

REFERENCE TITLE: **judicial elections; term of office**

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SCR 1020

Introduced by
Senator Shooter

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, CONSTITUTION OF ARIZONA, BY ADDING SECTION 26; AMENDING ARTICLE VI, SECTIONS 3, 4, 12, 28, 30 AND 35, CONSTITUTION OF ARIZONA; REPEALING ARTICLE VI, SECTIONS 36, 37 AND 38, CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTION 39, CONSTITUTION OF ARIZONA; REPEALING ARTICLE VI, SECTIONS 40, 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 IV, part 2, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Senate; house of representatives; members; special
7 session on petition of members; congressional and
8 legislative boundaries; citizen commissions

9 Section 1. ~~(1)~~ A. The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established pursuant to this section.

12 B. The house of representatives shall be composed of two
13 members elected from each of the thirty legislative districts
14 established pursuant to this section.

15 ~~(2)~~ C. ~~Upon~~ ON the presentation to the governor of a
16 petition bearing the signatures of not less than two-thirds of
17 the members of each house, ~~requesting a special session of the~~
18 legislature and designating the date of convening, the governor
19 shall promptly call a special session to assemble on the date
20 specified. At a special session so called the subjects which
21 may be considered by the legislature shall not be limited.

22 ~~(3)~~ D. By February 28 of each year that ends in one, an
23 independent redistricting commission shall be established to
24 provide for the redistricting of congressional and state
25 legislative districts. The independent redistricting commission
26 shall consist of five members. No more than two members of the
27 independent redistricting commission shall be members of the
28 same political party. Of the first four members appointed, no
29 more than two shall reside in the same county. Each member shall
30 be a registered Arizona voter who has been continuously
31 registered with the same political party or registered as
32 unaffiliated with a political party for three or more years
33 immediately preceding appointment, ~~AND~~ who is committed to
34 applying the provisions of this section in an honest,
35 independent and impartial fashion and to upholding public
36 confidence in the integrity of the redistricting process.
37 Within the three years previous to appointment, members shall
38 not have been appointed to, elected to, ~~or a candidate for any~~
39 other public office, including precinct committeeman or
40 committeewoman but not including school board member or officer,
41 and shall not have served as an officer of a political party, ~~or~~
42 or served as a registered paid lobbyist or as an officer of a
43 candidate's campaign committee.

44 ~~(4)~~ E. The commission on ~~appellate court~~ INDEPENDENT
45 REDISTRICTING COMMISSION appointments shall nominate candidates

1 for appointment to the independent redistricting commission,
2 except that, if a politically balanced commission exists whose
3 members are nominated by the commission on ~~appellate court~~
4 INDEPENDENT REDISTRICTING COMMISSION appointments and whose
5 regular duties relate to the elective process, the commission on
6 ~~appellate court~~ INDEPENDENT REDISTRICTING COMMISSION
7 appointments may delegate to such existing commission
8 (hereinafter called the commission on ~~appellate court~~
9 INDEPENDENT REDISTRICTING COMMISSION appointments' designee) the
10 duty of nominating members for the independent redistricting
11 commission, and all other duties assigned to the commission on
12 ~~appellate court~~ INDEPENDENT REDISTRICTING COMMISSION
13 appointments in this section.

14 ~~(5)~~ F. By January 8 of years ending in one, the
15 commission on ~~appellate court~~ INDEPENDENT REDISTRICTING
16 COMMISSION appointments or its designee shall establish a pool
17 of persons who are willing to serve on and are qualified for
18 appointment to the independent redistricting commission. The
19 pool of candidates shall consist of twenty-five nominees, with
20 ten nominees from each of the two largest political parties in
21 Arizona based on party registration, and five who are not
22 registered with either of the two largest political parties in
23 Arizona.

24 ~~(6)~~ G. Appointments to the independent redistricting
25 commission shall be made in the order set forth below. No later
26 than January 31 of years ending in one, the highest ranking
27 officer elected by the Arizona house of representatives shall
28 make one appointment to the independent redistricting commission
29 from the pool of nominees, followed by one appointment from the
30 pool made in turn by each of the following: the minority party
31 leader of the Arizona house of representatives, the highest
32 ranking officer elected by the Arizona senate, and the minority
33 party leader of the Arizona senate. Each such official shall
34 have a seven-day period in which to make an appointment. Any
35 official who fails to make an appointment within the specified
36 time period will forfeit the appointment privilege. In the
37 event that there are two or more minority parties within the
38 house or the senate, the leader of the largest minority party by
39 statewide party registration shall make the appointment.

