

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

CHAPTER 62
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.

APPROVED BY THE GOVERNOR APRIL 5, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2013.