

Table 1.91

Method of selection and length of initial and retention terms of the highest appellate court justices

By State, as of June 2004

State	Initial selection		Retention	
	Method ^a	Term	Method	Term (in years)
Alabama	Partisan election	6 years	Partisan election	6
Alaska	Nominating commission	Until next general election but not less than 3 years	Retention election	10
Arizona	Nominating commission	Until next general election but not less than 2 years	Retention election	6
Arkansas	Nonpartisan election	8 years	Nonpartisan election	8
California	Appointed by governor	12 years	Retention election	12
Colorado	Nominating commission	Until next general election but not less than 2 years	Retention election	10
Connecticut	Nominating commission	8 years	Commission reviews, governor renominates, legislature confirms	8
Delaware	Nominating commission	12 years	Competitive reapplication to commission, reappointment by governor, senate confirms	12
District of Columbia ^b	Nominating commission	15 years	Reappointment by judicial tenure commission or President	15
Florida	Nominating commission	Until next general election but not less than 1 year	Retention election	6
Georgia	Nonpartisan election	6 years	Nonpartisan election	6
Hawaii	Nominating commission	10 years	Reappointment by commission	10
Idaho	Nonpartisan election	6 years	Nonpartisan election	6
Illinois	Partisan election	10 years	Retention election	10
Indiana	Nominating commission	Until next general election but not less than 2 years	Retention election	10
Iowa	Nominating commission	Until next general election but not less than 1 year	Retention election	8
Kansas	Nominating commission	Until next general election but not less than 1 year	Retention election	6
Kentucky	Nonpartisan election	8 years	Nonpartisan election	8
Louisiana ^c	Partisan election	10 years	Partisan election	10
Maine	Appointed by governor	7 years	Reappointment by governor, legislature confirms	7
Maryland ^d	Nominating commission	Until next general election but not less than 1 year	Retention election	10
Massachusetts	Nominating commission	To age 70	X	X
Michigan ^e	Nonpartisan election	8 years	Nonpartisan election	8
Minnesota	Nonpartisan election	6 years	Nonpartisan election	6
Mississippi	Nonpartisan election	8 years	Nonpartisan election	8
Missouri	Nominating commission	Until next general election but not less than 1 year	Retention election	12
Montana	Nonpartisan election	8 years	Nonpartisan election, but if unopposed, retention election	8
Nebraska	Nominating commission	Until next general election but not less than 3 years	Retention election	6
Nevada	Nonpartisan election	6 years	Nonpartisan election	6
New Hampshire	Appointed by governor ^f	To age 70	X	X
New Jersey	Appointed by governor	7 years	Reappointment by governor, with senate consent	To age 70
New Mexico	Nominating commission	Until next general election	Partisan election the first time; after that, winner runs in retention election	8
New York ^d	Nominating commission	14 years	Competitive reapplication to commission, reappointment by governor, senate confirms	14
North Carolina	Nonpartisan election	8 years	Nonpartisan election	8
North Dakota	Nonpartisan election	10 years	Nonpartisan election	10
Ohio ^g	Nonpartisan election	6 years	Nonpartisan election	6
Oklahoma ^h	Nominating commission	Until next general election but not less than 1 year	Retention election	6
Oregon	Nonpartisan election	6 years	Nonpartisan election	6
Pennsylvania	Partisan election	10 years	Retention election	10
Rhode Island	Nominating commission	Life tenure	X	X
South Carolina	Nominating commission ⁱ	10 years	Reappointed by legislature	10
South Dakota	Nominating commission	Until next general election but not less than 3 years	Retention election	8
Tennessee	Nominating commission	Until the biennial general election but not less than 30 days	Retention election	8
Texas ^h	Partisan election	6 years	Partisan election	6
Utah	Nominating commission	Until next general election but not less than 3 years	Retention election	10
Vermont	Nominating commission	6 years	Retained by vote in general assembly	6
Virginia	Appointed by legislature	12 years	Reappointed by legislature	12
Washington	Nonpartisan election	6 years	Nonpartisan election	6
West Virginia	Partisan election	12 years	Partisan election	12
Wisconsin	Nonpartisan election	10 years	Nonpartisan election	10
Wyoming	Nominating commission	Until next general election but not less than 1 year	Retention election	8

See notes on next page.

Table 1.91

Method of selection and length of initial and retention terms of the highest appellate court justices

By State, as of June 2004--Continued

Note: These data were compiled through a survey of State statutes; they were then verified by personnel of the American Judicature Society.

"Initial selection" is defined as the constitutional or statutory method by which judges are selected for a full term of office. "Retention" refers to the method used to select judges for subsequent terms of office. "Partisan election" refers to elections in which the judicial candidates' names appear on the ballot with their respective party labels; "nonpartisan election" refers to elections in which no party labels are attached to judicial candidates' names on the ballot. Caution should be used when interpreting partisan and nonpartisan designations as definitions may vary. "Retention election" refers to an election in which a judge runs unopposed on the ballot and the electorate votes solely on the question of the judge's continuation in office. In a retention election, the judge must win a majority of the vote in order to serve a full term, except in Illinois which requires 60% and New Mexico which requires 57%. "Nominating commission" is a merit selection procedure that refers to the nonpartisan body, composed of lawyers and nonlawyers, which actively recruits, screens, and nominates prospective judicial candidates to the executive for appointment. The nominating commission method of selection was established by executive order in Delaware, Maryland, and Massachusetts and by constitutional or statutory authority in all other jurisdictions. Readers should consult State Constitutions for special provisions and procedures related to issues of premature vacancy (e.g., death, resignation) and other circumstances.

^aIn States that use nominating commissions, selection requirements may vary. The governor may make the appointment solely, with senate confirmation, or with legislative confirmation.

^bInitial appointment is made by the President of the United States and confirmed by the Senate. At expiration of term, judge's performance is reviewed by the commission. Those found "well qualified" are automatically reappointed. For those found "qualified," the President may nominate for an additional term, subject to Senate confirmation. If the President does not wish to reappoint the judge, the District of Columbia Nomination Commission compiles a new list of candidates.

^cAlthough party affiliation of judicial candidates appears on ballots, judicial primaries are open and candidates generally do not solicit party support. This gives judicial elections a nonpartisan character.

^dThe highest State court is named the Court of Appeals.

^eParty affiliations of judicial candidates are not listed on the general election ballot, so the election is technically nonpartisan. However, candidates are nominated at party conventions.

^fSubject to approval of an elected five-member executive council.

^gParty affiliations of judicial candidates are not listed on the general election ballot, so the election is technically nonpartisan. However, candidates run in partisan primary elections.

^hOklahoma and Texas have two courts of final jurisdiction: the supreme court, which has final civil jurisdiction; and the court of criminal appeals, which has final criminal jurisdiction. The selection process is the same for both.

ⁱThe Judicial Merit Selection Commission screens and then recommends a list of judicial candidates to the legislature. The legislature votes only on the list submitted by the commission. If all candidates on the list are rejected, the process begins again with the commission.

Source: American Judicature Society, *Judicial Selection in the United States: A Compendium of Provisions*, 2nd edition (Chicago: American Judicature Society, 1993); <http://www.ajs.org/js/judicialselectioncharts.pdf> [Jan. 25, 2005]; and data provided by the American Judicature Society. Reprinted by permission.