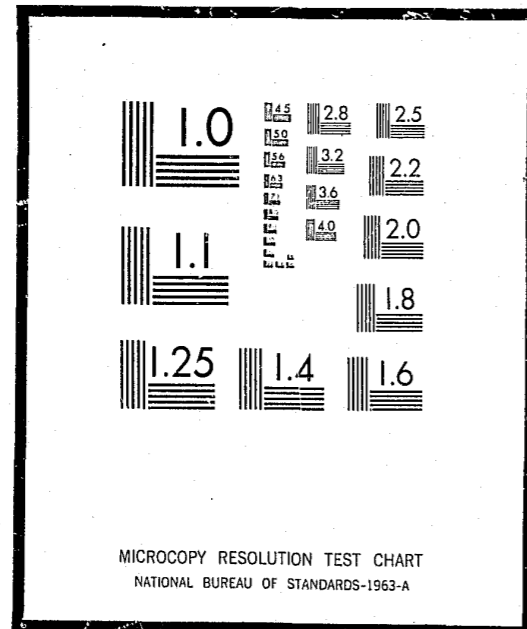


NCJRS

Report No. 3
Revised, June, 1968

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed

9/8/75

TEXTS OF PROVISIONS FOR MERIT PLANS OF JUDICIAL SELECTION

Merit judicial selection, the plan advocated by the American Judicature Society and included in the Model Judicial Article of the American Bar Association, embodies three major elements:

- (1) Nomination of slates of judicial candidates by non-partisan lay-professional nominating commissions;
- (2) Appointment of judges by the chief executive of the state or local government involved from the panel submitted by the nominating commission; and
- (3) Review of appointments by voters in succeeding elections in which judges run unopposed on the sole question of whether their records merit retention in office.

This report is a compilation of the constitutional and statutory provisions instituting elements of this plan for the selection of some members of the judiciary in 14 states, and includes the selection provisions of the Model Article. Two appendices follow the compilation. The first is a chart of the variations in the composition and functions of the judicial nominating commission bodies, and the second lists the names of the courts and the approximate number of judges in each court to whom the merit provisions presently apply.

The 14 states which employ elements of merit selection are Alabama, Alaska, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Utah and Vermont. The nominating commission feature is employed in the plans of all these states with two exceptions. In California, a judicial qualifications commission confirms gubernatorial appointments but does not make nominations for the appellate courts; in Illinois judicial candidates for the

¹In addition, in Pennsylvania, a judicial nominating commission will become effective, if approved in a referendum, in late May of 1969.

Judicial nominating commissions have been instituted by voluntary actions of the governors of Puerto Rico and Oklahoma and by the Mayor of New York City. In Puerto Rico a 10-member committee interviews, evaluates, investigates and recommends candidates for appointment by the governor to judicial posts in the superior and district courts (see *Judicature*, Vol. 49, No. 10, 1965). In New York City a 15-member commission proposes candidates for appointment by the Criminal and Family courts and to interim vacancies on the Civil Court (See: "The Changing Politics of Judicial Selection: A Merit Plan for New York," by Russell D. Niles. *The Record of The Association of the Bar of the City of New York*, Vol. 22, No. 4, April, 1967). This year a judicial nominating commission voluntarily instituted by Oklahoma's governor will be in operation. It will recommend candidates for all courts in which vacancies are filled by the governor. (See *The Journal of the Oklahoma Bar Association*, April 20, 1966 [p. 814], December 31, 1966 [p. 2541] and February 4, 1967 [p. 279]).

appellate and trial courts are nominated by party convention or primaries.

In Illinois the initial selection of appellate and trial court judges is by partisan election, and Alaska district court judges and Illinois magistrates are appointed by the presiding judges of the trial court of the district or circuit and tenure is at the pleasure of the appointing judges. In all other instances where merit provisions are employed, initial selection is by appointment of the chief executive of the government involved.

The third element--non-competitive election--is used in courts of 11 of the 13 states. The exceptions are the Oklahoma Juvenile Court, the Denver County Court in Colorado (it applies to all other courts of record) and in Utah, the juvenile courts where the initial selection procedures are repeated at the end of each term and the Supreme Court and District Court where the non-competitive election is used only if no one chooses to run against the incumbent judge at the expiration of his term. In Vermont, superior and district judges run for non-competitive re-election before the General Assembly rather than in a public election.

The constitutional and statutory provisions in this compilation make some elements of the merit plan applicable to approximately 875 judges of state courts and these include 72 in 10 states at the highest appellate court level--or 23 per cent of the total, 66 intermediate appellate court judges in 3 states, or 25 per cent of the total number of state judges at that level, 591 trial court judges--18 per cent of the total, and 146 judges of state courts of limited jurisdiction. All three basic elements of merit selection apply to approximately 391 judges, that is: 53 judges of the highest appellate courts in 7 states--16.6 per cent of the total; 9 judges in the intermediate appellate courts of Missouri--3 per cent of the total, 226 trial judges in 6 courts--6.8 per cent of the totals and 103 judges of courts of limited jurisdiction. In addition, the plans as adopted in California and Missouri permit extension of their respective provisions to all general trial courts by local option.

INDEX

<u>States and Courts</u>	<u>Page</u>	<u>States and Courts</u>	<u>Page</u>
Alabama		Missouri	
Circuit Court of Jefferson Co.	3	Supreme Court, Courts of Appeal, Circuit Court and Probate Courts of St. Louis and Jackson Counties	23
Alaska		Kansas City Municipal Court	26
Supreme and Superior Court	4	Nebraska	
District Courts	7	Supreme, District and Workmen's Compensation Courts	36
California		Oklahoma	
Supreme Court and District Courts of Appeals	8	Supreme Court & Court of Crimi- nal Appeals Judicial Nom. Comm.	42
Colorado		Juvenile Courts	45
County Court of the City and County of Denver	10	Utah	
Other Courts of Record	10	Supreme and District Courts	46
Florida		Juvenile Courts	50
Metropolitan Court of Dade Co.	11	Vermont	
Illinois		Superior judges and District Courts	51
Supreme, Appellate and Circuit Courts	12	Model Judicial Article	
Iowa		Judicial Selection Provisions	53
Supreme and District Courts	13	Appendix 1--Structure and Functions of Judicial Nominating Commissions	55
Kansas		Appendix 2--The Number of Judges Selected under Elements of Merit Selection Plan	67
Supreme and District Courts	18		

CONSTITUTIONAL AND STATUTORY PROVISIONS
PROVIDING FOR MERIT JUDICIAL SELECTION

ALABAMA

Alabama Constitution, Amendments 83 and 110 (1950)

LXXXIII.

VACANCIES IN OFFICE OF JUDGE OF CIRCUIT COURT HOLDING AT
BIRMINGHAM

All vacancies in the office of judge of the circuit court holding at Birmingham which shall occur subsequent to January 15, 1951 shall be filled in the manner and for the time as herein provided.

The Jefferson county judicial commission is hereby created for the purpose of nominating to the governor persons for appointment to such a vacancy. The members of such commission shall be (a) two persons who are members of the Alabama state bar, and (b) two persons who are not members of the Alabama state bar, and (c) one judge of the circuit court holding at Birmingham.

All members of such commission must reside in the territorial jurisdiction of the circuit court holding at Birmingham.

The two members of such commission who are required to be members of the Alabama state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding at Birmingham. The executive committee of the Birmingham bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of such commission as are required to be members of the Alabama state bar. Such executive committee shall certify in writing to the probate judge of Jefferson county the names of the persons elected as members of such commission by such members of such bar.

The senator and representatives in the Alabama legislature from Jefferson county shall elect two members of such commission who are required not to be members of the Alabama state bar. Such senator and representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court holding at Birmingham shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the senator and representatives in the Alabama legislature from Jefferson county shall be for three

ALABAMA (Continued)

and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1951. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Jefferson county shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the governor for appointment as judge of such circuit court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1951, a vacancy occurs in the office of judge of the circuit court holding at Birmingham, such commission shall nominate to the governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

This amendment shall be self-executing.

CX.

FILLING VACANCY IN OFFICE OF JUDGE OF JEFFERSON COUNTY CIRCUIT COURT.

Any vacancy occurring in the office of judge of the tenth judicial circuit comprised of Jefferson county only, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the chief justice of the supreme court of Alabama.

ALASKA

Alaska Constitution, Article 4, Sections 5 to 9 (1956); Sections 8, 10, 23, 25, 26 and 32 of Chapter 50 SLA 1959; SLA Supp. Sections 22.15.170 and 15.35.100(1966).

Section 5. Nomination and Appointment. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Section 6. Approval or Rejection. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

Section 7. Vacancy. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

Section 8. Judicial Council. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

Section 9. Additional Duties. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

Sec. 8. Vacancies.

(1) Initial Vacancies. The Governor shall initially fill the offices of supreme court justices, including the office of chief justice, within forty-five days after receiving nominations from the Judicial Council, by appointing one of two or more persons nominated by the Council for each position.

(2) Vacancies. The Governor shall fill any vacancy in the offices of supreme court justices, including the office of chief justice, within forty-five days after receiving nominations from the Judicial Council, by appointing one of two or more persons nominated by the Council for each vacant position.

ALASKA (Continued)

The office of a supreme court justice, including the office of chief justice, becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he failed to file his declaration of candidacy to succeed himself, and his successor may be appointed during this period, such appointment to become effective upon the vacancy occurring. A vacancy in said offices may also occur by reason of the death, retirement, resignation, forfeiture, or removal from office of any justice. In the event of any vacancy other than an initial vacancy, or immediately upon certification of rejection following an election, or immediately upon failure of a justice to file declaration of candidacy, the Judicial Council shall meet within thirty days after any of the said events occur and submit to the Governor the names of two or more persons nominated to fill each such vacancy.

Sec. 10. Approval or Rejection.

(1) Each supreme court justice shall be subject to approval or rejection on a separate non-partisan statewide ballot at the first general election held more than three years after his appointment, and if approved by a majority of the electors voting on his candidacy, he shall be retained in office. He shall thereafter be subject to approval or rejection in a like manner every tenth year. If a majority of those voting on his candidacy reject his candidacy, he shall not for a period of four years thereafter be appointed to fill any vacancy in the supreme or superior courts of the State.

(2) Each justice seeking to succeed himself to office shall file with the Secretary of State a declaration of such candidacy not less than ninety days before the date fixed for the general election at which approval or rejection is requisite. The Secretary of State shall promptly certify such candidacy to the election officials of the State, who shall prepare, and have available at the polls, a separate statewide ballot upon which there shall be stated the proposition: "Shall be retained as justice of the supreme court for ten years?", with proper provision for the marking of such propositions as "yes" and "no". The ballots shall be counted, returned, canvassed and certified in the manner provided by law for elective offices.

Sec. 23. Vacancies.

(1) Initial Vacancies. The Governor shall initially fill the offices of superior court judges within forty-five days after receiving nominations from the Judicial Council by appointing one of two or more persons nominated by the Council for each position.

(2) Vacancies. The Governor shall fill any vacancy in the offices of superior court judges within forty-five days after receiving nominations from the Judicial Council by appointing one of two or more persons nominated by the Council for each vacant position.

ALASKA (Continued)

The office of a superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he failed to file his declaration of candidacy to succeed himself, and his successor may be appointed during this period, such appointment to become effective upon the vacancy occurring. A vacancy in said offices may also occur by reason of the death, retirement, resignation, forfeiture, or removal from office of any judge. In the event of any vacancy other than an initial vacancy, or immediately upon certification of rejection following an election, or immediately upon failure of a judge to file declaration of candidacy, the Judicial Council shall meet within the thirty days after any of the said events occur and submit to the Governor the names of two or more persons nominated to fill each such vacancy.

Sec. 25. Number of Judges.

(1) The superior court shall consist of eight judges two of whom shall be judges in the first judicial district, one of whom shall be judge in the second judicial district, three of whom shall be judges in the third judicial district, and two of whom shall be judges in the fourth judicial district. At the time of submitting the names of any nominees to the Governor to fill any vacancy on the superior court bench, the Judicial Council shall also designate the district in which the appointee is to first reside and serve.

(2) A presiding judge shall be designated for each district by the chief justice of the supreme court. The presiding judge shall in addition to his regular duties: (a) assign the cases pending to the judges made available within the district, (b) supervise the judges and their court personnel in the carrying out of their official duties within the district, and (c) expedite and keep current the business of the court within the district.

(3) The chief justice may assign a judge and his court personnel for temporary duty from time to time not to exceed ninety days annually anywhere in Alaska except to permit completion of hearings in progress, providing however, a judge may be so temporarily assigned for longer and additional periods with his consent.

Sec. 26. Approval or Rejection.

(1) Each superior court judge shall be subject to approval or rejection on a separate non-partisan ballot at the first general election held more than three years after his appointment, and if approved by a majority of the electors voting on his candidacy he shall be retained in office. He shall thereafter be subject to approval or rejection in a like manner every sixth year. If a majority of those voting on his candidacy reject his candidacy, he shall not for a period of four years thereafter be appointed to fill any vacancy in the supreme or superior courts of the State.

ALASKA (Continued)

(2) Each judge seeking to succeed himself to office shall file with the Secretary of State a declaration of such candidacy not less than ninety days before the date fixed for the general election at which approval or rejection is requisite. The judge shall seek approval in the judicial district to which he was originally appointed, except in case of assignments and transfers with the judge's consent, in which case he shall seek approval in the district where he has served the major portion of his term, or where he last stood for election. The Secretary of State shall promptly certify such candidacy to the election officials of the State, who shall prepare, and have available at the polls, a separate judicial district-wide ballot upon which there shall be stated the proposition: "Shall be retained as judge of the superior court for six years?", with proper provision for the marking of such proposition as "yes" or "no". The ballots shall be counted, returned, canvassed and certified in the manner provided by law for elective officers.

Sec. 32. Declaration of Intent and Method of Transition. It is the intent of the Legislature by the passage of this Act to provide for the organization of the State courts in an orderly manner so that the same will be completed on or before January 3, 1962 and so that during the intervening period advantage may be taken of the district and appellate structure referred to in Public Law 508, 85th Congress. To effect this intention the State courts shall be organized in the following manner:

(1) The Judicial Council shall, in cooperation with and through the facilities of the Legislative Council, institute studies and make reports and recommendations with regard to the facilities needed for the establishment of the supreme and superior courts of the state. Such studies and reports shall include but not limited to necessary court-room facilities and the location thereof; the number and nature of court attaches and personnel and the estimated salary requirements of each position; recommended rules governing practice and procedure in civil and criminal cases; an estimated annual budget of the costs of operating the proposed supreme and superior court system and an estimate of the capital outlay required for physical facilities such as courtrooms, furnishings and libraries; and such additional information with regard to the administration of justice through the supreme and superior court system as may be required to fully inform the Legislature upon the subject.

(2) Upon the completion of the studies and reports provided in subdivision (1) hereof, copies shall be forthwith transmitted to the Governor and to the Legislature. Thereafter the Judicial Council shall meet and submit to the Governor the names of the persons nominated as the first justices of the supreme court, but in no event earlier than 30 days after submission of said reports and studies to the Legislature, and if the Legislature is not in session then not earlier than 30 days after the Legislature convenes.

ALASKA (Continued)

(3) Upon the appointment of the first supreme court justices, the supreme court shall, as soon as may be practical, consider the reports and studies of the Judicial Council and thereafter make and promulgate such rules governing the administration of courts and the practice and procedure in civil and criminal cases as the court may deem appropriate. When the court has adopted such rules governing causes and procedure of the supreme and superior courts, the chief justice shall so advise the Judicial Council and within thirty (30) days thereafter the Judicial Council shall meet and submit to the Governor the names of the persons nominated for some or all of the superior court judges. The Judicial Council may submit the names of all persons nominated as superior court judges for all districts at this time or may submit the names of persons nominated in less than all of the judicial districts or less than all judges provided for in a district in such manner as will provide a gradual series of appointments consistent with the availability of physical facilities and court personnel.

(4) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, in the event that either: a court of competent jurisdiction, by final judgment, declares that the District Court of the District of Alaska lacks jurisdiction to determine causes arising under the laws of the State, notwithstanding the provisions of Public Law 508, 85th Congress; or the President of the United States, by executive order, terminates the jurisdiction of the District Court of the District of Alaska; the Judicial Council shall forthwith meet and submit to the Governor the names of the persons nominated as justices or judges of all of the supreme and one or more or all superior courts of the State and in any event shall submit all of said names prior to January 3, 1962. In the event that a court of competent jurisdiction, by final judgment, declares that the United States Court of Appeals for the Ninth Circuit lacks jurisdiction to hear appeals from the District Court of the District of Alaska, the Judicial Council shall forthwith meet and submit to the Governor the names of the persons nominated as justices of the supreme court and appeals from the District Court of the District of Alaska may be made to the State Supreme Court. If, upon the events set forth in this subsection, the members of the first Judicial Council have not been appointed, the Governor shall forthwith fill the initial vacancies.

Sec. 22.15.170. Selection of district judges and magistrates. The presiding judge of the superior court in each judicial district shall appoint the district judges and magistrates for the district court for his judicial district. Vacancies shall be filled in the same manner as appointments. (§ 12 ch.184 SLA 1959; am § 2 ch.138 SLA 1966)

Sec. 15.35.100. Approval or rejection of district judge. (a) Each district judge shall be subject to approval or rejection at the first general election held more than one year after his appointment. If approved, he shall thereafter be subject to approval or rejection in a like manner every fourth year.

ALASKA (Continued)

(b) The district judge shall seek approval in the judicial district in which he was originally appointed, or in the district where he has served the major portion of his term. The district judge shall designate on his declaration of candidacy the judicial district in which he was appointed, or the district where he has served the major portion of his term. (§ 1 ch 138 SLA 1966)

CALIFORNIA

California Constitution, Article 6, Section 26 (1934)

Selection of Judges

Sec. 26. Within 30 days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a district court of appeal, or judge of a superior court in any county the electors of which have adopted provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication in the official ballot a declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For	Yes
(title of office)	
Shall	No
(name)	
be elected to the office for the term expiring January ?	
(year)	

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes", such a person shall be elected to said office. If a majority of those voting thereon vote "no", he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as hereinabove provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election

CALIFORNIA (Continued)

next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Judicial Appointments. The commission shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the district court of appeal of the district in which a justice of a district court of appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the district courts of appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the Legislature provided by Sections 17 and 18 of Article IV and by Section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.

The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.

If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished. [New section adopted November 6, 1934]

COLORADO

County Court of Denver. City and County of Denver, Home Rule Charter, Section A 13.8 to A 13.8-3
All Courts of Record. Colorado Constitution, Article 6, Section 20, 24, 25 and 26 (1966)

County Court Judges

A 13.8 Number of judges - qualifications - salaries - terms - method of appointment. The County Court of the City and County of Denver shall be

COLORADO (Continued)

presided over by such number of County Judges as shall be fixed by ordinance. Each of the County Judges shall be a qualified elector of the City and County of Denver and shall be licensed as an attorney-at-law in the State of Colorado and shall have had a minimum of five years' experience as a duly-licensed practicing attorney. The salaries of the County Judges shall be as fixed by law. From and after the second Tuesday (it being the twelfth day) of January, 1965, such judges shall be appointed by the Mayor of the City and County of Denver for four year terms in the manner hereinafter set forth.

A 13.8-1 Such judges as are serving terms as Judges of the Municipal Court of Denver immediately prior to the second Tuesday (it being the twelfth day) of January, 1965, shall automatically on that date assume the title of County Judges and serve in that capacity as judges of the County Court of the City and County of Denver until their terms of office for which they are then serving shall expire. Upon the expiration of the term which they are serving, they may be reappointed for full four year terms as County Judges.

A 13.8-2 From and after the second Tuesday (it being the twelfth day) of January, 1965, all appointments to the position of County Judge shall be made as hereinafter provided.

