

Table 1.93

**Method of selection and length of initial and retention terms of general jurisdiction court judges**

By State and name of court, as of June 2004

State/name of court(s)	Initial selection		Retention	
	Method <sup>a</sup>	Term	Method	Term (in years)
<u>Alabama</u> Circuit court	Partisan election	6 years	Partisan election	6
<u>Alaska</u> Superior court	Nominating commission	Until next general election but not less than 3 years	Retention election	6
<u>Arizona</u> Superior court <sup>b</sup>	Nominating commission	Until next general election but not less than 2 years	Retention election	4
<u>Arkansas</u> Circuit court	Nonpartisan election	6 years	Nonpartisan election	6
<u>California</u> Superior court	Nonpartisan election or gubernatorial appointment <sup>c</sup>	6 years	Nonpartisan election <sup>d</sup>	6
<u>Colorado</u> District court	Nominating commission	Until next general election but not less than 2 years	Retention election	6
<u>Connecticut</u> Superior court	Nominating commission	8 years	Commission reviews, governor renominates, legislature confirms	8
<u>Delaware</u> Superior court	Nominating commission	12 years	Competitive reapplication to commission, reappointment by governor, senate confirms	12
<u>District of Columbia</u> Superior court <sup>e</sup>	Nominating commission	15 years	Reappointment by judicial tenure commission or President	15
<u>Florida</u> Circuit court <sup>f</sup>	Nonpartisan election	6 years	Nonpartisan election	6
<u>Georgia</u> Superior court	Nonpartisan election	4 years	Nonpartisan election	4
<u>Hawaii</u> Circuit court	Nominating commission	10 years	Reappointment by commission	10
<u>Idaho</u> District court	Nonpartisan election	4 years	Nonpartisan election	4
<u>Illinois</u> Circuit court	Partisan election <sup>g</sup>	6 years	Retention election	6
<u>Indiana</u> Circuit court	Partisan election <sup>h</sup>	6 years	Partisan election <sup>h</sup>	6
<u>Iowa</u> Superior court	Partisan election <sup>i</sup>	6 years <sup>j</sup>	Partisan election <sup>k</sup>	6
<u>Iowa</u> District court	Nominating commission	Until next general election but not less than 1 year	Retention election	6
<u>Kansas</u> District court	Nominating commission, partisan election <sup>l</sup>	Until next general election	Retention election <sup>m</sup>	4
<u>Kentucky</u> Circuit court	Nonpartisan election	8 years	Nonpartisan election	8
<u>Louisiana</u> <sup>n</sup> District court	Partisan election	6 years	Partisan election	6
<u>Maine</u> Superior court	Appointed by governor	7 years	Reappointment by governor, legislature confirms	7
<u>Maryland</u> Circuit court	Nominating commission	Until next general election but not less than 1 year	Nonpartisan election	15
<u>Massachusetts</u> Trial Court of the Commonwealth	Nominating commission	To age 70	X	X
<u>Michigan</u> Circuit court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Minnesota</u> District court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Mississippi</u> Circuit court	Nonpartisan election	4 years	Nonpartisan election	4
<u>Mississippi</u> Chancery court	Nonpartisan election	4 years	Nonpartisan election	4
<u>Missouri</u> Circuit court	Partisan election <sup>o</sup>	6 years <sup>p</sup>	Partisan election <sup>q</sup>	6
<u>Montana</u> District court	Nonpartisan election	6 years	Nonpartisan election, but if unopposed, retention election	6
<u>Nebraska</u> District court	Nominating commission	Until next general election but not less than 3 years	Retention election	6
<u>Nevada</u> District court	Nonpartisan election	6 years	Nonpartisan election	6
<u>New Hampshire</u> Superior court	Appointed by governor <sup>r</sup>	To age 70	X	X

See notes at end of table.

