

Gavel to Gavel

A review of state legislation affecting the courts

April 14, 2011

Special Edition

Special Edition: Merit Selection

There is little doubt that this is the single most active year with respect to merit selection in decades. In light of today's expected Florida House votes on altering the state's merit selection system, *Gavel to Gavel* will be releasing this special edition that focuses on all such efforts to end, modify, or adopt merit selection in the states.

Active: End merit selection

[Florida HJR 1097 \(Constitutional Amendment\)](#) Ends merit selection system for future Supreme Court and district courts of appeals. Future judges to be appointed by governor and confirmed by Senate. Keeps retention elections. Approved by House Judiciary Committee, Civil Justice Subcommittee 3/17/11.

[Florida SJR 1664 \(Constitutional Amendment\)](#) Ends merit selection system for future Supreme Court and district courts of appeals. Future judges to be appointed by governor and confirmed by Senate. Keeps retention elections. Approved by Senate Judiciary Committee 3/28/11.

[Iowa HB 429](#) Ends merit selection system for Court of Appeals judges. Judges to be appointed by governor and confirmed by Senate. Keeps retention elections. In House Judiciary Committee.

[Iowa HJR 12 \(Constitutional Amendment\)](#) Ends merit selection system for Supreme Court and district court and replaces with selection by governor and confirmation by senate. In House Judiciary Committee.

[Iowa SJR 13 \(Constitutional Amendment\)](#) Ends merit selection system for Supreme Court and replaces with elections. Specifies terms of office as being six years. In Senate State Government Committee.

[Kansas HB 2101](#) ORIGINAL: Ends merit selection system for future Court of Appeals judges. (current judges would still be subject to retention elections). Future judges to be appointed by governor and confirmed by Senate. Changes term of office for future judges to "during good behavior". AMENDED: Removes life tenure. Approved by full House 2/25/11.

[Kansas SB 83](#) ORIGINAL: Repeals requirement that retired judges and justices wishing to return to temporary service enter into an agreement within five years of retirement; or if they didn't sign up prior to retirement, they enter an agreement within 30 days prior to their anniversary date of retirement. COMMITTEE AMENDED: Same, but requires agreements to serve be approved by chief justice with approval of majority of Supreme Court. FLOOR AMENDED: Same as committee, but also ends merit selection system for future Court of Appeals judges. (current judges would still be subject to retention elections). Future judges to be appointed by governor and confirmed by Senate. Approved as amended by full House 3/23/11. Senate does not concur with House amendment. To Conference.



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[Kansas SCR 1603 \(Constitutional Amendment\)](#) Ends merit selection nominating commission for Supreme Court. Replaces with appointment by governor of any qualified person with consent of both house and senate. Keeps retention elections at end of term(s). In Senate Committee on Judiciary.

[Oklahoma HJR 1008 \(Constitutional Amendment\)](#) Ends merit selection. Requires partisan elections for all appellate judges. In House Rules Committee.

[Oklahoma HJR 1009 \(Constitutional Amendment\)](#) Allows governor to appoint any person, not just those submitted by judicial nomination commission, to appellate court. Requires appointments be subject to senate confirmation. In House Rules Committee.

[Oklahoma SJR 36 \(Constitutional Amendment\)](#) Ends state's merit selection system. Allows governor to appoint any qualified person with senate confirmation. Approved by full Senate 3/9/11.

[Tennessee HB 1017](#) Allows the governor to fill a vacancy in the office of an appellate court by appointing any person who is duly licensed to practice in this state and who is fully qualified under the law of this state if the governor is not satisfied with the list of nominees submitted by the judicial selection commission or the commission does not furnish a list of nominees within 60 days after receiving written notice from the governor that a vacancy has occurred. Provides that if the governor appoints a judge who is not from the list of nominees submitted by the commission, the judge appointed shall run in a contested election. In House Judiciary Committee.

[Tennessee HB 231](#) Requires justices of the Supreme Court to be chosen by nonpartisan elections. In House Judiciary Committee.