A 13.8-3 There is hereby created a Denver County Court Judicial Commission, established for the purpose of presenting nominations to the Mayor of persons for appointment to vacancies occurring on the Bench of the County Court of the City and County of Denver. The Denver County Court Judicial Commission shall be composed of seven voting members and ex officio, in a nonvoting advisory capacity, the Presiding Judge of the County Court of the City and County of Denver. The seven voting members of the Commission must all be qualified electors of the City and County of Denver, and shall serve for the terms hereinafter provided and are to consist of the following:

A 13.8-3 (1) The President of the Denver Bar Association; provided, however, that if he is not a qualified elector of the City and County of Denver, then first Vice President of the Denver Bar Association, or alternatively, the second Vice President of said association, in order that this member of the Commission shall be a qualified elector as aforesaid. The Denver County Bar Association Commission member shall serve on the Commission for a 1-year term, concurrent with his holding said Bar Association office.

A 13.8-3 (2) Two qualified electors of the City and County of Denver who are duly-licensed attorneys engaged in the practice of law. These two lawyer-members of the Commission shall be appointed by the Mayor for 4-year terms: provided, however, that one such member shall originally be appointed for a 2-year term, so that one such member may be appointed every 2 years. Such appointments shall be made in a manner that such lawyer-members of the Commission do not belong to the same political party.

COLORADO (Continued)

A 13.8-3 (3) Four qualified electors of the City and County of Denver, of high civic esteem and repute, and who are not attorneys at law. The four non-lawyers shall be originally appointed for 2-year terms so that two of such members may be appointed every two years. Such appointments shall be made in a manner that no more than two of the four non-lawyer members of the Commission shall belong to the same political party.

A 13.8-3 (4) Any vacancy which occurs in the Commission shall be filled for the unexpired term.

A 13.8-3 (5) Members of such Commission shall not receive any salary or compensation for their services as members. No member shall hold any official position in any political organization. The members shall annually elect a chairman from their own number.

A 13.8-3 (6) The functions and duties of the Commission shall be as follows:

A 13.8-3 (6) (a) Whenever a vacancy occurs on the bench of the County Court of the City and County of Denver, the Commission shall present nominations to the Mayor of three or more persons having qualifications for such office. Each nomination shall be made only by the concurrence of a majority of all the members of the Commission. The Mayor shall appoint to the office in which the vacancy exists, for a term of four years, one of the persons so nominated by the Commission.

A 13.8-3 (6) (b) In addition, the Commission may recommend to the Mayor the suspension or removal from office of any judge of the County Court of the City and County of Denver for any reasons which the Commission deems in the best interest of the administration of justice. Upon receipt of such recommendations, the Mayor may suspend with or without compensation or may remove from office, provided, however, no judge shall be suspended without compensation or removed from office except in cases of incompetency, legal disability or other good and sufficient legal causes.

A 13.8-3 (7) The nominations and appointments to vacancies on the County Court of the City and County of Denver shall be based solely upon merit, legal experience, ability and integrity.

Section 20. Vacancies. (1) A vacancy in any judicial office in any court of record shall be filled by appointment of the governor, from a list of three nominees for the supreme court and any intermediate appellate court, and from a list of two or three nominees for all other courts of record, such list to be certified to him by the supreme court nominating commission for a vacancy in the supreme court or a vacancy in any intermediate appellate court and by the judicial district nominating commission for a vacancy in any other court in that district. In case of more than one vacancy in any such court, the list shall contain not less than two more nominees than there are vacancies to be filled. The list shall be submitted by the nominating commission not later than thirty days after the death, retirement, tender of resignation, removal under Section 23, failure of an incumbent to file a

COLORADO (Continued)

declaration under Section 25, or certification of a negative majority vote on the question of retention in office under Section 25 hereof. If the governor shall fail to make the appointment (or all of the appointments in case of multiple vacancies) from such list within fifteen days from the day it is submitted to him, the appointment (or the remaining appointments in case of multiple vacancies) shall be made by the chief justice of the supreme court from the same list within the next fifteen days. A justice or judge appointed under the provisions of this section shall hold office for a provisional term of two years and then until the second Tuesday in January following the next general election. A nominee shall be under the age of seventy-two years at the time his name is submitted to the governor.

(2) All justices and judges of courts of record holding office on the effective date of this constitutional amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed. Retention in office thereafter shall be by election as prescribed in Section 25.

Section 24. Judicial nominating commissions. (1) There shall be one judicial nominating commission for the supreme court and any intermediate appellate court to be called the supreme court nominating commission and one judicial nominating commission for each judicial district in the state.

(2) The supreme court nominating commission shall consist of the chief justice or acting chief justice of the supreme court, ex officio, who shall act as chairman and shall have no vote, one citizen admitted to practice law before the courts of this state and one other citizen not admitted to practice law in the courts of this state residing in each congressional district in the state, and one additional citizen not admitted to practice law in the courts of this state. No more than one-half of the commission members plus one, exclusive of the chief justice, shall be members of the same political party. Three voting members shall serve until December 31, 1967, three until December 31, 1969, and three until December 31, 1971. Thereafter each voting member appointed shall serve until the 31st of December of the 6th year following the date of his appointment.

(3) Each judicial district nominating commission shall consist of a justice of the supreme court designated by the chief justice, to serve at the will of the chief justice, who shall act as chairman, ex officio, and shall have no vote, and seven citizens residing in that judicial district, no more than four of whom shall be members of the same political party and there shall be at least one voting member from each county in the district. In all judicial districts having a population of more than 35,000 inhabitants as determined by the last preceding census taken under the authority of the United States, the voting members shall consist of three persons admitted to practice law in the courts of this state and four persons not admitted to practice law in the courts of this state. In judicial districts having a population of 35,000 inhabitants or less as determined above, at least four voting members shall be persons not admitted to practice law in the courts of this state; and it shall be determined by majority vote of the governor, the attorney general and the chief justice, how many, if any, of the remaining three members shall be persons admitted to practice law in the courts of this state.

COLORADO (Continued)

Two voting members shall serve until December 31, 1967, two until December 31, 1969, and three until December 31, 1971. Thereafter voting member appointed shall serve until the 31st of December of the 6th year following the date of his appointment.

(4) Members of each judicial nominating commission selected by reason of their being citizens admitted to practice law in the courts of this state shall be appointed by majority action of the governor, the attorney general and the chief justice. All other members shall be appointed by the governor. No voting member of a judicial nominating commission shall hold any elective and salaried United States or state public office or any elective political party office, and he shall not be eligible for reappointment to succeed himself on a commission. No voting member of the supreme court nominating commission shall be eligible for appointment as a justice of the supreme court or any intermediate appellate court so long as he is a member of that commission and for a period of three years thereafter; and no voting member of a judicial district nominating commission shall be eligible for appointment to judicial office in that district while a member of that commission and for a period of one year thereafter.

Section 25. Election of justices and judges. A justice of the supreme court or a judge of any other court of record, who shall desire to retain his judicial office for another term after the expiration of his then term of office shall file with the secretary of state, not more than six months nor less than three months prior to the general election next prior to the expiration of his then term of office, a declaration of his intent to run for another term. Failure to file such a declaration within the time specified shall create a vacancy in that office at the end of his then term of office. Upon the filing of such a declaration, a question shall be placed on the appropriate ballot at such general election, as follows:

"Shall Justice (Judge) _____ of the Supreme (or other) Court be retained in office? YES/___/NO ___/." If a majority of those voting on the question vote "Yes", the justice or judge is thereupon elected to a succeeding full term. If a majority of those voting on the question vote "No", this will cause a vacancy to exist in that office at the end of his then present term in office.

In the case of a justice of the supreme court or any intermediate appellate court, the electors of the state at large; in the case of a judge of a district court, the electors of that judicial district; and in the case of a judge of the county court or other court of record, the electors of that county; shall vote on the question of retention in office of the justice or judge.

Section 26. Denver County Judges. The provisions of Sections 16, 20, 23, 24 and 25 hereof shall not be applicable to judges of the county court of the City and County of Denver. The number, manner of selection, qualifications, term of office, tenure, and removal of such judges shall be as provided in the charter and ordinances of the City and County of Denver.

FLORIDA

Metropolitan Court of Dade County (Miami), Home Rule Charter, Sections 6.03, 6.04 and 6.06 (1963).

Section 6.03 Nomination and Appointment

A. The Board of County Commissioners shall fill any vacancy in an office of Metropolitan Court Judge by appointing one of three nominees for each vacancy presented to it by the Metropolitan Court Nominating Council.

B. If within sixty days from the date a vacancy occurs the Metropolitan Court Nominating Council fails to submit to the Board of County Commissioners three nominees for any such vacancy, then the Board of County Commissioners shall fill such vacancy by appointment in any manner not otherwise inconsistent with the provisions of this article.

C. If the Board of County Commissioners shall fail to make an appointment within sixty days from the date the list of nominees is present to it, the appointment shall be made by the Chairman of the Metropolitan Court Nominating Council from the same list of nominees.

Section 6.04 Approval or Rejection

A. Declaration of Candidacy

1. Any Metropolitan Court Judge who desires to continue in office after the expiration of his term, and as a condition precedent thereto, shall file with the Clerk of the Board of County Commissioners a written Declaration of Candidacy for election to succeed himself not less than 60 days nor more than 90 days preceding the date of the first State Primary Election at which his name is to be submitted to the electors.

B. Term of Office

1. Each Metropolitan Court Judge shall, in the manner provided by law, be subject to approval or rejection on a non-partisan ballot at the first State Primary Election held more than one year after his appointment.

2. Thereafter, each Metropolitan Court Judge shall be subject to approval or rejection in a like manner every sixth year, provided, however, that upon the initial election held after the effective date of this article the seven candidates receiving the highest number of affirmative votes shall each be elected for a six year term and the remaining six candidates shall each be elected for a four year term. Should a tie result, the outcome shall be determined by lot.

FLORIDA (Continued)

C. Form of Ballot

At each election for Judge, the ballot should be as follows:
 "Shall Judge (name of judge) of the Metropolitan Court be retained in office?"
 YES _____ NO _____

Section 6.06 Metropolitan Court Nominating Council

A. Duty

There shall be a Metropolitan Court Nominating Council, the primary duty of which shall be to prepare a list of three (3) nominees for each vacancy occurring on the Metropolitan Court Bench for submission to the Board of County Commissioners.

B. Members, Number, Type and Selection

1. The Metropolitan Court Nominating Council shall serve without compensation except for reimbursement for necessary expenses incurred in official duties, and shall consist of nine (9) as follows:

(a) The Presiding Circuit Judge of the Eleventh Judicial Circuit in and for Dade County shall act as Chairman. In the event the Presiding Circuit Judge shall fail to accept the appointment, or having assumed office shall for any reason cease to continue to act or there be no Presiding Circuit Court Judge, the Board of County Commissioners shall appoint any Judge of the Eleventh Judicial Circuit in and for Dade County, Florida, to act as Chairman:

(b) Three active members of The Florida Bar in good standing, residing in Dade County shall be elected by the active members of The Florida Bar, in good standing, residing in Dade County, under such procedure as established by the Board of County Commissioners;

(c) Five shall be residents of Dade County, not admitted to practice law, who shall be appointed by the Board of County Commissioners.

The members of the Metropolitan Court Nominating Council shall be appointed or elected within 45 days of the effective date of this Article and the initial terms of office for members of the Metropolitan Court Nominating Council, other than the Chairman shall be as follows:

2 Lay Members	6 Year Term	1 Lawyer Member	6 Year Term
2 Lay Members	5 Year Term	1 Lawyer Member	5 Year Term
1 Lay Member	4 Year Term	1 Lawyer Member	4 Year Term

Thereafter, each member shall be appointed or elected, consistent with other provisions of this article, for a 6 year term.

FLORIDA (Continued)

D. Vacancies shall be filled for the unexpired term in like manner as provided for initial selection of members of Metropolitan Court Nominating Council.

E. Regulation of Members

No member of the Metropolitan Court Nominating Council, except the Chairman, shall hold any other public office for profit or office in a political party or organization and shall not be eligible for appointment to the Metropolitan Court Bench while a member of the Metropolitan Court Nominating Council and for a period of five years thereafter.

F. Additional Duties

1. The Metropolitan Court Nominating Council is empowered to initiate removal proceedings against any Metropolitan Court Judge for nonfeasance, malfeasance or misfeasance in office.

2. The Metropolitan Court Nominating Council shall conduct studies for improvement of the administration of justice and make reports and recommendations to the Board of County Commissioners at intervals of not more than two years.

3. The Metropolitan Court Nominating Council shall perform such other duties as may be assigned by law.

IDAHO

General Laws of Idaho, Annotated, Vol. 2, 1967 Cumulative Supplement.

Chapter 21- Judicial Council

1-2101. Judicial council-Creation-Membership-Appointments-Vacancies. There is hereby created a judicial council which shall consist of seven (7) members. Three (3) attorneys members, one (1) of whom shall be a district judge, shall be appointed by the board of commissioners of the Idaho state bar with the consent of the senate. Three (3) non-attorney members shall be appointed by the governor with the consent of the senate. If any of the above appointments be made during a recess of the senate, they shall be subject to consent of the senate at its next session. The term of office for an appointed member of the judicial council shall be six (6) years, except that of the members first appointed, one (1) attorney member and one (1) non-attorney member shall each serve for two (2) years, and one (1) attorney member and one (1) non-attorney member shall each serve for four (4) years, and one (1) attorney member and one (1) non-attorney member shall each serve for six (6) years; thereafter, appointments shall be made for six (6) year terms. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration for area representation and not more than three (3) of the appointed members shall be from one (1) political party. The chief justice of the Supreme Court shall be the seventh member and chairman of the judicial council. No member of the judicial council, except a judge or justice, may hold any other office or position of profit under the United States or the state. The judicial council shall act by concurrence of four (4) or more members and according to rules which it adopts. [1967, ch. 67, §1, p. 153.]

IDAHO (Continued)

1-2102. Duties of council.-The judicial council shall:

(1) Conduct studies for the improvement of the administration of justice;

(2) Make reports to the Supreme Court and legislature at intervals of not more than two (2) years;

(3) Submit to the governor the names of not less than two (2) nor more than four (4) qualified persons for each vacancy in the office of justice of the Supreme Court or district judge, one (1) of whom shall be appointed by the governor;

(4) Recommend the removal, discipline and retirement of judicial officers; and,

(5) Such other duties as may be assigned by law. [1967, ch. 67, §2, p. 153.]

1-2103. Removal, disciplining, or retirement of judges or justices-Procedure.- A justice of the Supreme Court or judge of any district court, in accordance with the procedure prescribed in this section, may be disciplined or removed for willful misconduct in office or willful and persistent failure to perform his duties or habitual intemperance, or he may be retired for disability seriously interfering with the performance of his duties, which is, or is likely to become of a permanent character. The judicial council may, after such investigation as the council deemed necessary, order a hearing to be held before it concerning the removal, discipline or retirement of a justice or a judge, or the council may in its discretion request the Supreme Court to appoint three (3) special masters, who shall be justices or judges, to hear and take evidence in any such matters, and to report their findings to the council. If, after hearing, or after considering the record and the findings and report of the masters, the council finds good cause therefore [therefor], it shall recommend to the Supreme Court the removal, discipline or retirement, as the case may be, of the justice or judge.

The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may permit the introduction of additional evidence and shall order removal, discipline or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to other provisions of law. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order.

All papers filed with and the proceedings before the judicial council or masters appointed by the Supreme Court, pursuant to this section, shall be confidential, and the filing of papers with and the giving of testimony before the commission or the masters shall be privileged; but no other publication of such papers or proceedings shall be privileged in any action for defamation except that (a) the record filed by the council in the Supreme Court continues privileged and upon such filing loses its confidential character and (b) a writing which was privileged prior to its filing with the council or

IDAHO (Continued)

masters does not lose such privilege by such filing. The judicial council shall by rule provide for procedures under this section. A justice or judge who is a member of the council or Supreme Court shall not participate in any proceedings involving his own removal, discipline or retirement.

This section is alternative to, and cumulative with, the removal of justices and judges by impeachment, and the original supervisory control of members of the judicial system by the Supreme Court. [1967, ch. 67, § 3, p. 153.]

1-2104. Honoraria and expenses of members. - Each member of the judicial council, except a judge or justice, shall receive an honorarium of twenty-five dollars (\$25.00) per day for each day spent in actual attendance in meetings of the judicial council. Members of the council shall be reimbursed for actual expenses necessarily incurred in attending meetings and in the performance of official duties. [1967, ch. 67, § 4, p. 153.]

ILLINOIS

Illinois Constitution, Article 5, Sections 10 and 11 (1962).

SELECTION AND TENURE

Section 10. Election or Selection

All of the judges provided for herein shall be nominated by party convention or primary and elected at general elections by the electors in the respective judicial districts, judicial circuits, counties, or units. Provided, however, the General Assembly may provide by law for the selection and tenure of all judges provided herein as distinguished from nomination and election by the electors, but no law establishing a method of selecting judges and providing their tenure shall be adopted or amended except by a vote of two-thirds of the members elected to each House, nor shall any method of selecting judges and providing their tenure become law until the question of the method of selection be first submitted to the electors at the next general election. If a majority of those voting upon the question shall favor the method of selection or tenure as submitted it shall then become law.

The office of any judge shall be deemed vacant upon his death, resignation, rejection, removal or retirement. Whenever a vacancy occurs in the office of judge, the vacancy shall be filled for the unexpired portion of the term by the voters at an election as above provided in this Section, or in such other manner as the General Assembly may provide by law as set out in this Section and approved by the electors. Whenever an additional judge is authorized by law, the office shall be filled in the same manner as in the case of a vacancy.

Section 11. Retention in Office

Not less than six months prior to the general election next preceding the expiration of his term in office, any judge previously elected may file in the office of the Secretary of State a declaration of candidacy to succeed himself, and the Secretary of State, not

ILLINOIS (Continued)

less than 61 days prior to the election, shall certify such candidacy to the proper election officials. At the election the name of each judge who has filed such a declaration shall be submitted to the voters, on a special judicial ballot without party designation, on the sole question whether he shall be retained in office for another term. The elections shall be conducted in the appropriate judicial districts, circuits, counties and units. The affirmative votes of a majority of the voters voting on the question shall elect him to the office for another term commencing the first Monday in December following the election. Any judge who does not file a declaration within the time herein specified, or, having filed, fails of reelection, shall vacate his office at the expiration of his term, whether or not his successor, who shall be selected for a full term pursuant to Section 10 of this Article, shall yet have qualified.

Any law reducing the number of judges of the Appellate Court in any district or the number of circuit or associate judges in any circuit shall be without prejudice to the right of judges in office at the time of its enactment to seek retention in office as hereinabove provided.

IOWA

Iowa Constitution, Article V., Sections 15 to 18 (1962).

Section 15. Vacancies

Vacancies in the Supreme Court and District Court shall be filled by appointment by the Governor from lists of nominees submitted by the appropriate judicial nominating commission. Three nominees shall be submitted for each Supreme Court vacancy, and two nominees shall be submitted for each District Court vacancy. If the Governor fails for thirty days to make the appointment, it shall be made from such nominees by the Chief Justice of the Supreme Court. Added special election June 4, 1962.

Section 16. Judicial Nominating Commission

There shall be a State Judicial Nominating Commission. Such commission shall make nominations to fill vacancies in the Supreme Court. Until July 4, 1973, and thereafter unless otherwise provided by law, the State Judicial Nominating Commission shall be composed and selected as follows: There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such Commission, all of whom shall be electors of the state. The appointive members shall be appointed by the Governor subject to confirmation by the Senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the Supreme Court who is senior in length of service on said Court, other than the Chief Justice, shall be a member of such Commission and shall be its chairman.

IOWA (Continued)

There shall be a District Judicial Nominating Commission in each judicial district of the state. Such commissions shall make nominations to fill vacancies in the District Court within their respective districts. Until July 4, 1973, and thereafter unless otherwise provided by law, District Judicial Nominating Commissions shall be composed and selected as follows: There shall be not less than three nor more than six appointive members, as provided by law, and an equal number of elective members on each such commission, all of whom shall be electors of the district. The appointive members shall be appointed by the Governor. The elective members shall be elected by the resident members of the bar of the district. The district judge of such district who is senior in length of service shall also be a member of such commission and shall be its chairman.

