



Judicial Selection in the States  
***Appellate and General Jurisdiction Courts***

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## Judicial Selection in the States

### *Appellate and General Jurisdiction Courts*

## Summary of Initial Selection Methods

<b>Merit Selection<sup>1</sup></b>	<b>Gubernatorial (G) or Legislative (L) Appointment</b>	<b>Partisan Election</b>	<b>Non-Partisan Election</b>	<b>Combined Merit Selection and Other Methods<sup>2</sup></b>
Alaska	California (G)	Alabama	Arkansas	Arizona
Colorado	New Jersey (G) <sup>2</sup>	Illinois	Georgia	Florida
Connecticut	Virginia (L)	Louisiana	Idaho	Indiana
Delaware	South Carolina (L) <sup>2</sup>	New Mexico <sup>2</sup>	Kentucky	Kansas
District of Columbia		Ohio <sup>2</sup>	Michigan <sup>2</sup>	Missouri
Hawaii		Pennsylvania	Minnesota	New York
Maine		Texas	Mississippi	Oklahoma
Maryland		West Virginia	Montana	South Dakota
Massachusetts			Nevada	Tennessee
Nebraska			North Carolina	
New Hampshire			North Dakota	
Rhode Island			Oregon	
Utah			Washington	
Vermont			Wisconsin	
Wyoming				

1. The following ten states use merit plans only to fill midterm vacancies on some or all levels of court: Alabama, Georgia, Idaho, Kentucky, Minnesota, Montana, Nevada, New Mexico, North Dakota, and West Virginia.

2. See attached charts for details.



## Judicial Selection in the States

### *Appellate and General Jurisdiction Courts*

## Initial Selection, Retention, and Term Length

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>ALABAMA</b>						
Supreme Court				X	6	Re-election (6 year term)
Court of Civil App.				X	6	Re-election (6 year term)
Court of Criminal App.				X	6	Re-election (6 year term)
Circuit Court				X	6	Re-election (6 year term)
<b>ALASKA</b>						
Supreme Court	X				3	Retention election (10 year term) <sup>1</sup>
Court of Appeals	X				3	Retention election (8 year term)
Superior Court	X				3	Retention election (6 year term)
<b>ARIZONA</b>						
Supreme Court	X				2	Retention election (6 year term)
Court of Appeals	X				2	Retention election (6 year term)
Superior Court (county pop. greater than 250,000)	X				2	Retention election (4 year term)
Superior Court (county pop. less than 250,000)				X	4 <sup>2</sup>	Re-election (4 year term)
<b>ARKANSAS</b>						
Supreme Court			X		8	Re-election for additional terms
Court of Appeals			X		8	Re-election for additional terms
Circuit Court			X		6	Re-election for additional terms
<b>CALIFORNIA</b>						
Supreme Court		X(G)			12	Retention election (12 year term)
Courts of Appeal		X(G)			12	Retention election (12 year term)
Superior Court			X		6	Nonpartisan election (6 year term) <sup>3</sup>

1. In a retention election judges run unopposed on the basis of their record.

2. Although party affiliations for judicial candidates are not listed on the general election ballot, candidates are nominated in partisan primary elections.

3. If the election is uncontested, the incumbent's name does not appear on the ballot.

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>COLORADO</b>						
Supreme Court	X				2	Retention election (10 year term)
Court of Appeals	X				2	Retention election (8 year term)
District Court	X				2	Retention election (6 year term)
<b>CONNECTICUT</b>						
Supreme Court	X				8	Commission reviews incumbent's performance on noncompetitive basis; governor renominates and legislature confirms
Appellate Court	X				8	Same
Superior Court	X				8	Same
<b>DELAWARE<sup>4</sup></b>						
Supreme Court	X				12	See Footnote 5
Court of Chancery	X				12	See Footnote 5
Superior Court	X				12	See Footnote 5
<b>DISTRICT OF COLUMBIA</b>						
Court of Appeals	X				15	Reappointment by judicial tenure commission <sup>6</sup>
Superior Court	X				15	Reappointment by judicial tenure commission <sup>6</sup>
<b>FLORIDA</b>						
Supreme Court	X				1	Retention election (6 year term)
District Court of Appeal	X				1	Retention election (6 year term)
Circuit Court			X		6	Re-election for additional terms
<b>GEORGIA</b>						
Supreme Court			X		6	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
Superior Court			X		4	Re-election for additional terms
<b>HAWAII</b>						
Supreme Court	X				10	Reappointed to subsequent term by the Judicial Selection Commission (10 year term)
Intermediate Court of Appeals	X				10	Reappointed to subsequent term by the Judicial Selection Commission (10 year term)
Circuit Court and Family Court	X				10	Reappointed to subsequent term by the Judicial Selection Commission (10 year term)

