

STATE OF ARIZONA
30th LEGISLATURE
1st REGULAR SESSION

SENATE

S.C.R. 6
INTRODUCED
January 19, 1971

Referred to	Date	Reported Out
Rules		
Committee of Whole		
3rd Reading	Aye	No
House Action		
Sent to Governor		Action

Introduced by Senators O'Connor, Alexander, Mack, Thode, Ellsworth, Goetze, Corbet, McNulty, Holsclaw

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO THE JUDICIAL DEPARTMENT; PROVIDING FOR AN INCREASE IN THE TERMS OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE SUPERIOR COURT; PROVIDING FOR THE RETIREMENT OF JUSTICES AND JUDGES OF COURTS OF RECORD; RESTRICTING THE POLITICAL ACTIVITY OF JUSTICES AND JUDGES OF COURTS OF RECORD; PROVIDING FOR THE NONPARTISAN SELECTION AND APPOINTMENT AND APPROVAL OR REJECTION OF JUSTICES AND JUDGES OF COURTS OF RECORD; ESTABLISHING JUDICIAL NOMINATING COMMISSIONS; PROVIDING FOR THE INVOLUNTARY RETIREMENT OF JUSTICES AND JUDGES OF COURTS OF RECORD; MAKING THE STATE BAR OF ARIZONA A CONSTITUTIONAL BODY; AMENDING ARTICLE 6, SECTIONS 3, 4, 12, 20, 28, 30 AND 35, CONSTITUTION OF ARIZONA, AND AMENDING ARTICLE 6, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 36, 37, 38, 39 AND 40.

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

3 1. The following amendments to article 6, sections 3, 4,
4 12, 20, 28, 30 and 35, Constitution of Arizona, are proposed,
5 to become valid when approved by a majority of the qualified
6 electors voting thereon and upon proclamation of the governor:

7 3. Supreme court; administrative supervision;
8 chief justice

9 Section 3. The Supreme Court shall have adminis-
10 trative supervision over all the courts of the state.
11 ~~Justices-of-the-Supreme-Court-shall-elect-from-their~~
12 ~~number-a-chief-justice-to-precide-over-the-court-and~~
13 ~~a-vice-chief-justice-to-precide-in-the-absence-of~~

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~~incapacity-of-the-chief-justice.~~ THE CHIEF JUSTICE SHALL BE ELECTED BY THE JUSTICES OF THE SUPREME COURT FROM ONE OF THEIR NUMBER FOR A TERM OF FIVE YEARS, AND MAY BE REELECTED FOR LIKE TERMS. THE VICE CHIEF JUSTICE SHALL BE ELECTED BY THE JUSTICES OF THE SUPREME COURT FROM ONE OF THEIR NUMBER FOR A TERM DETERMINED BY THE COURT. A MEMBER OF THE COURT MAY RESIGN THE OFFICE OF CHIEF JUSTICE OR VICE CHIEF JUSTICE WITHOUT RESIGNING FROM THE COURT.

The chief justice, or in his absence or incapacity, the vice chief justice, shall exercise the court's administrative supervision over all the courts of the state. He may assign judges of intermediate appellate courts, superior courts, or courts inferior to the superior court to serve in other courts or counties.

4. Supreme court; term of office

Section 4. Justices of the Supreme Court shall ~~be elected by the qualified electors of the state at the general election.--They shall~~ hold office for a REGULAR term of ~~six~~ TEN 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 regular ballot without partisan or other designation except the term and title of the office.~~

~~The Governor shall fill any vacancy by appointing a person to serve until the election and qualification of a successor.--At the next succeeding general election following the appointment of a person to fill a vacancy, a justice shall be elected to serve for the remainder of the unexpired term.~~

12. Superior court; term of office

Section 12. Judges of the superior court IN COUNTIES HAVING A POPULATION OF LESS THAN TWO HUNDRED

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1 THOUSAND PERSONS shall be elected by the qualified
2 electors of their counties at the general election.
3 They shall hold office for a REGULAR term of ~~four~~
4 SIX years EXCEPT AS PROVIDED BY THIS SECTION from
5 and after the first Monday in January next succeeding
6 their election, and until their successors are elected
7 and qualify. The names of all candidates for judge
8 of the superior court IN SUCH COUNTIES shall be placed
9 on the regular ballot without partisan or other design-
10 nation except the division and title of the office.

