

Table 1.64

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

By State, as of June 1, 1998

State	Initial selection		Retention	
	Method <sup>a</sup>	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	Partisan election	8 years	Partisan election	8
California	Appointed by governor	Until next general election	Retention election	12
Colorado	Nominating commission	Until next general election but not less than 2 years	Retention election	10
Connecticut <sup>b</sup>	Judicial selection commission	8 years	Commission reviews, governor renominates, legislature reappoints	8
Delaware	Nominating commission	12 years	Reappointment by governor	12
District of Columbia <sup>c</sup>	Nominating commission	15 years	Reappointment by judicial tenure committee 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	Partisan election <sup>d</sup>	10 years	Partisan election <sup>d</sup>	10
Maine	Appointed by governor	7 years	Reappointment by governor	7
Maryland <sup>e</sup>	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	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 <sup>f</sup>	To age 70	X	X
New Jersey	Appointed by governor	7 years	Reappointment by governor	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 <sup>e</sup>	Nominating commission	14 years	Reappointment by governor	14
North Carolina	Partisan election	8 years	Partisan election	8
North Dakota	Nonpartisan election	10 years	Nonpartisan election	10
Ohio	Nonpartisan election	6 years	Nonpartisan election	6
Oklahoma <sup>g</sup>	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 <sup>h</sup>	10 years	Election 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 <sup>g</sup>	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	Elected by legislature	12 years	Election 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 1.64

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

By State, as of June 1, 1998--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; "non-partisan election" refers to the situation when no party labels are attached to judicial candidates' names on the ballot. "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 the retention election, the judge must win a majority of the vote in order to serve a full term, except in Illinois which requires 60%. "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.

<sup>a</sup>In States that use nominating commissions, the governor generally makes the appointment.

<sup>b</sup>The judicial selection commission submits a list of prospective judges to the governor who nominates one to fill a vacancy. The legislature then votes to approve or disapprove that nomination.

<sup>c</sup>Initial appointment is made by the President of the United States and confirmed by the Senate. If the President does not wish to reappoint the judge, the District of Columbia Nomination Commission compiles a new list of candidates.

<sup>d</sup>Although party affiliation of judicial candidates appears on ballots, judicial primaries are open. This gives judicial elections a nonpartisan character.

<sup>e</sup>The highest State court is named the Court of Appeals.

<sup>f</sup>The appointment requires the approval of the elected executive council.

<sup>g</sup>Oklahoma 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.

<sup>h</sup>The Judicial Merit Selection Commission was established on July 1, 1997. The commission screens and then recommends a list of three 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); and data provided by the American Judicature Society. Reprinted by permission.