

Table 4.4
SELECTION AND RETENTION OF JUDGES

<i>State or other jurisdiction</i>	<i>How selected and retained</i>
Alabama	Appellate, circuit, district and probate judges elected on partisan ballots. Municipal court judges appointed by the governing body of the municipality (majority vote of its members).
Alaska	Supreme Court, court of appeals, superior court and district court judges appointed by governor from nominations submitted by Judicial Council. Supreme Court, court of appeals and superior court judges approved or rejected on nonpartisan retention ballot at first general election held more than three years after appointment. Reconfirmation every 10, eight and six years, respectively. District court judges approved or rejected at first general election held more than two years after appointment. Reconfirmation every four years. District court magistrates appointed by and serve at pleasure of presiding judge of superior court in each judicial district.
Arizona	Supreme Court justices and court of appeals judges appointed by governor from a list of not less than three nominees submitted by a nine-member Commission on Appellate Court Appointments. Superior court judges (in counties with population greater than 250,000) appointed by governor from a list of not less than three nominees submitted by a nine-member commission on trial court appointments. Judges initially hold office for term ending 60 days following next regular general election after expiration of two-year term. Judges who file declaration of intention to be retained in office run at next regular general election on nonpartisan retention ballot. Superior court judges in counties having population less than 250,000 elected on nonpartisan ballot; justices of the peace elected on partisan ballot; police judges and magistrates selected as provided by charter or ordinance; Tucson city magistrates appointed and reappointed by mayor and council from nominees submitted by nonpartisan Merit Selection Commission on magistrate appointments.
Arkansas	All elected on partisan ballot.
California	Supreme Court and courts of appeal judges appointed by governor, confirmed by Commission on Judicial Appointments. Judges run unopposed on nonpartisan retention ballot at next general election after appointment. Superior court judges elected on nonpartisan ballot with counties having the option to use selection method described above; judges elected to full term at next general election on nonpartisan ballot. Municipal court and justice court judges initially appointed by governor and county board of supervisors, respectively, retain office by election on non-partisan ballot.
Colorado	Supreme Court and court of appeals judges appointed by governor from nominees submitted by Supreme Court Nominating Commission. District judges appointed by governor from nominees submitted by Judicial District Nominating Commission. After initial appointive term of two years, judges run on nonpartisan retention ballot. Municipal judges appointed by municipal governing body. Denver County judges appointed by mayor from list submitted by nominating commission; judges run on nonpartisan retention ballot.
Connecticut	Judges of the Supreme Court, appellate court, and district court appointed by Legislature from nominations submitted by governor exclusively from candidates submitted by the Judicial Selection Commission. Judicial Review Council makes recommendations on nominations for reappointment. Probate judges elected on partisan ballots.
Delaware	All appointed by governor from list submitted by a judicial nominating commission (which is established by executive order) with consent of majority of Senate.
Florida	Supreme Court and district courts of appeal judges appointed by governor from nominees submitted by appropriate judicial nominating commission. Judges run for retention at next general election preceding expiration of term. Circuit and county court judges elected on nonpartisan ballots.
Georgia	Supreme Court, court of appeals, superior court, and state court judges elected on nonpartisan ballots. For the magistrate courts, the chief magistrate is selected in a partisan election; additional magistrates are appointed by the chief magistrate with the consent of the judges of the superior court. Probate judges and justices of peace elected on partisan ballots. Juvenile and municipal court judges appointed.
Hawaii	Supreme Court and intermediate court of appeals justices and circuit court judges nominated by Judicial Selection Commission (on list of four to six names) and appointed by governor with consent of Senate. Judges reappointed to subsequent terms by the Judicial Selection Commission. District court judges nominated by Commission (on list of at least six names) and appointed by chief justice.
Idaho	Supreme Court and court of appeals justices and district court judges elected on nonpartisan ballot. Magistrates appointed on nonpartisan merit basis by District Magistrates Commission and run for retention in first general election next succeeding the 18-month period following initial appointment; thereafter, run every four years.
Illinois	Supreme Court, appellate court and circuit court judges nominated at primary elections or by petition and elected at general or judicial elections on partisan ballot. Judges run in uncontested retention elections for subsequent terms. Circuit court associate judges are appointed by circuit judges for four-year terms.
Indiana	Supreme Court justices and court of appeals judges are appointed by governor from list of three nominees submitted by seven-member Judicial Nominating Commission. Judges serve until next general election after two years from appointment date; thereafter, run for retention on record. Circuit, superior and county judges in most counties run on partisan ballot. Circuit court judges in Vanderburgh County run on a nonpartisan ballot. Superior court judges in Allen County run on a nonpartisan ballot. The majority of superior court judges in Lake County, and all superior court judges in St. Joseph and Vanderburgh counties, are appointed by the governor upon recommendation of the Judicial Nominating Commission. Probate court and city court judges are selected by partisan elections.
Iowa	Supreme Court, court of appeals and district court judges appointed by governor from lists submitted by nominating commissions. Judges serve an initial one-year term until January 1 following next general election, then run on records for retention. Judicial magistrates appointed by county judicial magistrate appointing commission. District associate judges are appointed by the district judges of the judicial election district from persons nominated by the County Magistrate Appointing Commission, and stand for retention every four years thereafter.