11 The Governor shall fill any vacancy IN SUCH
12 COUNTIES by appointing a person to serve until the
13 election and qualification of a successor. At the
14 next succeeding general election following the ap-
15 pointment of a person to fill a vacancy, a judge shall
16 be elected to serve for the remainder of the unexpired
17 term.

18 JUDGES OF THE SUPERIOR COURT IN COUNTIES HAVING
19 A POPULATION OF MORE THAN TWO HUNDRED THOUSAND PERSONS
20 SHALL HOLD OFFICE FOR A REGULAR TERM OF SIX YEARS
21 EXCEPT AS PROVIDED BY THIS ARTICLE.

22 20. Retirement and service of retired justices
23 and judges

24 Section 20. THE LEGISLATURE SHALL PRESCRIBE BY
25 LAW A PLAN OF RETIREMENT FOR JUSTICES AND JUDGES OF
26 COURTS OF RECORD, INCLUDING THE BASIS AND AMOUNT OF
27 RETIREMENT PAY, AND REQUIRING EXCEPT AS PROVIDED IN
28 SECTION 35 OF THIS ARTICLE, THAT JUSTICES AND JUDGES
29 OF COURTS OF RECORD BE RETIRED UPON REACHING THE AGE
30 OF SEVENTY. Any retired justice OR JUDGE OF ANY COURT
31 OF RECORD ~~of-the-Supreme-Court-or-judge-of-an-inter-~~
32 ~~mediate-appellate-court-or-superior-court~~ who is draw-
33 ing retirement pay may serve as a ~~Supreme-Court~~ justice,
34 ~~intermediate-appellate~~ or ~~superior-court~~ judge OF ANY
35 COURT OF RECORD AS MAY BE PROVIDED BY STATUTE OR BY
36 RULE OF THE SUPREME COURT. When serving outside his

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1 county of residence, any such retired justice or judge
2 shall receive his necessary traveling and subsistence
3 expenses.

4 28. Justices and judges; dual office holding;
5 political activity; practice of law

6 Section 28. Justices and judges of courts of
7 record shall not be eligible FOR ~~to~~ any OTHER public
8 office or FOR ANY OTHER public employment during their
9 term of office, except that they may assume another
10 judicial office, and upon qualifying ~~therefore~~, THERE-
11 FOR, the office formerly held shall become vacant. No
12 justice or judge of any court of record shall practice
13 law during his continuance in office, NOR SHALL HE
14 DIRECTLY OR INDIRECTLY MAKE ANY CONTRIBUTION TO OR
15 HOLD ANY OFFICE IN A POLITICAL PARTY OR ORGANIZATION,
16 OR TAKE PART IN ANY POLITICAL CAMPAIGN OTHER THAN HIS
17 OWN FOR HIS RELECTION OR RETENTION IN OFFICE. ANY
18 JUSTICE OR JUDGE WHO FILES NOMINATION PAPERS FOR AN
19 ELECTIVE OFFICE, OTHER THAN FOR JUDGE OF THE SUPERIOR
20 COURT OR A COURT OF RECORD INFERIOR TO THE SUPERIOR
21 COURT IN A COUNTY HAVING A POPULATION OF LESS THAN
22 TWO HUNDRED THOUSAND PERSONS, FORFEITS HIS JUDICIAL
23 OFFICE.

24 30. Courts of record

25 Section 30. The Supreme Court and the superior
26 court shall be courts of record. Other courts of
27 record may be established by law, but justice courts
28 shall not be courts of record.

29 ALL JUDGES OF COURTS OF RECORD, EXCEPT FOR
30 JUDGES OF THE SUPERIOR COURT AND OTHER COURTS OF
31 RECORD INFERIOR TO THE SUPERIOR COURT IN COUNTIES
32 HAVING A POPULATION OF LESS THAN TWO HUNDRED THOUSAND
33 PERSONS, SHALL BE APPOINTED IN THE MANNER PROVIDED IN
34 SECTION 37 OF THIS ARTICLE. JUDGES OF COURTS OF REC-
35 ORD SHALL HOLD OFFICE FOR A REGULAR TERM OF SIX YEARS.