Due consideration shall be given to area representation in the appointment and election of Judicial Nominating Commission members. Appointive and elective members of Judicial Nominating Commissions shall serve for six year terms, shall be ineligible for a second six year term on the same commission, shall hold no office of profit of the United States or of the state during their terms, shall be chosen without reference to political affiliation, and shall have such other qualifications as may be prescribed by law. As near as may be, the terms of one-third of such members shall expire every two years. Added special election June 4, 1962.

Section 17. Tenure

Members of all courts shall have such tenure in office as may be fixed by law, but terms of Supreme Court Judges shall be not less than eight years and terms of District Court judges shall be not less than six years. Judges shall serve for one year after appointment and until the first day of January following the next judicial election after the expiration of such year. They shall at such judicial election stand for retention in office on a separate ballot which shall submit the question of whether such judge shall be retained in office for the tenure prescribed for such office and when such tenure is a term of years, on their request, they shall, at the judicial election next before the end of each term, stand again for retention on such ballot.

Present Supreme Court and District Court Judges, at the expiration of their respective terms, may be retained in office in like manner for the tenure prescribed for such office. The General Assembly shall prescribe the time for holding judicial elections. Added special election June 4, 1962.

IOWA (Continued)

46.1 Appointment of state judicial nominating commissioners.

The governor shall appoint, subject to confirmation by the senate, one elector of each congressional district to the state judicial nominating commission for a term commencing July 1, 1963. He shall appoint three such commissioners to serve until June 30, 1965, two to serve until June 30, 1967, and two to serve until June 30, 1969. Within thirty days after the convening of the general assembly immediately preceding expiration of each of those terms and every six years thereafter, the governor shall so appoint state judicial nominating commissioners for six-year terms commencing July 1, following Acts 1963 (60 G. A.) ch. 80, § 1, as amended Acts 1965 (61 G. A.) ch. 68, § 24.

46.2 Election of state judicial nominating commissioners.

In June, 1963, the resident members of the bar of each congressional district shall elect one elector of such district to the state judicial nominating commission for a term commencing July 1, 1963. Such elective commissioners shall serve until June 30, 1969, from the three congressional districts where the first appointive commissioners serve until June 30, 1965; until June 30, 1967, from the two congressional districts where the first appointive commissioners serve until June 30, 1969; and until June 30, 1965, from the two congressional districts where the first appointive commissioners serve until June 30, 1967. In January, immediately preceding expiration of each of those elective terms and every six years thereafter, such members of the bar of the respective congressional districts shall so elect state judicial nominating commissioners for six year terms commencing July 1 following Act 1963 (60 G. A.) ch. 80, § 2.

46.3 Appointment of district judicial nominating commissioners.

In June, 1963, the governor shall appoint five electors of each judicial district to the district judicial nominating commission for terms commencing July 1, 1963. He shall appoint two such commissioners to serve until June 30, 1965, two to sefve until June 30, 1967, and one to serve until June 30, 1967, and one to serve until June 30, 1969. Upon the expiration of each of those terms and every six years thereafter, the governor shall so appoint district judicial nominating commissioners for six year terms. Acts 1963 (60 G. A.) ch. 80, § 3.

46.4 Election of district judicial nominating commissioners.

In June, 1963, the resident members of the bar of each judicial district shall elect five electors of the district to the district judicial nominating commis-

IOWA (Continued)

sion for terms commencing July 1, 1963. One of such commissioners shall serve until June 30, 1965, two until June 30, 1967, and two until June 30, 1969, as determined by lot by such commissioners. In January next before expiration of each of those terms and every six years thereafter, such members of the bar of the respective judicial districts shall so elect district judicial nominating commissioners for six-year terms commencing July 1 following. Acts 1963 (60 G. A.) ch. 80, § 4.

46.5 Vacancies.

When a vacancy occurs in the office of appointive judicial nominating commissioner, the chairman of the particular commission shall promptly notify the Governor in writing of such fact. Vacancies in the office of appointive judicial nominating commissioner shall be filled by appointment by the governor. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

Except where the term has less than ninety days remaining, vacancies in the office of elective member of the state judicial nominating commission shall be filled by a special election within the congressional district where the vacancy occurs, such election to be conducted as provided in sections 46.9 and 46.10.

Vacancies in the office of elective judicial nominating commissioner of district judicial nominating commissions shall be filled by majority vote on the authorized number of elective members of the particular commission, at a meeting of such members called in the manner provided in section 46.13. The term of judicial nominating commissioners so chosen shall commence upon their selection.

If a vacancy occurs in the office of chairman of a judicial nominating commission, or in the absence of the chairman, the members of the particular commission shall elect a temporary chairman from their own number. Acts 1965 (61 G. A.) ch. 92, § 1.

46.6 Equal seniority.

If the judges of longest service (other than the chief justice) of the supreme court or of the district court in a district are of equal service, the eldest of such judges shall be chairman of the particular judicial nominating commission. Acts 1963 (60 G. A.) ch. 80, § 6.

46.7 Eligibility to vote.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must have registered in writing with the clerk of the district court of the county of his residence at the last bar registration preceding such election. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar. Acts 1963 (60 G. A.) ch. 80, § 7.

IOWA (Continued)

46.8 Bar registration.

A book known as the bar register shall be maintained in each county in the office of the clerk of the district court. Where there are two county seats in a county, the bar register shall be maintained at the more populous county seat. In the first week of May of each odd-numbered year, the clerk of the supreme court shall by mail direct each clerk of the district court maintaining a bar register to publish and post the notice hereafter prescribed, but failure of such a clerk of the district court to give the notice shall not invalidate an election of judicial nominating commissioners thereafter held. In May of each odd-numbered year, each such clerk of the district court shall post in his office and publish once in an official newspaper in his county a notice substantially as follows:

NOTICE TO THE BAR
_____ County, Iowa

Each member of the bar of the State of Iowa residing in this county is notified to register in writing his name, address, and year of admission to the Iowa bar, in the office of the undersigned in May, 19__, to be eligible to vote in elections of judicial nominating commissioners.

(Name of Clerk)
Clerk of District Court

On June 1 of each odd-numbered year, each such clerk of the district court shall certify to the clerk of the supreme court the names, addresses, and years of admission of the members of the bar who registered during the preceding month. The clerk of the supreme court shall promptly ascertain from his record of admissions whether the individuals so certified are members of the bar of the state of Iowa and shall delete from the certified list any who are not. Acts 1963 (60 G. A.) ch. 80, § 8, as amended Acts 1965 (61 G. A.) ch. 92, §§ 2-4.

46.9 Conduct of elections.

When an election of judicial nominating commissioners is to be held, the clerk of the supreme court shall cause ballots to be mailed in accordance with the current certified list of resident members of the bar to such members of the proper districts, substantially as follows:

Iowa State (or Iowa _____ Judicial District)
Judicial Nominating Commission
BALLOT

To be cast by the resident members of the bar of the _____ Congressional (or Judicial) District of Iowa.

IOWA (Continued)

Vote for (state number) for Iowa State (or Iowa _____ Judicial District) judicial nominating commissioner(s) for term commencing _____.

- John Doe
- Richard Roe
- _____
- _____

To be counted, this ballot must be completed and mailed or delivered to Clerk of the Supreme Court of Iowa, Des Moines, Iowa, not later than January 31, 19__ (or the appropriate date under section five in case of an election to fill a vacancy).

DESTROY BALLOT IF NOT USED

The elector receiving the most votes shall be elected. When more than one commissioner is to be elected, the electors receiving the most votes shall be elected, in the same number as the offices to be filled.

The ballot must be completed and mailed or delivered to the clerk of the supreme court prior to expiration of the period within which the election must be held.

The ballots shall be counted under the direction of the clerk of the supreme court. Acts 1963 (60 G. A.) ch. 80, § 9, as amended Acts 1965 (61 G. A.) ch. 92, § 5.

46.10 Nomination of elective nominating commissioners.

In order to have his name printed on the ballot for state or district judicial nominating commissioner, an elector must file in the office of the clerk of the supreme court at least thirty days prior to expiration of the period within which the election must be held a nominating petition signed by at least fifty resident members of the bar of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten resident members of the bar of the judicial district in case of a candidate for district judicial nominating commissioner. No member of the bar may sign more nominating petitions for state or district judicial nominating commissioner than there are such commissioners to be elected.

Ballots for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in. Acts 1963 (60 G. A.) ch. 80, § 10.

IOWA (Continued)

46.11 Certification of commissioners.

The governor and the clerk of the supreme court respectively shall promptly certify the names and addresses of appointive and elective judicial nominating commissioners to the secretary of state and the chairmen of the respective nominating commissions. Acts 1963 (60 G. A.) ch. 80, § 11.

46.12 Notification of vacancy and resignation.

When a vacancy occurs or will occur within sixty days in the supreme court or district court, the secretary of state shall forthwith so notify the chairman of the proper judicial nominating commission. The chairman shall call a meeting of the commission within ten days after such notice; if he fails to do so, the chief justice shall call such meeting.

When a judge of the supreme court or district court resigns, he shall submit a copy of his resignation to the secretary of state at the time he submits his resignation to the governor; and when a judge of the supreme court or district court dies, the clerk of district court of the county of his residence shall in writing forthwith notify the secretary of state of such fact. Acts 1963 (60 G. A.) ch. 80, § 12, as amended Acts 1965 (61 G. A.) ch. 92, § 6.

46.13 Notice of meetings.

The chairman of each judicial nominating commission shall give the members of the commission at least five days' written notice by mail of the time and place of every meeting, except as to members who execute written waivers of notice at or before the meeting or unless the commission at its next previous meeting designated the time and place of the meeting. Acts 1963 (60 G. A.) ch. 80, § 13.

46.14 Nomination.

Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-two years. No person shall be eligible for nomination by a commission as judge during the term for which he was elected or appointed to that commission. Absence of a commissioner or vacancy upon the commission shall

IOWA (Continued)

not invalidate a nomination. The chairman of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice. Acts 1963 (60 G.A.) ch. 80, § 14, as amended Acts 1965 (61 G.A.) ch. 92, § 7.

46.15 Effective date as to appointments.

After June 30, 1963, all appointments to the supreme court and district court shall be made from the nominees of the respective judicial nominating commissions. Acts 1963 (60 G.A.) ch. 80, § 15.

46.16 Terms of judges.

Subject to the provisions of section 26 and to removal for cause:

1-3. Stricken. Acts 1965 (61 G.A.) ch. 92, § 8.

4. The initial term of office of judges of the supreme court and district court shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year; and

5. The regular term of office of judges of the supreme court retained at a judicial election shall be eight years, and of judges of the district court so retained shall be six years, from the expiration of their initial or previous regular term as the case may be. Acts 1963 (60 G.A.) ch. 80, § 16; as amended Acts 1965 (61 G.A.) ch. 92, § 8.

46.17 Time of judicial election.

Judicial elections shall be held at the time of the general election. Acts 1963 (60 G.A.) ch. 80, § 17.

46.18 Eligibility of Voters.

Electors entitled to vote at the general election shall be entitled to vote at the judicial election. All voting procedures provided by chapter 53, for absent voting by armed forces in general elections shall be applicable to judicial elections. Acts 1963 (60 G.A.) ch. 80, § 18.

46.19 Poll books.

The poll books used for the general election shall also constitute the poll books for the judicial election. Acts 1963 (60 G.A.) ch. 80, § 19.

46.20 Declaration of candidacy.

At least ninety days prior to the judicial election preceding expiration of his initial or regular term of office, a judge of the supreme court or district court may file a declaration of candidacy with the secretary of state, whereupon such

IOWA (Continued)

judge shall stand for retention or rejection at that election. If a judge fails to file such declaration, his office shall be vacant at the end of his term. Acts 1963 (60 G.A.) ch. 80, § 20.

46.21 Conduct of election.

At least fifty-five days prior to each judicial election, the secretary of state shall certify to the county auditor of each county a list of the judges of the supreme court and district court to be voted on in such county at that election. The auditor shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The secretary of state shall rotate the names in the certificate by county, or the auditor shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA

JUDICIAL BALLOT

(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

JOHN DOE	YES <input type="checkbox"/>	NO <input type="checkbox"/>
RICHARD ROE	YES <input type="checkbox"/>	NO <input type="checkbox"/>

DISTRICT COURT

Shall the following judge of the District Court be retained in office?

JOHN SMITH	YES <input type="checkbox"/>	NO <input type="checkbox"/>
------------	------------------------------	-----------------------------

46.22 Voting.

Voting at judicial elections shall be by separate paper ballot or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. Separate ballot boxes for the general election ballots and the judicial election ballots shall not be required. The general election ballot and the judicial election ballot may be voted in the same voting booth. Acts 1963 (60 G.A.) ch. 80, § 22.

IOWA (Continued)

46.23 General election and absent voter laws.

So far as applicable general election and absent voter laws shall apply to judicial elections. An application for an absent voter ballot for a general election shall also constitute an application for an absent voter ballot for a judicial election to be held at the same time, and the ballots shall be mailed or delivered to the voter together. The sealed envelope transmitted by the absent voter to auditor containing the absent voter general election ballot may also contain the judicial election ballot. Acts 1963 (60 G. A.) ch. 80, § 23.

46.24 Results of election.

A judge of the supreme court or district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns at its meeting on Monday after the election, and shall promptly certify the number of affirmative and negative votes on each judge to the secretary of state.

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court or district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating. Acts 1963 (60 G. A.) ch. 80, § 24.

KANSAS

Kansas Constitution, Article 3, Section 2 (1958); K. S. A. 20 - 119 to 20 - 136 (1959).

Section 2. Supreme court and district courts.

(a) Supreme Court. The supreme court shall consist of seven justices who shall be selected as provided by this section. All cases shall be heard by the whole court with not fewer than four justices sitting, and the concurrence of four justices shall be necessary to a decision. The term of office of the justices shall be six years, except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice.

(b) District Courts. The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District courts shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts.

KANSAS (Continued)

Whenever a vacancy shall occur in the office of district judge, it shall be filled by appointment by the governor until the next general election that shall occur more than thirty days after such vacancy.

(c) Residence requirements. All judicial officers provided for by article 3 of the constitution shall reside in their respective townships, counties or districts at the time of their nomination, selection or election and during their respective terms of office.

(d) Filling of vacancies in, and appointment to, supreme court.

(1) Any vacancy occurring in the office of any justice of the supreme court, and any position to be open in the supreme court as the result of retirement, or failure of the incumbent to file his declaration of candidacy to succeed himself as hereinafter required, or failure of a justice to be elected to succeed himself, shall be filled by appointment by the governor of one of three persons possessing the qualifications of office, who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.

(2) In the event of the failure of the governor to make appointment within sixty days from the time the names of the nominees are submitted to him, the chief justice of the supreme court shall make the appointment from such nominees.

(e) Tenure of supreme court justices; declaration of candidacy; form of ballot; rejection and retention. Each justice of the supreme court appointed pursuant to the provisions of subsection (d) (1) of this section shall hold office for an initial term ending on the second Monday in January following the next general election after the expiration of twelve months in office. Any justice holding office at the time the provisions of this section become applicable to to his office, shall, unless removed for cause, remain in office for the term or unexpired term to which he was elected or appointed. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any justice of the supreme court may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed the position held by such justice shall be open from the expiration of his term of office. If such declaration is filed his name shall be submitted at the next election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

Shall _____
(Here insert name of justice.)

(Here insert the title of the court.)

be retained in office?

KANSAS (Continued)

If a majority of those voting on the question vote against retaining him in office, the position or office which he holds shall be open upon the expiration of his term of office; otherwise he shall, unless removed for cause, remain in office for the regular term of six years, from the second Monday in January following such election. At the expiration of each term, he shall, unless by law he is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.

(f) Supreme court nominating commission. (1) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as the "supreme court nominating commission." Said commission shall be organized as hereinafter provided.

(2) The supreme court nominating commission shall be composed as follows: One member, who shall be chairman, chosen from among their number by the members of the bar who are residents of and licensed in Kansas; one member from each congressional district chosen from among their number by the resident members of the bar in the district; and one member, who is not a lawyer from each congressional district, appointed by the governor from among the residents of the district.

(3) The terms of office, the procedure for selection and certification of the members of the commissions and provision for their compensation or expenses shall be as provided by the legislature.

(4) No member of the supreme court nominating commission shall, while he is a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.

(g) Implementing legislation. The legislature shall, at the next regular session after the election at which this amendment is adopted by the electors of the state, enact such laws as may be appropriate to make all the provisions of this section effective in operation.

(h) Qualifications of justices and judges. Justices of the supreme court and judges of the district courts shall be at least thirty years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state, and shall possess such other qualifications as may be prescribed by law.

(i) Prohibition of political activity by justices of the supreme court. No justice of the supreme court who is appointed or retained under the procedure of paragraphs (1) and (2) of subsection (d) and subsections (e) and (f) of this section

KANSAS (Continued)

shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

(j) Effective dates. Except for subsection (g) of this section, this amendment shall become effective July 1, 1959. Subsection (g) of this section shall become effective immediately upon the adoption of this amendment by the electors of the state.

20-119. Nominating commission to implement 1958 constitutional amendment. (Art. 3, § 2); selection of chairman-member. The member who is to be chairman of the supreme court nominating commission shall be selected in the following manner: Any member or group of members of the bar resident of and licensed to practice law in Kansas, may, on or before April 1, 1959, file in writing by mail or otherwise, in the office of the clerk of the supreme court, a nomination in writing accompanied by the written consent of the nominee, of a qualified individual for such office. After the nominations have been made the clerk of the supreme court shall, on or before the first day of May, 1959, send by ordinary first class United States mail to each of the members of the bar who are residents of and licensed to practice law in Kansas, a list of all the names and places of residence of the qualified nominees together with a ballot, in such form as may be prescribed by the said clerk, for voting upon said nominees.

Each member of the bar receiving such ballot may cast one (1) vote thereon for one (1) of the nominees named and shall return the ballot by mail in time to be received by the clerk by May 15, 1959. All ballots received at the office of the clerk by said date shall be counted and the nominee receiving the greatest number of votes cast shall be the chairman member of said commission: Provided, however, That if there are more than two (2) nominees and no one (1) of them receives a majority of the votes cast, the names of the two (2) receiving the greatest number of votes shall be resubmitted for vote by ballot in like manner as is herein prescribed for the first ballot, said second ballot to be mailed on or before June 15, 1959, and voted and returned so as to be received at the office of the clerk by July 1, 1959. [L. 1959, ch. 158, § 1; March 24.]

20-120. Same; selection of member from each congressional district. The members of the supreme court nominating commission to be chosen from among the members of the bar of each congressional district shall be selected in the following manner: Any member or group of members of the bar resident of the congressional district and licensed to practice law in Kansas may, on or before April 1, 1959, file in writing by mail or otherwise in the office of the clerk of the supreme court, a nomination accompanied by the written consent of the nominee, of a qualified individual who resides in the same congressional district, as member of the commission from that district. After the nominations have been made the said clerk shall, on or before the first day of May, 1959, send by ordinary

KANSAS (Continued)

first class United States mail to each of the members of the bar who are residents of the congressional district and licensed to practice law in Kansas, a list of all the names and places of residence of the qualified nominees for that district, together with a ballot in such form as the clerk may prescribe, for voting upon said nominees.

Each member of the bar receiving such ballot may cast one (1) vote thereon for one (1) of the district nominees named and shall return the ballot by mail in time to be received at the office of the clerk by May 15, 1959. All ballots received at the office of the clerk by said date shall be counted by congressional districts and the nominee in each district receiving the greatest number of votes cast in the district shall be a member of the commission from that district: Provided, however, That if in any district there are more than two (2) nominees and no one (1) of them receives a majority of the votes cast in the district, the names of the two (2) receiving the greatest number of votes shall be resubmitted in the district for vote by ballot in like manner as is herein prescribed for the first ballot, said second ballot to be mailed on or before June 15, 1959, and returned in time so as to be received at the office of the clerk by July 1, 1959. [L. 1959, ch. 158, § 2; March 24.]