See footnotes at end of table.

JUDICIARY

SELECTION AND RETENTION OF JUDGES — Continued

<i>State or other jurisdiction</i>	<i>How selected and retained</i>
Kansas	Supreme Court and court of appeals judges appointed by governor from nominations submitted by Supreme Court Nominating Commission. Judges serve until second Monday in January following first general election after one year in office; thereafter run on record for retention every six (Supreme Court) and four (court of appeals) years. District judges in 17 judicial districts are appointed by governor through nonpartisan commission plan. District judges in 14 judicial districts are elected on partisan ballot.
Kentucky	All judges elected on nonpartisan ballot.
Louisiana	All justices and judges elected on partisan basis, but state has open primary which requires all candidates to appear on a single ballot.
Maine	All appointed by governor with confirmation of the Senate, except probate judges who are elected on partisan ballot. Governor reappoints and Senate reconfirms for seven-year terms.
Maryland	Court of Appeals and court of special appeals judges nominated by judicial nominating commission, and appointed by governor with advice and consent of Senate. Judges run on record for retention at next general election after one year of service. Judges of circuit courts and Supreme Bench of Baltimore City nominated by commission and appointed by governor. Judges of circuit court run on nonpartisan ballot in first general election after year of service (may be challenged by other candidates). District court judges nominated by commission and appointed by governor, subject to Senate confirmation. Judges of the district court appointed by governor, with Senate confirmation. Judges of the orphans' court are selected in nonpartisan elections.
Massachusetts	All nominated and appointed by governor with advice and consent of Governor's Council. Judicial Nominating Commission, established by executive order, submits names on nonpartisan basis to governor.
Michigan	Nominated in party conventions, all except district court magistrates are elected on nonpartisan ballot at general election. District court magistrates appointed by district court judges, with approval of county board of commissioners.
Minnesota	All elected on nonpartisan ballot.
Mississippi	All elected on nonpartisan ballot, except municipal court judges who are appointed by governing authority of each municipality.
Missouri	Judges of Supreme Court, court of appeals and the circuit courts of Jackson, Clay, Platte, and St. Louis counties appointed initially by governor from nominations submitted by judicial selection commissions. Judges run for retention after one year in office. All other judges elected on partisan ballot.
Montana	All elected on nonpartisan ballot. Judges unopposed in reelection effort, run for retention. Water court judges are appointed by chief justice; Workers' Compensation judges are appointed by the governor.
Nebraska	All judges appointed initially by governor from nominees submitted by judicial nominating commissions. Judges run for retention on non-partisan ballot in general election following initial three-year term; subsequent terms are six years.
Nevada	All elected on nonpartisan ballot.
New Hampshire	All appointed by governor and confirmed by majority vote of elected five-member executive council.
New Jersey	Judges of Supreme Court, superior court, tax court and municipal court appointed by governor with advice and consent of Senate, except judges of municipal courts serving a single municipality who are appointed by the governing body. Judges are reappointed for seven-year terms by the governor (to age 70) with the advice and consent of Senate. Surrogates selected in partisan elections.
New Mexico	Supreme Court, court of appeals, district and metropolitan judges appointed by governor from list submitted by a judicial nominating commission. At next general election, after appointment, judges run for full terms in partisan, contested election. The elected judge runs for subsequent terms in uncontested retention elections. Judges of probate court and municipal and magistrate courts are selected in partisan elections.
New York	All elected on partisan ballot, except judges of Court of Appeals, who are appointed by governor from list submitted by commission on judicial nomination with advice and consent of Senate. Governor also appoints judges of court of claims and designates members of appellate division of supreme court. Mayor of New York City appoints judges of criminal and family courts in the city from list submitted by a judicial nominating commission, established by mayor's executive order.
North Carolina	All elected on partisan ballot, except special judges of superior court who are appointed by governor, and magistrates, who are appointed by senior resident superior court judge.
North Dakota	All elected on nonpartisan ballot.
Ohio	All nominated in partisan primary elections, but in general elections, party affiliations not listed on ballot. Court of claims judges may be appointed by chief justice of Supreme Court from ranks of Supreme Court, court of appeals, court of common pleas or retired judges.
Oklahoma	Supreme Court, Court of Criminal Appeals, court of appeals and Workers' Compensation Court judges appointed by governor from list of three names submitted by judicial nominating commission. Judges run for retention on nonpartisan ballot at first general election following completion of one year's service; Workers' Compensation Court judges reappointed by governor. District and associate district judges elected on nonpartisan ballot. Special judges appointed by district judges within judicial administrative districts. Municipal judges appointed by governing body of municipality.
Oregon	All judges elected on nonpartisan ballot for six-year terms, except municipal judges who are generally appointed and serve as prescribed by city council.
Pennsylvania	All initially elected on partisan ballot and thereafter on nonpartisan retention ballot, except magistrates (Pittsburgh) who are appointed by mayor with advice and consent of city council.
Rhode Island	All judges appointed by governor from list submitted by Judicial Nominating Commission, with the separate advice and consent of the Senate and House of Representatives. All judges hold office during good behavior.

