

REFERENCE TITLE: justices; judges; mandatory retirement age

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

## **SCR 1040**

Introduced by  
Senator Shope

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 20 AND 39, CONSTITUTION OF ARIZONA; RELATING TO JUSTICES AND JUDGES.

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

6 20. Retirement and service of retired justices and  
7 judges

8 Section 20. The legislature shall prescribe by law a  
9 plan of retirement for justices and judges of courts of  
10 record, including the basis and amount of retirement pay, and  
11 requiring except as provided in section 35 of this article,  
12 that justices and judges of courts of record be retired ~~upon~~  
13 ~~ON~~ reaching the age of ~~seventy~~ SEVENTY-FIVE. Any retired  
14 justice or judge of any court of record who is drawing  
15 retirement pay may serve as a justice or judge of any  
16 court. When serving outside his county of residence, any such  
17 retired justice or judge shall receive his necessary traveling  
18 and subsistence expenses. A retired judge who is temporarily  
19 called back to the active duties of a judge is entitled to  
20 receive the same compensation and expenses as other like  
21 active judges less any amount received for such period in  
22 retirement benefits.

23 2. Article VI, section 39, Constitution of Arizona, is proposed to  
24 be amended as follows if approved by the voters and on proclamation of the  
25 Governor:

26 39. Retirement of justices and judges; vacancies

27 Section 39. A. On attaining ~~the age of seventy~~  
28 SEVENTY-FIVE years OF AGE a justice or judge of a court of  
29 record shall retire and ~~his~~ THAT judicial office shall be  
30 vacant, except as otherwise provided in section 35 of this  
31 article. In addition to becoming vacant as provided in this  
32 section, the office of a justice or judge of any court of  
33 record becomes vacant ~~upon~~ ON his death or his voluntary  
34 retirement pursuant to statute or his voluntary resignation,  
35 and also, as provided in section 38 of this article, ~~upon~~ ON  
36 the expiration of his term next following a general election  
37 at which a majority of those voting on the question of his  
38 retention vote in the negative or for which general election  
39 he is required, but fails, to file a declaration of his desire  
40 to be retained in office.

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

5           3. The Secretary of State shall submit this proposition to the  
6           voters at the next general election as provided by article XXI,  
7           Constitution of Arizona.