

REFERENCE TITLE: election; superior court judges; districts

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SCR 1034

Introduced by
Senator Farnsworth

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 12, 28, 30, 35, 37 AND 38, CONSTITUTION OF ARIZONA; REPEALING ARTICLE VI, SECTIONS 40 AND 41, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

6 12. Superior court judges; election; term of
7 office; vacancy

8 Section 12. A. ~~Judges of the superior court~~ In
9 counties having a population of less than two hundred fifty
10 thousand persons according to the most recent United States
11 census, JUDGES OF THE SUPERIOR COURT shall be elected by the
12 qualified electors of their counties at the general election.
13 ~~They~~ SUPERIOR COURT JUDGES shall hold office for a regular
14 term of four years except as provided by this section from and
15 after the first Monday in January next succeeding their
16 election, and until their successors are elected and qualify.
17 The names of all candidates for judge of the superior court in
18 ~~such~~ THESE counties shall be placed on the regular ballot
19 without partisan or other designation except the division and
20 title of the office.

21 B. IN COUNTIES HAVING A POPULATION OF TWO HUNDRED FIFTY
22 THOUSAND PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED
23 STATES CENSUS, JUDGES OF THE SUPERIOR COURT SHALL BE ELECTED
24 FROM JUDICIAL DISTRICTS THAT SHALL BE THE SAME AS LEGISLATIVE
25 DISTRICTS ESTABLISHED PURSUANT TO ARTICLE IV, PART 2,
26 SECTION 1. THE QUALIFIED ELECTORS IN EACH OF THE JUDICIAL
27 DISTRICTS SHALL ELECT JUDGES OF THE SUPERIOR COURT IN THESE
28 COUNTIES. EACH ELECTED JUDGE SHALL RESIDE IN THE JUDICIAL
29 DISTRICT FROM WHICH THE JUDGE IS ELECTED. SUPERIOR COURT
30 JUDGES SHALL HOLD OFFICE FOR A REGULAR TERM OF FOUR YEARS
31 EXCEPT AS PROVIDED BY THIS SECTION FROM AND AFTER THE FIRST
32 MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND UNTIL
33 THEIR SUCCESSORS ARE ELECTED AND QUALIFY. THE NAMES OF ALL
34 CANDIDATES FOR JUDGE OF THE SUPERIOR COURT IN THESE COUNTIES
35 SHALL BE PLACED ON THE REGULAR BALLOT WITHOUT PARTISAN OR
36 OTHER DESIGNATION EXCEPT THE DIVISION AND TITLE OF THE OFFICE.

37 ~~B.~~ C. The governor shall fill any vacancy in ~~such~~
38 ~~counties~~ THE OFFICE OF SUPERIOR COURT JUDGE by appointing a
39 person to serve until the election and qualification of a
40 successor. At the next succeeding general election following
41 the appointment of a person to fill a vacancy, a judge shall
42 be elected to serve for the remainder of the unexpired term.

43 ~~Judges of the superior court in counties having a~~
44 ~~population of two hundred fifty thousand persons or more~~
45 ~~according to the most recent United States census shall hold~~

1 ~~office for a regular term of four years except as provided by~~
2 ~~this article.~~

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

6 28. Justices and judges; dual office holding;
7 political activity; practice of law

8 Section 28. Justices and judges of courts of record
9 shall not be eligible for any other public office or for any
10 other public employment during their term of office, except
11 that they may assume another judicial office, and ~~upon~~ ON
12 qualifying therefor, the office formerly held shall become
13 vacant. ~~No~~ A justice or judge of any court of record shall
14 NOT practice law during his continuance in office, ~~nor~~ AND
15 shall ~~he~~ NOT hold any office in a political party or actively
16 take part in any political campaign other than his own for his
17 reelection or retention in office. Any justice or judge who
18 files nomination papers for an elective office, other than for
19 judge of the superior court or a court of record inferior to
20 the superior court ~~in a county having a population of less~~
21 ~~than two hundred fifty thousand persons according to the most~~
22 ~~recent United States census~~, forfeits his judicial office.