[Tennessee HB 958](#) Requires the popular election of state trial court judges, appellate court judges, and Supreme Court judges; makes other revisions for filling vacancies. In House Judiciary Committee.

[Tennessee SB 281](#) Requires justices of the Supreme Court to be chosen by nonpartisan elections. In Senate Judiciary Committee.

[Tennessee SB 699](#) Requires the popular election of state trial court judges, appellate court judges, and Supreme Court judges. Makes other revisions for filling vacancies In Senate Judiciary Committee.

[Tennessee SB 82](#) Allows the governor to fill a vacancy in the office of an appellate court by appointing any licensed attorney who is otherwise qualified if the governor is not satisfied with the list of nominees submitted by the judicial selection commission or the commission does not furnish a list of nominees within 60 days after receiving written notice from the governor that a vacancy has occurred. Provides that if the governor appoints a judge who is not from the list of nominees submitted by the commission, the judge appointed shall run in a contested election. In Senate Judiciary Committee.

Active: Change/Alter Merit Selection

[Arizona SCR 1001 \(Constitutional Amendment\)](#) ORIGINAL: Allows state school fund to be used for high schools. AMENDED: Terms- Increases to 8 years the term of office for Supreme, Court of Appeals, and Superior

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Court judges starting in 2013. Commission on appellate court appointments- Removes the requirement that the attorney members be nominated by the board of governors of the Arizona state bar. Specifies that if a vacancy occurs for a nonattorney or attorney position, the committee must solicit, review and forward the governor all of the recommendations made by the Arizona bar for attorney members and all applications for attorney and nonattorney members along with the committee's recommendations for appointment. Increases the time period those attorney members must be admitted to practice from 5 to 10 years. Specifies that attorney members must be in good standing of the state bar, have no formal disciplinary charges and have never been subject to sanction. Specifies that members of the commission must serve staggered four-year terms. Requires the commission on appellate court appointments to submit at least eight nominees to the governor to fill each vacancy, within 60 days of any vacancy in the office of a justice or judge of the Supreme Court or appellate court. Allows the commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote. Requires the commission to nominate any applicant who receives a majority vote. Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time. Commission on trial court appointments- Submit at least eight nominees to the governor to fill each vacancy that occurs, within 60 days of any vacancy in the office of a judge of the superior court or a judge of a court of record inferior to the superior court in a county having less than 250,000. Allows the commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote. Requires the commission to nominate any applicant who receives a majority vote. Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time. Permits the governor to make an appointment from any of the nominees presented for any of the vacancies in that court, if more than one vacancy exists in the same court at the same time. Removes the provisions relating to the four-year staggered terms of the members. Increases the time period those attorney members must be admitted to practice from 5 to 10 years. Specifies that attorney members must be in good standing of the state bar, have no formal disciplinary charges and have never been subject to sanction. Supreme Court- Must make available on its website, every opinion or order that is issued by a judge of a court of record and that is not sealed. Must transmit a copy of the judicial performance review of each justice and judge who is up for retention to the President of the Senate and the Speaker of the House of Representatives, no later 60 days before the regular primary election. Legislature- Requires a joint legislative committee consisting of the Senate and House Judiciary committees to meet and take testimony on the justices and judges up for retention. Specifies that the joint committee is to meet no later than 60 days prior to the regular general election for the retention of justices and judges. Approved by House Rules Committee 4/4/11.

[Arizona SCR 1002](#) ORIGINAL: Strikes references to "solider, seamen, or marine" in constitution and replaces with "military personnel". AMENDED: Superior Court/Commission on Trial Court Appointments- Requires that judges of the Superior Court in counties of less than 600,000 be elected by the qualified electors of their county at the general election. Mandates the Governor to fill any vacancy in a county having a population of less than 600,000 persons by appointing a person to serve until the next election. Stipulates that judges of the Superior Court in a county with a population of more than 600,000 persons will be appointed. Allows judges currently holding office in Superior Court in counties with less than 600,000 persons to continue to serve the remainder of their term, but shall not be eligible for retention. Stipulates beginning in the next election, vacancies shall be filled and successors shall be elected. Exempts counties with a population of 600,000 persons or less from certain vacancy filling procedures in reference to the Commission on Trial Court Appointments. Grants counties with less than 600,000 the option to choose to select its judges of the Superior Court as if it has a population of more than 600,000 persons. Requires a nonpartisan Commission on Trial Court Appointments for each county having a population of 600,000 or more. Removes the language relating to the terms of appointment of the five non attorney members and two attorney members from the commission on trial court appointments. Appellate Court