4. Merit selection established by executive order in Delaware, Maine, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.

5. Incumbent reapplies to nominating commission and competes with other applicants for nomination by the governor. The governor may reappoint the incumbent or another nominee. The senate confirms the appointment.

6. Initial appointment is made by the President of the United States and confirmed by the Senate. Six months prior to the expiration of the term of office, the judge's performance is reviewed by the tenure commission. Those found "Well Qualified" are automatically reappointed. If a judge is found to be "Qualified" the President may nominate the judge 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.

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>IDAHO</b>						
Supreme Court			X		6	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
District Court			X		4	Re-election for additional terms
<b>ILLINOIS</b>						
Supreme Court				X	10	Retention election (10 year term)
Appellate Court				X	10	Retention election (10 year term)
Circuit Court				X	6	Retention election (6 year term)
<b>INDIANA</b>						
Supreme Court	X				2	Retention election (10 year term)
Court of Appeals	X				2	Retention election (10 year term)
Circuit Court				X	6	Re-election for additional terms
Circuit Court (Vanderburgh County)			X		6	Re-election for additional terms
Superior Court				X	6	Re-election for additional terms
Superior Court (Allen County)			X		6	Re-election for additional terms
Superior Court (Lake County)	X <sup>7</sup>				2	Retention election (6 year term)
Superior Court (St. Joseph County)	X				2	Retention election (6 year term)
Superior Court (Vanderburgh County)			X		6	Re-election for additional terms
<b>IOWA</b>						
Supreme Court	X				1	Retention election (8 year term)
Court of Appeals	X				1	Retention election (6 year term)
District Court	X				1	Retention election (6 year term)
<b>KANSAS</b>						
Supreme Court	X				1	Retention election (6 year term)
Court of Appeals		X(G)			1	Retention election (4 year term)
District Court (seventeen districts)	X				1	Retention election (4 year term)
District Court (fourteen districts)				X	4	Re-election for additional terms
<b>KENTUCKY</b>						
Supreme Court			X		8	Re-election for additional terms
Court of Appeals			X		8	Re-election for additional terms
Circuit Court			X		8	Re-election for additional terms
<b>LOUISIANA</b>						
Supreme Court				X	10	Re-election for additional terms
Court of Appeals				X	10	Re-election for additional terms
District Court				X	6	Re-election for additional terms

7. Judges of the county division run in partisan elections for 6 year terms then have to be re-elected for additional terms.

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>MAINE<sup>8</sup></b>						
Supreme Judicial Court	X				7	Reappointment by governor, subject to legislative confirmation
Superior Court	X				7	Reappointment by governor, subject to legislative confirmation
<b>MARYLAND<sup>8</sup></b>						
Court of Appeals	X				See fn 9	Retention election (10 year term)
Court of Special Appeals	X				See fn 9	Retention election (10 year term)
Circuit Court	X				See fn 9	Nonpartisan election (15 year term) <sup>10</sup>
<b>MASSACHUSETTS<sup>11</sup></b>						
Supreme Judicial Court	X <sup>12</sup>				to age 70	
Appeals Court	X <sup>12</sup>				to age 70	
Trial Court of Mass.	X <sup>12</sup>				to age 70	
<b>MICHIGAN</b>						
Supreme Court				X <sup>13</sup>	8	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
Circuit Court			X		6	Re-election for additional terms
<b>MINNESOTA</b>						
Supreme Court			X		6	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
District Court			X		6	Re-election for additional terms
<b>MISSISSIPPI</b>						
Supreme Court			X		8	Re-election for additional terms
Court of Appeals			X		8	Re-election for additional terms
Chancery Court			X		4	Re-election for additional terms
Circuit Court			X		4	Re-election for additional terms
<b>MISSOURI</b>						
Supreme Court	X				1	Retention election (12 year term)
Court of Appeals	X				1	Retention election (12 year term)
Circuit Court				X	6	Re-election for additional terms
Circuit Court (Jackson, Clay, Platte, Saint Louis, Greene Counties)	X				1	Retention election (6 year term)
<b>MONTANA</b>						
Supreme Court			X		8	Re-election; unopposed judges run for retention
District Court			X		6	Re-election; unopposed judges run for retention
<b>NEBRASKA</b>						
Supreme Court	X				3	Retention election (6 year term)
Court of Appeals	X				3	Retention election (6 year term)
District Court	X				3	Retention election (6 year term)

