

REFERENCE TITLE: judges; retention elections; filing deadlines

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

## SCR 1026

Introduced by  
Senator Shope

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTION 38, CONSTITUTION OF ARIZONA; RELATING TO RETENTION ELECTIONS OF JUSTICES AND JUDGES.

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

38. Declaration of candidacy; form of judicial ballot, rejection and retention; failure to file declaration

Section 38. A. A justice or judge of the supreme court or an intermediate appellate court shall file in the office of the secretary of state, and a judge of the superior court or other court of record including such justices or judges who are holding office as such by election or appointment at the time of the adoption of this section except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than two hundred fifty thousand persons, according to the United States census, shall file in the office of the clerk of the board of supervisors of the county in which ~~he~~ THE JUSTICE OR JUDGE regularly sits and resides, not less than ~~sixty~~ NINETY nor more than ~~ninety~~ ONE HUNDRED TWENTY days ~~prior to~~ BEFORE the regular general election next preceding the expiration of ~~his~~ THE JUSTICE'S term of office, a declaration of ~~his~~ THE JUSTICE'S desire to be retained in office, and the secretary of state shall certify to the several boards of supervisors the appropriate names of the candidate or candidates appearing on such declarations filed in ~~his~~ OR JUDGE'S office.

B. The name of any justice or judge whose declaration is filed as provided in this section shall be placed on the appropriate official ballot at the next regular general election under a nonpartisan designation and in substantially the following form:

Shall \_\_\_\_\_, (Name of justice or judge) of the \_\_\_\_\_ court be retained in office? Yes \_\_\_ No \_\_\_ (Mark X after one).

C. If a majority of those voting on the question votes "No," then, ~~upon~~ ON the expiration of the term for which such justice or judge was serving, a vacancy shall exist, which shall be filled as provided by this article. If a majority of those voting on the question votes "Yes," such justice or judge shall remain in office for another term, subject to removal as provided by this constitution.

D. The votes shall be counted and canvassed and the result declared as in the case of state and county elections, whereupon a certificate of retention or rejection of the

1 incumbent justice or judge shall be delivered to ~~him~~ THE  
2 INCUMBENT JUSTICE OR JUDGE by the secretary of state or the  
3 clerk of the board of supervisors, as the case may be.

4 E. If a justice or judge fails to file a declaration of  
5 ~~his~~ THE JUSTICE'S OR JUDGE'S desire to be retained in office,  
6 as required by this section, then ~~his~~ THE JUSTICE'S OR JUDGE'S  
7 office shall become vacant ~~upon~~ ON expiration of the term for  
8 which such justice or judge was serving.

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