20-121. Same; tie votes resolved by lot. In any election held for selection of the chairman or other members of the commission to be selected by the members of the bar, in case no nominee receives a majority of the votes cast on the first ballot and two (2) or more are tied for either the first highest or the second highest number of votes cast so as to leave unsettled the determination of the question of which two (2) have received the highest number votes, or if on either the first or second ballot two (2) nominees are tied so that one (1) additional vote cast for either would give him a majority, the canvassers shall resolve the tie by lot in such manner as they shall adopt and the winner of the lot shall be deemed to have the plurality or majority as the case may be. [L. 1959, ch. 158, § 3; March 24.]

20-122. Same; names and addresses of attorneys; certificate evidencing qualifications and voting; separate envelopes; preservation of ballots and certificates. The clerk of the supreme court may use the roster of attorneys in his office licensed to practice law in Kansas, and the edition of the Martindale-Hubbel legal directory, current at the time of mailing the ballots, for ascertaining the qualifications of those nominated for membership on the commission. The clerk shall supply with each ballot distributed by him a certificate to be signed and returned by the member of the bar voting such ballot, evidencing the qualifications of such member of the bar to vote, and certifying that the voted ballot returned by him was voted by the certifying voter.

KANSAS (Continued)

To the end that the vote cast may be secret a separate envelope shall be provided for the ballot, in which the voted ballot only shall be placed, and the envelope containing the voted ballot shall be returned in an envelope, also to be supplied by the clerk, together with the signed certificate. No ballot not accompanied by the signed certificate of the voter shall be counted. When the voted ballots are received by the clerk they shall be separated from the certificates by the canvassers, and after the ballots are counted and the results certified both the ballots and the certificates shall be preserved by the clerk for a period of six (6) months and he shall permit no one to inspect them except on order of the supreme court. At the end of such six (6) months period the clerk shall, unless otherwise ordered by the supreme court, destroy them. [L. 1959, ch. 158, § 158; March 24.]

20-123. Same; record of election and appointment to commission; notification; meetings; rules and regulations. When the chairman and other members of the commission chosen by the members of the bar have been elected, and after the names of the non-lawyer members appointed by the governor have been certified to the clerk of the supreme court as in this act provided, the said clerk shall make a record thereof in his office and shall notify the members of the commission of their election and appointment. The commission shall meet from time to time as may be necessary to discharge the responsibilities of the commission, such meetings to be held at such place in the state house in Topeka, Kansas, as the clerk of the supreme court may arrange, and upon the call of the chairman, or in the event of his failure to call a meeting when a meeting be necessary, upon the call of any four (4) members of the commission. The commission shall act only at a meeting, and may act only by the concurrence of a majority of its members. The commission shall have power to adopt such reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties as are consistent with this act and the constitution of the state of Kansas. [L. 1959, ch. 158, § 5; March 24.]

20-124. Same; appointment of non-lawyer members; vacancies. The governor shall appoint the first non-lawyer members of the commission, one (1) from each congressional district, and certify the names of such appointees to the clerk of the supreme court on or before May 15, 1959. Thereafter, as terms of office of non-lawyer members are about to expire, their successors shall be appointed by the governor and the names of such appointees certified by the governor to the said clerk before their terms of office begin. Any vacancy occurring among the non-lawyer members of the commission shall be filled by appointment by the governor within ten (10) days after he has notice of such vacancy, for the unexpired term of the member whose place is being filled, and the name of such appointee shall be certified to the clerk. All appointments by the governor shall be without regard to the political affiliations of the appointees. [L. 1959, ch. 158, § 6, March 24.]

KANSAS (Continued)

20-125. Same; terms of office. The term of office of the chairman of the commission shall be for as many years as there are, at the time of his election, congressional districts in the state. The terms of office of the first members of the commission selected by the members of the bar from the congressional districts, and the terms of office of the non-lawyer members appointed by the governor, shall be as follows: First district members for one (1) year, second district members for two (2) years, third district members for three (3) years, fourth district members for four (4) years, fifth district members for five (5) years, and sixth district members for six (6) years. The terms of office of the first members of the commission shall begin on July 1, 1959. Except for those appointed to fill vacancies all terms of office for members of the commission subsequently elected or appointed shall be for as many years as there are, at the time of their election or appointment, congressional districts in the state. [L. 1959, ch. 158, § 7; March 24.]

20-126. Same; selection of subsequent members of commission by bar members; duties of supreme court clerk. The selection of subsequent members of the commission by the members of the bar shall be in like manner as is prescribed in sections 20-119 and 20-120 of the General Statutes Supplement of 1961 for the selection of the first members, and nominations shall be made and ballots mailed and returned within the times of the years when such elections are held as correspond to the times mentioned in said sections 20-119 and 20-120. The clerk of the supreme court, between March 1 and March 15 of any year in which a member of the commission is to be elected by members of the bar, shall send by ordinary first class mail to all members of the bar eligible to vote for the member to be elected a notice that such election is to be held and advising how nominations for such office may be made. [L. 1959, ch. 158, § 8; L. 1963, ch. 204, § 1; June 30.]

20-127. Same; change in status affecting membership; vacancies. If the chairman or any other members of the commission elected by the members of the bar shall cease to be a member of the bar entitled to engage in the general practice of law in Kansas, or if the chairman shall change his place of residence from the state or if any other member of the commission, whether elected or appointed, shall change his place of residence to a congressional district other than that from which he was elected or appointed, the chairman or such other member as to whom such change of condition exists, shall no longer be a member of the commission and a vacancy shall exist as to his membership. [L. 1959, ch. 158, § 9; March 24.]

20-128. Same; appointment by chief justice to fill vacancy of lawyer member, when; certification. Any vacancy occurring from any cause in the office of chairman of the commission or among the lawyer members from the congressional districts shall be filled by appointment by the chief justice of the supreme court of Kansas, such appointee to hold office until the first day of July following the expiration of four (4) months after such appointment is made. During the four (4) months immedi-

KANSAS (Continued)

ately preceding the termination of such appointive term an election shall be held in the manner by this act provided for other elections, for the unexpired term, if any, of the member whose vacancy is being filled. Appointments to fill such vacancies shall be certified to the clerk of the supreme court. [L. 1959, ch. 158, § 10; March 24.]

20-129. Same; congressional redistricting; effect, staggered terms. In the event of redistricting which changes the number of congressional districts in the state, the members of the commission as constituted at the time of redistricting shall continue to be members of the commission until the first day of July following the expiration of four (4) months after such redistricting becomes effective, on which date the terms of all members of the commission except that of chairman shall expire. During the four (4) months immediately preceding such termination of office, new commissioners shall be elected and appointed from the newly constituted congressional districts in the same manner which is provided in this act for election and appointment of the first commissioners. The terms of elected and appointed members first chosen from such newly constituted districts shall be staggered on the basis of the number of such districts and their successors shall be elected and appointed in such manner and for such terms as in this act provided. [L. 1959, ch. 158, § 11; March 24.]

20-130. Same; canvassers of elections; duties. The canvassers at any election held pursuant to this act shall consist of the clerk of the supreme court and two (2) or more persons who are members of the bar residing in Kansas, either practicing lawyers, justices or judges, designated to act as such by the chief justice. The canvassers shall open and canvass the ballots and shall tabulate and sign the results as a record in the office of the clerk. [L. 1959, ch. 158, § 12; March 24.]

20-131. Same; additional term for members. Any member of the commission shall be eligible for re-election or re-appointment if otherwise qualified, but for not more than one (1) term in addition to that for which he was originally elected or appointed. [L. 1959, ch. 158, § 13; March 24.]

20-132. Same; vacancies in supreme court; notification of chairman; nominations by commission. When a vacancy occurs in the supreme court the clerk of such court shall promptly notify the chairman of the commission of such vacancy. When it is known that a vacancy will occur at a definite future date, but the vacancy has not yet occurred, the clerk shall notify the chairman of the commission thereof, and the commission may, within sixty (60) days prior to the occurrence of such vacancy, make its nominations and submit to the governor the names of three (3) persons nominated for such forthcoming vacancy. To the end that the administration of justice may be facilitated and that no vacancy on the supreme court may be permitted to exist unduly, the commission shall make its nominations for each vacancy and certify them to the governor as promptly as possible, and in any event not later than sixty (60) days from the time such vacancy occurs. [L. 1959, ch. 158, § 14; March 24.]

KANSAS (Continued)

20-133. Same; intent of act; powers and duties of commission. It is the intent of this act that the members of the commission shall consist only of those persons whose purpose it will be to recommend for appointment on the supreme court only lawyers or judges of recognized integrity, character, ability and judicial temperament, and whose conduct will conform to the letter and the spirit of the constitutional amendment implemented by this act. The commission shall take cognizance of the fact that the best qualified nominees may be those whom it would be most difficult to persuade to serve. Accordingly the commission shall not limit its consideration to persons who have been suggested by others or to persons who have indicated their willingness to serve. The commission may, if it sees fit to do so, tender nominations to one (1) or more qualified persons, prior to and subject to the formal action of the commission in making its nominations, in order to ascertain whether such person will agree to serve if nominated. Under no circumstances may the commission describe potential nominees as applicants or otherwise suggest that they are seeking to be nominated. [L. 1959, ch. 158, § 15; March 24.]

20-134. Same; withdrawal of nominations and substitution of names, when. After the commission has nominated and submitted to the governor the names of three (3) persons for appointment to fill a vacancy on the supreme court, any name or names may be withdrawn for cause deemed by the commission to be of a substantial nature affecting the nominee's qualifications to hold office, and another name or names may be substituted therefor at any time before the appointment is made to fill such vacancy. If any nominee dies or requests in writing that his name be withdrawn the commission shall nominate another person to replace him. Whenever there are existing at the same time two (2) or more vacancies and the commission has nominated and submitted to the governor lists of three (3) persons for each of such vacancies, the commission may, in its sole discretion and before an appointment is made, withdraw the lists of nominations, change the names of such persons nominated from one (1) list to another and resubmit them as so changed, and may substitute a new name for any of those previously nominated. Action of a commission in withdrawing nominations may be taken at the same meeting at which the nominations were made, or at any later meeting. [L. 1959, ch. 158, § 16; March 24.]

20-135. Same; appointments by chief justice, when. In the event of the failure of the governor to make the appointment within sixty days from the time names of the nominees are submitted to him, the chief justice of the supreme court shall make the appointment from such nominees. Any change in names made pursuant to section 16 [20-134] shall constitute a resubmission. [L. 1959, ch. 158, § 17; March 24.]

20-136. Same; compensation of clerk; supplies and equipment; clerical assistance. The clerk of the supreme court shall receive a compensation for his services rendered pursuant to this act the sum of five hundred dollars (\$500) per

KANSAS (Continued)

year in addition to his other compensation. He is hereby authorized to procure such supplies and equipment and to employ and fix the compensation of such clerical and other assistance as may be necessary to carry out the provisions of this act. Any person so employed shall be within the unclassified service of the Kansas civil service act. [L. 1959, ch. 158, § 18; March 24.]

MISSOURI

Missouri Constitution, Article 5, Section 29 (1940). Revised Ordinances of Kansas City, Missouri, Article IV, Sections 35.600 to 35.890.

NONPARTISAN SELECTION OF JUDGES

Sec. 29 (a). Courts subject to plan - appointments to fill vacancies. Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to wit: The supreme court, the courts of appeals, the circuit and probate courts within the city of St. Louis and Jackson county, and the St. Louis courts of criminal correction, the governor shall fill such vacancies by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided.

Sec. 29 (b). Adoption of plan in other circuits. At any general election the qualified voters of any judicial circuit outside of the city of St. Louis and Jackson county, may by a majority of those voting on the question elect to have the judges of the courts of record therein appointed by the governor in the manner provided for the appointment of judges to the courts designated in section 29 (a). The general assembly may provide the manner in which the question shall be submitted to the voters.

Sec. 29 (c). (1) Tenure of judges - declarations of candidacy - forms of judicial ballot - rejection and retention. Each judge appointed pursuant to the provisions of sections 29 (a) - (g) shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 29 (a) - (g) become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 29 (a) - (g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 29 (a) - (g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided.

MISSOURI (Continued)

If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limit of his court, or circuit if his office is that of circuit judge, on a separate judicial ballot, without party designation, reading:

"Shall Judge
(Here the name of the judge shall be inserted)
of the
(Here the title of the court shall be inserted)
Court be retained in office? Yes No."
(Scratch one)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 29 (a); otherwise, said judge shall unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Sec. 29 (c). (2). Certification of names upon declarations - law applicable to elections. Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

Sec. 29 (d). Nonpartisan judicial commissions - number, qualification, selection and terms of members - majority rule - reimbursement of expenses - rules of supreme court. Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 29 (a) - (g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of any court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other

MISSOURI (Continued)

court of record subject to the provisions of section 29 (a) - (g), there shall be one such commission, to be known as "The Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of each judicial circuit which shall be subject to the provisions of section 29 (a) - (g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission; each circuit judicial commission shall consist of five members, one of whom shall be the presiding judge of the court of appeals of the district within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the supreme court and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

Sec. 29 (e). Payment of expenses. All expenses incurred in administering sections 29 (a) - (g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated.

Sec. 29 (f). Prohibition of political activity by judges. No judge of any court of record in this state, appointed to or retained in office in the manner prescribed in sections 29 (a) - (g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.

MISSOURI (Continued)

Sec. 29 (g). Self-enforcibility. All of the provisions of sections 29 (a) - (g) shall be self-enforcing except those as to which action by the general assembly may be required.

Article IV. Municipal Judicial Nominating Commission.

Sec. 35.600. Definitions. The term "commission" as used in this Article shall mean the Municipal Judicial Nominating Commission, provided for in Section 395.8 of the City Charter.

Sec. 35.610. Members and Terms of Office. The Commission shall consist of the presiding Judge of the Circuit Court, of Jackson County, Missouri, two non-lawyer members residing within the City limits, who are appointed by the Mayor; and two lawyer members residing within the City limits, elected by members of the Missouri Bar residing within the City limits. Such appointments by the Mayor and elections by the members of the Bar shall be in a manner that not more than one non-lawyer and one lawyer shall belong to the same political party. The presiding Judge of the Circuit Court of Jackson County, Missouri, shall be chairman of the commission.

The terms of office of the members of the commission shall be as follows: One (1) non-lawyer commissioner shall be appointed for a term of one (1) year; one (1) lawyer commissioner shall be elected for a term of two (2) years; one (1) non-lawyer commissioner shall be appointed for a term of three (3) years; one (1) lawyer commissioner shall be elected for a term of four (4) years. After the election or appointment as the case may be, of the members of the initial commission, then said offices on said commission shall be filled by election or appointment, as the case may be, for a term of four (4) years. Terms for all members of the commission shall begin on January 1 of the year appointed, and end on December 31 of the year when the term expires. Terms of office of the first elective and appointive members of the commission shall have been duly chosen, and shall respectively expire on December 31 of the said year for the members appointed or elected for 1, 2, 3, and 4 year initial terms, regardless of when they were first appointed or elected.

The lawyer member elected to the initial commission who receives the highest number of votes shall be elected to the term of 4 years; the lawyer member of another political party elected to the initial commission who receives the second highest number of votes shall be elected to the term of 2 years.

The City Clerk shall notify the Mayor in writing of the expiration date of the term of office of an appointed member of the commission at least 30 days before the expiration date of said term of office.

MISSOURI (Continued)

The City Clerk shall also cause to be published in the newspaper authorized to publish city notices, the expiration date of the term of office of an elected lawyer member of the commission, at least 60 days before the expiration date of said term of office.

Sec. 35.620. Vacancies. When a vacancy occurs during the term of office of any elective or appointive member of the commission, such vacancy shall be filled by election or appointment, as the case may be, for the unexpired term.

Sec. 35.630. Election of lawyer members. A regular election shall be held on the first Monday in December in any year at the end of which the term of an elected lawyer member of the commission will expire, for the purpose of electing a member for the next succeeding term.

Sec. 35.640. Special Elections.

(A.) A special election shall be held to elect the first lawyer members of the commission in the following manner:

(1) Beginning on the eleventh day after the passage of the ordinance creating this Article and this section, the City Clerk will receive nominating petitions for lawyer candidates for the commission; the closing date for receipt of such nominating petitions shall be the close of the business day of the City Clerk's office on the 25th day following the passage of the ordinance creating this said Article IV and this section. If the closing date falls on a Saturday or Sunday, the business day following shall be the closing date.

Within the first five days following the said closing date for receiving nominating petitions, the City Clerk shall mail ballots and signature cards, as defined in this article, to all members of the Bar in good standing residing within the City limits of Kansas City, Missouri. Members of the Bar entitled to vote shall return ballot to the City Clerk within 10 days after receipt thereof.

On the fifteenth day following the said closing date for filing of said nominating petitions, a special election shall be held in the office of the City Clerk. If the said fifteenth day falls on a Saturday or Sunday, the following business day shall be the special election day.

(B.) A special election to fill the unexpired term of office of an elective member of the commission may be held at any time upon being called by the Chairman of the Commission; provided that (a) no special election to fill a vacancy for an unexpired term shall be called for a date which is sixty days or less before the end of such unexpired term; and (b) the call of such election shall be made not less than sixty days before the date fixed for an election; and (c) special elections to fill a vacancy may be called for the same date as the date for a regular election and combined with a regular election. An election shall be deemed called when a letter of request therefor is filed with the City Clerk by the Chairman of the Com-

MISSOURI (Continued)

mission. After receipt of such letter, the Clerk shall proceed with such special election.

Sec. 35.650. Place of Election. All elections for elective members of the Commission shall be held in the office of the City Clerk.

Sec. 35.660. Elections - Duties of City Clerk - Ballots - Signature Cards. The City Clerk shall prepare, print and distribute the ballots and signature cards. The ballots shall be numbered consecutively and each ballot shall be accompanied by a signature card bearing the same number. The ballots shall designate each office and term to be filled and shall contain the names and residence addresses, the political party to which such nominees belong, of all qualified lawyer candidates who have been nominated for such office and term as hereinafter provided and who have not before the printing of the ballots given written notice to the City Clerk of their withdrawal as nominees, and also one blank line for each such office and term on which the voter may write the name of any qualified lawyer candidate for whom he desires to vote. A box or square shall be printed alongside each name and also alongside each such blank line, for the use of the voter in indicating his choice. The signature cards shall contain a printed certification to the effect that the voter is a member of the Missouri Bar in good standing and that he resides within the City limits of Kansas City, Missouri, and blanks for the voter's signature and residence address.

Sec. 35.670. Form of Ballot. The Ballot for the Election of Lawyer Members to be Elected by Vote shall be substantially in the following form:

B A L L O T

No. _____

For the election of the _____ lawyer member of the
(Republican or Democrat or
any other party)

Municipal Judicial Nominating Commission of Kansas City, Missouri, for term
beginning _____ and ending December 31, _____.

Vote for One Candidate Only

(Place name here)
(Place address here)

(Place name here)
(Place address here)

(Blank space here)

MISSOURI (Continued)

Place this Ballot in "Ballot Envelope" and seal. Place Ballot Envelope and signature card in larger envelope and address same to City Clerk of Kansas City, Missouri, City Hall, Kansas City, Missouri. (Municipal Judicial Nominating Commission Election), - and mail or deliver thereto. Any ballot reaching said office after 3:00 P.M. o'clock Central Standard time the _____ day of _____, 19____ will not be counted.

Sec. 35.680. List of Members of Bar. The City Clerk shall, as far as possible, maintain a complete list of all members of the Missouri Bar, together with their residence address, residing within the City limits of Kansas City, Missouri.

Sec. 35.690. Nominations - Petitions. Nominations (the effect of which shall be to entitle the nominees to have their names printed on the ballot), may be made by petition or petitions mailed or delivered to and received by the City Clerk, in whose office the election is to be held, not later than thirty days before the election; provided, however, this Section 35.690 shall not apply to run-off elections nor to the special election to elect the initial lawyer members. Petitions must be signed by not less than twenty members of the Missouri Bar residing within the City limits of Kansas City, Missouri. Said members of the Bar may sign petitions for both a Democrat and a Republican candidate, or any other political party, but for not more than one nominee in each political party. The form of nominating petition to be used shall be substantially as follows:

NOMINATING PETITION

For the Municipal Judicial Nominating Commission of Kansas City, Missouri.