40 ~~(7)~~ H. Any vacancy in the above four independent
41 redistricting commission positions remaining as of March 1 of a
42 year ending in one shall be filled from the pool of nominees by
43 the commission on ~~appellate court~~ INDEPENDENT REDISTRICTING
44 COMMISSION appointments or its designee. The appointing body
45 shall strive for political balance and fairness.

1 ~~(8)~~ I. At a meeting called by the secretary of state,
2 the four independent redistricting commission members shall
3 select by majority vote from the nomination pool a fifth member
4 who shall not be registered with any party already represented
5 on the independent redistricting commission and who shall serve
6 as chair. If the four commissioners fail to appoint a fifth
7 member within fifteen days, the commission on ~~appellate court~~
8 INDEPENDENT REDISTRICTING COMMISSION appointments or its
9 designee, striving for political balance and fairness, shall
10 appoint a fifth member from the nomination pool, who shall serve
11 as chair.

12 ~~(9)~~ J. The five commissioners shall then select by
13 majority vote one of their members to serve as vice-chair.

14 ~~(10)~~ K. After having been served written notice and
15 provided with an opportunity for a response, a member of the
16 independent redistricting commission may be removed by the
17 governor, with the concurrence of two-thirds of the senate, for
18 substantial neglect of duty, gross misconduct in office, or
19 inability to discharge the duties of office.

20 ~~(11)~~ L. If a commissioner or chair does not complete the
21 term of office for any reason, the commission on ~~appellate court~~
22 INDEPENDENT REDISTRICTING COMMISSION appointments or its
23 designee shall nominate a pool of three candidates within the
24 first thirty days after the vacancy occurs. The nominees shall
25 be of the same political party or status as was the member who
26 vacated the office at the time of his or her appointment, and
27 the appointment other than the chair shall be made by the
28 current holder of the office designated to make the original
29 appointment. The appointment of a new chair shall be made by
30 the remaining commissioners. If the appointment of a
31 replacement commissioner or chair is not made within fourteen
32 days following the presentation of the nominees, the commission
33 on ~~appellate court~~ INDEPENDENT REDISTRICTING COMMISSION
34 appointments or its designee shall make the appointment,
35 striving for political balance and fairness. The newly
36 appointed commissioner shall serve out the remainder of the
37 original term.

38 ~~(12)~~ M. Three commissioners, including the chair or
39 vice-chair, constitute a quorum. Three or more affirmative
40 votes are required for any official action. Where a quorum is
41 present, the independent redistricting commission shall conduct
42 business in meetings open to the public, with ~~48~~ FORTY-EIGHT or
43 more hours public notice provided.

44 ~~(13)~~ N. A commissioner, during the commissioner's term
45 of office and for three years thereafter, shall be ineligible

1 for Arizona public office or for registration as a paid
2 lobbyist.

3 ~~(14)~~ 0. The independent redistricting commission shall
4 establish congressional and legislative districts. The
5 commencement of the mapping process for both the congressional
6 and legislative districts shall be the creation of districts of
7 equal population in a grid-like pattern across the state.
8 Adjustments to the grid shall then be made as necessary to
9 accommodate the goals as set forth below:

10 ~~A.~~ 1. Districts shall comply with the United States
11 Constitution and the United States voting rights act. ~~;~~

12 ~~B.~~ 2. Congressional districts shall have equal
13 population to the extent practicable, and state legislative
14 districts shall have equal population to the extent practicable.
15 ~~;~~

16 ~~C.~~ 3. Districts shall be geographically compact and
17 contiguous to the extent practicable. ~~;~~

18 ~~D.~~ 4. District boundaries shall respect communities of
19 interest to the extent practicable. ~~;~~

20 ~~E.~~ 5. To the extent practicable, district lines shall
21 use visible geographic features, city, town and county
22 boundaries, and undivided census tracts. ~~;~~

23 ~~F.~~ 6. To the extent practicable, competitive districts
24 should be favored where to do so would create no significant
25 detriment to the other goals.

26 ~~(15)~~ P. Party registration and voting history data shall
27 be excluded from the initial phase of the mapping process but
28 may be used to test maps for compliance with the above goals.
29 The places of residence of incumbents or candidates shall not be
30 identified or considered.