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1 35. Continuation in office; continued existence
2 of offices; application of prior statute
3 and rules

4 Section 35. All justices, judges, justices of the
5 peace and officers of any court WHO ARE holding office
6 AS SUCH by election or appointment, at the time of the
7 adoption of this SECTION shall SERVE OR continue in
8 office FOR THE RESPECTIVE TERMS FOR WHICH THEY ARE SO
9 ELECTED OR for their respective UNEXPIRED terms, and
10 until their successors are elected OR APPOINTED and
11 qualify. The continued existence of any office here-
12 tofore legally established or held shall not be abol-
13 ished or repealed by the adoption of this article.

14 The statutes and rules relating to the authority,
15 jurisdiction, practice and procedure of courts, judi-
16 cial officers and offices in force at the time of the
17 adoption of this article and not inconsistent here-
18 with, shall, so far as applicable, apply to and govern
19 such courts, judicial officers and offices until amend-
20 ed or repealed.

21 2. The following amendments to article 6, Constitution of
22 Arizona, by adding sections 36, 37, 38, 39 and 40 are proposed,
23 to become valid when approved by a majority of the qualified
24 electors voting thereon and upon proclamation of the governor:

New 25 36. Commissions on appellate court and terms,
Sec. 26 appointments and vacancies on such
27 commissions

28 SECTION 36. THERE SHALL BE A NONPARTISAN COMMIS-
29 SION ON APPELLATE COURT APPOINTMENTS WHICH SHALL BE
30 COMPOSED OF THE CHIEF JUSTICE OF THE SUPREME COURT,
31 WHO SHALL BE CHAIRMAN, FOUR ATTORNEY MEMBERS, WHO
32 SHALL BE APPOINTED BY THE BOARD OF GOVERNORS OF THE
33 STATE BAR OF ARIZONA, AND FOUR NONATTORNEY MEMBERS
34 WHO SHALL BE APPOINTED BY THE GOVERNOR WITH THE AD-
35 VICE AND CONSENT OF THE SENATE.

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1 ATTORNEY MEMBERS OF THE COMMISSION SHALL HAVE
2 RESIDED IN THE STATE AND SHALL HAVE BEEN ADMITTED TO
3 PRACTICE BEFORE THE SUPREME COURT FOR NOT LESS THAN
4 FIVE YEARS. NONATTORNEY MEMBERS SHALL HAVE RESIDED
5 IN THE STATE FOR NOT LESS THAN FIVE YEARS AND SHALL
6 NOT BE JUDGES, RETIRED JUDGES OR ADMITTED TO PRACTICE
7 BEFORE THE SUPREME COURT. NOT MORE THAN TWO NONAT-
8 TORNEY MEMBERS SHALL BE MEMBERS OF THE SAME POLITICAL
9 PARTY. NONE OF THE ATTORNEY OR NONATTORNEY MEMBERS
10 OF THE COMMISSION SHALL HOLD ANY GOVERNMENTAL OFFICE,
11 ELECTIVE OR APPOINTIVE, FOR PROFIT, AND NO ATTORNEY
12 MEMBERS SHALL BE ELIGIBLE FOR APPOINTMENT TO ANY JU-
13 DICIAL OFFICE OF THE STATE UNTIL ONE YEAR AFTER HE
14 CEASES TO BE A MEMBER. ATTORNEY MEMBERS OF THE COM-
15 MISSION SHALL SERVE STAGGERED FOUR-YEAR TERMS, AND
16 NONATTORNEY MEMBERS SHALL SERVE STAGGERED FOUR-YEAR
17 TERMS, EXCEPT THAT INITIAL APPOINTMENTS IN EACH
18 CATEGORY SHALL BE FOR TERMS OF ONE, TWO, THREE AND
19 FOUR YEARS RESPECTIVELY. VACANCIES SHALL BE FILLED
20 FOR THE UNEXPIRED TERMS IN THE SAME MANNER AS THE
21 ORIGINAL APPOINTMENTS.