We, the undersigned, all being members of the Bar of the State of Missouri in good standing and residing within the City Limits of Kansas City, Missouri, do hereby nominate _____ (name of person) for the position of the Republican or Democrat (use one party or the other, or any other party, whichever applies) lawyer member of the Municipal Judicial Nominating Commission of Kansas City, Missouri.

- 1. _____
 - 2. _____
 - 3. _____
- etc. (to line 20 or more).

Sec. 35.700. Ballots to Members of Bar. Not less than twenty nor more than thirty days before the election, the City Clerk shall mail or deliver one ballot for each vacancy with the signature card bearing the same number as the ballot, to each member of the Missouri Bar in good standing who resides within the City limits of Kansas City, Missouri.

Section 35.710. Signature Cards. - The signature card shall be substantially as follows:

NO. _____

Signature Card - For Election of Lawyer Member to the Municipal Judicial Nominating Commission of Kansas City, Missouri.

I hereby certify that I am a member of the Missouri Bar in good standing, and I further certify that I reside within the City limits of Kansas City, Missouri.

(Print or type name as it appears on Bar registration).

Signature

Residence Address

NOTE: Do not place this card in ballot envelope.

Section 35.720. Ballots - Marking - Mailing or Depositing with City Clerk. - The ballots shall be mailed to or deposited with the City Clerk, City Hall, Kansas City, Missouri. Each ballot must be accompanied by a signature card signed by the voter; otherwise it shall not be counted. All ballots must be received by the City Clerk before 3:00 P.M. o'clock, Central Standard Time, on the day of election; ballots received after that hour shall not be counted. Ballots shall be marked by the voter by placing an "X" or check mark in the box or square alongside the name of the lawyer candidate for whom he desires to vote.

Section 35.730. Canvass of Ballots - Certification of Results - Disposition of Ballots. - The canvassers at an election shall consist of the City Clerk, and two or more persons appointed by the presiding Judge of the Municipal Court, who shall be members of the Bar residing in Kansas City, Missouri, or Judges of the Municipal Court, at least one of whom shall belong to the Republican party, and at least one of whom shall belong to the Democrat party. Those persons so designated shall proceed to act as canvassers. The canvassers shall proceed to open and canvass the ballots and shall tabulate and sign the results. Each

nominee in any election may have one watcher to observe the canvass and tabulation of the ballots cast. Within ten days after the election, the City Clerk shall certify the results as so tabulated to the Mayor and Chairman of the Municipal Judicial Nominating Commission. Upon completion of the canvass, the City Clerk shall place all ballots in one package and all signature cards in another and shall retain them in his office for a period of six months and shall permit no one to inspect them except upon an order of the Chairman of the Municipal Judicial Nominating Commission; at the end of such six months' period, the City Clerk shall, unless otherwise ordered by the said Chairman, destroy them. The City Clerk and other canvassers shall not disclose how any voter cast his ballot except upon an order of the Chairman of the Municipal Judicial Nominating Commission, or in the course of giving evidence lawfully required.

Section 35.740. Counting of Ballots - Run-Off Election - Special Election. - No ballot shall be counted unless cast by a member of the Bar residing within the City limits, and no ballot shall be counted which is cast for a person who does not possess the qualifications specified by law. If at any election, a lawyer candidate receives a majority of all of the valid votes cast for the particular office and term, he shall be deemed elected, and the Mayor shall direct the City Clerk to issue a commission to the lawyer so elected.

If any lawyer candidate fails to receive such a majority, no lawyer member shall be elected, there shall then be a run-off election, except that if before the time for holding such run-off election, all, or all but one of the lawyer candidates entitled to have their names printed on the ballots at such run-off election shall have died, become disqualified, or given written notice of their withdrawal to the City Clerk, there shall be no run-off, but there shall be a special election for the office and term in question.

Section 35.750. Run-Off Election - Names on Ballots. - The lawyer candidates entitled to have their names printed on the ballots at a run-off election shall be: (1) if the election which made the run-off necessary resulted in one lawyer candidate standing in first place and another in second place in the number of votes received, said two lawyer candidates, and no others, shall be entitled to have their names printed on the ballots at the run-off elections; (2) if said election resulted in a tie for first place between two or more lawyer candidates, said two or more lawyer candidates, and no others, shall be so entitled; (3) if said election resulted in one lawyer candidate standing in first place and a tie between two or more lawyer candidates for second place, said first place lawyer candidate and said two or more second place lawyer candidates, and no others, shall be so entitled. The only names printed on the ballots at a run-off election shall be those of such lawyer candidates entitled to have their names so printed as have not before the printing of the ballots given written notice to the clerk of their withdrawal as nominees. No blank line for the writing in of a name shall appear on such ballot.

Section 35.760. Run-Off Election - Time for Holding. - A run-off election when required by this Article, shall, without any call thereof, be held on the day which is five weeks from the date of the election which made such run-off necessary, unless such day be a legal holiday, in which case it shall be held on the next day which is not a Sunday or legal holiday.

Section 35.770. Run-Off Election - Result. - The lawyer candidate receiving the greatest number of votes in the run-off election shall be declared elected. In event of a tie vote in such run-off election, a further run-off election shall be held under the provisions of Section 35.750 of this Article.

Section 35.780. No Lawyer Candidate Elected - Special Election. - If no lawyer candidate shall be elected at any election or run-off election in circumstances where no run-off, or further run-off, election is required by this Article (as, for example, if the lawyer candidate receiving a majority of all the valid votes cast shall have died before the election is complete), there shall be a special election for the office and term in question.

Section 35.790. Costs of Election. - Costs of elections conducted under the provisions of the Article shall be budgeted and paid as part of the budget of the City Clerk.

Section 35.800. Meeting - Majority Concurrence. - The Municipal Judicial Nominating Commission shall act only at a meeting and may act only by the concurrence of a majority of its members.

Section 35.810. Meetings - Call - Notice - Place.

(a) Meetings of the Commission may be called by the chairman or a majority of the members by written or telegraphic notice to the other members specifying the time and place of meeting. Such notice shall be mailed or sent at least five days before the time specified, except that a meeting may be held on shorter notice if the notice specifies that the meeting will be an emergency meeting. The place of the meeting shall be the office of the Chairman, or any other place within the City limits designated by the Commission. Notice of meeting may be waived by any member or members either before or after the meeting takes place, and attendance at a meeting by any member shall constitute a waiver of notice by such member unless he shall, at or promptly after the beginning of such meeting, object to the holding of the meeting on the ground of lack of or insufficiency of notice.

(b) Meetings of the Commission may be held without notice at any time or place whenever the meeting is one as to which notice is waived by all members or whenever the Commission at a previous meeting shall have designated the time and place for such meeting.

Section 35.820. Chairman. - The chairman shall preside at any meeting at which he is present; in his absence the Commission shall choose a member to act as temporary chairman.

Section 35.830. Secretary. - The Commission shall choose one of its members as secretary. It shall be the duty of the secretary to prepare and keep the minutes of all meetings. In the secretary's absence, the Commission shall choose a member to be acting secretary.

Section 35.840. Minutes. - The minutes shall record the names of the members present, any objections to the holding of the meeting on the ground of lack of or insufficiency of notice, any and all action taken by the Commission, and any other matters that the Commission may deem appropriate.

Section 35.850. Vacancies. - When it is known that a judicial vacancy will occur on the Municipal Court at a definite future date, within sixty days, but the vacancy has not yet occurred, the Commission may make its nominations and submit to the City Council the names of the persons nominated before the occurrence of the vacancy.

It is the purpose of this section to facilitate the administration of justice by preventing delay in filling Municipal Court vacancies so that all divisions of the court may have all judges ready to dispose of their judicial business as nearly as may be possible.

Section 35.860. Nominees and Nominations. - The Commission should at all times take cognizance of the fact that the best qualified nominees may be those whom it would be most difficult to persuade to serve accordingly, the Commission should not limit its consideration to persons who have been suggested by others or to persons who have indicated their willingness to serve. It shall be in order for the Commission, if it sees fit to do so, to tender nomination to one or more qualified persons, prior to, and subject to, the formal action by the Commission in making its nominations, in order to ascertain whether such a person will agree to serve if nominated.

Section 35.870. Publicity. - The Commission may, in its discretion, publicize some, all, or none of the names of the possible nominees who have been suggested to it or whom it has under consideration. In exercising this discretion, the Commission should take account of the fact that there may be lawyers who merely desire the publicity, that there may be lawyers whom publicity would deter from agreeing in advance to serve, and that, on the other hand, the Commission needs all pertinent information about the possible nominees whom it is seriously considering. In no circumstances should the Commission describe possible nominees as "applicants" or by any other term suggesting that they are seeking to be nominated.

Section 35.880. Action on Nominations. - The action of the Commission in making nominations with respect to any vacancy, shall be taken only at a meeting and only by the execution of a certificate of nomination (which may be in the form of a communication to the City Council), setting forth the nominations thereby made, signed on behalf of the Commission by the chairman and secretary. The Commission or its chairman shall forthwith cause the original of such certificate to be transmitted to the City Council.

Section 35.890. Withdrawal of Nominations - Vacancies. - After the Commission has nominated and submitted to the City Council the names of three persons for appointment to fill a Municipal Court vacancy in accordance with this Court Plan, any name or names may be withdrawn for cause deemed by such Commission to be of a substantial nature affecting the nominee's qualifications and showing he is not a fit and proper person to hold the office, and another name or names may be substituted therefor at any time before the City Council acts by making an appointment to fill such vacancy. Nothing herein contained shall be deemed to impose (or to recognize) any obligation whatsoever upon the Commission to reconsider or withdraw any nomination, whether or not the City Council shall have requested reconsideration thereof or shall have purported to reject, such nominations. If any nominee dies or requests in writing that his name be withdrawn, the Commission shall, as soon as practicable, nominate another person to replace him. Whenever there are existing at the same time two or more judicial vacancies in the Municipal Court, and the Commission has nominated and submitted to the City Council separate lists of three persons for each of such vacancies, the Commission, in its sole discretion may, if it desires to do so, before the City Council acts by making an appointment, withdraw the said lists of nominations, change the names of any of such persons nominated from one list to another and re-submit them as so changed, and may substitute a new name for any of those previously nominated when a name has been withdrawn for cause.

The action of the Commission in withdrawing a nomination or nominations and submitting a new nomination or nominations, shall be taken only at a meeting and only by the execution of a certificate of withdrawal of nomination and a certificate of substituted nomination (both of which may be in the form of a communication to the City Council), signed on behalf of the Commission by the chairman and secretary of the Commission. If any nomination or nominations being withdrawn have already been transmitted to the City Council, the Commission or its chairman shall forthwith notify the City Council by letter or telegram, of the Commission's action and cause the original of such certificate of withdrawal to be transmitted to the City Council. Meetings of the Commission to consider the withdrawal of nominations may be called by the chairman or a majority of the members of the Commission. Action of the Commission in withdrawing nominations may be taken at the same meeting at which the nominations were made, or at any later meeting, and such action may be proposed by any member of the Commission.

NEBRASKA

Nebraska Constitution, Article 5, Sections 4, 5, 7, 10, 15, 20 and 21 (1962).

Sec. 4. Supreme Court Justices; selection; term; residence. The Chief Justice and the Judges of the Supreme Court shall be selected as provided in this Article V. They shall reside at the place where the court is located but no Justice or Judge of the Supreme Court shall be deemed thereby to have lost his residence at the place from which he was selected. (Amended, 1890, 1896, 1908, 1920, 1962.)

Sec. 5. Supreme Court judicial districts. The Legislature shall divide the state along county lines into six compact districts of approximately equal population, which shall be numbered from one to six, consecutive numbers to be given adjacent districts and shall be the Supreme Court judicial districts. Such districts shall not be changed, except upon the concurrence of two-thirds of the members of the Legislature, nor shall any such change vacate the office of any judge. (Amended, 1890, 1896, 1908, 1920, 1962.)

Sec. 7. Chief Justice; Associate Justices; qualifications. No person shall be eligible to the office of Chief Justice or Judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, and shall have resided in this state at least three years next preceding his selection; nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, unless he shall be a resident and elector of the district from which selected. (Amended, 1920, 1962.)

Sec. 10. District court judicial districts. The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall remain as now fixed. The judges of the district courts shall be selected from the respective districts as provided in this Article V. (Amended, 1920, 1962.)

Sec. 15. County judges; number; terms; selection; salaries. In the year 1964 and every four years thereafter, there shall be selected, in such manner as the Legislature shall provide, in and for each county, one or more judges as the Legislature may provide, who shall be judge of the county court of such county, whose term of office shall be four years and whose salary shall be fixed by the Legislature; *Provided*, that two or more counties may form a county court judicial district when approved by a majority of the electors of each county in the district; *and provided further*, when two or more counties form a county court judicial district, one county judge shall be selected for a term of four years from the district at the same time other county judges are selected, whose salary shall be fixed by the Legislature. (Amended, 1920, 1960, 1962.)

Sec. 20. Officers in this Article; tenure; residence; duties; compensation. All officers provided for in this Article shall hold their offices until their successors shall be qualified and they shall respectively reside in the district, county or precinct, from which they shall be selected. All officers, when not otherwise provided for in this Article, shall perform such duties and receive such compensation as may be prescribed by law. (Amended, 1920, 1962.)

Sec. 21. Merit plan for selection of judges; terms of office; filling of vacancies; procedure. (1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within

sixty days from the date it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court or district court or such other court or courts as the Legislature shall provide shall have his right to remain in office subject to approval or rejection by the electorate in such manner as the Legislature shall provide; *Provided*, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter. In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of seven members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as chairman. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate three of their number to serve as members of said commission, and the Governor shall appoint three citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of said commission. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his nomination or for such additional period as the Legislature shall provide. (Amended, 1920, 1962.)

Revised Statutes of Nebraska, 24-808 to 24-818.

(a) JUDICIAL NOMINATING COMMISSION

24-801. Judicial nominating commissions; subject to act. All judicial nominating commissions under Article V of the Constitution of Nebraska shall be subject to the provisions of sections 24-801 to 24-812.

24-802. Judicial nominating commission; residence requirements. Except for the member of the Supreme Court, who is required to be a member of a judicial nominating commission, each member of such commission shall be a resident of the judicial district or area of the state in which candidates for the judicial office to be nominated by said commission are required to reside.

24-803. Judicial nominating commission; members; term; appointments by Governor; elections by lawyers. The term of each member of each nominating commission and the manner of his selection shall be as follows:

(1) Within thirty days after May 6, 1963, the Governor shall appoint for each of the various judicial nominating commissions a member of the Supreme Court to serve from the date of his appointment until January 1, 1968;

(2) Within thirty days after May 6, 1963, the Governor shall appoint for each of the various judicial nominating commissions three citizen members, one to serve from the date of his appointment until January 1, 1964, one to January 1, 1966, and one to January 1, 1968; and

(3) Within thirty days after May 6, 1963, the lawyers residing in each Supreme Court and district or separate juvenile court judicial district shall commence to nominate and select in the manner prescribed in section 24-806, for each of the various nominating commissions three lawyer members, one to serve from the date of his appointment to January 1, 1964, one to January 1, 1966, and one to January 1, 1968.

As the term of a member of a nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of six years. The Governor shall appoint all successor members of each nominating commission who are Judges of the Supreme Court and citizen members. The lawyers residing in the judicial district or area served by a judicial nominating commission shall select all successor members of such commission in the manner prescribed in section 24-806. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of twelve consecutive years as a member of said commission, and if such member has served for more than six years as a member of such commission he shall not be eligible for reelection or reappointment.

24-804. Judicial nominating commissions; Judges of Supreme Court; members. Judges of the Supreme Court shall serve on as many judicial nominating commissions as may be necessary. Each Judge of the Supreme Court shall be a member of at least three nominating commissions. The Judge of the Supreme Court who serves as a member of a Supreme Court judicial nominating commission relating to a Supreme Court judicial district shall be a nonresident of that district.

NEBRASKA (Continued)

The Judge of the Supreme Court serving on a nominating commission for Chief Justice of the Supreme Court shall be a Judge of the Supreme Court other than the Chief Justice.

24-805. Judicial nominating commissions; members serve on no more than one commission; exception. Except for the Supreme Court members of judicial nominating commissions, no individual lawyer or citizen member of any judicial nominating commission shall serve on more than one judicial nominating commission at the same time.

24-806. Judicial nominating commissions; lawyer members; qualifications; nominations; election. Lawyer members of any judicial nominating commission must be members of the bar of the State of Nebraska residing in the judicial district or area of the state served by said judicial nominating commission. Nominations of lawyer members shall be made in writing, filed in the office of the Clerk of the Supreme Court within thirty days after May 6, 1963, and thereafter on or before October 1 of each odd-numbered year. Each nomination of said lawyer shall be accompanied by a written consent of the nominee to serve as a member of said judicial nominating commission, if elected. At least two qualified lawyers must be nominated for each position and if insufficient nominations are made to provide two candidates, the Judicial Council of the State of Nebraska, within ten days after the last day for filing nominations, shall nominate additional candidates for said position so that there shall be two qualified candidates for each position. The Clerk of the Supreme Court shall then mail a ballot, with the names of each nominee, to all members of the bar of Nebraska residing in such district or area, designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when said ballots will be opened and counted. Said ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his place. The Clerk of the Supreme Court shall insure that said election is so conducted as to maintain the secrecy of said ballot and the validity of the results. In any election where more than one lawyer member of a nominating commission is to be elected the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest vote shall be considered as having been elected for the longest term.

24-807. Judicial nominating commission; lawyer members; certificate of election. Upon the election of any lawyer member of any judicial nominating commission, the Clerk of the Supreme Court shall promptly certify his election to the Governor and the Secretary of State.

24-808. Judicial nominating commissions; vacancies; filled, how. Each year, on or before September 1, the Clerk of the Supreme Court shall determine what, if any, vacancies exist on any judicial nominating commission and shall report the status

NEBRASKA (Continued)

of each judicial nominating commission to the Governor. Vacancies relating to any members of such commissions appointed by the Governor shall be filled promptly by appointment by the Governor for the unexpired term. Vacancies of lawyer members of said judicial nominating commission shall be filled promptly by a special election for the unexpired term, conducted by the Clerk of the Supreme Court in the manner applicable to regular election of lawyer members of said commissions.

24-809. Judicial nominating commissions; chairman, manner of voting. The Judge of the Supreme Court on each judicial nominating commission shall be the chairman of said commission and shall preside at all of its meetings. He shall be entitled to vote. In selecting judicial nominees, said commission shall vote in executive session by secret ballot. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term and, if a third member is to be elected, the candidate receiving the third highest vote shall be deemed elected to the shortest term. In case of ties the determination shall be made by lot by the counting board.

24-810. Judicial vacancy; judicial nominating commission; meeting; notice; hearing; investigations. In the event of a judicial vacancy, the Clerk of the Supreme Court shall contact the chairman of the judicial nominating commission relating to such vacancy, and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He shall thereupon notify each commission member in writing of the time and place of said meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of said judicial nominating commission, and of the interest of said commission in receiving information relating to qualified candidates for said judicial vacancy. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his concerning candidates for the judicial vacancy. After the public hearing the nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the judicial nominating commission, at any time prior to its selection of qualified candidates to fill said vacancy. The judicial nominating commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for said judicial office.

24-811. Judicial nominating commissions; unlawful to attempt to influence; violations; penalty. It shall be unlawful and a breach of ethics for any judge, public officeholder, lawyer or any other person or organization to attempt to influence any judicial nominating commission in any manner and on any basis except by presenting facts and opinions relevant to the judicial qualifications of the proposed nominees, at the times and in the manner set forth in sections 24-801 to 24-812. Violation of this section shall be considered as contempt of

NEBRASKA (Continued)

the Supreme Court of the State of Nebraska and shall be punishable as for contempt or by appropriate discipline with respect to any member of the bar involved in any such unlawful or unethical conduct.

