



## Chronology of Successful and Unsuccessful Merit Selection Ballot Measures

(NOTE: Unsuccessful efforts are in italics. Chronology does not include constitutional amendments authorizing merit selection for filling only interim vacancies, and only statewide efforts are included.)

### **1940 (Missouri)**

The Nonpartisan Selection of Judges Court Plan was approved by the voters. The measure had been placed on the ballot through an initiative petition. The plan called for judges of the supreme court, courts of appeals, and circuit and probate courts in the city of St. Louis and in Jackson County (Kansas City) to be nominated by the governor from a list of three persons submitted by a judicial nominating commission. Judges would stand for retention in the first general election after twelve months in office.

### **1958 (Kansas)**

Constitutional amendment provides for merit selection of supreme court justices. Candidates are initially screened by the supreme court nominating commission, which recommends three candidates to the governor. Justices stand for retention every six years.

### **1959 (Alaska)**

Merit selection was provided for in the original constitution.

### **1962 (Iowa)**

Merit plan established for selection of all judges.

### **1962 (Nebraska)**

Merit selection is adopted by constitutional amendment for judges of the supreme court and district court. Judges stand for retention in the next general election held more than three years after their appointment and every six years thereafter.

### **1966 (Colorado)**

Voters approved a constitutional amendment adopting merit selection of Colorado judges. Judges are appointed by the governor from a list of nominees submitted by a judicial

nominating commission, and they stand for retention at the next general election after two years in office. Upon retention, judges of the supreme court, district courts, and county courts serve ten, six, and four-year terms, respectively.

### **1967 (Oklahoma)**

Following scandals involving three supreme court justices, voters approved two constitutional amendments that would insulate judicial selection from direct partisan politics. These amendments changed elections for district court judges from partisan to nonpartisan and established merit selection for the supreme court and court of criminal appeals. Interim vacancies on the district court would also be filled through merit selection.

### **1969 (Pennsylvania)**

*Following the constitutional convention of 1968, the merit selection question was submitted to the voters in the 1969 primary election. The proposal failed by a narrow margin due to the opposition of powerful party leaders.*

### **1970 (Illinois)**

*A constitutional convention was convened in 1969 to draft a new constitution. The question of judicial selection was submitted to voters as a separate proposition. Voters were given the choice between Proposition 2A, calling for the partisan election of judges, or Proposition 2B, calling for judicial merit selection. Although Proposition 2B carried in several counties, including Cook County, it was defeated statewide by 146,000 votes.*

### **1970 (Indiana)**

The judicial article was amended to establish three constitutional courts: the supreme court, the court of appeals, and the circuit court. Appellate court judges would be appointed by the governor from a list of candidates submitted by a judicial nominating commission and would retain their seats in retention elections. Appellate court judges would serve ten-year terms. Circuit court judges would be chosen in partisan elections and would serve six-year terms.

### **1972 (Kansas)**

Constitutional amendment provides the option of merit selection of district court judges. District court judges chosen through merit selection stand for retention at the next general election after at least one year in office. Upon retention, they serve four-year terms.

### **1972 (Nevada)**

*Voters rejected a proposed constitutional amendment calling for merit selection and retention of judges.*

### **1972 (Wyoming)**

Voters approved a constitutional amendment creating the judicial supervisory commission (now known as commission on judicial conduct and ethics) and the judicial nominating commission. Judges of the supreme court and district court would now be appointed by the governor from a list of candidates submitted by the judicial nominating commission. Judges

would run in a retention election after at least one year in office, with supreme court justices subsequently serving eight-year terms and district court judges serving six-year terms. The amendment also established a mandatory retirement age of 70.

**1974 (Arizona)**

Through Proposition 108, merit selection was established for the supreme court, court of appeals, and superior court in counties with 150,000 or more people.