8. Merit selection established by executive order in Delaware, Maine, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.

9. Until the first general election following the expiration of one year from the date of the occurrence of the vacancy.

10. May be challenged by other candidates.

11. Merit selection established by executive order in Delaware, Maine, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.

12. The appointment is subject to approval by an eight-member governor's council.

13. Although party affiliations for Supreme Court candidates are not listed on the general election ballot, candidates are nominated at party conventions.

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
NEVADA						
Supreme Court			X		6	Re-election for additional terms
District Court			X		6	Re-election for additional terms
NEW HAMPSHIRE <sup>14</sup>						
Supreme Court	X <sup>15</sup>					to age 70
Superior Court	X <sup>15</sup>					to age 70
NEW JERSEY						
Supreme Court		X(G)			7	Reappointment by governor (to age 70) with advice and consent of the Senate
Appellate Division of Superior Court <sup>16</sup>		X(G)			7	Reappointment by governor (to age 70) with advice and consent of the Senate
Superior Court		X(G)			7	Reappointment by governor (to age 70) with advice and consent of the Senate
NEW MEXICO						
Supreme Court				X	8	See Footnote 17
Court of Appeals				X	8	See Footnote 17
District Court				X	6	See Footnote 17
NEW YORK						
Court of Appeals	X				14	See Footnote 18
Appellate Division of the Supreme Court	X				5	Commission reviews and recommends for or against reappointment by governor
Supreme Court				X	14	Re-election for additional terms
County Court				X	10	Re-election for additional terms
NORTH CAROLINA						
Supreme Court			X		8	Re-election for additional terms
Court of Appeals			X		8	Re-election for additional terms
Superior Court			X		8	Re-election for additional terms
NORTH DAKOTA						
Supreme Court			X		10	Re-election for additional terms
District Court			X		6	Re-election for additional terms

14. Merit selection established by executive order in Delaware, Maine, Maryland, Massachusetts, and New Hampshire. In all other jurisdictions merit selection established by constitutional or statutory provision.

15. The governor's nomination is subject to the approval of a five-member executive council.

16. The chief justice of the supreme court assigns superior court judges to serve on the appellate division of the superior court.

17. All vacancies are filled through a merit selection process. At the next general election, the appointee competes in a partisan election to serve the remainder of the unexpired term. The winner runs in a retention election for subsequent terms.

18. Incumbent reapplies to nominating commission and competes with other applicants for nomination to the governor. The governor may reappoint the incumbent or another nominee. The senate confirms the appointment.