22 THE CHAIRMAN OF THE COMMISSION SHALL CAST VOTES
23 ONLY IN THE EVENT OF TIES. IN THE EVENT OF THE AB-
24 SENCE OR INCAPACITY OF ANY SUCH CHAIRMAN THE SUPREME
25 COURT SHALL APPOINT A JUSTICE THEREOF TO SERVE IN
26 HIS PLACE AND STEAD.

27 PRIOR TO MAKING RECOMMENDATIONS TO THE GOVERNOR
28 AS HEREINAFTER PROVIDED, THE COMMISSION SHALL CONDUCT
29 SUCH INVESTIGATION AND HOLD SUCH HEARINGS, EITHER
30 PUBLIC OR EXECUTIVE, AS IT DEEMS ADVISABLE. FINAL
31 DECISIONS AS TO RECOMMENDATIONS SHALL BE MADE ON THE
32 BASIS OF MERIT ALONE WITHOUT REGARD TO POLITICAL
33 AFFILIATION. VOTING SHALL BE BY SECRET, WRITTEN
34 LALLOT. THE EXPENSES OF MEETINGS OF THE COMMISSION
35 AND THE ATTENDANCE OF MEMBERS THEREOF FOR TRAVEL AND

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1 SUBSISTENCE SHALL BE PAID FROM THE GENERAL FUND OF THE
2 STATE AS STATE OFFICERS ARE PAID, UPON CLAIMS APPROVED
3 BY THE CHAIRMEN.

4 THERE SHALL BE A COMMISSION ON TRIAL COURT AP-
5 POINTMENTS FOR EACH COUNTY HAVING A POPULATION OF MORE
6 THAN TWO HUNDRED THOUSAND PERSONS WHICH SHALL BE COM-
7 POSED OF THE CHIEF JUSTICE OF THE SUPREME COURT, WHO
8 SHALL BE CHAIRMAN, TWO ATTORNEY MEMBERS, WHO SHALL BE
9 APPOINTED BY THE BOARD OF GOVERNORS OF THE STATE BAR
10 OF ARIZONA, AND TWO NONATTORNEY MEMBERS, WHO SHALL BE
11 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT
12 OF THE SENATE.

13 ATTORNEY MEMBERS OF SUCH COMMISSIONS SHALL HAVE
14 RESIDED IN THE STATE AND SHALL HAVE BEEN ADMITTED TO
15 PRACTICE BEFORE THE SUPREME COURT FOR NOT LESS THAN
16 FIVE YEARS, AND SHALL BE RESIDENTS OF THE COUNTY FROM
17 WHICH APPOINTED. NONATTORNEY MEMBERS SHALL HAVE RE-
18 SIDED IN THE STATE FOR NOT LESS THAN FIVE YEARS AND
19 SHALL NOT BE JUDGES, RETIRED JUDGES OR ADMITTED TO
20 PRACTICE BEFORE THE SUPREME COURT AND SHALL BE A
21 RESIDENT OF THE COUNTY FROM WHICH APPOINTED. ON EACH
22 OF SUCH COMMISSIONS NOT MORE THAN ONE ATTORNEY MEMBER
23 AND NOT MORE THAN ONE NONATTORNEY MEMBER SHALL BE A
24 MEMBER OF THE SAME POLITICAL PARTY. NONE OF THE AT-
25 TORNEY OR NONATTORNEY MEMBERS OF ANY SUCH COMMISSIONS
26 SHALL HOLD ANY GOVERNMENTAL OFFICE, ELECTIVE OR AP-
27 POINTIVE, FOR PROFIT, AND NO ATTORNEY MEMBERS SHALL
28 BE ELIGIBLE FOR APPOINTMENT TO ANY JUDICIAL OFFICE OF
29 THE STATE UNTIL ONE YEAR AFTER HE CEASES TO BE A MEM-
30 BER. ATTORNEY MEMBERS SHALL SERVE STAGGERED TWO-YEAR
31 TERMS, AND NONATTORNEY MEMBERS SHALL SERVE STAGGERED
32 TWO-YEAR TERMS, EXCEPT THAT INITIAL APPOINTMENTS IN
33 EACH CATEGORY SHALL BE FOR TERMS OF ONE AND TWO YEARS
34 RESPECTIVELY. VACANCIES SHALL BE FILLED FOR THE UN-
35 EXPIRED TERMS IN THE SAME MANNER AS THE ORIGINAL
36 APPOINTMENTS.

