

REFERENCE TITLE: **judicial elections**

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SCR 1019

Introduced by
Senator Finchem

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 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)

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article VI, section 4, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

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

Section 4. A. JUSTICES OF THE SUPREME COURT SHALL BE NOMINATED AND ELECTED BY THE QUALIFIED ELECTORS OF THE STATE AT LARGE IN THE SAME MANNER AS OTHER NONPARTISAN ELECTIONS. Justices of the supreme court shall hold office for a regular term of six years, except as provided by this article, FROM AND AFTER THE FIRST MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY. THE NAMES OF ALL CANDIDATES FOR JUSTICE OF THE SUPREME COURT SHALL BE PLACED ON THE BALLOT WITH OTHER NONPARTISAN OFFICES AND THE NAME OF THE COURT AND THE TITLE OF THE OFFICE.

B. THE GOVERNOR SHALL FILL ANY VACANCY IN OFFICE BY APPOINTING A PERSON TO SERVE UNTIL THE ELECTION AND QUALIFICATION OF A SUCCESSOR. AT THE NEXT SUCCEEDING NOVEMBER ELECTION IN AN ODD-NUMBERED YEAR FOLLOWING THE APPOINTMENT OF A PERSON TO FILL A VACANCY, A JUSTICE SHALL BE ELECTED TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

2. Article VI, section 12, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

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

Section 12. A. Judges of 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 elected by the qualified electors of their counties at the ~~general~~ NOVEMBER election IN AN ODD-NUMBERED YEAR. They shall hold office for a regular term of four years except as provided by this section from and after the first Monday in January next succeeding their election, and until their successors are elected and qualify. The names of all candidates for judge of the superior court ~~in such counties~~ shall be placed on the regular ballot without partisan or other designation except the division and title of the office.

B. The governor shall fill any vacancy ~~in such counties~~ by appointing a person to serve until the election and qualification of a successor. At the next succeeding ~~general~~ NOVEMBER election IN AN ODD-NUMBERED YEAR following the

1 appointment of a person to fill a vacancy, a judge shall be
2 elected to serve for the remainder of the unexpired term.

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

8 3. Article VI, section 28, Constitution of Arizona, is proposed to
9 be amended as follows if approved by the voters and on proclamation of the
10 Governor:

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

13 Section 28. Justices and judges of courts of record
14 shall not be eligible for any other public office or for any
15 other public employment during their term of office, except
16 that they may assume another judicial office, and upon
17 qualifying therefor, the office formerly held shall become
18 vacant. No justice or judge of any court of record shall
19 practice law during ~~his~~ THE JUSTICE'S OR JUDGE'S continuance
20 in office, nor shall ~~he~~ THE JUSTICE OR JUDGE hold any office
21 in a political party or actively take part in any political
22 campaign other than ~~his~~ THE JUSTICE'S OR JUDGE'S own for ~~his~~
23 THE JUSTICE'S OR JUDGE'S reelection ~~or retention~~ in office.
24 Any justice or judge who files nomination papers for an
25 elective office, other than for ~~judge of the superior court or~~
26 ~~a court of record inferior to the superior court in a county~~
27 ~~having a population of less than two hundred fifty thousand~~
28 ~~persons according to the most recent United States census~~ THE
29 JUSTICE'S OR JUDGE'S OWN OFFICE, forfeits ~~his~~ THAT judicial
30 office.

31 4. Article VI, section 30, Constitution of Arizona, is proposed to
32 be amended as follows if approved by the voters and on proclamation of the
33 Governor:

34 30. Courts of record

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

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

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

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

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

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

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

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

1 Article VI, section 38, Constitution of Arizona,
2 relating to the declaration of candidacy to be retained in
3 office, is repealed.

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

7 39. Retirement of justices and judges; vacancies

8 Section 39. A. On attaining the age of seventy years a
9 justice or judge of a court of record shall retire and his
10 judicial office shall be vacant, except as otherwise provided
11 in section 35 of this article. In addition to becoming vacant
12 as provided in this section, the office of a justice or judge
13 of any court of record becomes vacant ~~upon his~~ ON THE
14 JUSTICE'S OR JUDGE'S death or ~~his~~ THE JUSTICE'S OR JUDGE'S
15 voluntary retirement pursuant to statute or ~~his~~ THE JUSTICE'S
16 OR JUDGE'S voluntary resignation, ~~and also, as provided in~~
17 ~~section 38 of this article, upon the expiration of his term~~
18 ~~next following a general election at which a majority of those~~
19 ~~voting on the question of his retention vote in the negative~~
20 ~~or for which general election he is required, but fails, to~~
21 ~~file a declaration of his desire to be retained in office.~~

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

26 8. Article VI, sections 40, 41 and 42, Constitution of Arizona, are
27 proposed to be repealed as follows if approved by the voters and on
28 proclamation of the Governor:

29 Article VI, section 40, Constitution of Arizona,
30 relating to the option of certain counties in selecting
31 judges, is repealed.

32 Article VI, section 41, Constitution of Arizona,
33 relating to the commission on trial court appointments, is
34 repealed.

35 Article VI, section 42, Constitution of Arizona,
36 relating to retention evaluation of justices and judges, is
37 repealed.

38 9. The Secretary of State shall submit this proposition to the
39 voters at the next general election as provided by article XXI,
40 Constitution of Arizona.