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Selection- States that within 60 days of a vacancy of either a justice from the Supreme Court or a judge of an intermediate appellate court, the Commission on Appellate Court appointments must submit to the Governor a list of no less than three persons nominated to fill the vacancy. Other- Clarifies that any judge, justice or justice of the peace in office at the time of the adoption of an amendment to this section will continue to serve; as well as any judge, justice or justice of the peace that is elected in the same election that this is adopted will serve their terms. Exempts a justice or judge holding office in a county having a population of less than 600,000 persons from having to forfeit office upon filing papers for nomination of an elective office. Exempts justices or judges that are holding office currently in a county having a population of less than 600,000 and wish to be candidates in the next election to file with the Secretary of State. Clarifies that in the absence or incapacity of the chairman of the Commission on Trial Court Appointments the Supreme Court must appoint a Supreme Court Justice to take the place as chairman. Approved as amended by House Judiciary Committee 3/24/11.

[Arizona SCR 1040 \(Constitutional Amendment\)](#) Increases to 400,000 the population requirement for a county to have merit selection for judges (currently 250,000). Increases Supreme Court and superior court terms to 8 years. Strips state bar's power to fill certain vacancies on judicial nominating commissions. Requires instead state bar submit 3 names for each state-bar vacancy on commission for governor's approval and that a majority of the 3 must be the same political party as governor. Requires attorney-members of commissions have been member of bar at least five years. Removes requirement that governor's appointments to commission be confirmed by senate. Provides of 13 members of appellate commission, none may be currently serving as a judge, not more than two of the members may be attorneys, not more than one member may be a retired judge, not more than nine members may be members of the same political party, and not more than six members may be residents of the same county. Provides Supreme Court *must* adopt any rules that the commissions vote for themselves, so long as they are lawful. Expands number of names to be submitted to governor for a vacancy from 3 to 6. If fewer than 6 people apply, all eligible names must be submitted. Subjects all those selected by governor to senate confirmation. Ends retention elections. Provides that at end of term governor may reappoint and senate may reconfirm judge. Approved by full Senate 3/8/11.

[Florida HJR 7039 \(Constitutional Amendment\)](#) Requires justices or judges receive at least 60% of vote to be retained in office starting with 2012 election. In House Judiciary Committee.

[Florida HJR 7111 \(Constitutional Amendment\)](#) AS AMENDED: Structure Changes - expands the existing 7 member Supreme Court to 10 and divides them into two panels of five (civil and criminal) each with its own chief justice, each requiring 4 justices for a quorum. Provides three most senior justices of the existing Supreme Court would initially be assigned to the criminal division. Provides new 10 member Court would be required to inventory all cases active at the time the court is divided and assign them to their respective divisions. Provides justices are expressly prohibited from meeting en banc, with specific exceptions discussed below. Provides "legislature may, by general law, otherwise provide for the administrative transfer of employees, property, duties, and functions between the divisions." The Chief Justice of the State of Florida- alternate every four years between the two divisions and be chosen by the Governor with Senate confirmation (currently, the Supreme Court selects its own chief justice). Provides chief justice of the civil division would be the initial Chief Justice. Provides divisional chief justices would serve for 8 years, but to remain as a justice of the Supreme Court they must be re-elected to the court every 6 years. Selection - Maintains the state's judicial nomination commissions, but requires for Supreme Court justices only, nominees selected by the governor be subject to senate confirmation. Provides if the Senate fails to confirm within 90 days the individual is deemed confirmed. keeps Yes/No retention election system for all judges. Rule Making - Provides justices of both Supreme Court divisions (7 needed for a quorum) would meet jointly to set court rules, provide administrative supervision of the courts, and handle disciplinary

