



ARIZONA STATE SENATE

Fifty-Sixth Legislature, Second Regular Session

AMENDED FACT SHEET FOR S.C.R. 1044

judicial retention elections

Purpose

Subject to voter approval, retroactive to November 1, 2025, constitutionally replaces term limits for Arizona Supreme Court justices, intermediate appellate court and superior court judges with terms of good behavior and outlines conditions that require a vote of retention for a justice or judge. Requires an intermediate appellate court judge who is subject to a vote of retention to be elected on a statewide basis.

Background

The regular term of a justice of the Arizona Supreme Court (Supreme Court) is six years and the regular term of a judge of the superior court in a county with a population of more than 250,000 persons is four years. Between 60 and 90 days before the regular general election preceding the end of a justice or judge's term, the justice or judge must file a declaration of desire to be retained in office with the Secretary of State or the appropriate county board of supervisors for counties with a population of fewer than 250,000 persons. The name of any justice or judge whose declaration is filed as outlined must be placed on the appropriate official ballot at the next regular general election. A judicial vacancy occurs on the expiration of a justice or judge's term if the justice or judge does not file a declaration of desire to remain in office or upon retirement, resignation or death of the justice or judge ([Ariz. Const. art.6](#)).

The Supreme Court must adopt and administer a process, established by court rules, for evaluating judicial performance for all justices and judges who file a declaration to be retained in office. The rules must include written performance standards and performance reviews which survey opinions of persons who have knowledge of the justice's or judge's performance. The public must be afforded a full and fair opportunity for participation in the evaluation process through public hearings, dissemination of evaluation reports to voters and any other methods as the court deems advisable. On recommendation of the Arizona Commission on Judicial Conduct (Commission), or on its own motion, the Supreme Court may suspend a judge from office without salary if the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony in Arizona or under federal law, or of any other crime that involves moral turpitude. If the conviction is reversed the suspension terminates. If the conviction becomes final, the Supreme Court must remove the judge from office ([Ariz. Const. art.6 § 42](#) and [Ariz. Const. art.6.1 § 3](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows Supreme Court justices to hold office during good behavior, rather than for a regular term of six years.
2. Allows intermediate appellate court judges to hold office during good behavior, rather than for a regular term of six years.
3. Allows superior court judges in counties with a population of at least 250,000 persons to hold office during good behavior, rather than for a regular term of four years.
4. Subjects a justice of the Supreme Court, judge of an intermediate appellate court or judge of a superior court to a vote of retention based on:
 - a) a conviction of a felony offense;
 - b) a conviction of any crime involving fraud or dishonesty;
 - c) an initiation of personal bankruptcy proceedings in which the justice or judge is a debtor;
 - d) a foreclosure of any mortgage for which the justice or judge is a mortgagor; or
 - e) a determination that the justice or judge does not meet judicial performance standards.
5. Requires an intermediate appellate court judge who is subject to a vote of retention to be elected on a statewide basis by all eligible registered voters within Arizona.
6. Requires a justice or judge, who is subject to a retention vote, to file a declaration to be retained with the appropriate office as outlined.
7. Requires the declaration to be submitted between 60 and 90 days before the regular general election that occurs after the event subjecting the justice or judge to a vote of retention.
8. Specifies that, if the event that subjects the justice or judge to voter retention occurs less than 120 days before the general election, then the declaration must be submitted between 60 and 90 days before the next regular general election.
9. Specifies the Arizona Supreme Court rules relating to the evaluation of judicial performance applies only to:
 - a) superior court judges in counties with populations of 250,000 persons or more; and
 - b) superior court judges in counties with populations less than 250,000 persons if the county elects its judges for retention in the same manner as prescribed for counties over the 250,000 population threshold.
10. Requires the Chief Justice of the Supreme Court (Chief Justice) to determine if a justice or judge is subject to retention, unless an event requires the Chief Justice to be subject to a vote of retention, then the determination must be made by the Vice Chief Justice.
11. Requires the Chief Justice, within 120 days before a general election, to provide the SOS with a list of all justices or judges who are subject to a vote of retention.
12. Determines that if the majority of voters vote no on a retention question a vacancy in judicial office exists on January 1 of the year following the general election.

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13. Requires the Supreme Court rules regarding judicial performance evaluations to specify that each justice or judge must be evaluated at least every four years.
14. Prohibits the returns of any votes of retention or rejection from being included in the November 5, 2024, general election official canvass and the issuance of any certificate of retention or rejection.
15. Makes technical and conforming changes.
16. Becomes effective if approved by the voters and on proclamation of the Governor, retroactive to November 1, 2025.

Amendments Adopted by Committee

1. Adds the requirement that an intermediate appellate court judge be elected on a statewide basis if subject to a vote of retention.
2. Modifies the list of conditions that subject a justice or judge to a vote of retention.

Amendments Adopted by Committee of the Whole

1. Adds that an intermediate appellate court judge must hold office during good behavior rather than a regular term.
2. Modifies the applicability of the Arizona Supreme Court evaluation of judicial performance.

Senate Action

ELEC 2/15/24 DPA 4-3-1

Prepared by Senate Research

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AN/KS/cs