

CAPITOL FACTS & FIGURES

STATE GOVERNMENT

Judicial Selection in the States

States have a variety of procedures for filling high court judgeships. While each state is free to determine its own selection method, most states use one of two systems: direct judicial elections by the people or judicial appointment from a list of candidates developed by a judicial nominating commission.

- Twenty-five states choose their high court judges by the appointment process known as merit selection.
- South Carolina and Virginia are the only two states where the legislature appoints judges.
- In three states, California, Maine and New Jersey, the governor has sole discretion in naming judicial appointees.
- Eight states have partisan elections and 13 states have nonpartisan elections.
- Seventeen states have uncontested retention elections after initial appointment, and 12 states grant life tenure or use reappointment.

The selection process for state Supreme Court justices has been the focus of increasingly intense debate throughout the U.S. in recent years.

- Retired U.S. Supreme Court Justice Sandra Day O'Connor has made the issue her priority since leaving the bench in 2006; she argues that raising campaign funds and promising specific performance on the bench run counter to the practice of judging. She favors merit selection or an appointment system.
- Nevada voters will consider a proposal in November 2010 to allow the governor to appoint judges.
- A commission established by West Virginia Gov. Joe Manchin, 2009 President of The Council of State Governments, is considering judicial selection reform after a coal company executive spent \$3 million to help elect a state Supreme Court justice. That situation was spotlighted in the U.S. Supreme Court case *Caperton v. Massey*, which drew national attention.
- Former Ohio Chief Justice Thomas Moyer championed efforts to change Ohio's laws to allow the governor and a review panel to select Supreme Court justices.
- A bill introduced in Minnesota in 2009, Senate File 0070, would let voters change the state's constitution to allow the governor to appoint judges to eight-year terms.



- An initiative petition effort in Missouri seeks to scrap the current system of merit selection of judges and revert to partisan elections. Missouri's current system has been the model for 34 other states that use merit selection to fill some or all judicial vacancies.

States are also seeking to curb the influence of special interests on judicial contests.

- Judicial candidates for high courts raised \$206.4 million for campaigns from 2000 to 2009, up from \$83.3 million the previous decade.
- Illinois, Washington, West Virginia and Wisconsin recently enacted judicial campaign finance reform through legislation imposing limits on judicial campaign contributions or creating a public financing system for judicial elections.

Method of Judicial Selection

State	Elective System	Initial Term of Office	Method of Retention
Alabama	Partisan Election	6 Years	Re-election (6-year term)
Alaska	Merit Selection-Nominating Commission	3 Years	Retention election (10-year term)
Arizona	Merit Selection-Nominating Commission	2 Years	Retention election (6-year term)
Arkansas	Non-Partisan Election	8 Years	Re-election (8-year term)
California	Gubernatorial Appointment	12 Years	Retention election (12-year term)
Colorado	Merit Selection-Nominating Commission	2 Years	Retention election (10-year term)
Connecticut	Merit Selection-Nominating Commission	8 Years	Governor renominates, legislature approves
Delaware	Merit Selection-Nominating Commission	12 Years	Incumbent competes with others
District of Columbia	Merit Selection-Nominating Commission	15 Years	Reappointment by judicial tenure commission
Florida	Merit Selection-Nominating Commission	1 Year	Retention election (6-year term)
Georgia	Non-Partisan Election	6 Years	Re-election (6-year term)
Hawaii	Merit Selection-Nominating Commission	10 Years	Reappointment by judicial tenure commission
Idaho	Non-Partisan Election	6 Years	Re-election (6-year term)
Illinois	Partisan Election	10 Years	Retention election (10-year term)
Indiana	Merit Selection-Nominating Commission	2 Years	Retention election (10-year term)
Iowa	Merit Selection-Nominating Commission	1 Year	Retention election (8-year term)
Kansas	Merit Selection-Nominating Commission	1 Year	Retention election (6-year term)
Kentucky	Non-Partisan Election	8 Years	Re-election (8-year term)
Louisiana	Partisan Election	10 Years	Re-election (10-year term)
Maine	Gubernatorial Appointment	7 Years	Reappointment by governor, legislative confirmation
Maryland	Merit Selection-Nominating Commission	Until next general election	Retention election (10-year term)
Massachusetts	Merit Selection-Nominating Commission	To age 70	N/A
Michigan	Partisan Election	8 Years	Re-election (8-year term)
Minnesota	Non-Partisan Election	6 Years	Re-election (6-year term)
Mississippi	Non-Partisan Election	8 Years	Re-election (8-year term)
Missouri	Merit Selection-Nominating Commission	1 Year	Retention election (12-year term)
Montana	Non-Partisan Election	8 Years	Re-election; unopposed judges run for retention
Nebraska	Merit Selection-Nominating Commission	3 Years	Retention election (6-year term)
Nevada	Non-Partisan Election	6 Years	Re-election (6-year term)
New Hampshire	Merit Selection-Nominating Commission	To age 70	N/A
New Jersey	Gubernatorial Appointment	7 Years	Reappointment by governor, advice and consent of Senate
New Mexico	Merit Selection-Nominating Commission	Until next general election	Partisan election at next general election
New York	Merit Selection-Nominating Commission	14 Years	Incumbent competes with others
North Carolina	Non-Partisan Election	8 Years	Re-election (8-year term)
North Dakota	Non-Partisan Election	10 Years	Re-election (10-year term)
Ohio	Partisan Election	6 Years	Re-election (6-year term)
Oklahoma	Merit Selection-Nominating Commission	1 Year	Retention election (6-year term)
Oregon	Non-Partisan Election	6 Years	Re-election (6-year term)
Pennsylvania	Partisan Election	10 Years	Retention election (10-year term)
Rhode Island	Merit Selection-Nominating Commission	Life	N/A
South Carolina	Legislative Appointment	10 Years	Reappointment by legislature
South Dakota	Merit Selection-Nominating Commission	3 Years	Retention election (8-year term)
Tennessee	Merit Selection-Nominating Commission	Until next biennial general election	Retention election (8-year term)
Texas	Partisan Election	6 Years	Re-election (6-year term)
Utah	Merit Selection-Nominating Commission	Until next general election	Retention election (10-year term)
Vermont	Merit Selection-Nominating Commission	6 Years	By vote of General Assembly (6-year term)
Virginia	Legislative Appointment	12 Years	Reappointment by legislature
Washington	Non-Partisan Election	6 Years	Re-election (6-year term)
West Virginia	Partisan Election	12 Years	Re-election (12-year term)
Wisconsin	Non-Partisan Election	10 Years	Re-election (10-year term)
Wyoming	Merit Selection-Nominating Commission	1 Year	Retention election (8-year term)