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cases. Provides divisions would meet jointly regarding rules or may assign categories of the rules to the divisions. Provides rules of the judicial nominating commissions would need to be approved by a majority vote of the justices of both divisions. Provides rules of the judicial qualifications commission would need the affirmative vote of 7 of the 10 justices. Provides except for these rule making/administrative functions, the justices would otherwise expressly prohibited from meeting en banc. Allows legislature to repeal any rule adopted by the Supreme Court by a majority vote (currently, requires two-thirds of legislature). Allows court to readopt the rule, so long as it was in conformance with the expressed policy expressed in the repeal bill or resolution. Provides if the rule was repealed a second time, the Supreme Court could not readopted it. Specifies "The legislature shall be the final authority to determine whether an adopted rule is again repealed." Jurisdiction - Defines difference between a criminal and civil case for divisional purposes. Expressly prohibits civil division from hearing any cases that had any had anything, directly or indirectly, to do with the death penalty. Provides where there was a conflict between the divisions as to whether a case was civil or criminal, the current Chief Justice of Florida would decide. Allows legislature to "further define" the cases heard by each division. Allows only a justice in the criminal division to issue a writ of corpus in a criminal case. Provides divisions of the new Supreme Court would be able to take any case up from the intermediate appellate court (district courts of appeal) that is found by to be "of great public importance." Salary & Budget - Commencing in FY 2013-2014, the state's judiciary gives a constitutional guarantee of a "total appropriation of all fund sources to the judicial branch [] equal [to] no less than 2.25 percent of the total general revenue funds appropriated in the general appropriation bill referred to in Section 19(b) of Article III." Provides any adjustments via a special appropriations act would be equal to no more than the percent of total general revenue appropriations adjusted in such special appropriations act. Other - Removes the power of the Supreme Court and District Courts of Appeal to name its Clerks and Marshals. Removes the Governor's power to ask the judicial qualifications commission for all information investigations/complaints against judges (commission would still be obligated to turn such information over, on request, to the House of Representatives.) Provides all information so turned over would remain confidential during any investigation and until such information is used in the pursuit of any impeachment. Approved as amended by House Judiciary Committee 4/7/11.

[Florida HB 7101](#) Replaces the state's existing judicial nominating commissions. New commissions would be selected entirely by the governor with no input from the state bar (currently, bar sends three names for each vacancy for the governor to select from). Sets terms of the commission members concurrent with the governor. Retains provisions that commission members selection should "ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution" of the population and that the Executive Office of the Governor shall provide all administrative support for each judicial nominating commission. Approved by House Judiciary Committee 4/7/11.

[Florida SB 856](#) Provides for the Board of Governors of The Florida Bar rather than the Governor to appoint members of judicial nominating commissions. Requires that each judicial nominating commission satisfy certain prerequisites for racial and gender diversity. Provides for the prerequisites to be satisfied over a period of time. In Senate Judiciary Committee.

[Florida SB 7222](#) Provides for the Attorney General, rather than the Board of Governors of The Florida Bar, to submit nominees for certain positions on judicial nominating commissions. Provides for the termination of terms of all current members of judicial nominating commissions. Provides for staggered terms of newly appointed members. In Senate Judiciary Committee.

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[Florida SJR 1672 \(Constitutional Amendment\)](#) Requires justices or judges receive at least 60% of vote to be retained in office starting with 2012 election. In Senate Judiciary Committee.

[Hawaii HB 1647 \(Constitutional Amendment\)](#) Provides for disclosure of the list of judicial nominees by the Governor upon receipt of the names from the judicial selection commission. In House Judiciary Committee.

[Iowa HB 242](#) Provides governor must appoint at least one district judicial nominating commission member from each county unless there are fewer counties than commissioners. Approved by full House 3/7/11.

