

By Commissioner Wetherington

1 voting within the territorial jurisdiction of the court vote  
2 to retain, the justice or judge shall be retained for a term  
3 of six years, except that in the case of a county court judge,  
4 the judge shall serve a term of four years. The term of the  
5 justice or judge retained shall commence commencing on the  
6 first Tuesday after the first Monday in January following the  
7 general election. If a majority of the qualified electors  
8 voting within the territorial jurisdiction of the court vote  
9 to not retain, a vacancy shall exist in that office upon the  
10 expiration of the term being served by the justice or judge.

11 (b) The election of circuit and county judges shall be  
12 preserved notwithstanding the provisions of subsection (a) and  
13 Article V, Section 11, as amended, unless approved by a  
14 majority of those voting in the jurisdiction of that circuit.  
15 An election to exercise this local option shall be invoked:

16 (1) By the filing with the secretary of state of a  
17 petition signed by the number of electors equal to at least  
18 ten percent of the votes cast in the circuit in the last  
19 preceding election in which presidential electors were chosen;  
20 or

21 (2) Upon approval by a majority vote of county  
22 commissioners of the number of counties in the circuit in  
23 which the sum of the electors in those counties is equal to at  
24 least one half of all electors within the judicial circuit as  
25 a whole.

26  
27 Should a vote to exercise this local option fail in a vote of  
28 the electors, then such option shall not again be put to a  
29 vote of the electors of that jurisdiction until the expiration  
30 of at least two years. ~~circuit judges and judges of county~~  
31 ~~courts shall be elected by vote of the qualified electors~~

1       within the territorial jurisdiction of their respective  
2       courts. The terms of circuit judges shall be for six years.  
3       The terms of judges of county courts shall be for four years.

4           SECTION 11. Vacancies.--

5           (a) Whenever a vacancy occurs in a judicial office to  
6       which election for retention applies, the governor shall fill  
7       the each vacancy on the supreme court or on a district court  
8       of appeal by appointing for a term ending on the first Tuesday  
9       after the first Monday in January of the year following the  
10      next general election occurring at least one year after the  
11      date of appointment, one of not fewer than three persons nor  
12      more than six persons nominated by the appropriate judicial  
13      nominating commission.

14           (b) The governor shall fill each vacancy on a circuit  
15      court or on a county court, wherein the judges are elected by  
16      a majority vote of the electors, by appointing for a term  
17      ending on the first Tuesday after the first Monday in January  
18      of the year following the next primary and general election  
19      occurring at least one year after the date of appointment, one  
20      of not fewer than three persons nor more than six persons  
21      nominated by the appropriate judicial nominating commission.  
22      An election shall be held to fill that judicial office for the  
23      term of the office beginning at the end of the appointed term.

24           (c) The nominations shall be made within thirty days  
25      from the occurrence of a vacancy unless the period is extended  
26      by the governor for a time not to exceed thirty days. The  
27      governor shall make the appointment within sixty days after  
28      the nominations have been certified to him.

29           (d) There shall be a separate judicial nominating  
30      commission as provided by general law for the supreme court,  
31      each district court of appeal, and each judicial circuit for

1 all trial courts within the circuit. Uniform rules of  
2 procedure shall be established by the judicial nominating  
3 commissions at each level of the court system. Such rules, or  
4 any part thereof, may be repealed by general law enacted by a  
5 majority vote of the membership of each house of the  
6 legislature, or by the supreme court, five justices  
7 concurring. Except for deliberations of the judicial  
8 nominating commissions, the proceedings of the commissions and  
9 their records shall be open to the public.

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