31 ~~(16)~~ Q. The independent redistricting commission shall
32 advertise a draft map of congressional districts and a draft map
33 of legislative districts to the public for comment, which
34 comment shall be taken for at least thirty days. Either or both
35 bodies of the legislature may act within this period to make
36 recommendations to the independent redistricting commission by
37 memorial or by minority report, which recommendations shall be
38 considered by the independent redistricting commission. The
39 independent redistricting commission shall then establish final
40 district boundaries.

41 ~~(17)~~ R. The provisions regarding this section are
42 self-executing. The independent redistricting commission shall
43 certify to the secretary of state the establishment of
44 congressional and legislative districts.

1 ~~(18)~~ S. ~~Upon~~ ON approval of this amendment, the
2 department of administration or its successor shall make
3 adequate office space available for the independent
4 redistricting commission. The STATE treasurer ~~of the state~~
5 shall make \$6,000,000 available for the work of the independent
6 redistricting commission pursuant to the year 2000 census.
7 Unused monies shall be returned to the ~~state's~~ STATE general
8 fund. In years ending in eight or nine after the year 2001, the
9 department of administration or its successor shall submit to
10 the legislature a recommendation for an appropriation for
11 adequate redistricting expenses and shall make available
12 adequate office space for the operation of the independent
13 redistricting commission. The legislature shall make the
14 necessary appropriations by a majority vote.

15 ~~(19)~~ T. The independent redistricting commission, with
16 fiscal oversight from the department of administration or its
17 successor, shall have procurement and contracting authority and
18 may hire staff and consultants for the purposes of this section,
19 including legal representation.

20 ~~(20)~~ U. The independent redistricting commission shall
21 have standing in legal actions regarding the redistricting plan
22 and the adequacy of resources provided for the operation of the
23 independent redistricting commission. The independent
24 redistricting commission shall have sole authority to determine
25 whether the Arizona attorney general or counsel hired or
26 selected by the independent redistricting commission shall
27 represent the people of Arizona in the legal defense of a
28 redistricting plan.

29 ~~(21)~~ V. Members of the independent redistricting
30 commission are eligible for reimbursement of expenses pursuant
31 to law, and a member's residence is deemed to be the member's
32 post of duty for purposes of reimbursement of expenses.

33 ~~(22)~~ W. Employees of the department of administration or
34 its successor shall not influence or attempt to influence the
35 district-mapping decisions of the independent redistricting
36 commission.

37 ~~(23)~~ X. Each commissioner's duties established by this
38 section expire ~~upon~~ ON the appointment of the first member of
39 the next redistricting commission. The independent
40 redistricting commission shall not meet or incur expenses after
41 the redistricting plan is completed, except if litigation or any
42 government approval of the plan is pending, or to revise
43 districts if required by court decisions or if the number of
44 congressional or legislative districts is changed.

1 2. Article IV, part 2, Constitution of Arizona, is proposed to be
2 amended by adding section 26 as follows if approved by the voters and on
3 proclamation of the Governor:

4 26. Commission on independent redistricting
5 commission appointments; terms, appointments
6 and vacancies on commission

7 Section 26. A. A NONPARTISAN COMMISSION ON INDEPENDENT
8 REDISTRICTING COMMISSION APPOINTMENTS IS ESTABLISHED AND
9 CONSISTS OF THE FOLLOWING MEMBERS:

10 1. THE CHIEF JUSTICE OF THE SUPREME COURT, WHO SHALL BE
11 CHAIRMAN. IN THE EVENT OF THE ABSENCE OR INCAPACITY OF THE
12 CHAIRMAN, THE SUPREME COURT SHALL APPOINT A JUSTICE OF THE
13 SUPREME COURT TO SERVE IN THE CHIEF JUSTICE'S PLACE AND STEAD.

14 2. FIVE ATTORNEY MEMBERS WHO SHALL BE NOMINATED BY THE
15 BOARD OF GOVERNORS OF THE STATE BAR OF ARIZONA AND APPOINTED BY
16 THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE IN THE
17 MANNER PRESCRIBED BY LAW.