**1974 (Vermont)**

Voters approved a constitutional amendment creating a merit selection system for Vermont judges. The judicial nominating board submits the names of qualified candidates for appointment to the governor, whose selection must be confirmed by the senate. Judges serve six-year terms, after which they must be retained by a majority vote of the general assembly.

**1976 (Florida)**

Voters approved a constitutional amendment calling for merit selection and retention of appellate judges. The reform effort was spearheaded by Governor Askew, Chief Justice Overton, and State Representative D'Alemberte.

**1976 (North Dakota)**

Voters approved a constitutional amendment establishing a judicial nominating committee to recommend candidates to fill interim vacancies. The legislature did not create the judicial nominating commission until 1981. Voters had rejected similar amendments in 1966 and 1968.

**1977 (New York)**

Voters approved a constitutional amendment calling for merit selection of judges of the court of appeals.

**1977 (Tennessee)**

*Voters rejected by a margin of 55% to 45% a proposal to include the Tennessee Plan in the state constitution.*

**1978 (Florida)**

*Voters rejected a constitutional amendment that would have extended merit selection and retention to trial court judges.*

**1978 (Hawaii)**

Judicial selection commission created. (Already had gubernatorial appointment.)

**1978 (Oregon)**

*Voters rejected a proposed constitutional amendment calling for merit selection of judges.*

**1980 (Arkansas)**

*Constitutional convention held to draft new constitution, including improved judicial article that*

*provided for nonpartisan elections with option for merit selection. New constitution was rejected by voters.*

### **1980 (South Dakota)**

Constitutional amendment established a merit selection process to fill all vacancies on the supreme court and to fill interim vacancies on the circuit court. Prior to the passage of the amendment, a working relationship had developed between the judicial qualifications commission and the governor's office whereby most of the governor's judicial appointees were selected from lists submitted by the commission.

### **1985 (Utah)**

Voters approved a new judicial article, which established merit selection as the exclusive method of choosing judges of courts of record. Judges would be nominated by the commission, appointed by the governor, confirmed by the senate, and retained through unopposed (retention) elections.

### **1986 (Connecticut)**

Judicial selection commission created by constitutional amendment. (Already had gubernatorial appointment system.)

### **1987 (Ohio)**

*Issue 3, a ballot initiative to adopt merit selection for appellate judges, was defeated by voters by a 2 to 1 margin.*

### **1988 (Nevada)**

*Voters rejected a proposed constitutional amendment calling for merit selection and retention of judges.*

### **1988 (New Mexico)**

New Mexico voters approved Amendment 6, which established a hybrid system of judicial selection. Vacancies would be filled by the governor from a nominating commission list. Appointees would run in contestable partisan elections in the next general election and in retention elections thereafter.

### **1989 (Louisiana)**

*Governor Roemer appointed a task force on judicial selection to consider judicially mandated remedies to violations of the Voting Rights Act in several judicial circuits and districts. The task force recommended three alternatives: an elective plan with modifications in the problem circuits and districts, a merit selection plan, and a hybrid appointive/elective plan. The legislature also created ad hoc nominating commissions to recommend candidates for interim vacancies to the governor for appointment. The governor would select commission members from lists of names submitted by legislators in districts where the vacancies occurred. However, these proposed amendments were soundly defeated in an October referendum election.*

**1994 (Rhode Island)**

In June 1994, the legislature approved a merit selection system for lower court judges. A constitutional amendment providing for merit selection of supreme court justices was approved by the electorate by well over a two-to-one margin in November 1994.

**2000 (Florida)**

*According to a 1998 constitutional amendment, the option of merit selection and retention of trial judges was submitted to voters in each county, but it was overwhelmingly rejected in every jurisdiction. The average affirmative vote was 32%.*

**2004 (South Dakota)**

*Voters rejected by a 62-38 margin a proposed constitutional amendment calling for merit selection of circuit court judges.*

**2010 (Nevada)**

*Voters rejected by 58-42 margin a proposed constitutional amendment calling for merit selection, retention elections (with 55% voter approval required), and judicial performance evaluation.*