[Iowa HB 343](#) Specifies that members appointed to the state judicial nominating commission (JNC) by members of the state bar shall be advisory, nonvoting members. Makes the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house, voting members of the JNC. Makes lieutenant governor chair of commission (currently, Supreme Court justice with the longest tenure). Requires the JNC to adopt and publish internal rules and procedures and publish the rules on the judicial branch's internet site. Requires JNC rules provisions requiring they conduct at least one open to the public interview with each applicant seeking a nomination, publish a schedule of the public interviews at least 10 days in advance of the interviews, publish all nonconfidential information included in each application at least 10 days prior to the interview, and publish the number of affirmative votes each interviewed applicant received for nomination immediately preceding the release of the names of the nominees. Modifies the timeline an applicant must apply and be nominated: applicants have 60 days from date of vacancy or (if retiring) notification of vacancy. Provides JNC 60 days from the expiration of the application period to nominate. Disqualifies a judge who was not retained by the voters at the time of a judicial election from applying for any judicial officer position two years from the date of the judicial election where the judge lost the retention vote In House Judiciary Committee.

[Iowa HB 416](#) Specifies that members appointed to the state and district judicial nominating commissions by members of the state bar shall be advisory, nonvoting members. Makes Supreme Court justice or district court judge presiding over commission advisory, nonvoting member except in cases of a tie. Reduces members of bar appointed to state commission from 7 to 1 and for district commissions from 5 to 1. Adjusts number of commission members on state commission due to additional congressional seats allocated to Iowa based on 2010 Census and expands number of members per district appointed by Governor. In House Judiciary Committee.

[Iowa SCR 11 \(Constitutional Amendment\)](#) Provides no more than a simple majority of the members appointed or of the members elected to the state's judicial nominating commission and district judicial nominating commissions shall belong to the same political party. In Senate Judiciary Committee.

[Kansas HCR 5015 \(Constitutional Amendment\)](#) Provides governor appoints Supreme Court justices with senate confirmation. Provides nomination commission membership to consist of 9 members, no more than 3 of whom may be attorneys. Extends Supreme Court terms for current and future justices from six years to "good behavior". In House Committee on Judiciary.

[Missouri HJR 18 \(Constitutional Amendment\)](#) Modifies state merit selection system. Increases from 3 to 5 names to be submitted to governor. Allows governor to reject first panel of 5 names and receive additional panel, none of whom may have been named in first panel. Changes appellate judicial commission to remove justice of Supreme Court. Provides non-lawyer members appointed may not be the spouse of a member of the bar, and all commissioners must be senate confirmed. Makes similar changes to circuit judicial commissions. Ends service of

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all current commission members effective date of adoption of amendment. Allows incoming governors to remove commissioners appointed by prior governor(s). In House General Laws Committee.

[Missouri SJR 17 \(Constitutional Amendment\)](#) Modifies state merit selection system. Increases from 3 to 5 names to be submitted to governor. Allows governor to reject first panel of 5 names and receive additional panel, none of whom may have been named in first panel. Changes appellate judicial commission to remove justice of Supreme Court. Provides non-lawyer members appointed may not be the spouse of a member of the bar, and all commissioners must be senate confirmed. Makes similar changes to circuit judicial commissions. Ends service of all current commission members effective date of adoption of amendment. Allows incoming governors to remove commissioners appointed by prior governor(s). In Senate General Laws Committee.

[Oklahoma SB 22](#) Requires, effective November 2011, all judicial officers running for election make all of their written rulings and opinions available online at least 60 days prior to the election. Approved by full Senate 3/9/11.

[Oklahoma SB 621 \(Constitutional Amendment\)](#) Requires any appointment or reappointment by the Governor to fill a Judicial Office be confirmed by a majority of the Senate. Approved by full Senate 3/8/11.

[Tennessee HB 1702](#) Requires appellate judges be retained by 75 percent of persons voting rather than by a majority of voters. In House Judiciary Committee.

[Tennessee SB 646](#) Requires appellate judges be retained by 75 percent of persons voting rather than by a majority of voters. In Senate Judiciary Committee.

[Utah HB 74](#) Changes the retention election requirements for municipal justice court judges entire county to the municipality where the judge sits. Clarifies that a justice court judge standing for retention in more than one location who is retained in one location and not retained in another does not lose both offices. Approved by full Senate 3/3/11. To Governor for approval.

