

Table 1.92

Method of selection and length of initial and retention terms of intermediate appellate court judges in 39 States

As of June 2004

| State | Initial selection | | Retention | |
|---------------------------|------------------------------------|---|---|-----------------|
| | Method ^a | Term | Method | Term (in years) |
| Alabama ^b | Partisan election | 6 years | Partisan election | 6 |
| Alaska | Nominating commission | Until next general election but not less than 3 years | Retention election | 8 |
| 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 | 8 |
| Connecticut | Nominating commission | 8 years | Commission reviews, governor renominates, legislature confirms | 8 |
| 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 | 6 |
| Kansas | Nominating commission | Until next general election but not less than 1 year | Retention election | 4 |
| Kentucky | Nonpartisan election | 8 years | Nonpartisan election | 8 |
| Louisiana ^c | Partisan election | 10 years | Partisan election | 10 |
| Maryland | Nominating commission | Until next general election but not less than 1 year | Retention election | 10 |
| Massachusetts | Nominating commission | To age 70 | X | X |
| Michigan | Nonpartisan election | 6 years | Nonpartisan election | 6 |
| 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 |
| Nebraska | Nominating commission | Until next general election but not less than 3 years | Retention election | 6 |
| 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 | Nominating commission | 5 years | Commission reviews, makes recommendation to governor, governor reappoints | 5 |
| North Carolina | Nonpartisan election | 8 years | Nonpartisan election | 8 |
| Ohio ^d | Nonpartisan election | 6 years | Nonpartisan election | 6 |
| Oklahoma | Nominating commission | Until next general election but not less than 1 year | Retention election | 6 |
| Oregon | Nonpartisan election | 6 years | Nonpartisan election | 6 |
| Pennsylvania ^e | Partisan election | 10 years | Retention election | 10 |
| South Carolina | Nominating commission ^f | 6 years | Reappointed by legislature | 6 |
| Tennessee ^b | Nominating commission | Until the biennial general election but not less than 30 days | Retention election | 8 |
| Texas | Partisan election | 6 years | Partisan election | 6 |
| Utah | Nominating commission | Until next general election but not less than 3 years | Retention election | 6 |
| Virginia | Appointed by legislature | 8 years | Reappointed by legislature | 8 |
| Washington | Nonpartisan election | 6 years | Nonpartisan election | 6 |
| Wisconsin | Nonpartisan election | 6 years | Nonpartisan election | 6 |

Note: See Note, table 1.91. States not listed do not have intermediate appellate courts.

^aIn States that use nominating commissions, selection requirements may vary. The governor makes the appointment solely, with senate confirmation, or with legislative confirmation.^bAlabama and Tennessee have two intermediate appellate courts: the court of civil appeals, which has civil jurisdiction, and the court of criminal appeals, which has criminal jurisdiction. The selection process is the same for both.^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.^dParty 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.^ePennsylvania has two intermediate appellate courts; the superior court and the commonwealth court. The selection process is the same for both.^fThe 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.