23 3. Article VI, section 30, Constitution of Arizona, is proposed to
24 be amended as follows if approved by the voters and on proclamation of the
25 Governor:

26 30. Courts of record

27 Section 30. A. The supreme court, the court of appeals
28 and the superior court shall be courts of record. Other
29 courts of record may be established by law, but justice courts
30 shall not be courts of record.

31 B. All justices and judges of courts of record, except
32 for judges of the superior court and other courts of record
33 inferior to the superior court ~~in counties having a population~~
34 ~~of less than two hundred fifty thousand persons according to~~
35 ~~the most recent United States census~~, shall be appointed in
36 the manner provided in section 37 of this article.

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

40 35. Continuance in office; continued existence of
41 offices; application of prior statute and
42 rules

43 Section 35. ~~All~~ All justices, judges, justices of the
44 peace and officers of any court who are holding office as such
45 by election or appointment at the time of the adoption of this

1 section OR ANY AMENDMENT TO THIS SECTION shall serve or
 2 continue in office for the respective terms for which they are
 3 so elected or for their respective unexpired terms, and until
 4 their successors are elected or appointed and qualify or they
 5 are retained in office pursuant to section 38 of this
 6 article; ~~provided, however,~~ EXCEPT that any justice or judge
 7 elected at the general election at which this section is
 8 adopted shall serve for the term for which ~~he~~ THE JUSTICE OR
 9 JUDGE is so elected. The continued existence of any office
 10 heretofore legally established or held shall not be abolished
 11 or repealed by the adoption of this article. The statutes and
 12 rules relating to the authority, jurisdiction, practice and
 13 procedure of courts, judicial officers and offices in force at
 14 the time of the adoption of this article and not inconsistent
 15 herewith, shall, so far as applicable, apply to and govern
 16 such courts, judicial officers and offices until amended or
 17 repealed.

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

29 5. Article VI, section 37, Constitution of Arizona, is proposed to
 30 be amended as follows if approved by the voters and on proclamation of the
 31 Governor:

32 37. Judicial vacancies and appointments; residence;
 33 age

34 Section 37. A. Within sixty days ~~from~~ AFTER the
 35 occurrence of a vacancy in the office of a SUPREME COURT
 36 justice or AN APPELLATE COURT judge ~~of any court of record,~~
 37 ~~except for vacancies occurring in the office of a judge of the~~
 38 ~~superior court or a judge of a court of record inferior to the~~
 39 ~~superior court,~~ the commission on appellate court
 40 appointments, ~~if the vacancy is in the supreme court or an~~
 41 ~~intermediate appellate court of record,~~ shall submit to the
 42 governor the names of not less than three persons nominated by
 43 ~~it~~ THE COMMISSION to fill such vacancy, ~~no~~ NOT more than two
 44 of whom shall be members of the same political party unless
 45 there are more than four such nominees, in which event not

1 more than sixty ~~percentum~~ PERCENT of such nominees shall be
 2 members of the same political party.

3 ~~B. Within sixty days from the occurrence of a vacancy~~
 4 ~~in the office of a judge of the superior court or a judge of a~~
 5 ~~court of record inferior to the superior court except for~~
 6 ~~vacancies occurring in the office of a judge of the superior~~
 7 ~~court or a judge of a court of record inferior to the superior~~
 8 ~~court in a county having a population of less than two hundred~~
 9 ~~fifty thousand persons according to the most recent United~~
 10 ~~States census, the commission on trial court appointments for~~
 11 ~~the county in which the vacancy occurs shall submit to the~~
 12 ~~governor the names of not less than three persons nominated by~~
 13 ~~it to fill such vacancy, no more than two of whom shall be~~
 14 ~~members of the same political party unless there are more than~~
 15 ~~four such nominees, in which event no more than sixty per~~
 16 ~~centum of such nominees shall be members of the same political~~
 17 ~~party. A nominee shall be under sixty-five years of age at~~
 18 ~~the time his name is submitted to the governor. Judges of the~~
 19 ~~superior court shall be subject to retention or rejection by a~~
 20 ~~vote of the qualified electors of the county from which they~~
 21 ~~were appointed at the general election in the manner provided~~
 22 ~~by section 38 of this article.~~