24-812. Judicial nominating commissions; members; communications; confidential. All communications between members of judicial nominating commissions and between any member of said commission and any prospective candidate for judicial office and all other communications with members of the commission except those at the public hearing, shall be confidential and privileged from use in any legal action, except one charging misconduct in office of a member of a judicial nominating commission or one involving contempt of court, or misconduct of an attorney, based on said communication.

(b) CONTINUANCE IN OFFICE

24-813. Judicial officeholders; subject to act. All judicial officeholders who are subject to the terms and provisions of Article V, section 21, of the Constitution of Nebraska, as provided by the Constitution of Nebraska or by law, shall be subject to the terms and provisions of sections 24-813 to 24-818.

24-814. Judicial officeholder; continuance in office; request in writing to be retained. Any judicial officeholder, subject to the terms of sections 24-813 to 24-818, who desires to continue in office for an additional term, shall indicate his desire in this respect in writing filed with the Secretary of State, on or before August 1 immediately preceding the expiration of his term in office, and shall request in writing that the Secretary of State submit to the electorate of the appropriate district or area, the question of his right to be retained in office for an additional term.

24-815. Judicial officeholder; request to be retained; Secretary of State; submit to electorate; form of ballot. Upon receipt of such information and request within the time provided in section 24-814, the Secretary of State shall cause the question of said judicial officeholder's right to continue in office for an additional term to be submitted to the appropriate electorate at the next general election, on the nonpolitical ballot. Said question shall be submitted in substance as follows:

"Shall Judge _____ be retained in office?"

Yes

No

NEBRASKA (Continued)

24-816. Judicial officeholder; request to be retained; election; conducted, how. Said election shall be conducted in the manner and form provided for elections generally with respect to the nonpolitical ballot and the results of said election shall be certified in like manner.

24-817. Judicial officeholder; request to be retained; election; determination by vote of electorate. If the majority of the electors voting with regard to said question at said election vote in the affirmative, said judge shall be retained in office for an additional term. If the majority of the voters voting on said question at said election vote in the negative, a vacancy in said office shall occur at the end of the term of office of said judge.

24-818. Judicial officeholder; request to be retained; failure to file; vacancy. Unless the judicial officeholder, who is subject to sections 24-813 to 24-818, files with the Secretary of State within the time and in the manner provided in section 24-814 an indication of his desire to continue in office for an additional term, a vacancy in said office shall occur at the end of the term of office of said judge.

REVISED STATUTES OF NEBRASKA, 48-152 to 48-155 (1967)

48-152. Recognizing that (1) industrial relations between employers and employees within the State of Nebraska are affected with a vital public interest, (2) that an impartial and efficient administration of the Nebraska Workmen's Compensation Act is essential to the prosperity and well-being of the state, and (3) that suitable laws should be enacted for the establishing and for the preservation of such an administration of the said act, there is hereby created, pursuant to the provisions of Article V, section 1, of the Constitution of the State of Nebraska, a court, consisting of four judges, to be selected or retained in office in accordance with the provisions of Article V, section 21, of the Constitution of the State of Nebraska and to be known as the Nebraska Workmen's Compensation Court, which court shall have authority to administer and enforce all of the provisions of the Nebraska Workmen's Compensation Act, and any amendments thereof except such as are committed to the courts of appellate jurisdiction.

NEBRASKA (Continued)

48-153. The Nebraska Workmen's Compensation Court shall consist of four judges. Judges holding such office on the effective date of this act shall continue in office until expiration of their respective terms of office and thereafter for an additional term which shall expire on January 1 immediately following the next general election. Their right to continue in office for additional terms shall be determined in the manner provided in sections 24-813 to 24-818, and the terms of office thereafter shall be for six years beginning on January 1 immediately following such election. In case of a vacancy occurring in the court, the same shall be filled in accordance with the provisions of Article V, section 21 of the Constitution of the State of Nebraska and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections 24-813 to 24-818. All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation or removal for cause. No judge of the Nebraska Workmen's Compensation Court shall, during his tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his duties as such judge, or serve on or under any committee of any political party. A judge of such court shall possess the same qualifications as are required of a district judge.

48-154. Any judge of the Nebraska Workmen's Compensation Court may be removed in the same manner and for the same causes as a judge of the district court may be removed.

Sec. 4. The members of the judicial nominating commission for the Nebraska Workmen's Compensation Court shall be selected on a statewide basis.

OKLAHOMA

Oklahoma Constitution, Article VII - B (1967)

SECTION 1. (a) The provisions of this Article shall govern the selection and tenure of all Justices of the Supreme Court and Judges of the Court of Criminal Appeals of the State of Oklahoma, to which the provisions hereof may be extended as hereinafter provided, other provisions of the Constitution or statutes of the State of Oklahoma to the contrary notwithstanding, and the provisions of Article VII as proposed by House Joint Resolution No. 508 of the First Session of the Thirty-first Oklahoma Legislature to the contrary notwithstanding.

(b) As used in this Section, "Judicial Office" means the offices of Justice of the Supreme Court and Judges of the Court of Criminal Appeals

OKLAHOMA (Continued)

and "Judicial Officer" means a Justice or Judge of each such court, excluding retired or supernumerary Justices or Judges.

SECTION 2. At the general election next before his term expires, any Judicial Officer may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of such election, a declaration of candidacy to succeed himself. Thereupon, at such election, there shall be submitted to the qualified electors of the State, on a separate ballot, without party designation, this question:

"Shall (Here insert name of Justice or Judge) of (Here insert the title of the court) be retained in Office?"

- YES
- NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judicial Officer shall be retained in office for the next ensuing six (6) year term. If the decision is "no", or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served, and the former Judicial Officer shall not be eligible for appointment to succeed himself. Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the Legislature for a maximum retirement age.

SECTION 3. (a) There is established as a part of the Judicial Department a Judicial Nominating Commission of thirteen (13) members, to consist of:

(1) six (6) members to be appointed by the Governor, one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article, none of whom shall be admitted to practice law in the State of Oklahoma;

(2) six (6) members, one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article who are, however, members of the Oklahoma Bar Association and who have been elected by the other active members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar Association, until changed by statute; and

(3) one (1) member at large who shall not have been admitted to the practice of law in the State of Oklahoma or any other State, but who shall be a resident of the State of Oklahoma, to be selected by not less than eight (8) members of the Nominating Commission. In the event eight (8) members of the Commission cannot agree upon the member at large within thirty (30) days of the initial organization of the Commission or within thirty (30) days of a vacancy in the member at large position, the Governor shall make the appointment of the member at large.

The Commission shall elect one of its members to serve as Chairman for a term of one (1) year.

The six (6) lay members of the Commission who are appointed by the Governor shall be appointed within ninety (90) days from the date that this Article becomes effective. Two (2) members shall be appointed for a term of two (2) years, two (2) members for a term of four (4) years, and two (2) members for a term of six (6) years. The Oklahoma Bar Association shall hold its election and certify to the Secretary of State its members within ninety (90) days from the effective date of this Article, two (2) of whom shall be elected for a term of two (2) years, two (2) for a term of four (4) years, and two (2) for a term of six (6) years. Thereafter all four (4) members of the Commission, whether elected or appointed, shall serve for a term of six (6) years, except that the member at large shall serve for a term of two (2) years.

(b) Vacancies arising during the term of any lay commissioner, other than the member at large, shall be filled by appointment by the Governor for the remainder of his term. Vacancies of any lawyer commissioner shall be filled by the Board of Governors of the Oklahoma Bar Association for the remainder of his term.

(c) In the event of vacancy in the member at large position, the said vacancy shall be filled in the same manner as the original selection.

(d) Of those Commissioners named by the Governor, not more than three (3) shall belong to any one political party.

OKLAHOMA (Continued)

(e) The concurrence of the majority of Commissioners in office at the time shall be sufficient to decide any question, unless otherwise provided herein. The Commission shall have jurisdiction to determine whether the qualifications of nominees to hold Judicial Office have been met and to determine the existence of vacancies on the Commission.

(f) No Commissioner, while a member of the Commission, shall hold any other public office by election or appointment or any official position in a political party and he shall not be eligible, while a member of the Commission and for five (5) years thereafter, for nomination as a Judicial Officer.

(g) Commissioners shall serve without compensation but the Legislature shall provide funds to reimburse them for their necessary travel and lodging expenses while performing their duties as such Commissioners.

(h) No Commissioner shall be permitted to succeed himself.

(i) As used herein, the words "Oklahoma Bar Association" shall include any successor thereof and any future form of the organized Bar of this State.

SECTION 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom has previously notified the Commission in writing that he will serve as a Judicial Officer if appointed. The Governor shall appoint one (1) of the nominees to fill the vacancy, but if he fails to do so within sixty (60) days the Chief Justice of the Supreme Court shall appoint one (1) of the nominees, the appointment to be certified by the Secretary of State.

SECTION 5. Each Judicial Officer elected before or after the adoption of this Article shall, unless removed for cause, serve out the term for which he is elected and those Judicial Officers serving at the date of the adoption of this Article, whose Judicial Office comes under the provision of this Article on the date of the expiration of said term, shall be deemed to have been appointed as provided herein and eligible to file a declaration of candidacy to succeed themselves as provided in this Article. If retained in office, the term of each such Judicial Officer shall be six (6) years commencing the second Monday in January following such election.

The term and election of each Judicial Officer appointed to fill a vacancy after the adoption of this Article shall be as follows: If such appointed officer has served or will have served twelve (12) months on or before the next general election following appointment, such officer may file for election for the remainder of the term for which such officer was appointed, or for a six (6) year term, whichever is applicable, within the time and in the manner elected Judicial Officers file their candidacy under this Article. If such appointed officer has not served or will not have served twelve (12) months on or before the next general election following appointment, such officer shall continue in office until the second general election following appointment and may file for selection for the remainder of the term or for a six (6) year term, whichever is applicable, as herein provided.

SECTION 6. No Judicial Officer appointed or retained in office under the provisions hereof shall make, directly or indirectly, any contribution to or hold office in a political party or organization.

SECTION 7. This proposed amendment to the Constitution of the State of Oklahoma as set forth herein shall be effective upon adoption and shall become operative only and in the event the amendment of Article VII of the Constitution proposed by House Joint Resolution No. 508, of the First Session of the Thirty-first Oklahoma Legislature, repealing the previously existing Article VII of the Oklahoma Constitution and adopting in lieu thereof a new Article VII of the Constitution is approved by the people.

OKLAHOMA (Continued)

Oklahoma Stat. Annotated, Chapter 20, Sections 791 and 792 (1965).

ARTICLE II. APPOINTMENT OF JUDGES AND EMPLOYEES

§ 791. Appointment of judge—Term and salary

In each county having a Juvenile Court created and established pursuant to 20 O.S.1961, § 771, there shall be appointed by the Governor from an approved list of three lawyers submitted by a committee of five lawyers and two laymen, selected by the President of the County Bar Association of the county wherein a judge is to be appointed, and which said list shall be composed of residents of said county, a judge of said court of such county. The committee shall be appointed by the President of the County Bar Association promptly upon the written request of at least a majority of the county commissioners. Such judge shall serve for a term of six years and until his successor is appointed and confirmed and shall receive a salary, payable by the Board of County Commissioners, from the General Fund of the county, which shall be the same as is now or shall be paid to the County Judge of such county from the General Fund of such county, payable monthly. As amended Laws 1965, c. 135, § 1

§ 792. Appointment of successor—Vacancies—Judges pro tem

Within the first twenty (20) days of the last ninety (90) days of the regular term for which the juvenile judge is appointed, the President of the County Bar Association shall appoint his nominating committee which committee shall proceed to designate a list of candidates and submit the same to the Governor for his appointment of a successor and which nomination and appointment shall in all particulars be made as provided for in the original instance for the appointment of the judge of the juvenile court, prior to thirty (30) days before the end of the term of the judge then serving. The judge may be nominated and appointed to succeed himself. The nominee shall be selected and the judge shall be appointed without regards for political persuasion, influence or affiliation. The judge so appointed shall not hold office in any political party or be a candidate for elective office during his tenure in office.

In the event of a vacancy during the term of any judge, the President of the County Bar Association shall, without unnecessary delay, and in any event within ten (10) days, appoint his nominating committee which committee shall proceed to designate a list of candidates and submit the same within twenty (20) days thereafter to the Governor for his appointment to be made from such list within ten (10) days from the date such list is submitted to the Governor, and which such nomination and appointment shall in all other particulars be made and subject to the same requirements as provided for in the original instance. The judge so selected shall be appointed for a full term of six (6) years, and may be nominated and appointed to succeed himself.

In the absence of the judge of the juvenile court from the county or his inability to serve for any other reason, the county judge of the county or his judge pro tem shall act as judge pro tem of the juvenile court of the county.

During any vacancy the judge pro tem shall be the judge of the juvenile court until a regular judge is appointed and qualified. Laws 1949, p. 196, § 11; Laws 1951, p. 52, § 1.

UTAH

Utah Code Annotated, 20-1-7.1 to 20-1-7.9 (1967)

20-1-7.1. State judicial offices — Vacancies—Merit plan — Manner of nomination and appointment.—Except as otherwise provided in this act, justices of the Supreme Court and judges of the district courts shall be selected, and a vacancy in any such office be filled, by appointment by the governor of one of three persons nominated in the manner provided in this act by the appropriate judicial nominating commission for the office to be filled, but persons so appointed shall be subject to election by the voters at the time and in the manner provided in this act.

20-1-7.2. Judicial nominating commissions created—Supreme Court nominating commission—District court nominating commissions—Duties.—Judicial nominating commissions are created as follows: (a) a Supreme Court nominating commission, whose duty shall be the nomination of justices of the Supreme Court and (b) a district court nominating commission for each judicial district, whose duty shall be the nomination of judges of the district court in each such judicial district.

20-1-7.3. Membership of judicial nominating commissions—Qualifications—Appointment—Appointing authorities—Vacancies—Terms of office.—(a) Each judicial nominating commission shall have seven members: The chief justice of the Supreme Court, one commissioner chosen by the senate, one commissioner chosen by the house of representatives, two commissioners chosen by the governor and two commissioners chosen by the Utah State Bar Association. Commissioners shall be citizens of the United States and residents of Utah. Commissioners appointed to the district court nominating commissions shall be residents of the judicial district to be served by the commission to which they are appointed. The commissioners initially chosen by the senate shall be of the same political party as the governor and the commissioners initially chosen by the house of representatives shall be of a different political party than the governor. Thereafter, as the terms of the commissioners expire, the senate and the house of representatives shall choose new commissioners who are [of] a different political party than the incumbents previously chosen by such respective branches of the legislature. The two commissioners appointed by the governor to each judicial nominating commission shall be of different political parties and none of the commissioners appointed by the governor shall be members of the Utah State Bar. The two commissioners chosen by the Utah State Bar Association shall be of different political parties.

If any appointing authority fails to exercise its power to appoint the commissioners authorized by this act, the commissioners who have been appointed, including the chief justice, shall have the authority to act as a commission under all provisions of this act.

(b) The terms of office of the commissioners first appointed shall expire on March 1, 1971, and their successors shall be appointed for terms of four years each. All commissioners shall serve until their successors have been duly appointed and qualified. Commissioners may not succeed themselves in office. Vacancies in the office of the commissioner shall be filled by the body who chose the commissioner whose office is vacated. If a vacancy occurs in the office of a commissioner chosen by the senate or by the house of representatives and the legislature is not in session at the time or fails to act to fill such vacancy, the president of the senate and the speaker of the house of representatives shall act for their respective branches of the legislature in filling such vacancy. The person who is appointed to fill a vacancy in the office of commissioner other than a vacancy caused by expiration of the term shall be of the same political party and shall serve for the unexpired term of his predecessor in office.

UTAH (Continued)

20-1-7.4. Chairman and secretary of judicial nominating commission.—The chief justice of the Supreme Court shall be the chairman and the clerk of the Supreme Court shall be the secretary of each judicial nominating commission. If the chief justice is unable for any reason to convene a judicial nominating commission as provided in section 20-1-7.6 or to act as chairman of any such commission, the justice of the Supreme Court who is entitled to succeed him as chief justice shall act for him.

20-1-7.5. Expenses of chairman, secretary and commissioners.—Neither the chairman, the secretary, nor any of the commissioners of a judicial nominating commission shall receive any compensation for their services on such commission, but each shall be entitled to be paid by the state for their actual and necessary expenses incurred in the performance of their duties.

20-1-7.6. When judicial nominating commissions convene—Notice—Certification to governor of nominees—Meetings to investigate prospective candidates—Appointment by governor or chief justice—Term of office of appointee.—(a) If a vacancy occurs or is about to occur in the office of a justice of the Supreme Court or a judge of any district court, the chief justice shall, as soon as practicable, convene the appropriate judicial nominating commission for the office to be filled. Not later than 45 days after such notification, such commission shall certify to the governor a list of three persons having the qualifications required by law to fill such office, who are willing to serve and who possess the ability, temperament, training, and experience which fits them for such office as determined by at least a majority of the members of the commission.

Any nominating commission may meet from time to time and make or cause to be made such investigation of prospective candidates as the commission may deem advisable. No member of a judicial nominating commission shall be named on a list certified by such commission during his term of office and within six months after he vacates such office or his term expires.

(b) The governor shall forthwith appoint one of the three persons named on the list of nominees to fill such office. If the appropriate judicial nominating commission has failed to certify such a list to the governor before the expiration of the 45-day period provided in subsection (a) of this section, the governor may appoint any person who has the qualifications for such office required by law, except a member of such commission.

(c) In the event the governor fails to appoint one of the three persons named on the list within thirty days after he has received the list, the chief justice of the Supreme Court shall forthwith appoint one of the persons named on the list to fill such office.

(d) Subject to the appointee being retained in the office by the voters as provided in section 20-1-7.7, the person appointed pursuant to this section shall serve for the unexpired term of his predecessor in office or shall serve for the full term of office provided by law in case the appointment is to fill a vacancy in the office of a justice or judge whose term has expired or is to fill a vacancy created by the establishment of a new judicial office.

UTAH (Continued)

20-1-7.7. Election following appointment to judicial office—Declaration of candidacy by appointee—Declaration of candidacy by members of bar—Certification of candidates to county clerks—Election procedure—Determination of winners—Single ballot provisions.—(a) Any justice of the Supreme Court or judge of any district court who is appointed by the governor to such office after this act takes effect shall hold the office until the election and qualification of a successor to fill the vacancy, which election shall take place at the next succeeding general election, and the person so elected shall hold the office of the remainder of the unexpired term. If the appointee so desires to retain such office he shall file a declaration of candidacy with and pay a filing fee of \$10 to the secretary of state during the month of June prior to such general election.

(b) If a declaration of candidacy is so filed by any such justice or judge, any qualified member of the bar desiring to become a candidate for such office may also file a declaration of candidacy with and pay a filing fee of \$10 to the secretary of state prior to 5:00 p.m. on the second Friday of July prior to such general election, which declaration shall specify the justice or judge against whom the declarant is a candidate and shall state declarant's age, legal residence and the period of his residence in the state of Utah, or in the case of candidates for district judge, the period of his residence in the judicial district in which he seeks election.

(c) Promptly after the second Friday in August prior to such general election, the secretary of state shall certify the names of the justices of the Supreme Court so declaring their candidacy and members of the bar who are candidates for such office to the county clerk of each county of the state, shall certify the names of the district judges so declaring their candidacy to the county clerk of each county in the judicial district in which the judge so declaring holds office and shall certify the names of each member of the bar so declaring his candidacy for the office of district judge to the county clerk of each county in the judicial district in which he is a candidate. The county clerks to whom such certificates are sent by the secretary of state shall provide separate ballots without any political party or any partisan designation entitled "Judicial Election Ballot." If a member of the bar has filed a declaration of candidacy for the office of any such justice or judge, the ballot shall contain with respect to such justice or judge (1) the names of the candidates for such office with the incumbent judge named first and designated "Judge (insert name) incumbent" and the other candidates for such office in alphabetical order of surnames, with the given name of such other candidates to the left of the surname, and (2) a blocked-off space opposite each name where the voter shall place "X" to represent his or her choice of the candidate for such office. If a justice or judge and more than one member of the bar file a declaration of candidacy for the same office, a primary election as well as a general election shall be held. If a primary election is held the ballots shall be entitled "Judicial Nomination Ballot" and shall contain only the names of the candidates for the office for which a primary election is required. The two candidates who receive the greatest number of votes at the primary election shall be qualified for the general election.