SELECTION AND RETENTION OF JUDGES — Continued

<i>State or other jurisdiction</i>	<i>How selected and retained</i>
South Carolina	Supreme Court, court of appeals, circuit court and family court judges elected by legislature from names submitted on a nonpartisan basis by Judicial Merit Selection Commission. Probate judges elected on partisan ballot. Magistrates appointed by governor with advice and consent of Senate. Municipal judges appointed by mayor and aldermen of city.
South Dakota	Supreme Court justices appointed by governor from nominees submitted by Judicial Qualifications Commission. Justices run for retention at first general election after three years in office. Circuit court judges elected on nonpartisan ballot. Magistrates appointed by presiding judge of judicial court with approval of Supreme Court.
Tennessee	Judges of the Supreme Court and intermediate appellate courts appointed initially by governor from list of three nominees submitted by Appellate Court Nominating Commission. Judges run on nonpartisan retention ballot at biennial general election held more than 30 days after occurrence of vacancy. All other judges elected on partisan ballot, except some municipal and city court judges, who are appointed by governing body of city.
Texas	All elected on partisan ballot (method of selection for municipal judges determined by city charter or local ordinance).
Utah	Supreme Court, district court, circuit court and juvenile court judges appointed by governor from list of at least three nominees submitted by Judicial Nominating Commission. Judges run unopposed for retention in general election following initial three-year term; thereafter run on record for retention every 10 (Supreme Court) and six (other courts of record) years.
Vermont	Supreme Court justices, superior court and district and family court judges nominated by Judicial Nominating Board and appointed by governor with advice and consent of Senate. Judges retained by vote of general assembly for six-year terms.
Virginia	All full-time judges elected by majority vote of legislature.
Washington	Supreme Court, court of appeals, superior court and district court judges elected on nonpartisan ballot. Municipal judges in cities having a population greater than 400,000 are elected on nonpartisan ballot; municipal judges in cities of less than 400,000 appointed in manner determined by city legislative body.
West Virginia	Supreme Court of Appeals judges, circuit court judges and magistrates elected on partisan ballot. Municipal judges selected according to city charter.
Wisconsin	Supreme Court, court of appeals and circuit court judges elected on nonpartisan ballot. Municipal court judges selected according to bylaw or ordinance adopted by city council, town board or village board.
Wyoming	Supreme Court justices, district and county court judges appointed by governor from list of three nominees submitted by Judicial Nominating Commission. Judges run for retention on nonpartisan ballot at first general election occurring more than one year after appointment. Justices of the peace elected on nonpartisan ballot. Municipal (police) judges appointed by mayor with consent of council.
Dist. of Columbia	Court of Appeals and superior court judges nominated by president of the United States from a list of persons recommended by District of Columbia Judicial Nominating Commission; appointed upon advice and consent of U.S. Senate.
American Samoa	Chief justice and associate justice(s) appointed by the U.S. Secretary of the Interior pursuant to presidential delegation of authority. Associate judges appointed by governor of American Samoa on recommendation of the chief justice, and subsequently confirmed by the Senate of American Samoa.
Guam	All appointed by governor with consent of legislature from list of nominees submitted by Judicial Council; thereafter, run on record for retention every seven years.
No. Mariana Islands	All appointed by governor with advice and consent of Senate.
Puerto Rico	All appointed by governor with advice and consent of Senate.
U.S. Virgin Islands	All appointed by governor with advice and consent of legislature.

Sources: Judicial Selection in the United States: A Compendium of Provisions, 3rd Edition (Chicago: American Judicature Society), Forthcoming 2000; "Judicial Selection in the States: Appellate and General Jurisdiction Courts," American Judicature Society.

Note: Unless otherwise specified, judges included in this table are in the state courts of last resort and intermediate appellate and general trial courts.