18 3. TEN NONATTORNEY MEMBERS WHO SHALL BE APPOINTED BY THE
19 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE IN THE MANNER
20 PRESCRIBED BY LAW. AT LEAST NINETY DAYS BEFORE A TERM EXPIRES
21 OR WITHIN TWENTY-ONE DAYS AFTER A VACANCY OCCURS FOR A
22 NONATTORNEY MEMBER ON THE COMMISSION FOR INDEPENDENT
23 REDISTRICTING COMMISSION APPOINTMENTS, THE GOVERNOR SHALL
24 APPOINT A NOMINATING COMMITTEE OF NINE MEMBERS, NOT MORE THAN
25 FIVE OF WHOM MAY BE FROM THE SAME POLITICAL PARTY. THE MAKEUP
26 OF THE COMMITTEE, TO THE EXTENT FEASIBLE, SHALL REFLECT THE
27 DIVERSITY OF THE POPULATION OF THE STATE. MEMBERS SHALL NOT BE
28 ATTORNEYS AND SHALL NOT HOLD ANY GOVERNMENTAL OFFICE, ELECTIVE
29 OR APPOINTIVE, FOR PROFIT. THE COMMITTEE SHALL PROVIDE PUBLIC
30 NOTICE THAT A VACANCY EXISTS AND SHALL SOLICIT, REVIEW AND
31 FORWARD TO THE GOVERNOR ALL APPLICATIONS ALONG WITH THE
32 COMMITTEE'S RECOMMENDATIONS FOR APPOINTMENT.

33 B. ATTORNEY MEMBERS OF THE COMMISSION SHALL HAVE RESIDED
34 IN THE STATE AND SHALL HAVE BEEN ADMITTED TO PRACTICE BEFORE THE
35 SUPREME COURT FOR NOT LESS THAN FIVE YEARS. NOT MORE THAN THREE
36 ATTORNEY MEMBERS SHALL BE MEMBERS OF THE SAME POLITICAL PARTY
37 AND NOT MORE THAN TWO ATTORNEY MEMBERS SHALL BE RESIDENTS OF ANY
38 ONE COUNTY. NONATTORNEY MEMBERS SHALL HAVE RESIDED IN THE STATE
39 FOR NOT LESS THAN FIVE YEARS AND SHALL NOT BE JUDGES, RETIRED
40 JUDGES OR ADMITTED TO PRACTICE BEFORE THE SUPREME COURT. NOT
41 MORE THAN FIVE NONATTORNEY MEMBERS SHALL BE MEMBERS OF THE SAME
42 POLITICAL PARTY. NOT MORE THAN TWO NONATTORNEY MEMBERS SHALL BE
43 RESIDENTS OF ANY ONE COUNTY. NONE OF THE ATTORNEY OR
44 NONATTORNEY MEMBERS OF THE COMMISSION SHALL HOLD ANY
45 GOVERNMENTAL OFFICE, ELECTIVE OR APPOINTIVE, FOR PROFIT, AND NO

1 ATTORNEY MEMBER SHALL BE ELIGIBLE FOR APPOINTMENT TO ANY
2 JUDICIAL OFFICE OF THE STATE UNTIL ONE YEAR AFTER HE CEASES TO
3 BE A MEMBER.

4 C. MEMBERS OF THE COMMISSION SHALL SERVE STAGGERED
5 FOUR-YEAR TERMS. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED
6 TERMS IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS.

7 D. NO PERSON OTHER THAN THE CHIEF JUSTICE SHALL SERVE AT
8 THE SAME TIME AS A MEMBER OF A JUDICIAL APPOINTMENT COMMISSION.

9 E. IN MAKING OR CONFIRMING APPOINTMENTS TO THE COMMISSION
10 ON INDEPENDENT REDISTRICTING COMMISSION APPOINTMENTS, THE
11 GOVERNOR, THE SENATE AND THE STATE BAR SHALL ENDEAVOR TO SEE
12 THAT THE COMMISSION REFLECTS THE DIVERSITY OF THIS STATE'S
13 POPULATION.

14 F. BEFORE MAKING RECOMMENDATIONS TO THE GOVERNOR, THE
15 COMMISSION SHALL CONDUCT INVESTIGATIONS, HOLD PUBLIC HEARINGS
16 AND TAKE PUBLIC TESTIMONY. AN EXECUTIVE SESSION AS PRESCRIBED
17 BY RULE MAY BE HELD ON A TWO-THIRDS VOTE OF THE MEMBERS OF THE
18 COMMISSION IN A PUBLIC HEARING. FINAL DECISIONS AS TO
19 RECOMMENDATIONS SHALL BE MADE WITHOUT REGARD TO POLITICAL
20 AFFILIATION IN AN IMPARTIAL AND OBJECTIVE MANNER. THE
21 COMMISSION SHALL CONSIDER THE DIVERSITY OF THE STATE'S
22 POPULATION. HOWEVER, THE PRIMARY CONSIDERATION SHALL BE
23 MERIT. VOTING SHALL BE IN A PUBLIC HEARING. THE EXPENSES OF
24 MEETINGS OF THE COMMISSION AND THE ATTENDANCE OF MEMBERS FOR
25 TRAVEL AND SUBSISTENCE SHALL BE PAID FROM THE GENERAL FUND OF
26 THE STATE AS STATE OFFICERS ARE PAID, UPON CLAIMS APPROVED BY
27 THE CHAIRMAN.