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1 THE CHAIRMAN OF SUCH COMMISSIONS SHALL CAST VOTES
2 ONLY IN THE EVENT OF TIES. IN THE EVENT OF THE ABSENCE
3 OR INCAPACITY OF ANY SUCH CHAIRMAN THE SUPREME COURT
4 SHALL APPOINT A JUSTICE THEREOF TO SERVE IN HIS PLACE
5 AND STEAD.

6 PRIOR TO MAKING RECOMMENDATIONS TO THE GOVERNOR
7 AS HEREINAFTER PROVIDED, THE ONE OF SUCH COMMISSIONS
8 HAVING JURISDICTION SHALL CONDUCT SUCH INVESTIGATION
9 AND HOLD SUCH HEARINGS, EITHER PUBLIC OR EXECUTIVE,
10 AS IT DEEMS ADVISABLE. FINAL DECISIONS AS TO RECOM-
11 MENDATIONS SHALL BE MADE ON THE BASIS OF MERIT ALONE
12 WITHOUT REGARD TO POLITICAL AFFILIATION. VOTING SHALL
13 BE BY SECRET, WRITTEN BALLOT. THE EXPENSES OF MEET-
14 INGS OF SUCH COMMISSIONS AND THE ATTENDANCE OF MEMBERS
15 THEREOF FOR TRAVEL AND SUBSISTENCE SHALL BE PAID FROM
16 THE GENERAL FUND OF THE STATE AS STATE OFFICERS ARE
17 PAID, UPON CLAIMS APPROVED BY THE CHAIRMEN.

New
Sec. 18

18 37. Judicial vacancies and appointments; initial
19 terms; residence; age

20 SECTION 37. WITHIN SIXTY DAYS FROM THE OCCUR-
21 RENCE OF A VACANCY IN THE OFFICE OF A JUSTICE OR JUDGE
22 OF ANY COURT OF RECORD, EXCEPT FOR VACANCIES OCCUPPING
23 IN THE OFFICE OF A JUDGE OF THE SUPERIOR COURT OR A
24 JUDGE OF A COURT OF RECORD INFERIOR TO THE SUPERIOR
25 COURT IN A COUNTY HAVING A POPULATION OF LESS THAN
26 TWO HUNDRED THOUSAND PERSONS, THE COMMISSION ON AP-
27 PELLATE COURT APPOINTMENTS, IF THE VACANCY IS IN THE
28 SUPREME COURT OR AN INTERMEDIATE APPELLATE COURT OF
29 RECORD, OR THE COMMISSION ON TRIAL COURT APPOINTMENTS
30 FOR THE COUNTY IN WHICH THE VACANCY OCCURS, IF THE
31 VACANCY IS IN THE SUPERIOR COURT OR A COURT OF RECORD
32 INFERIOR TO THE SUPERIOR COURT, SHALL SUBMIT TO THE
33 GOVERNOR THE NAMES OF NOT LESS THAN THREE PERSONS
34 NOMINATED BY IT TO FILL SUCH VACANCY, NO MORE THAN
35 TWO OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL
36 PARTY UNLESS THERE ARE MORE THAN FOUR SUCH NOMINEES,