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>OHIO</b>						
Supreme Court				X <sup>19</sup>	6	Re-election for additional terms
Court of Appeals				X <sup>19</sup>	6	Re-election for additional terms
Court of Common Pleas				X <sup>19</sup>	6	Re-election for additional terms
<b>OKLAHOMA</b>						
Supreme Court	X				1	Retention election (6 year term)
Court of Criminal Appeals	X				1	Retention election (6 year term)
Court of Appeals	X				1	Retention election (6 year term)
District Court			X		4	Re-election for additional terms
<b>OREGON</b>						
Supreme Court			X		6	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
Circuit Court			X		6	Re-election for additional terms
Tax Court			X		6	Re-election for additional terms
<b>PENNSYLVANIA</b>						
Supreme Court				X	10	Retention election (10 year term)
Superior Court				X	10	Retention election (10 year term)
Commonwealth Court				X	10	Retention election (10 year term)
Court of Common Pleas				X	10	Retention election (10 year term)
<b>RHODE ISLAND</b>						
Supreme Court	X				Life	
Superior Court	X				Life	
Worker's Compensation Court	X				Life	
<b>SOUTH CAROLINA</b>						
Supreme Court		X (L) <sup>20</sup>			10	Reappointment by legislature
Court of Appeals		X (L) <sup>20</sup>			6	Reappointment by legislature
Circuit Court		X (L) <sup>20</sup>			6	Reappointment by legislature
<b>SOUTH DAKOTA</b>						
Supreme Court	X				3	Retention election (8 year term)
Circuit Court			X		8	Re-election for additional terms

19. Although party affiliations for judicial candidates are not listed on the general election ballot, candidates are nominated in partisan primary elections.

20. South Carolina has a 10 member Judicial Merit Selection Commission that screens judicial candidates and reports the findings to the state's General Assembly. Since 1997, the Assembly is restricted to voting only on those candidates found qualified by the Judicial Merit Selection Commission. However, the nominating commission itself is not far removed from the ultimate appointing body, and cannot be considered to be nonpartisan as control over member nominations is vested in majority party leadership. Although most nominating commissions contain members appointed by the governor or legislature, no other commissions actually contain the governor or current legislators who have final approval over the candidate as voting members of the commission. In contrast, the Judicial Merit Selection Commission in South Carolina contains 6 current members of the General Assembly appointed by the Speaker of the House of Representatives, the Chairman of the Senate Judiciary Committee, and the President Pro Tempore of the Senate. State legislators also choose the remaining 4 members of the Commission who are selected from the general public.



State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
<b>TENNESSEE</b>						
Supreme Court	X				until next biennial general election	Retention election (8 year term)
Court of Appeals	X				until next biennial general election	Retention election (8 year term)
Court of Criminal Appeals	X				until next biennial general election	Retention election (8 year term)
Chancery Court				X	8	Re-election for additional terms
Criminal Court				X	8	Re-election for additional terms
Circuit Court				X	8	Re-election for additional terms
<b>TEXAS</b>						
Supreme Court				X	6	Re-election for additional terms
Court of Criminal Appeals				X	6	Re-election for additional terms
Court of Appeals				X	6	Re-election for additional terms
District Court				X	4	Re-election for additional terms
<b>UTAH</b>						
Supreme Court	X				First general election	Retention election (10 year term)
Court of Appeals	X					Retention election (6 year term)
District Court	X					Retention election (6 year term)
Juvenile Court	X				3 years after appointment	Retention election (6 year term)
<b>VERMONT</b>						
Supreme Court	X				6	Retained by vote of General Assembly (6 year term)
Superior Court	X				6	Retained by vote of General Assembly (6 year term)
District Court	X				6	Retained by vote of General Assembly (6 year term)
<b>VIRGINIA</b>						
Supreme Court		X(L)			12	Reappointment by legislature
Court of Appeals		X(L)			8	Reappointment by legislature
Circuit Court		X(L)			8	Reappointment by legislature
<b>WASHINGTON</b>						
Supreme Court			X		6	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
Superior Court			X		4	Re-election for additional terms
<b>WEST VIRGINIA</b>						
Supreme Court				X	12	Re-election for additional terms
Circuit Court				X	8	Re-election for additional terms

State and Court	APPOINTIVE SYSTEMS		ELECTIVE SYSTEMS		INITIAL TERM OF OFFICE (YEARS)	METHOD OF RETENTION
	Merit Selection	Gubernatorial (G) or Legislative (L) Appointment	Non-Partisan Election	Partisan Election		
WISCONSIN						
Supreme Court			X		10	Re-election for additional terms
Court of Appeals			X		6	Re-election for additional terms
Circuit Court			X		6	Re-election for additional terms
WYOMING						
Supreme Court	X				1	Retention election (8 year term)
District Court	X				1	Retention election (6 year term)