28 G. AFTER PUBLIC HEARINGS THE SUPREME COURT SHALL ADOPT
29 RULES OF PROCEDURE FOR THE COMMISSION ON INDEPENDENT
30 REDISTRICTING COMMISSION APPOINTMENTS.

31 H. THE MEMBERS CURRENTLY SERVING ON THE COMMISSION ON
32 APPELLATE COURT APPOINTMENTS BEFORE THE EFFECTIVE DATE OF THIS
33 SECTION MAY CONTINUE TO SERVE AS MEMBERS ON THE COMMISSION ON
34 INDEPENDENT REDISTRICTING COMMISSION APPOINTMENTS UNTIL THE
35 EXPIRATION OF THEIR NORMAL TERMS. ALL SUBSEQUENT APPOINTMENTS
36 SHALL BE MADE AS PRESCRIBED BY THIS SECTION.

37 3. Article VI, sections 3, 4, 12, 28, 30 and 35, Constitution of
38 Arizona, are proposed to be amended as follows if approved by the voters and
39 on proclamation of the Governor:

40 3. Supreme court; administrative supervision; chief
41 justice

42 Section 3. A. The supreme court shall have
43 administrative supervision over all the courts of the state.
44 The chief justice shall be elected by the justices of the
45 supreme court from one of their number for a term of ~~five~~ TWO

1 years, and may be reelected for like terms. The vice chief
2 justice shall be elected by the justices of the supreme court
3 from one of their number for a term determined by the court. A
4 member of the court may resign the office of chief justice or
5 vice chief justice without resigning from the court.

6 B. The chief justice, or in his absence or incapacity,
7 the vice chief justice, shall exercise the court's
8 administrative supervision over all the courts of the state. He
9 may assign judges of intermediate appellate courts, superior
10 courts, ~~or~~ or courts inferior to the superior court to serve in
11 other courts or counties.

12 4. Supreme court; term of office; vacancies and
13 appointments

14 Section 4. A. JUSTICES OF THE SUPREME COURT SHALL BE
15 NOMINATED AND ELECTED BY THE QUALIFIED ELECTORS OF THE STATE AT
16 LARGE IN THE SAME MANNER AS OTHER PARTISAN ELECTIONS. Justices
17 of the supreme court shall hold office for a regular term of ~~six~~
18 TWO years except as provided by this article, FROM AND AFTER THE
19 FIRST MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND
20 UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY. THE NAMES OF
21 ALL CANDIDATES FOR JUSTICE OF THE SUPREME COURT SHALL BE PLACED
22 ON THE REGULAR BALLOT WITH PARTISAN OR OTHER DESIGNATION AND THE
23 COURT AND THE TITLE OF THE OFFICE.

24 B. THE GOVERNOR SHALL FILL ANY VACANCY IN OFFICE BY
25 APPOINTING A PERSON OF THE SAME POLITICAL PARTY AS THE PERSON
26 VACATING THE OFFICE TO SERVE UNTIL THE ELECTION AND
27 QUALIFICATION OF A SUCCESSOR.

28 12. Superior court; term of office; vacancies and
29 appointments

30 Section 12. A. Judges of the superior court ~~in counties~~
31 ~~having a population of less than two hundred fifty thousand~~
32 ~~persons according to the most recent United States census~~ shall
33 be elected by the qualified electors of their counties at the
34 general election. They shall hold office for a regular term of
35 ~~four~~ TWO years except as provided by this section from and after
36 the first Monday in January next succeeding their election, and
37 until their successors are elected and qualify. The names of
38 all candidates for judge of the superior court ~~in such counties~~
39 shall be placed on the regular ballot ~~without~~ WITH partisan or
40 other designation ~~except~~ AND the division and title of the
41 office.

