

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Member Nation

December 15, 2000

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 16 of Article VI thereof, relating to the election of judges.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Nation. Election of judges.

The California Constitution currently provides that judges of the Supreme Court and courts of appeal appear on the ballot uncontested, with the question presented whether the candidate shall be elected. If an incumbent judge does not file a declaration to succeed to the office by a specified deadline, the Governor nominates a candidate. The Legislature, by a $2/3$ vote of each house, or the electors of a county may make this system of election applicable to judges of superior courts. Otherwise, judges of the superior court, like judges of the municipal court, may be opposed for election, but the Legislature may provide that an unopposed incumbent's name not appear on the ballot.

This measure would provide, instead, that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.

The measure would also make related changes.

Vote: $2/3$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2001–02 Regular
3 Session commencing on the fourth day of December 2000,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended by amending Section 16 of
7 Article VI thereof, to read:

8 SEC. 16. (a) Judges of the Supreme Court shall be elected at
9 large and judges of courts of appeal shall be elected in their
10 districts at general elections at the same time and places as the
11 Governor. Their terms are 12 years beginning the Monday after
12 January 1 following their election, except that a judge elected to
13 an unexpired term serves the remainder of the term. In creating a
14 new court of appeal district or division the Legislature shall
15 provide that the first elective terms are 4, 8, and 12 years.

16 ~~(b) (1) In counties in which there is no municipal court, judges~~
17 *Judges of superior and municipal courts* shall be elected in their
18 counties *or municipal court districts* at general elections except as
19 otherwise necessary to meet the requirements of federal law. ~~In the~~
20 ~~latter case the Legislature, by two-thirds vote of the membership~~
21 ~~of each house thereof, with the advice of judges within the affected~~
22 ~~court, may provide for their election by the system prescribed in~~
23 ~~subdivision (d), or by any other arrangement. The Legislature may~~
24 ~~provide that an unopposed incumbent's name not appear on the~~
25 ~~ballot.~~

26 ~~(2) In counties in which there is one or more municipal court~~
27 ~~districts, judges of superior and municipal courts shall be elected~~
28 ~~in their counties or districts at general elections. The Legislature~~
29 ~~may provide that an unopposed incumbent's name not appear on~~
30 ~~the ballot.~~

31 ~~(e) Terms of judges of superior courts are 6 years beginning the~~
32 ~~Monday after January 1 following their election. A vacancy shall~~
33 ~~be filled by election to a full term at the next general election after~~
34 ~~the second January 1 following the vacancy, but the Governor shall~~
35 ~~appoint a person to fill the vacancy temporarily until the elected~~
36 ~~judge's term begins.~~

37 ~~(d)~~

38 (c) Within 30 days before August 16 preceding the expiration
39 of the judge's term, a judge ~~of the Supreme Court or a court of~~
40 ~~appeal~~ may file a declaration of candidacy to succeed to the office



1 presently held by the judge. If the declaration is not filed, the
2 Governor before September 16 shall nominate a candidate. At the
3 next general election, only the candidate so declared or nominated
4 may appear on the ballot, which shall present the question whether
5 the candidate shall be elected. The candidate shall be elected upon
6 receiving a majority of the votes on the question. A candidate not
7 elected may not be appointed to that court but later may be
8 nominated and elected.

9 The Governor shall fill *judicial* vacancies ~~in those courts~~ by
10 appointment. An appointee holds office until the Monday after
11 January 1 following the first general election at which the
12 appointee had the right to become a candidate or until an elected
13 judge qualifies. A nomination or appointment by the Governor *to*
14 *the Supreme Court or a court of appeal* is effective when
15 confirmed by the Commission on Judicial Appointments.

16 ~~Electors of a county, by majority of those voting and in a manner~~
17 ~~the Legislature shall provide, may make this system of selection~~
18 ~~applicable to judges of superior courts.~~