(d) If no member of the bar has filed a declaration of candidacy for such office then at the general election the ballots shall contain as to each justice of the Supreme Court or judge of a district court to be voted on in said county the following question: Shall (name of justice or judge) be retained in the office of (name of office, such as "Justice of the Supreme Court of Utah" or "Judge of the District Court of the Third Judicial District")? Yes () No ().

UTAH (Continued)

(e) In cases where one or more members of the bar have filed a declaration of candidacy against a justice or judge who has filed a declaration of candidacy, then (1) if all such candidates die, resign or become disqualified prior to the general election, a vacancy shall occur in such office and such vacancy shall be filled in the manner provided in section 20-1-7.6, (2) if one or more candidates die, resign or become disqualified prior to the general election leaving only one candidate remaining, such candidate shall be issued a certificate of election to serve until the next general election at which time such candidate shall, if he desires to retain such office, file and run for the unexpired term of such office in the manner provided in this section, (3) if one or more candidates die, resign or become disqualified prior to the general election leaving two or more candidates remaining, the remaining candidates shall run for election in the manner provided in this section. In any case, the name or names of the candidates who so die, resign, or become disqualified shall be removed from the ballots if practicable.

(f) Any person entitled to vote at a primary election or a general election in a county in which a justice or judge is to be voted upon shall be given a judicial nominating ballot at the same time and manner as he is given a primary election ballot and shall be given a judicial election ballot at the same time and manner as he is given a general election ballot and shall be required to return to the election judges and deposit in the ballot box such ballots, except as otherwise provided in this section. Judicial nominating and election ballots shall be prepared, handled and counted and the results certified and canvassed at the time and in the manner provided by law for general election ballots and the elections provided for in this section shall be governed by the laws relating to primary and general elections as the case may be, except as otherwise provided in this act.

(g) If the question on the ballot as to the justice or judge is answered "yes" on a majority of the judicial election ballots cast, or if an incumbent justice or judge receives the greater number of votes at a general election when a member of the bar runs against him, such justice or judge shall be elected (1) for the remainder of the term of office to which he was appointed by the governor, or (2) for the term of office provided by law if he is running to succeed himself in office after the expiration of his term. If a member of the bar who runs against any such justice or judge receives the greater number of votes at the general election, such candidate shall be elected for the same term that the justice or judge against whom he ran would have been elected had such justice or judge been elected. In cases where a member of the bar does not run against a justice or judge and the question on the ballot as to such justice or judge is not answered "yes" on a majority of the ballots cast, such justice or judge shall not be elected, a vacancy shall occur in such office as of the first Monday in January following such general election and such vacancy shall be filled in the manner provided in section 20-1-7.6. Any justice or judge not elected shall not be eligible for appointment to the office for which he was defeated until after the expiration of the term of office for which he was defeated.

(h) Notwithstanding anything contained in this section, if H. B. 258 introduced in the 37th Legislature or any other act becomes law and provides for a single ballot for elections, then the provisions of such single ballot act shall prevail over the provisions of this act requiring separate judicial ballots.

UTAH (Continued)

20-1-7.8. Justices, judges and judicial candidates, political activities prohibited.—Each justice of the Supreme Court, judge of a district court or candidate for either of such offices is prohibited (a) from using in his efforts to retain or obtain such office any political party designation, reference or description, (b) from making any contributions to any political party or organization engaged in any political activity, and (c) from holding any office in any political party or organization engaged in any political activity.

20-1-7.9. Separability clause.—If any provisions of this act, or the application of any provisions to any persons or circumstances, is held invalid, the remainder of this act shall not be affected thereby.

Utah Code Annotated, 55 - 10 - 67 to 55 - 10 - 70

55-10-67. Judges of juvenile court—Number—Practice of law prohibited.—Until otherwise provided by law, there shall be one judge for each juvenile court district except that district 2 shall have two judges.

No judge of a juvenile court shall practice law during the term of his office, and no judge shall have a partner who practices law. All juvenile court judges shall serve in full-time positions.

55-10-68. Sessions of juvenile court—Assignment of judges to other districts.—In each county regular juvenile court sessions shall be held at a place designated by the judge or judges of the juvenile court district with the approval of the board.

Court sessions shall be held in each county at such times as the presiding judge of the juvenile court shall direct, except that a judge of the district may hold court in any county within the district at any time, if required by the urgency of a case. The presiding judge of the juvenile court may assign a judge to another district for a temporary period when required in the interest of proper and efficient administration of juvenile justice in the state.

55-10-69. Juvenile court commission—Members—Organization—Expenses of members and secretary.—There is created a commission to be known as the juvenile court commission, which shall consist of the chief justice of the Supreme Court or a justice of that court designated by the chief justice, the chairman of the public welfare commission or a member of that commission designated by the chairman, the president of the Utah state bar or a member of the state bar commission designated by the president, the state superintendent of public instruction, and the state director of public health. The Supreme Court member of the juvenile court commission shall serve as its chairman and the clerk of the Supreme Court shall act as the secretary of the commission and shall maintain its files and records. The members of the commission and the secretary shall be entitled to be paid by the state their actual and necessary expenses in attending meetings and performing the duties of their office.

55-10-70. Judges of juvenile court—Appointments—Terms—Vacancies—Temporary judges and emergency appointees.—(1) When a vacancy occurs in the office of any judge of a juvenile court or upon the expiration of the term of any judge of a juvenile court, the governor shall appoint a judge from a list of at least two candidates nominated by the juvenile court commission. Each candidate shall be a member of the Utah state bar in good standing, shall be chosen without regard to political affiliation, and on the

UTAH (Continued)

basis of ability, judicial temperament, and special aptitude for juvenile court work, taking into consideration his interest, understanding, and experience with respect to problems of family and child welfare, and with respect to the control of juvenile delinquency. The concurrence of at least three members of the commission shall be required to make nominations under this section.

(2) Judges shall be appointed for a term of six years and until their successors are appointed and have qualified. If vacancies occur before the expiration of the term of any judge, appointments to fill such vacancies shall be made for a six-year term. Juvenile court judges legally in office on the effective date of this act shall continue in office until the term for which they were appointed has expired and shall be eligible for reappointment as provided in subsection (1) hereof.

(3) The governor may appoint a judge on a temporary basis upon submission of at least two names by the commission, when a judge is temporarily disabled or for any other reason unable temporarily to perform the duties of his office.

(4) If the case load rises significantly in any district due to a sudden influx of population or for other reasons, the governor may appoint an additional judge upon nominations made by the commission as provided in subsection (1) of this section. But the increase in the number of judges shall not become permanent unless it is approved by the legislature at its next session.

(5) The salaries of temporary judges and of emergency appointees shall be the same as the salaries of regularly appointed judges.

VERMONT

Vermont Statutes Annotated, Title 4, Chapter 14, Section 571-574 and 576 (1966).

§ 571. Judicial selection board created; composition, selection

A judicial selection board is created for the selection of superior and district judges.

The board shall consist of eleven members who shall be selected as follows:

(a) The governor shall appoint two members who are not attorneys at law.

(b) The senate shall elect three of its members, at least one of whom shall be a member of the party which is in the minority in the senate on the date of election, and only one of whom may be an attorney at law.

(c) The house shall elect three of its members, at least one of whom shall be a member of the party which is in the minority in the house on the date of election, and only one of whom may be an attorney at law.

VERMONT (Continued)

(d) Attorneys at law admitted to practice before the supreme court of Vermont, and residing in the state, shall elect three of their number as members of the board. The supreme court shall regulate the manner of their nomination and election.

(e) The members of the board shall be elected or appointed for terms of two years, and shall be elected or appointed between January 1 and February 1 of each odd year beginning in 1967, except when elected or appointed to fill a vacancy.

(f) The members shall elect their own chairman.—1966, No. 64 (Sp. Sess.), § 1, eff. Jan. 1, 1967.

§ 572. —Duties

(a) Prior to submission of the names of at least three persons to the governor or general assembly as set forth in subsection (b) of this section, the board shall submit to the supreme court for approval or disapproval the names of at least six attorneys at law who may be candidates for the vacancy and the supreme court shall approve or disapprove of each person submitted, and the disapproval of any proposed candidate shall be kept confidential by the court and the board. From this list of approved candidates the judicial selection board must select at least three candidates qualified to be appointed or elected to the office. If the supreme court disapproves of any prospective candidate, its action shall be final, and the disapproved proposed candidate shall not be one of the three or more persons submitted to the governor or to the general assembly as provided in subsection (b) of this section to fill that vacancy. Nothing herein shall prohibit the submission of the disapproved proposed candidate to the supreme court for approval or disapproval for a subsequent vacancy.

(b) Whenever a vacancy occurs in the office of superior or district judge or when an incumbent does not declare that he will be a candidate to succeed himself, the judicial selection board shall submit to the governor or the general assembly the names of at least three persons qualified to be appointed or elected to the office. There shall be included in the qualifications for appointment or election that the person shall be an attorney at law who has been engaged in the practice of law or a judge in the state of Vermont for a period of at least five years immediately preceding his appointment or election, and particular consideration shall be given to the nature and extent of his trial practice.—1966, No. 64 (Sp. Sess.), § 2, eff. Jan. 1, 1967.

§ 573. Judges; appointment, election from panel

Whenever the governor appoints a district or superior judge, or the general assembly elects a superior judge, they shall do so from the list of names of qualified persons submitted to them by the judicial selection board. The governor shall appoint a district judge to serve as chief district judge.—1966, No. 64 (Sp. Sess.), § 3, eff. Jan. 1, 1967.

VERMONT (Continued)

§ 574. District judges; continuance in office

(a) When the office of chief district judge becomes vacant for any reason after appointment, that office shall forthwith devolve upon the district judge next in order of appointment.

(b) A district judge may file in the office of the secretary of state, not less than 90 days before the expiration of the term for which he was appointed, a declaration that he will be a candidate to succeed himself. When a judge files such a declaration his name shall be submitted to the general assembly on the same date that justices of the supreme court are elected. The general assembly shall vote upon a separate ballot on the question "Shall District Judge _____ be retained in Office? Yes — No —". If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office a vacancy shall exist which shall be filled as provided in section 432(a) of this title.

If the majority vote is to retain him in office, the judge shall, unless removed for cause, remain in office for another term and at its end shall be eligible for retention in office in the manner herein prescribed.

(c) Whenever a judge files a declaration under subsection (b), the secretary of state shall notify the president of the senate and the speaker of the house forthwith after they take office.—1966, No. 64 (Sp. Sess.), § 5, eff. Jan. 1, 1967.

§ 576. Expenses of board; payment

The finance director shall pay from the appropriation to the supreme court all expenses of the judicial selection board when claims therefor are submitted on proper vouchers approved by the chief justice of the supreme court.—1966, No. 64 (Sp. Sess.), § 7, eff. Jan. 1, 1967.

Excerpted From

THE MODEL ARTICLE FOR STATE CONSTITUTIONS

§5. SELECTION OF JUSTICES, JUDGES AND MAGISTRATES

¶1. **Nomination and Appointment.** A vacancy in a judicial office in the State, other than that of magistrate, shall be filled by the governor from a list of three nominees presented to him by the Judicial Nominating Commission. If the governor should fail to make an appointment from the list within sixty days from the day it is presented to him, the appointment shall be made by the Chief Justice or the Acting Chief Justice from the same list. Magistrates shall be appointed by the Chief Justice for a term of three years.

Committee comment: The method of selecting judicial officers of all but the lowest courts here proposed follows essentially the American Bar Association plan recommended in 1937. The provision directing the Chief Justice to appoint where the governor fails to act is designed to prevent a stalemate between the governor and the nominating commission which has occurred in States using this system.

The importance of removing the process of judicial nomination from the political arena is probably the most essential element in any scheme for adequate judicial reform.

Because the exigencies of the calendar will vary so much, the Committee thought that great freedom was necessary in the appointment of magistrates. This meant a necessity for rapid appointment and comparatively short tenure. The power of appointment was, therefore, placed in the Chief Justice. It was also felt, however, that the tenure had to be long enough to attract competent lawyers to accept appointment.

THE MODEL ARTICLE FOR STATE CONSTITUTIONS (Continued)

¶2. Eligibility. To be eligible for nomination as a justice of the Supreme Court, judge of the Court of Appeals, judge of the District Court, or to be appointed as a Magistrate, a person must be domiciled within the State, a citizen of the United States, and licensed to practice law in the courts of the State.

Committee comment: The requirements of citizenship and membership in the bar are those which are usually demanded in the States. The Committee is of the view that no other qualifications should be specified. The selection procedure will provide all other necessary safeguards, at the same time allowing the nominating commission the broadest opportunity to secure nominees of the highest calibre.

Committee comment: Many alternatives presented themselves on the question of the proper agency for appointing the Chief Justice. The Committee sought an agency outside the Court itself to avoid contributing to politics and factions within the Court. To avoid political intervention, the power was not vested in the governor. The nominating commission was thought to be the most knowledgeable and non-political alternative. Tenure of office was also thought necessary to the effective functioning of the judicial administration of the courts of the State. The evils of constant rotation of the office of Chief Justice have been only too cogently demonstrated by experience.

§6. TENURE OF JUSTICES AND JUDGES.

¶1. Term of Office. At the next general election following the expiration of three years from the date of appointment, and every ten years thereafter, so long as he retains his office, every justice and judge shall be subject to approval or rejection by the electorate. In the case of a justice of the Supreme Court, the electorate of the entire State shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals and the District Court, the electorate of the districts or district in which the division of the Court of Appeals or District Court to which he was appointed is located shall vote on the question of approval or rejection.

Committee comment: This provision also follows the American Bar Association plan. The periods between appointment and election and between election and re-election have no ideal duration. They must be long enough to permit the character of the judge's work to become known, long enough so that competent persons will not reject appointment for fear of hasty rejection by the electorate. But it must be short enough to remove reasonably promptly judges who are not performing their functions adequately.

§8. THE CHIEF JUSTICE.

¶1. Selection and Tenure. The Chief Justice of the State shall be selected by the Judicial Nominating Commission from the members of the Supreme Court and he shall retain that office for a period of five years, subject to reappointment in the same manner, except that a member of the court may resign the office of Chief Justice without resigning from the court. During a vacancy in the office of Chief Justice, all powers and duties of that office shall devolve upon the member of the Supreme Court who is senior in length of service on that court.

§10. JUDICIAL NOMINATING COMMISSIONS.

There shall be a Judicial Nominating Commission for the Supreme Court and one for each division of the Court of Appeals and the District Court. Each Judicial Nominating Commission shall consist of seven members, one of whom shall be the Chief Justice of the State, who shall act as chairman. The members of the bar of the State residing in the geographic area for which the court or division sits shall elect three of their number to serve as members of said commission, and the governor shall appoint three citizens, not admitted to practice law before the courts of the State, from the residents of the geographic area for which the court or division sits. The terms of office and compensation for members of a Judicial Nominating Commission shall be fixed by the legislature, provided that not more than one-third of a commission shall be elected in any three-year period. No member of a Judicial Nominating Commission shall hold any other public office or office in a political party or organization and he shall not be eligible for appointment to a State judicial office so long as he is a member of a Judicial Nominating Commission and for a period of five years thereafter.

Committee comment: The proposed Judicial Nominating Commission also follows the American Bar Association plan, which recommended that the list of nominees be made by an independent agency. The make-up of the Commission could be a combination of a number of variables. The Committee feels, however, that no group should have fixed representation and that all appropriate interests in the State can be represented through appointments as provided in this section. Provision is made for the participation of non-lawyers in the selection process. The disqualifications are self-explanatory.

PENNSYLVANIA

Proposals for revision of the Constitution of Pennsylvania, adopted by the Constitutional Convention of 1967 - 1968 (approved by the voters April, 1968, which will become effective by early 1969).

ARTICLE VII - The Judiciary

Section 13. Election of Justices, Judges and Justices of the Peace. - Vacancies.

(b) A vacancy in the office of justice, judge or justice of the peace shall be filled by appointment by the Governor. If the vacancy occurs during the session of the Senate, the appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the case of justices of the peace which shall be by a majority. If the vacancy occurs during sine die adjournment of the Senate such appointment shall not require the advice and consent of the Senate. The person so appointed shall serve for an initial term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs.

(c) The provisions of section thirteen (b) shall not apply either in the case of a vacancy to be filled by retention election as provided in section fifteen (b). In case of a vacancy created by failure of a justice or judge to file a declaration for retention election as provided in section fifteen (b). In case of a vacancy occurring at the expiration of an appointive term under section thirteen (b), the vacancy shall be filled by election as provided in section thirteen (a).

(d) At the primary election in 1969, the electors of the Commonwealth may elect to have the justices and judges of the Supreme, Superior, Commonwealth and all other state-wide courts appointed by the Governor from a list of persons qualified for the offices submitted to him by the Judicial Qualifications Commission. If a majority vote of those voting on the question is in favor of this method of appointment, then whenever any vacancy occurs thereafter for any reason in such court, the Governor shall fill the vacancy by appointment in the manner prescribed in this subsection. Such appointment shall not require the consent of the Senate.

(e) Each justice or judge appointed by the Governor under section thirteen (d) shall hold office for an initial term ending the first Monday of January following the next municipal election more than twenty-four months following the appointment.

Section 14. Judicial Qualifications Commission.

(a) Should the method of judicial selection be adopted as provided in section thirteen (d), there shall be a Judicial Qualifications Commission, composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court appointed by the Supreme Court. No more than four members shall serve for terms of seven years, with one member being selected each year. The commission shall consider all names submitted to it and recommend to the Governor not fewer than ten nor more than twenty of those qualified for each vacancy to be filled.

(b) During his term, no member shall hold a public office or public appointment for which he receives compensation, nor shall he hold office in a political party or political organization.

(c) A vacancy on the commission shall be filled by the appointing authority for the balance of the term.

APPENDIX I

STRUCTURE AND FUNCTIONS OF JUDICIAL NOMINATING COMMISSIONS

Statutes providing for the nomination of slates of judicial candidates by some form of nominating commission have been adopted in all but two of the 13 states using provisions of the merit plan.¹ The chart that follows summarizes the membership of the commissions, the methods of selecting commissioners, their term of office, qualifications and restrictions, and provisions for remuneration or reimbursement for expenses as provided. Measurement of the extent to which provisions outlined in the chart maximize the potential contribution judicial nominating commissions can make, may be aided by examining them in light of the criteria discussed in "The Judicial Nominating Commission," by Glenn R. Winters (Sui Juris, January, 1966) and in "The Changing Politics of Judicial Selection: A Merit Plan for New York," by Russell D. Niles, cited earlier, and reviewed here.

1. Non partisanship (Commission's avoid the tendency of governors to base their appointments on political considerations while the administration of justice should be non-political).
2. Utilization of the judgment of the legal profession in the selection process (only lawyers and judges are able to pass intelligently on how well a potential nominee would handle the technical aspects of judging).
3. Utilization of the layman's judgment in the selection process (lay members of a commission can make sure important non-legal qualifications are not neglected).
4. Active search for judicial talent (at best the confirmative system operates only negatively to reject the bad, in contrast to an affirmative opportunity of finding good judicial talent for appointments the nominating system provides).
5. Confidential deliberations (good lawyers would not consent to be considered if their rejection and the reason for it were publicized).
6. Obliging of the governor not to go outside of the panel of nominations in making appointments (with this restriction the governor still has a fair chance of placing the

¹In California although no nomination or appointment by the governor to trial or appellate court is effectuated unless confirmed by a majority of the 3-member Commission on Judicial Appointments, the commission (consisting of the chief justice of the Supreme Court, the presiding judge of the district court of appeals and the attorney general) has no power to nominate candidates. In Illinois, nomination is by party convention or primary.

man he really wants if he is qualified, and at the same time the perfect excuse to the importunate office seeker).