42 B. The governor shall fill any vacancy ~~in such counties~~
43 by appointing a person OF THE SAME POLITICAL PARTY AS THE PERSON
44 VACATING THE OFFICE to serve until the election and
45 qualification of a successor. ~~At the next succeeding general~~

~~election following the appointment of a person to fill a vacancy, a judge shall be elected to serve for the remainder of the unexpired term.~~

~~Judges of the superior court in counties having a population of two hundred fifty thousand persons or more according to the most recent United States census shall hold office for a regular term of four years except as provided by this article.~~

28. Justices and judges; dual office holding; political activity; practice of law

Section 28. Justices and judges of courts of record shall not be eligible for any other public office or for any other public employment during their term of office, except that they may assume another judicial office, and upon qualifying therefor, the office formerly held shall become vacant. No justice or judge of any court of record shall practice law during his continuance in office, nor shall he hold any office in a political party or actively take part in any political campaign other than his own for his reelection ~~or retention~~ in office. Any justice or judge who files nomination papers for an elective office, other than for ~~judge of the superior court or a court of record inferior to the superior court in a county having a population of less than two hundred fifty thousand persons according to the most recent United States census~~ **REELECTION**, forfeits his judicial office.

30. Courts of record

Section 30. ~~A.~~ The supreme court, the court of appeals and the superior court shall be courts of record. Other courts of record may be established by law, but justice courts shall not be courts of record.

~~B. All justices and judges of courts of record, except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than two hundred fifty thousand persons according to the most recent United States census, shall be appointed in the manner provided in section 37 of this article.~~

35. Continuance in office; continued existence of offices; application of prior statute and rules

Section 35. ~~A.~~ All justices, judges, justices of the peace and officers of any court who are holding office as such by election or appointment at the time of the adoption of this section **OR ANY AMENDMENT TO THIS SECTION** shall serve or continue in office for the respective terms for which they are so elected or for their respective unexpired terms, and until their successors are elected ~~or appointed~~ and qualify ~~or they are~~

1 ~~retained in office pursuant to section 38 of this article;~~
2 ~~provided, however,~~ EXCEPT that any justice or judge elected at
3 the general election at which this section is adopted shall
4 serve for the term for which he is so elected. The continued
5 existence of any office heretofore legally established or held
6 shall not be abolished or repealed by the adoption of this
7 article. The statutes and rules relating to the authority,
8 jurisdiction, practice and procedure of courts, judicial
9 officers and offices in force at the time of the adoption of
10 this article and not inconsistent herewith, shall, so far as
11 applicable, apply to and govern such courts, judicial officers
12 and offices until amended or repealed.

13 ~~B. All judges of the superior court holding office by~~
14 ~~appointment or retention in counties with a population of two~~
15 ~~hundred fifty thousand persons or more according to the most~~
16 ~~recent United States census at the time of the adoption of this~~
17 ~~amendment to this section shall serve or continue in office for~~
18 ~~the respective terms for which they were appointed. Upon an~~
19 ~~incumbent vacating the office of judge of the superior court,~~
20 ~~whether by failing to file a declaration for retention, by~~
21 ~~rejection by the qualified electors of the county or~~
22 ~~resignation, the appointment shall be pursuant to section 37 of~~
23 ~~this article.~~

24 4. Article VI, sections 36, 37 and 38, Constitution of Arizona, are
25 proposed to be repealed as follows if approved by the voters and on
26 proclamation of the Governor:

27 Article VI, section 36, Constitution of Arizona, relating
28 to the commission on appellate court appointments, is repealed.

29 Article VI, section 37, Constitution of Arizona, relating
30 to judicial vacancies and appointments, is repealed.

31 Article VI, section 38, Constitution of Arizona, relating
32 to the declaration of candidacy to be retained in office, is
33 repealed.

34 5. Article VI, section 39, Constitution of Arizona, is proposed to be
35 amended as follows if approved by the voters and on proclamation of the
36 Governor:

37 39. Retirement of justices and judges; vacancies

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

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

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

10 6. Article VI, sections 40, 41 and 42, Constitution of Arizona, are
11 proposed to be repealed as follows if approved by the voters and on
12 proclamation of the Governor:

13 Article VI, section 40, Constitution of Arizona, relating
14 to the option of certain counties in selecting judges, is
15 repealed.

16 Article VI, section 41, Constitution of Arizona, relating
17 to the commission on trial court appointments, is repealed.

18 Article VI, section 42, Constitution of Arizona, relating
19 to retention evaluation of justices and judges, is repealed.

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