23 ~~6.~~ B. A vacancy in the office of a SUPREME COURT
 24 justice or ~~a~~ AN APPELLATE COURT judge ~~of such courts of~~
 25 ~~record~~ shall be filled by appointment by the governor without
 26 regard to political affiliation from one of the nominees whose
 27 names ~~shall be~~ ARE submitted to ~~him~~ THE GOVERNOR as
 28 hereinabove provided. In making the appointment, the governor
 29 shall consider the diversity of the state's population for an
 30 appellate court appointment ~~and the diversity of the county's~~
 31 ~~population for a trial court appointment~~, however the primary
 32 consideration shall be merit. If the governor does not
 33 appoint one of such nominees to fill such vacancy within sixty
 34 days after their names are submitted to the governor by ~~such~~
 35 THE commission, the chief justice of the supreme court
 36 forthwith shall appoint on the basis of merit alone without
 37 regard to political affiliation one of such nominees to fill
 38 such vacancy. If ~~such~~ THE commission ON APPELLATE COURT
 39 APPOINTMENTS does not, within sixty days after such vacancy
 40 occurs, submit the names of nominees as hereinabove provided,
 41 the governor shall have the power to appoint any qualified
 42 person to fill ~~such~~ THE vacancy at any time thereafter ~~prior~~
 43 ~~to~~ BEFORE the time the names of the nominees to fill ~~such~~ THE
 44 vacancy are submitted to the governor as hereinabove provided.
 45 ~~Each justice or judge so appointed shall initially hold office~~

~~for a term ending sixty days following the next regular general election after the expiration of a term of two years in office. Thereafter, the terms of justices or judges of the supreme court and the superior court shall be as provided by this article.~~

~~D.~~ C. A person WHO IS appointed to fill a vacancy on an intermediate appellate court or another court of record now existing or hereafter established by law shall have been a resident of the counties or county in which that vacancy exists for at least one year ~~prior to his~~ BEFORE THE PERSON'S appointment, in addition to possessing the other required qualifications. A nominee shall be under sixty-five years of age at the time ~~his~~ THE NOMINEE'S name is submitted to the governor.

6. 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. ~~ANY~~ 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 regularly sits and resides,~~ not less than sixty nor more than ninety days ~~prior to~~ BEFORE the regular general election next preceding the expiration of ~~his~~ THE JUSTICE'S OR JUDGE'S term of office, a declaration of ~~his~~ THE JUSTICE'S OR JUDGE'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~~ THE SECRETARY OF STATE'S office.

B. The name of any SUPREME COURT justice or APPELLATE COURT 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:

1 Shall _____, (Name of SUPREME COURT justice or
2 APPELLATE COURT judge) of the _____ court be retained in
3 office? Yes ___ No ___ (Mark X after one).

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

12 D. The votes shall be counted and canvassed and the
13 result declared as in the case of state and county elections,
14 whereupon a certificate of retention or rejection of the
15 incumbent SUPREME COURT justice or APPELLATE COURT judge shall
16 be delivered to ~~him~~ THE INCUMBENT by the secretary of state ~~or~~
17 ~~the clerk of the board of supervisors, as the case may be.~~

18 E. If a SUPREME COURT justice or APPELLATE COURT judge
19 fails to file a declaration of ~~his~~ THE JUSTICE'S OR JUDGE'S
20 desire to be retained in office, as required by this section,
21 ~~then his~~ THE JUSTICE'S OR JUDGE'S office shall become vacant
22 ~~upon~~ ON expiration of the term for which ~~such~~ THE justice or
23 judge was serving.

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

27 (a) Article VI, section 40, Constitution of Arizona,
28 relating to options to select judges for counties with less
29 than two hundred fifty thousand persons, is repealed.

30 (b) Article VI, section 41, Constitution of Arizona,
31 relating to the commission on trial court appointments, is
32 repealed.

33 8. The Secretary of State shall submit this proposition to the
34 voters at the next general election as provided by article XXI,
35 Constitution of Arizona.