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1 IN WHICH EVENT NOT MORE THAN SIXTY PER CENTUM OF SUCH
2 NOMINEES SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.
3 A VACANCY IN THE OFFICE OF A JUSTICE OR A JUDGE
4 OF SUCH COURT OF RECORD SHALL BE FILLED BY APPOINTMENT
5 BY THE GOVERNOR ON THE BASIS OF MERIT ALONE WITHOUT
6 REGARD TO POLITICAL AFFILIATION FROM ONE OF THE NOMI-
7 NEES WHOSE NAMES SHALL BE SUBMITTED TO HIM AS HEREIN-
8 ABOVE PROVIDED. IF THE GOVERNOR SHALL NOT APPOINT ONE
9 OF SUCH NOMINEES TO FILL SUCH VACANCY WITHIN SIXTY
10 DAYS AFTER THEIR NAMES ARE SUBMITTED TO THE GOVERNOR
11 BY SUCH COMMISSION, THE CHIEF JUSTICE OF THE SUPREME
12 COURT FORTHWITH SHALL APPOINT ON THE BASIS OF MERIT
13 ALONE WITHOUT REGARD TO POLITICAL AFFILIATION ONE OF
14 SUCH NOMINEES TO FILL SUCH VACANCY. IF SUCH COMMISS-
15 SION SHALL NOT, WITHIN SIXTY DAYS AFTER SUCH VACANCY
16 OCCURS, SUBMIT THE NAMES OF NOMINEES AS HEREINABOVE
17 PROVIDED, THE GOVERNOR SHALL HAVE THE POWER TO APPOINT
18 ANY QUALIFIED PERSON TO FILL SUCH VACANCY AT ANY TIME
19 THEREAFTER PRIOR TO THE TIME THE NAMES OF THREE OR
20 MORE NOMINEES TO FILL SUCH VACANCY SHALL BE SUBMITTED
21 TO THE GOVERNOR AS HEREINABOVE PROVIDED.

22 EACH JUSTICE OR JUDGE SO APPOINTED SHALL INI-
23 TIALY HOLD OFFICE FOR A TERM ENDING SIXTY DAYS FOL-
24 LOWING THE NEXT REGULAR GENERAL ELECTION AFTER THE
25 EXPIRATION OF A TERM OF TWO YEARS IN OFFICE. THERE-
26 AFTER, THE TERMS OF JUSTICES OR JUDGES OF THE SUPREME
27 COURT, THE SUPERIOR COURT AND OTHER COURTS OF RECORD
28 NOW EXISTING OR HEREAFTER ESTABLISHED BY LAW SHALL BE
29 AS PROVIDED BY THIS ARTICLE.

30 EXCEPT AS HEREINAFTER PROVIDED, A PERSON APPOINTED
31 TO FILL A VACANCY ON AN INTERMEDIATE APPELLATE COURT,
32 A SUPERIOR COURT, OR ANOTHER COURT OF RECORD NOW EXIST-
33 ING OR HEREAFTER ESTABLISHED BY LAW SHALL HAVE BEEN A
34 RESIDENT OF THE COUNTIES OR COUNTY IN WHICH THAT VA-
35 CANCY EXISTS FOR AT LEAST ONE YEAR PRIOR TO HIS AP-
36 POINTMENT, IN ADDITION TO POSSESSING THE OTHER REQUIRED

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1 IN WHICH EVENT NOT MORE THAN SIXTY PER CENTUM OF SUCH
2 NOMINEES SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

3 A VACANCY IN THE OFFICE OF A JUSTICE OR A JUDGE
4 OF SUCH COURT OF RECORD SHALL BE FILLED BY APPOINTMENT
5 BY THE GOVERNOR ON THE BASIS OF MERIT ALONE WITHOUT
6 REGARD TO POLITICAL AFFILIATION FROM ONE OF THE NOMI-
7 NEES WHOSE NAMES SHALL BE SUBMITTED TO HIM AS HEREIN-
8 ABOVE PROVIDED. IF THE GOVERNOR SHALL NOT APPOINT ONE
9 OF SUCH NOMINEES TO FILL SUCH VACANCY WITHIN SIXTY
10 DAYS AFTER THEIR NAMES ARE SUBMITTED TO THE GOVERNOR
11 BY SUCH COMMISSION, THE CHIEF JUSTICE OF THE SUPREME
12 COURT FORTHWITH SHALL APPOINT ON THE BASIS OF MERIT
13 ALONE WITHOUT REGARD TO POLITICAL AFFILIATION ONE OF
14 SUCH NOMINEES TO FILL SUCH VACANCY. IF SUCH COMMIS-
15 SION SHALL NOT, WITHIN SIXTY DAYS AFTER SUCH VACANCY
16 OCCURS, SUBMIT THE NAMES OF NOMINEES AS HEREINABOVE
17 PROVIDED, THE GOVERNOR SHALL HAVE THE POWER TO APPOINT
18 ANY QUALIFIED PERSON TO FILL SUCH VACANCY AT ANY TIME
19 THEREAFTER PRIOR TO THE TIME THE NAMES OF THREE OR
20 MORE NOMINEES TO FILL SUCH VACANCY SHALL BE SUBMITTED
21 TO THE GOVERNOR AS HEREINABOVE PROVIDED.