[Utah SB 212](#) Allows the Judicial Performance Evaluation Commission to vote in a closed meeting on whether or not to recommend that the voters retain a judge. Removes litigants from the judicial performance evaluation survey. Reduces the number of categories to be included in the performance evaluation survey. Allows survey respondents to supplement responses to survey questions with written comments. Establishes a clear minimum performance standard. Establishes that the judicial performance evaluation survey is to be reported in three categories: legal ability, judicial temperament and integrity, and administrative abilities. Allows only a judge who is the subject of an unfavorable retention recommendation to meet with the commission about its recommendation. Allows the judicial performance evaluation commission to only report public discipline that a judge has received. Approved by full House 3/8/11. To Governor for approval.

Active: Adopt Merit Selection

[Indiana HB 1266](#) Makes numerous changes to laws related to judiciary. Creates merit selection system for the judges of the Lake superior court county division. Approved by full Senate 3/29/11. To House to concur with Senate amendments.

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[New York AB 5703 \(Constitutional Amendment\)](#) Establishes a system of merit selection of judges of the state's major trial courts. In Assembly Committee on Judiciary.

[North Carolina SB 458](#) Creates merit selection system for appellate courts. Provides for yes/no retention elections. Grants governor power to appoint chief justice from among justices of Supreme Court. In Senate Committee On Judiciary I.

[Pennsylvania SB 842](#) Creates Appellate Court Nominating Commission to provide for merit selection for appellate vacancies. In Senate Judiciary Committee.

[Pennsylvania SB 843 \(Constitutional Amendment\)](#) Replaces current election system for appellate judges with merit selection Appellate Court Nominating Commission and retention elections. Requires Senate confirmation for those chosen by commission and appointed by governor. In Senate Judiciary Committee.

[New York AB 1807 \(Constitutional Amendment\)](#) Merges County Court, Surrogate's Court, Family Court, Court of Claims, District Court and Criminal and Civil Courts of New York City into the Supreme Court, thereby creating a single, unified trial court of general jurisdiction. Establishes a merit selection process for justices of the Supreme Court as newly constituted. In Assembly Committee on Judiciary.

Formerly Active: End Merit Selection

[Arizona HCR 2020 \(Constitutional Amendment\)](#) Ends merit selection system. Allows governor to fill judicial vacancies subject to senate confirmation. Provides that judges must be reappointed and reconfirmed at end of terms. In House (no committee).

Formerly Active: Change/alter merit selection

[Arizona SB 1472](#) For retention elections, adds a listing to voter pamphlet distributed prior to election of a judge's published decisions which declared a statute unconstitutional and the provision of the Constitution relied upon. Allows for statements for and against the candidate be published (similar to pro/con statements used initiatives/referendums). Provides attorneys are explicitly exempted from any discipline related to a statement placed into the pamphlet. Approved by House Judiciary Committee 3/17/11.

[Arizona SB 1482](#) Provides not later than sixty days preceding the regular primary election for the retention of an appellate court judge, the commission on judicial performance review shall prepare and publish on its website a list of the decisions of that appellate court judge including the decision's official citation and an electronic copy of the entire text of the decision. Approved by House Rules Committee 3/28/11.

[Arizona SCR 1045 \(Constitutional Amendment\)](#) Removes the requirement that attorney members are nominated to the Governor by the Arizona State Bar as part of the Commission appointment process. Approved by full Senate 3/21/11.

Formerly Active: Adopt Merit Selection

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[Maryland HB 375 \(Constitutional Amendment\)](#) Replaces current election system for circuit courts with merit selection system followed with retention elections. Reduces terms in office for circuit judges from 15 years to 10. Rejected by House Judiciary Committee 2/21/11.

[Montana SB 175](#) Creates merit selection system for justices of the Supreme Court. Majority of merit selection commission must be lay members who are neither attorneys nor elected officeholders. Initial terms limited to a maximum of 3 years. Requires creation of judicial performance evaluation system. Referendum to be submitted to voters in November 2012. Killed by a 6-6 tie in Senate Judiciary Committee 2/4/11.

