

14 ~~D.~~ C. In making or confirming appointments to trial  
15 court commissions, the governor, the senate and the PRESIDENT OF  
16 THE state bar shall endeavor to see that the commission reflects  
17 the diversity of the county's population.

18 ~~E. Members of the commission shall serve staggered four~~  
19 ~~year terms, except that initial appointments for the five~~  
20 ~~additional nonattorney members and the two additional attorney~~  
21 ~~members of the commission shall be designated by the governor as~~  
22 ~~follows:~~

23 ~~1. One appointment for a nonattorney member shall be for~~  
24 ~~a one-year term.~~

25 ~~2. Two appointments for nonattorney members shall be for~~  
26 ~~a two-year term.~~

27 ~~3. Two appointments for nonattorney members shall be for~~  
28 ~~a three-year term.~~

29 ~~4. One appointment for an attorney member shall be for a~~  
30 ~~one-year term.~~

31 ~~5. One appointment for an attorney member shall be for a~~  
32 ~~two-year term.~~

33 ~~F.~~ D. Vacancies shall be filled for the unexpired terms  
34 in the same manner as the original appointments.

35 ~~G.~~ E. Attorney members of the commission shall have  
36 resided in this state and shall have been admitted to practice  
37 in this state by the supreme court for at least ~~five~~ TEN years,  
38 SHALL BE MEMBERS IN GOOD STANDING OF THE STATE BAR OF ARIZONA,  
39 SHALL HAVE NO FORMAL DISCIPLINARY COMPLAINTS, SHALL NOT HAVE  
40 EVER BEEN FORMALLY SANCTIONED AS A RESULT OF A DISCIPLINARY  
41 ACTION and shall have resided in the supervisorial district from  
42 which they are appointed for at least one year. Nonattorney  
43 members shall have resided in this state for at least five  
44 years, shall have resided in the supervisorial district for at  
45 least one year before being nominated and shall not be judges,

1 retired judges nor admitted to practice before the supreme  
2 court. None of the attorney or nonattorney members of the  
3 commission shall hold any governmental office, elective or  
4 appointive, for profit and no attorney member is eligible for  
5 appointment to any judicial office of this state until one year  
6 after membership in the commission terminates.

7 ~~H.~~ F. No person other than the chief justice shall serve  
8 at the same time as a member of more than one judicial  
9 appointment commission.

10 ~~I.~~ G. The commission shall submit the names of not less  
11 than ~~three~~ EIGHT individuals for nomination for the office of  
12 ~~the~~ superior court judge pursuant to section 37 of this article.

13 ~~J.~~ H. ~~Prior to~~ BEFORE making recommendations to the  
14 governor, the commission shall conduct investigations, hold  
15 public hearings and take public testimony. An executive session  
16 as prescribed by rule may be held upon a two-thirds vote of the  
17 members of the commission in a public hearing. Final decisions  
18 as to recommendations shall be made without regard to political  
19 affiliation in an impartial and objective manner. The  
20 commission shall consider the diversity of the county's  
21 population and the geographical distribution of the residences  
22 of the judges throughout the county, however the primary  
23 consideration shall be merit. Voting shall be in a public  
24 hearing. The expenses of meetings of the commission and the  
25 attendance of members thereof for travel and subsistence shall  
26 be paid from the general fund of the state as state officers are  
27 paid, upon claims approved by the chairman.

28 ~~K.~~ I. After public hearings the supreme court shall  
29 adopt rules of procedure for the commission on trial court  
30 appointments.

31 ~~L. The members of the commission who were appointed~~  
32 ~~pursuant to section 36 of this article prior to the effective~~  
33 ~~date of this section may continue to serve until the expiration~~  
34 ~~of their normal terms. All subsequent appointments shall be~~  
35 ~~made as prescribed by this section.~~

36 42. Retention evaluation of justices and judges;  
37 electronically accessible information;  
38 performance review hearings

39 A. The supreme court shall adopt, after public hearings,  
40 and administer for all justices and judges who file a  
41 declaration to be retained in office, a process, established by  
42 court rules for evaluating judicial performance. The rules  
43 shall include written performance standards and performance  
44 reviews which survey opinions of persons who have knowledge of  
45 the justice's or judge's performance. The public shall be

1           afforded a full and fair opportunity for participation in the  
2           evaluation process through public hearings, dissemination of  
3           evaluation reports to voters and any other methods as the court  
4           deems advisable.

5           B. THE SUPREME COURT SHALL MAKE EVERY WRITTEN OPINION OR  
6           ORDER THAT IS ISSUED BY A JUDGE OF A COURT OF RECORD, THAT  
7           RESOLVES A CONTESTED MATTER OF LAW AND THAT IS NOT SEALED OR  
8           CONFIDENTIAL PURSUANT TO LAW ELECTRONICALLY ACCESSIBLE TO THE  
9           PUBLIC THROUGH THE SUPREME COURT'S WEBSITE.

10          C. NOT LATER THAN SIXTY DAYS PRECEDING THE REGULAR  
11          PRIMARY ELECTION THE SUPREME COURT SHALL TRANSMIT A COPY OF THE  
12          JUDICIAL PERFORMANCE REVIEW OF EACH JUSTICE AND JUDGE WHO IS UP  
13          FOR RETENTION TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF  
14          THE HOUSE OF REPRESENTATIVES. NOT LATER THAN SIXTY DAYS  
15          PRECEDING THE REGULAR GENERAL ELECTION FOR THE RETENTION OF  
16          JUSTICES AND JUDGES, A JOINT LEGISLATIVE COMMITTEE CONSISTING OF  
17          THE SENATE JUDICIARY COMMITTEE AND THE HOUSE OF REPRESENTATIVES  
18          JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, MAY MEET AND  
19          TAKE TESTIMONY ON THE JUSTICES AND JUDGES WHO ARE UP FOR  
20          RETENTION.

21          2. The Secretary of State shall submit this proposition to the voters  
22          at the next general election as provided by article XXI, Constitution of  
23          Arizona.