22 EACH JUSTICE OR JUDGE SO APPOINTED SHALL INI-
23 TIALY HOLD OFFICE FOR A TERM ENDING SIXTY DAYS FOL-
24 LOWING THE NEXT REGULAR GENERAL ELECTION AFTER THE
25 EXPIRATION OF A TERM OF TWO YEARS IN OFFICE. THERE-
26 AFTER, THE TERMS OF JUSTICES OR JUDGES OF THE SUPREME
27 COURT, THE SUPERIOR COURT AND OTHER COURTS OF RECORD
28 NOW EXISTING OR HEREAFTER ESTABLISHED BY LAW SHALL BE
29 AS PROVIDED BY THIS ARTICLE.

30 EXCEPT AS HEREINAFTER PROVIDED, A PERSON APPOINTED
31 TO FILL A VACANCY ON AN INTERMEDIATE APPELLATE COURT,
32 A SUPERIOR COURT, OR ANOTHER COURT OF RECORD NOW EXIST-
33 ING OR HEREAFTER ESTABLISHED BY LAW SHALL HAVE BEEN A
34 RESIDENT OF THE COUNTIES OR COUNTY IN WHICH THAT VA-
35 CANCY EXISTS FOR AT LEAST ONE YEAR PRIOR TO HIS AP-
36 POINTMENT, IN ADDITION TO POSSESSING THE OTHER REQUIRED

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1 QUALIFICATIONS. A NOMINEE SHALL BE UNDER SIXTY-FIVE
2 YEARS OF AGE AT THE TIME HIS NAME IS SUBMITTED TO THE
3 GOVERNOR.

New
Sec.

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

7 SECTION 38. A JUSTICE OR JUDGE OF THE SUPREME
8 COURT OR AN INTERMEDIATE APPELLATE COURT SHALL FILE
9 IN THE OFFICE OF THE SECRETARY OF STATE, AND A JUDGE
10 OF THE SUPERIOR COURT OR OTHER COURT OF RECORD, EXCEPT
11 FOR JUDGES OF THE SUPERIOR COURT AND OTHER COURTS OF
12 RECORD INFERIOR TO THE SUPERIOR COURT IN COUNTIES
13 HAVING A POPULATION OF LESS THAN TWO HUNDRED THOUSAND
14 PERSONS, SHALL FILE IN THE OFFICE OF THE CLERK OF THE
15 BOARD OF SUPERVISORS OF THE COUNTY IN WHICH HE REGU-
16 LARLY SITS AND RESIDES, NOT LESS THAN SIXTY NOR MORE
17 THAN NINETY DAYS PRIOR TO THE REGULAR GENERAL ELECTION
18 NEXT PRECEDING THE EXPIRATION OF HIS TERM OF OFFICE,
19 A DECLARATION OF HIS DESIRE TO BE RETAINED IN OFFICE,
20 AND THE SECRETARY OF STATE SHALL CERTIFY TO THE SEVERAL
21 BOARDS OF SUPERVISORS THE APPROPRIATE NAMES OF THE
22 CANDIDATE OR CANDIDATES APPEARING ON SUCH DECLARATIONS
23 FILED IN HIS OFFICE.

24 THE NAME OF ANY JUSTICE OR JUDGE WHOSE DECLARATION
25 IS FILED AS PROVIDED IN THIS SECTION SHALL BE PLACED
26 ON THE APPROPRIATE OFFICIAL BALLOT AT THE NEXT REGULAR
27 GENERAL ELECTION UNDER A NONPARTISAN DESIGNATION AND
28 IN SUBSTANTIALLY THE FOLLOWING FORM:

29 SHALL (NAME OF JUSTICE OR JUDGE) _____
30 OF THE _____ COURT BE RETAINED IN OFFICE?
31 YES _____ NO _____ (MARK X AFTER ONE).

