

REFERENCE TITLE: **commission on appellate court appointments**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SCR 1042

Introduced by
Senator Quezada

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTION 36, CONSTITUTION OF ARIZONA; RELATING TO THE COMMISSION ON APPELLATE COURT APPOINTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

3 1. Article VI, section 36, Constitution of Arizona, is proposed to
4 be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 36. Commission on appellate court appointments and
7 terms, appointments and vacancies on
8 commission

9 Section 36. A. There shall be a nonpartisan commission
10 on appellate court appointments ~~which shall be~~ composed of the
11 chief justice of the supreme court, who shall be chairman,
12 five attorney members, who shall be nominated by the board of
13 governors of the state bar of Arizona and appointed by EITHER
14 the governor OR THE CHIEF JUSTICE IN ALTERNATING TURNS with
15 the advice and consent of the senate in the manner prescribed
16 by law, and ten nonattorney members who shall be appointed by
17 the governor, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
18 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT
19 OF THE SENATE AND THE MINORITY LEADER OF THE SENATE IN
20 ALTERNATING TURNS with the advice and consent of the senate in
21 the manner prescribed by law. At least ninety days ~~prior to~~
22 BEFORE a term expiring or within twenty-one days ~~of~~ AFTER a
23 vacancy occurring for a nonattorney member on the commission
24 for appellate court appointments, the governor shall appoint a
25 nominating committee of nine members, not more than five of
26 whom may be from the same political party. The makeup of the
27 committee ~~shall~~, to the extent feasible, SHALL reflect the
28 diversity of the population of ~~the~~ THIS state. Members shall
29 not be attorneys and shall not hold any governmental office,
30 elective or appointive, for profit. The committee shall
31 provide public notice that a vacancy exists and shall solicit,
32 review and forward to the ~~governor~~ APPOINTING ENTITY all
33 applications along with the committee's recommendations for
34 appointment. IF A VACANCY OCCURS DURING A MEMBER'S TERM, THE
35 ENTITY THAT APPOINTED THAT MEMBER SHALL APPOINT THE
36 REPLACEMENT MEMBER REGARDLESS OF THE ENTITY THAT IS NEXT IN
37 LINE TO APPOINT A MEMBER.

38 B. Attorney members of the commission shall have
39 resided in ~~the~~ THIS state and shall have been admitted to
40 practice before the supreme court for not less than five
41 years. Not more than three attorney members shall be members
42 of the same political party and not more than two attorney
43 members shall be residents of any one county. Nonattorney
44 members shall have resided in ~~the~~ THIS state for not less than
45 five years and shall not be judges, retired judges or admitted

1 to practice before the supreme court. Not more than five
 2 nonattorney members shall be members of the same political
 3 party. Not more than two nonattorney members shall be
 4 residents of any one county. ~~None of~~ The attorney or
 5 nonattorney members of the commission ~~shall~~ MAY NOT BE AN
 6 OFFICER WITH A POLITICAL PARTY OR REGISTERED AS A LOBBYIST OR
 7 hold any governmental office, elective or appointive, for
 8 profit, and ~~no~~ AN attorney member ~~shall be~~ IS NOT eligible for
 9 appointment to any judicial office of ~~the~~ THIS state until one
 10 year after ~~he~~ THE ATTORNEY MEMBER ceases to be a member.
 11 Attorney members of the commission shall serve staggered
 12 four-year terms and nonattorney members shall serve staggered
 13 four-year terms. Vacancies shall be filled for the unexpired
 14 terms in the same manner as the original appointments.

15 ~~B.~~ C. No person other than the chief justice shall
 16 serve at the same time as a member of more than one judicial
 17 appointment commission.

18 ~~C.~~ D. In making or confirming appointments to the
 19 appellate court commission, the governor, THE CHIEF JUSTICE,
 20 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY
 21 LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE
 22 SENATE, THE MINORITY LEADER OF THE SENATE, the senate and the
 23 state bar shall ~~endeavor to see~~ ENSURE that the commission
 24 reflects the diversity of ~~Arizona's~~ THIS STATE'S population.

25 E. In the event of the absence or incapacity of the
 26 chairman the supreme court shall appoint a justice ~~thereof~~ OF
 27 THE SUPREME COURT to serve in ~~his~~ THE CHAIRMAN'S place and
 28 stead.

29 ~~D.~~ F. ~~Prior to~~ BEFORE making recommendations to the
 30 ~~governor as hereinafter provided~~ APPOINTING ENTITY, the
 31 commission shall conduct investigations, hold public hearings
 32 and take public testimony. An executive session as prescribed
 33 by rule may be held upon a two-thirds vote of the members of
 34 the commission in a public hearing. Final decisions as to
 35 recommendations shall be made without regard to political
 36 affiliation in an impartial and objective manner. The
 37 commission shall consider the diversity of ~~the~~ THIS state's
 38 population, however the primary consideration shall be merit.
 39 Voting shall be in a public hearing. The expenses of meetings
 40 of the commission and the attendance of members ~~thereof~~ for
 41 travel and subsistence shall be paid from the ~~general fund of~~
 42 ~~the~~ state GENERAL FUND as state officers are paid, ~~upon~~ ON
 43 claims approved by the chairman.

1 ~~E.~~ G. After public hearings the supreme court shall
2 adopt rules of procedure for the commission on appellate court
3 appointments.

4 ~~F.~~ Notwithstanding the provisions of subsection A, the
5 initial appointments for the five additional nonattorney
6 members and the two additional attorney members of the
7 commission shall be designated by the governor for staggered
8 terms as follows:

9 ~~1.~~ One appointment for a nonattorney member shall be
10 for a one-year term.

11 ~~2.~~ Two appointments for nonattorney members shall be
12 for a two-year term.

13 ~~3.~~ Two appointments for nonattorney members shall be
14 for a three-year term.

15 ~~4.~~ One appointment for an attorney member shall be for
16 a one-year term.

17 ~~5.~~ One appointments for an attorney member shall be for
18 a two-year term.

19 ~~G.~~ H. The members currently serving on the commission
20 ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION may
21 continue to serve until the expiration of their normal terms.
22 All subsequent appointments shall be made as prescribed by
23 this section.

24 2. The Secretary of State shall submit this proposition to the
25 voters at the next general election as provided by article XXI,
26 Constitution of Arizona.