Table 1.93

Method of selection and length of initial and retention terms of general jurisdiction court judges

By State and name of court, as of June 2004--Continued

State/name of court(s)	Initial selection		Retention	
	Method <sup>a</sup>	Term	Method	Term (in years)
<u>New Jersey</u> Superior court	Appointed by governor	7 years	Reappointment by governor with senate consent	To age 70
<u>New Mexico</u> District court	Nominating commission	Until next general election	Partisan election the first time; after that, winner runs in retention election	6
<u>New York</u> Supreme court	Partisan election	14 years	Partisan election	14
County court	Partisan election	10 years	Partisan election	10
<u>North Carolina</u> Superior court	Nonpartisan election	8 years	Nonpartisan election	8
<u>North Dakota</u> District court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Ohio</u> <sup>g</sup> Common Pleas court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Oklahoma</u> District court	Nonpartisan election	4 years	Nonpartisan election	4
<u>Oregon</u> Circuit court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Pennsylvania</u> Common Pleas court	Partisan election	10 years	Retention election	10
<u>Rhode Island</u> Superior court	Nominating commission	Life tenure	X	X
<u>South Carolina</u> Circuit court	Nominating commission <sup>†</sup>	6 years	Reappointed by legislature	6
<u>South Dakota</u> Circuit court	Nonpartisan election	8 years	Nonpartisan election	8
<u>Tennessee</u> Circuit court	Nominating commission	8 years	Partisan election	8
<u>Texas</u> District court	Partisan election	4 years	Partisan election	4
<u>Utah</u> District court	Nominating commission	Until next general election but not less than 3 years	Retention election	6
<u>Vermont</u> Superior court	Nominating commission	6 years	Retained by vote in general assembly	6
<u>Virginia</u> Circuit court	Appointed by legislature	8 years	Reappointed by legislature	8
<u>Washington</u> Superior court	Nonpartisan election	4 years	Nonpartisan election	4
<u>West Virginia</u> Circuit court	Partisan election	8 years	Partisan election	8
<u>Wisconsin</u> Circuit court	Nonpartisan election	6 years	Nonpartisan election	6
<u>Wyoming</u> District court	Nominating commission	Until next general election but not less than 1 year	Retention election	6

Note: See Note, table 1.91. Courts of general jurisdiction are defined as having unlimited civil and criminal jurisdiction (Larry C. Berkson, "Judicial Selection in the United States: A Special Report," *Judicature* 64 (October 1980) p. 178).

<sup>a</sup>In States that use nominating commissions, appointment procedures may vary. The governor may make the appointment solely, with senate confirmation, or with legislative confirmation.

<sup>b</sup>Counties with populations less than 250,000 select and retain superior court judges in nonpartisan elections for 4-year terms.

<sup>c</sup>Local electors can choose either nonpartisan elections or gubernatorial appointment.

<sup>d</sup>Judge must be elected to a full term on a nonpartisan ballot at the next general election. If the election is not contested, the incumbent's name does not appear on the ballot.

<sup>e</sup>Initial 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.

<sup>f</sup>Voters in each circuit may opt for merit selection and retention of circuit court judges.

<sup>g</sup>Circuit court associate judges are appointed by the circuit judges in each circuit for 4-year terms, as provided by supreme court rule.

<sup>h</sup>In Vanderburgh County initial selection and retention are by nonpartisan election.

<sup>i</sup>A nominating commission is used for the superior court judges of Lake and St. Joseph Counties. In Allen and Vanderburgh Counties the election is nonpartisan.

<sup>j</sup>In Lake and St. Joseph Counties each appointed judge serves until the next general election but not less than 2 years.

<sup>k</sup>Nonpartisan elections are used in Allen and Vanderburgh Counties. Retention elections are used in Lake and St. Joseph Counties.

<sup>l</sup>Seventeen of 31 districts use a nominating commission for district judge selection; the remaining 14 select district judges in partisan elections.

<sup>m</sup>Fourteen of 31 districts use partisan elections.

<sup>n</sup>Although 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.

<sup>o</sup>Nominating commissions are used for selecting circuit court judges in Jackson, Clay, Platte, and St. Louis Counties.

<sup>p</sup>An associate circuit court judge's term is 4 years; also in counties that use nominating commissions, the appointed judge serves until the next general election but not less than 1 year.

<sup>q</sup>Retention elections are used in Jackson, Clay, Platte, and St. Louis Counties.

<sup>r</sup>Subject to approval by an elected five-member executive council.

<sup>s</sup>Party 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.

<sup>t</sup>The Judicial Merit Selection Commission screens and then recommends a list of judicial candidates to the legislature. The legislature votes 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.