32 IF A MAJORITY OF THOSE VOTING ON THE QUESTION
33 VOTE "NO", THEN, UPON THE EXPIRATION OF THE TERM FOR
34 WHICH SUCH JUSTICE OR JUDGE WAS SERVING, A VACANCY
35 SHALL EXIST, WHICH SHALL BE FILLED AS PROVIDED BY
36 THIS ARTICLE. IF A MAJORITY OF THOSE VOTING ON THE

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1 QUESTION VOTE "YES", SUCH JUSTICE OR JUDGE SHALL RE-
2 MAIN IN OFFICE FOR ANOTHER TERM, SUBJECT TO REMOVAL
3 AS PROVIDED BY THIS CONSTITUTION.

4 THE VOTES SHALL BE COUNTED AND CANVASSED AND THE
5 RESULT DECLARED AS IN THE CASE OF STATE AND COUNTY
6 ELECTIONS, WHEREUPON A CERTIFICATE OF RETENTION OF
7 REJECTION OF THE INCUMBENT JUSTICE OR JUDGE SHALL BE
8 DELIVERED TO HIM BY THE SECRETARY OF STATE OR THE
9 CLERK OF THE BOARD OF SUPERVISORS, AS THE CASE MAY BE.

10 IF A JUSTICE OR JUDGE SHALL FAIL TO FILE A DEC-
11 LARATION OF HIS DESIRE TO BE RETAINED IN OFFICE, AS
12 REQUIRED BY THIS SECTION, THEN HIS OFFICE SHALL BECOME
13 VACANT UPON EXPIRATION OF THE TERM FOR WHICH SUCH
14 JUSTICE OR JUDGE WAS SERVING.

New
Sec.

15 39. Retirement of justices and judges;
16 vacancies

17 SECTION 39. ON ATTAINING THE AGE OF SEVENTY
18 YEARS A JUSTICE OR JUDGE OF A COURT OF RECORD SHALL
19 RETIRE AND HIS JUDICIAL OFFICE SHALL BE VACANT, EX-
20 CEPT AS OTHERWISE PROVIDED IN SECTION 35 OF THIS
21 ARTICLE.

22 IN ADDITION TO BECOMING VACANT AS PROVIDED IN
23 THIS SECTION, THE OFFICE OF A JUSTICE OR JUDGE OF ANY
24 COURT OF RECORD BECOMES VACANT UPON HIS DEATH OR HIS
25 VOLUNTARY RETIREMENT PURSUANT TO STATUTE OF HIS VOL-
26 UNTARY RESIGNATION, AND ALSO, AS PROVIDED IN SECTION
27 35 OF THIS ARTICLE, UPON THE EXPIRATION OF HIS TERM
28 NEXT FOLLOWING A GENERAL ELECTION AT WHICH A MAJORITY
29 OF THOSE VOTING ON THE QUESTION OF HIS RETENTION VOTE
30 IN THE NEGATIVE OR FOR WHICH GENERAL ELECTION HE IS
31 REQUIRED, BUT FAILS, TO FILE A DECLARATION OF HIS
32 DESIRE TO BE RETAINED IN OFFICE.

33 THIS SECTION IS ALTERNATIVE TO AND CUMULATIVE
34 WITH THE METHODS OF REMOVAL OF JUDGES AND JUSTICES
35 PROVIDED IN PARTS 1 AND 2 OF ARTICLE 8 AND ARTICLE
36 6.1 OF THIS CONSTITUTION.

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New
Sec.

1 40. State bar of Arizona
2 SECTION 40. THE STATE BAR OF ARIZONA IS AND
3 SHALL REMAIN A PUBLIC CORPORATION WITH PERPETUAL
4 EXISTENCE AND SUCCESSION.
5 3. The proposed amendments (approved by a majority of the
6 members elected to each house of the legislature, and entered
7 upon the respective journals thereof, together with the ayes
8 and nays thereon) shall be by the secretary of state submitted
9 to the qualified electors at the next regular general election
10 (or at a special election called for that purpose), as provided
11 by article 21, Constitution of Arizona.