Dead/Inactive: End Merit Selection

[Arizona HCR 2020 \(Constitutional Amendment\)](#) Ends merit selection system. Allows governor to fill judicial vacancies subject to senate confirmation. Provides that judges must be reappointed and reconfirmed at end of terms. In House (no committee).

[Arizona SCR 1042 \(Constitutional Amendment\)](#) Repeals provisions allowing state bar to name attorney members of judicial nominating commissions. Removes senate confirmation of non-attorney members, instead allowing governor, house speaker, and senate president to name. In Senate Judiciary Committee.

[Arizona SCR 1043 \(Constitutional Amendment\)](#) Requires judicial nomination commissions submit names of all persons legally qualified to governor for selection. In Senate Judiciary Committee.

[Arizona SCR 1044 \(Constitutional Amendment\)](#) Allows governor to nominate any qualified person for a judicial vacancy, whether name was submitted by judicial nominating commission or not. In Senate Judiciary Committee.

[Arizona SCR 1046 \(Constitutional Amendment\)](#) Modifies judicial nominating commission membership. Requires state bar submit 3 names for each state-bar vacancy on commission for governor's approval and that a majority of the 3 must be the same political party as governor. Removes requirement that governor's appointments to commission be confirmed by senate. Provides of 13 members of appellate commission, no more than 2 may be attorneys and no more than 1 may be a retired judge. Provides Supreme Court *must* adopt any rules that the commissions vote for themselves, so long as they are lawful. Subjects all those selected by governor to senate confirmation. In Senate Judiciary Committee.

[Arizona SCR 1048 \(Constitutional Amendment\)](#) Ends retention election votes for judges. Provides at end of term, judge to be voted on by senate and retained *unless* rejected by two-thirds of senate. In Senate Judiciary Committee.

[Arizona SCR 1049 \(Constitutional Amendment\)](#) Increases to 400,000 the population requirement for a county to have merit selection for judges (currently 250,000). Increases Supreme Court and court of appeals to 10 years. Modifies judicial nominating commission membership. Requires state bar submit 3 names for each state-bar vacancy on commission for governor's approval and that a majority of the 3 must be the same political party as governor. Removes requirement that governor's appointments to commission be confirmed by senate. Provides of 13 members of appellate commission, no more than 2 may be attorneys and no more than 1 may be a retired judge. Provides Supreme Court *must* adopt any rules that the commissions vote for themselves, so long as they are

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lawful. Expands number of names to be submitted to governor for a vacancy from 3 to 7. Subjects all those selected by governor to senate confirmation. In Senate Judiciary Committee.

[Iowa SB 326](#) Changes numerous provisions related to judiciary. ATTEMPTED FLOOR AMENDMENT: Ends merit selection system for Court of Appeals judges. Judges to be appointed by governor and confirmed by Senate. Keeps retention elections. Amendment ruled not germane. Unanimous consent request to allow amendment rejected. Motion to suspend rules and add amendment rejected by full House vote 4/6/11.

Dead/Inactive: Change/Alter Merit Selection

[Arizona HCR 2026 \(Constitutional Amendment\)](#) Merit selection threshold raised from counties of 250,000 to counties of 500,000. In House (no committee).

[Tennessee SB 284](#) Requires appellate judges be retained by 75 percent of persons voting rather than by a majority of voters. Withdrawn 2/7/11.

Dead/Inactive: Adopt Merit Selection

[Arkansas SB 744](#) Provides for merit selection system for Court of Appeals. Requires approval by public on 2012 election ballot. In Senate Committee on Judiciary.

[Montana D 358 \(Constitutional Amendment\)](#) Creates merit selection system for justices of the Supreme Court. Majority of merit selection commission must be lay members who are neither attorneys nor elected officeholders. Initial terms limited to a maximum of 3 years. Requires creation of judicial performance evaluation system. Referendum to be submitted to voters in November 2012. Draft requested.

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