

Senate Engrossed

justices; judges; mandatory retirement age

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE CONCURRENT RESOLUTION 1040

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 20 AND 39, CONSTITUTION OF ARIZONA; RELATING TO JUSTICES AND JUDGES.

(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, section 20, Constitution of Arizona, is proposed to
4 be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 20. Retirement and service of retired justices and
7 judges

8 Section 20. The legislature shall prescribe by law a
9 plan of retirement for justices and judges of courts of
10 record, including the basis and amount of retirement pay, and
11 requiring except as provided in section 35 of this article,
12 that justices and judges of courts of record be retired ~~upon~~
13 ~~ON~~ reaching the age of ~~seventy~~ SEVENTY-FIVE. Any retired
14 justice or judge of any court of record who is drawing
15 retirement pay may serve as a justice or judge of any
16 court. When serving outside his county of residence, any such
17 retired justice or judge shall receive his necessary traveling
18 and subsistence expenses. A retired judge who is temporarily
19 called back to the active duties of a judge is entitled to
20 receive the same compensation and expenses as other like
21 active judges less any amount received for such period in
22 retirement benefits.

23 2. Article VI, section 39, Constitution of Arizona, is proposed to
24 be amended as follows if approved by the voters and on proclamation of the
25 Governor:

26 39. Retirement of justices and judges; vacancies

27 Section 39. A. On attaining ~~the age of seventy~~
28 SEVENTY-FIVE years OF AGE a justice or judge of a court of
29 record shall retire and ~~his~~ THAT judicial office shall be
30 vacant, except as otherwise provided in section 35 of this
31 article. In addition to becoming vacant as provided in this
32 section, the office of a justice or judge of any court of
33 record becomes vacant ~~upon~~ ON his death or his voluntary
34 retirement pursuant to statute or his voluntary resignation,
35 and also, as provided in section 38 of this article, ~~upon~~ ON
36 the expiration of his term next following a general election
37 at which a majority of those voting on the question of his
38 retention vote in the negative or for which general election
39 he is required, but fails, to file a declaration of his desire
40 to be retained in office.

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

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