

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HOUSE BILL 2600

AN ACT

AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 23; RELATING TO JUDICIAL VACANCIES AND APPOINTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, Arizona Revised Statutes, is amended by adding  
3 chapter 23, to read:

4 CHAPTER 23

5 JUDICIAL VACANCIES AND APPOINTMENTS

6 ARTICLE 1. GENERAL PROVISIONS

7 12-3151. Nominations; commissions on trial and appellate court  
8 appointments; voting records

9 A. IF THE COMMISSION ON APPELLATE COURT APPOINTMENTS IS REQUIRED TO  
10 FILL A VACANCY IN THE OFFICE OF A JUSTICE OR JUDGE OF THE SUPREME COURT OR AN  
11 INTERMEDIATE APPELLATE COURT OF RECORD PURSUANT TO ARTICLE 6, SECTION 37,  
12 CONSTITUTION OF ARIZONA, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR THE  
13 NAMES OF AT LEAST FIVE PERSONS NOMINATED BY IT TO FILL THE VACANCY, EXCEPT  
14 THAT ON A TWO-THIRDS VOTE, THE COMMISSION MAY REJECT AN APPLICANT AND SUBMIT  
15 FEWER THAN FIVE NAMES. IF THE COMMISSION SUBMITS FIVE OR MORE NOMINEES, NOT  
16 MORE THAN SIXTY PER CENT OF THE NOMINEES SHALL BE FROM THE SAME POLITICAL  
17 PARTY. IF THE COMMISSION SUBMITS FEWER THAN FIVE NOMINEES, NO MORE THAN TWO  
18 NOMINEES MAY BE FROM THE SAME POLITICAL PARTY.

19 B. IF THE COMMISSION ON TRIAL COURT APPOINTMENTS IS REQUIRED TO FILL A  
20 VACANCY IN THE OFFICE OF A JUDGE OF THE SUPERIOR COURT OR A JUDGE OF A COURT  
21 OF RECORD INFERIOR TO THE SUPERIOR COURT EXCEPT FOR VACANCIES OCCURRING IN  
22 THE OFFICE OF A JUDGE OF THE SUPERIOR COURT OR A JUDGE OF A COURT OF RECORD  
23 INFERIOR TO THE SUPERIOR COURT IN A COUNTY HAVING A POPULATION OF LESS THAN  
24 TWO HUNDRED FIFTY THOUSAND PERSONS PURSUANT TO ARTICLE 6, SECTION 37,  
25 CONSTITUTION OF ARIZONA, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR THE  
26 NAMES OF AT LEAST FIVE PERSONS NOMINATED BY IT TO FILL THE VACANCY, EXCEPT  
27 THAT ON A TWO-THIRDS VOTE, THE COMMISSION MAY REJECT AN APPLICANT AND SUBMIT  
28 FEWER THAN FIVE NAMES. IF THE COMMISSION SUBMITS FIVE OR MORE NOMINEES, NOT  
29 MORE THAN SIXTY PER CENT OF THE NOMINEES SHALL BE FROM THE SAME POLITICAL  
30 PARTY. IF THE COMMISSION SUBMITS FEWER THAN FIVE NOMINEES, NO MORE THAN TWO  
31 NOMINEES MAY BE FROM THE SAME POLITICAL PARTY.

32 C. THE VOTING RECORDS OF ALL MEMBERS OF THE COMMISSION ON APPELLATE  
33 COURT APPOINTMENTS AND THE COMMISSION ON TRIAL COURT APPOINTMENTS SHALL BE  
34 RECORDED IN THE MINUTES AND MADE PUBLIC. A VOTING RECORD SHALL INCLUDE HOW  
35 EACH INDIVIDUAL COMMISSIONER VOTED.

36 Sec. 2. Severability

37 If a provision of this act or its application to any person or  
38 circumstance is held invalid, the invalidity does not affect other provisions  
39 or applications of the act that can be given effect without the invalid  
40 provision or application, and to this end the provisions of this act are  
41 severable.