In the second article, nine criteria essential to an ideal selection process and fulfilled by a nominating commission are listed:

1. Know what abilities and qualities are essential to a good judge.
2. Have the means of finding the facts about candidates.
3. Exercise comparative judgment - not merely determine whether or not candidates meet an acceptable standard, but decide who among many acceptable candidates are the best qualified.
4. Have the ability and the opportunity to encourage the ablest lawyers to become candidates.
5. Be independent of the appointing authority.
6. Be free of the reward system of politics.
7. Be free of domination by the organized bar, but able to make the best use of the organized bar in the selection process.
8. Have no continuing relationship with a judge after he is on the bench.
9. Recognize the importance of having a judiciary that is representative of the various elements in the society that it serves.

STRUCTURE AND FUNCTIONS OF JUDICIAL NOMINATING COMMISSIONS

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
ALABAMA Circuit Court of Birmingham Jefferson County Judicial Commission	5	1 Judge of the Birmingham Circuit Court 2 members of the Alabama state bar 2 persons not members of the Alabama state bar	Elected by judges of the circuit court Elected by members of the state bar who reside in the territorial jurisdiction of the court Elected by senator and representatives in Alabama legislature from Jefferson Co.	6 years may not succeed self	All commission members must reside in territorial jurisdiction of court. No commission member (other than the circuit court judge) shall be a public office holder nor be eligible for nomination to the governor for appointment as a circuit judge. No commissioner shall hold any official position in any political party.	Nominate 3 candidates for each judicial vacancy on the circuit court of Birmingham.	None
ALASKA Supreme and Superior Courts Judicial Council	7	Chief justice, chairman, ex officio member 3 lawyers 3 non-lawyers	By virtue of office Appointed by governing body of the organized bar Appointed by the governor; confirmed by the legislature in joint session	6 years	Appointments shall be made with due consideration to area representation and without regard to political affiliation. No member (except the chief justice) may hold any other office or position of profit under the United States or state government.	(1) Nominate 2 or more candidates for each judicial vacancy on the supreme and superior courts; (2) conduct studies to improve the administration of justice and make reports and recommendations to the supreme court and the legislature at least every two years; (3) other duties as assigned by law.	None

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
<p>COLORADO</p> <p>Supreme and any Intermediate Appellate Courts</p> <p>Supreme Court Nominating Commission</p>	<p>9</p>	<p>Chief justice, man, ex officio</p> <p>1 lawyer from each congressional district</p> <p>1 non-lawyer from each congressional district</p>	<p>By virtue of office</p> <p>Appointed by majority action of the governor, attorney general, and chief justice</p> <p>Appointed by governor.</p>	<p>6 years</p>	<p>Chief justice shall have no vote. Commissioners may not be appointed to appellate judicial posts during tenure or 3 years thereafter. No more than half of the commissioners plus one (exclusive of the chief justice) shall be a member of one political party and all must be citizens. They may not hold salaried or elective U. S. or state office or any elective political party office.</p>	<p>Submit list to the governor of 3 nominees for vacancies not more than 30 days after they occur; and in the case of more than one vacancy, a list containing at least 2 more nominees than there are vacancies</p>	<p>None</p>
<p>Other Courts of Record except the County Court of the City and County of Denver.</p> <p>Judicial District Nominating Commissions</p>	<p>8</p>	<p>1 Justice of the Supreme Court</p> <p>In districts where population is over 35,000:</p> <p>3 lawyers</p> <p>4 non-lawyers</p> <p>Where population is less than 35,000:</p> <p>4 non-lawyers</p> <p>3 lawyers or non-lawyers depending upon majority vote of governor, attorney general and chief justice.</p>	<p>Appointed by chief justice</p> <p>Appointed by majority action of the governor, attorney general, and chief justice</p> <p>Appointed by the governor</p> <p>Appointed by the governor</p> <p>Appointed by majority action of governor, attorney general, and chief justice</p>	<p>To serve at will of chief justice</p> <p>6 years may not succeed self.</p>	<p>The justice will have no vote.</p> <p>Commissioners must be residents of the judicial district. No more than four commissioners shall be members of the same political party, and there must be at least one from each county in the district. They may not hold salaried or elective U. S. or state offices or any elective office in a political party. Commissioners may not be appointed to judicial office in his district while commissioner for 1 year thereafter.</p>	<p>Submit list of 3 nominees as above for each vacancy in courts in their respective districts, and in cases of more than 1 vacancy a list containing at least 2 more nominees than there are vacancies</p>	<p>None</p>

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
COLORADO (Continued) County Court of the City and County of Denver Denver County Court Judicial Commission	8	Presiding judge of the County Court, ex officio President of the Denver Bar Assoc. (and if he is not a qualified elector the first or second vice-president) 2 lawyers 4 non-lawyers	By virtue of office By virtue of office Appointed by the mayor Appointed by the mayor	1 year concurrent with his holding said bar association office 4 years 4 years	Presiding judge serves in a nonvoting advisory capacity. Qualified electors of the city and county of Denver who are not members of the same political party Electors of city and county of Denver of high civic esteem and repute, no more than two of whom are from the same political party.	(1) Submit to the mayor a list of 3 or more nominees for each judicial vacancy whose selection shall be based solely on merit, legal experience, ability and integrity. (2) Make recommendations to the mayor for suspension and removal from office of any judge of the court for reasons deemed in the interest of the administration of justice.	None
FLORIDA Metropolitan Court of Dade County Metropolitan Court Nominating Commission	9	Presiding judge of the 11th Judicial Circuit (or another judge of the 11th circuit if he cannot serve), chairman 3 lawyers 3 non-lawyers	By virtue of office Elected by active members of the Florida Bar under procedures established by the County Board. Appointed by the Board of County Commissioners.	6 years	Active members of the Florida Bar in good standing who reside in Dade County and No commissioner may hold any other public office or office in a political party and shall not be eligible for appointment to the court while a commissioner or for 5 years thereafter Resident of Dade County	(1) Within 60 days after vacancy occurs, submit list of 3 nominees for vacancy on Metropolitan Court to Board of County Commissioners. (2) In the event Board fails to act within 60 days, chairman of the commission makes judicial appointment from the same list. (3) Initiate removal proceed-	Reimbursement for necessary expenses incurred in official duties.

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
FLORIDA (Continued)						ings against court judge for nonfeasance, malfeasance of misfeasance in office. (4) Conduct studies for the improvement of the administration of justice and make recommendations to the Board of County Commissioners at least every two years. (5) Such other duties as may be assigned by law.	
IDAHO Supreme Court District Court Judicial Council	7	Chief Justice 3 attorney members, one of whom is to be a district judge 3 non-attorney members	by virtue of office. Appointed by the Board of Commissioners of the Idaho State Bar with the consent of the Senate Appointed by the governor with consent of Senate	6 years First appointments to be staggered in terms of 2, 4 and 6 years with all appointments thereafter 6 year terms	Not more than 3 appointed members are to be of the same political party. No members, except judges or justices, can hold any other office or position of profit under the United States or state	To conduct studies for improving the administration of justice To submit to the governor names of not less than two (2) or more than four (4) qualified people for each vacancy. To recommend the discipline and retirement of judges	Honorarium of \$25 a day, except for judges and justices, for each day spent in judicial council meetings. re-imbursment for expenses incurred

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
IOWA	7 to 17 (const. prov.) 15 (enab. leg.) (7) (7)	Supreme Court justice who is senior in length of service (but not the chief justice), chairman From 3 to 8 members From 3 to 8 members	By virtue of office Appointed by governor, confirmed by senate Elected by resident members of the bar	6 years; may not serve 2nd term on the same commission	Commissioners may not hold any office of profit of the United States or state; are to be chosen without reference to political affiliation, and with due consideration to area representation, and shall have other qualifications prescribed by law; Gubernatorial appointees must be electors of the district	Submit 3 nominees for each supreme court vacancy within 60 days after receiving notice of vacancy	
District Courts District Judicial Nominating Commission (In each judicial district - Presently there are 21 judicial districts.)	7 to 13 (const. prov.) 11 (enab. leg.) (5) (5)	District court judge senior in length of service, chairman From 3 to 6 members From 3 to 6 members	By virtue of office Appointed by the governor Elected by resident members of the bar of the district			Submit 2 nominees for each district court vacancy within 60 days after receiving notice of vacancy	
KANSAS Supreme Court Supreme Court Nominating Commission	11 (1)	Member of the bar, chairman	Elected by bar from nominees named by bar, except in case vacancy occurs chief justice appoints chairman to serve until 1st of July after he serves <u>4</u> months.	Except in cases where vacancies are filled, terms are number of years equal to number of congressional districts	No commission member shall hold any other public office by appointment or any official position in a political party or for 6 months after his term ends be eligible for nomination as a justice of the supreme court. Gubernatorial appointments are to be made without re-	Submit names of 3 nominees to the governor for each supreme court vacancy, acting only in concurrence of a majority of its members	The clerk of the supreme court is paid \$500 in addition to his regular compensation and authorized to procure such supplies and equipment

State Court Commission Services, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuner- ation or Expense Allowance
	(5)	1 member of the bar from each con- gressional district	Elected by resi- dent members of the bar in the <u>district</u>		regard to political affiliation		and to em- ploy clerical and other assistance as may be necessary to carry out the act
	(5)	1 non-lawyer from each congressional district	Appointed by the governor from residents of the district				
MISSOURI Supreme Court and Courts of Appeals The Appellate Judicial Com- mission	7	Chief justice, chairman 3 members of the bar	By virtue of office 1 elected by members of the bar in each court of appeals dis- trict 1 appointed by governor from each court of appeals district	Fixed by Supreme court	Commissioners may not hold public office or any official position in a political party	Nominate and sub- mit names of 3 candidates for each vacancy	Reimburse- ment for travel and other ex- penses in- curred while engaged in discharging duties
Circuit and Probate Courts within City of St. Louis and Jackson County, and the St. Louis Court of Criminal Correction Circuit Judicial Commission (one in each circuit)	5	Presiding judge of Court of Appeals in which circuit is situated 2 members of bar of the circuit 2 non-lawyer resi- dents of the circuit	By virtue of office Elected by mem- bers of the bar residing in the judicial circuit Appointed by the governor	Fixed by Supreme court	Commissioners may not hold public office or an official position in a political party and must be residents of the circuit of the judicial commission	Nominate and sub- mit to the gover- nor the names of 3 candidates for each judicial vac- ancy in the courts of the circuit they serve	Reimburse- ment for travel and other ex- penses in- curred while discharging duties
Kansas City Municipal Court Municipal Judicial Nominating Commission	5	Presiding judge of Circuit Court of Jackson County, Missouri, chairman	By virtue of office			(1) Submit list of names (which may be changed until the council takes	

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications & Restrictions on Members	Function	Remuneration or Expense Allowance
MISSOURI (Continued)		2 non-lawyers 2 lawyers	Appointed by the mayor Elected by members of the Missouri bar who reside within city limits	4 years	Commissioners must be residents of the city and no more than one lawyer shall belong to the same political party	action) of 3 nominees to city council for vacancies on the court. (2) Commission may publicize the names of those under consideration for nomination as it sees fit except they may not be described as applicants	
NEBRASKA Supreme and District Courts (1) Judicial Nominating Commission for Chief Justice for the Supreme Court (2) Judicial Nominating Commission for each judicial district of the Supreme Court and of the District Court (3) A Judicial Nominating Commission for each area of district served by any other court which may be made subject to this law (4) A Judicial Nominating Commission for the Workmen's Compensation Court (5) A Judicial Nominating Commission for municipal courts of all cities of metropolitan size	7 in each	Each commission shall consist of: judge of the Supreme Court, chairman, 3 members of state bar residing in area from which nominees are to be selected, 3 non-lawyer residents of area from which nominees are selected	Appointed by the Governor Elected by bar members in area from at least 2 nominees named by bar members or in the event of their inaction by the judicial council Appointed by the Governor Appointed by the Governor	6 year term with maximum of 12 consecutive years	Judge member may not be the chief justice when commission nominates chief justice. Commissioner is ineligible for reappointment if he has served more than 6 years. Except for judge members, commissioners must be residents of area from which nominees are chosen. Commissioners are not eligible for nomination for judicial vacancies while in office or for 2 years thereafter and except for judge members they may not serve on more than one commission. Communications among commis-	Submit names to governor of 2 nominees for each judicial vacancy following at least one public hearing and other meetings, and make independent inquiries as necessary to determine qualifications of candidates	None

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications & Restrictions on Members	Function	Remuneration or Expense Allowance
NEBRASKA (Continued) (6) A Judicial Nominating Commission for juvenile courts of cities of 50,000 or more					sioners or between judicial candidates and commissioners are to be kept confidential		
OKLAHOMA Supreme Court and Court of Criminal Appeals Judicial Nominating Commission	13	6 non-lawyer, 1 from each congressional district 6 lawyers, 1 from each congressional district 1 non-lawyer, member at large	Appointed by the Governor Elected by bar association Selected by 8 other members of commission; if no agreement, appointed by the governor	6 year term except member at large who has 2 year term. No member permitted to succeed himself	Of 6 members named by governor not more than 3 shall belong to any one political party. Commissioner shall, while a member hold no political office or official position in a political party. Commissioners not eligible for nomination for judicial vacancies while in office or for five years thereafter	Submit names to governor and chief justice of 3 nominees for each judicial vacancy. The commission determines existence of nominees	Travel and lodging expenses while performing duties as commissioner
Juvenile Court Nominating Committee (in each county with a juvenile court)	7	5 lawyers 2 non-lawyers	Selected by president of County Bar Association of city wherein a judge is to be appointed upon request of at least a majority of county commissioners		Residents of county where vacancy exists	Submit list of 3 lawyer nominees who are county residents for each vacancy to the Governor so appointment can be made within 30 days prior to end of judge's term or within 20 days after vacancy occurs	None

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications and Restrictions on Members	Function	Remuneration or Expense Allowance
UTAH Supreme and District Courts (1) Supreme Court Nominating Commission (2) District Court Nominating Commission for each judicial district	7 in each	Chief Justice 1 commissioner 1 commissioner 2 commissioners 2 commissioners	By virtue of office Chosen by the Senate Chosen by the House of Representatives Chosen by the Governor Chosen by the Utah Bar Association	4 year term, member cannot succeed himself	The member selected by the House must be a different political party than one chosen by Senate. Two members appointed by governor must be of different political parties. Members appointed to district court nominating commission must be residents of judicial district to be served by commission. Commissioners are not eligible for nomination for judicial vacancies while serving or six months thereafter. Commissioners to be U. S. citizens and residents of state	Within 45 days of being notified of a judicial vacancy commission must certify to the Governor the names of 3 persons who have the legal qualifications, who are willing to serve and who possess ability, temperament, training and experience to fill the vacancy.	
Juvenile Court Juvenile Court Commission	5	Chief Justice, chairman Chairman of Public Welfare Commission (or another member of the commission) President of the Utah State Bar (or a member of state bar commission)	By virtue of office By virtue of office (or by appointment of commission chairman) By virtue of office (or by appointment in designee of the president)		None	(1) Submit to governor names of 2 candidates for juvenile court vacancies or upon expiration of term of any judge. (2) Submit to governor names of 2 candidates for appointment on temporary basis when a judge is disabled or	Actual and necessary expenses

State, Court Commission Serves, Name of Commission	No. of Members	Membership	Selection of Commission Members	Term of Comm. Service	Qualifications & Restrictions on Members	Function	Remuneration or Expense Allowance
UTAH (Continued)		State Superintendent of Public Instruction State Director of Public Health	By virtue of office By virtue of office			otherwise incapacitated, or emergency basis when an increased case load required additional judge	
VERMONT Superior and District Judges Judicial Selection Board	11	2 non-lawyers 3 senators 3 members of House 3 lawyers	Appointed by the governor Elected by Senate Elected by House Elected by lawyers admitted to practice before supreme court	2 years	At least one senator must be member of minority party, and only one may be an attorney One House member must be of the minority party, no more than one can be a lawyer Resident and admitted to practice before supreme court The names of candidates disapproved by the Supreme Court are to be kept confidential	Submit at least 3 names to governor or general assembly of nominees for judicial vacancies from among those approved by the supreme court	All expenses of board paid by finance director upon receipt of voucher approved by supreme court
PENNSYLVANIA (Not yet effective) Supreme Court, Superior Court, all other statewide courts Judicial Qualifications Commission	7	4 non-lawyers 3 non-judge members of the Bar	To be appointed by the governor To be appointed by Supreme Court	7 years First selections to be staggered with one member to be selected each year	No more than 4 members shall be of same political party No member shall hold political office or public appointment No member shall hold office in political party or any other political organization	To submit to the governor not more than 20 nor less than 10 names of qualified people to fill the vacancies in the court	None

APPENDIX II

THE NUMBER OF JUDGES SELECTED
UNDER ELEMENTS OF THE MERIT SELECTION PLAN

Some or all elements of the merit selection plan are used in the selection of 875 judges of 38 courts or court levels in the United States. The names of these courts and the number of judges to whom they apply are listed below. The asterisks indicate use of all three elements of the plan (nomination of slates of judicial candidates by non-partisan lay-professional nominating commission; appointment of judges by the chief executive officer; and review of appointments by the voters in succeeding elections in which judges run unopposed on the sole question of whether their record warrant retention in office). Statistics as to the number of judges in each court were obtained from the 1967 Court Calendar volume of the Martindale-Hubbell Directory and in the few instances in which the data was unavailable from that source from the statutes. The figures for the number of judges at the highest intermediate appellate and trial courts levels in the 50 states were taken from the Society's 1966 judicial compensation survey. They should be taken as approximate in light of the fluctuations and vacancies, and because in some instances the survey responses were qualified.

Number of Judges Selected under Elements of Merit Plan. Asterisk indicates judges for whom all elements of the plan are used.

State	Name of Court	Highest App. Ct.	Inter. App. Ct.	Trial Court	Ct. Spec. or Lim. Juris.
Alabama	Circuit Court of Jefferson County (Birmingham - 10th Circuit)			15	
Alaska	Supreme Court Superior Courts District Courts	3*		9*	14
California	Supreme Court District Courts of Appeals Superior Court may be covered by local option which has not been exercised to date.	7	33		
Colorado	Supreme Court District Courts Superior Court of City of Denver County Courts Probate Court of City and County of Denver	7*		69*	1* 23* 1*

State	Name of Court	Highest App. Ct.	Inter. App. Ct.	Trial Court	Ct. Spec. or Lim. Juris.
Colorado	Juvenile Court of City and County of Denver County Court of the City and County of Denver				2* 10
Florida	Metropolitan Court of Dade County				13*
Illinois	Supreme Court Appellate Courts Circuit Courts	7	24	324	
Iowa	Supreme Court District Courts	10*		76*	
Kansas	Supreme Court	7*			
Missouri	Supreme Court Court of Appeal Circuit Court of St. Louis (22nd Circuit) Circuit Court of Jackson County (16th Circuit) Probate Court of St. Louis City Probate Court of Jackson County Criminal Correction Court of St. Louis Other Circuit Courts may be covered by local option which has not been exercised to date. Kansas City Municipal Court	7*	9*	20* 15*	1* 1* 2* 5*
Nebraska	Supreme Court District Courts Workmen's Compensation Court	7*	37*		4*
Oklahoma	Supreme Court & Court of Criminal Appeals Juvenile Court of Tulsa County	12*			1
Utah	Supreme Court District Court Juvenile Courts	5		20	6
Vermont	Superior Judges of County Court District Court			6	12
875 = Total number of judges covered by elements of merit plan		72	66	591	146
Total number of judges at court level in the 50 states		319	259	3,297	
Per cent of total number of judges covered by merit selection plan		23%	25%	18%	
391 = *Total number of judges covered by <u>all</u> elements of merit plan		53*	9*	226*	104*
Per cent of total number of judges covered by <u>all</u> elements of merit plan		16.6%	3%	6.8%	

END