

HOUSE No. 1593

By Mr. Vernon of Mansfield, petition of William B. Vernon for a legislative amendment to the Constitution relative to judicial retention. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO JUDICIAL RETENTION.

1 A majority of all the members elected to the Senate and House of
2 Representatives, in joint session, hereby declares it to be expedient
3 to alter the Constitution by the adoption of the following Article of
4 Amendment, to the end that it may become a part of the Constitu-
5 tion [if similarly agreed to in a joint session of the next General
6 Court and approved by the people at the state election next
7 following]:

8 ARTICLE OF AMENDMENT.

9 Article I of Chapter III of Part the Second of the Constitution as
10 last amended by Article XCVIII of the Amendments to the Consti-
11 tution is hereby annulled and the following Article is adopted in
12 place thereof: —

13 *Article I.* The tenure, that all commissioned officers shall by
14 law have in their offices, shall be expressed in their respective
15 commissions. All judicial officers, duly appointed, commissioned
16 and sworn, shall hold their offices for six years and during good
17 behavior excepting such concerning whom there is different provi-
18 sion made in this Constitution; provided, nevertheless, the gover-
19 nor, with the consent of the council, may remove them upon the
20 address of both houses of the legislature; and provided, also, that
21 the governor, with the consent of the council, may after due notice

22 and hearing retire them because of advanced age or mental or
23 physical disability; and provided further, that upon attaining
24 seventy years of age said judges shall be retired. Such a retirement
25 shall be subject to any provisions made by law as to pensions or
26 allowances payable to such officers upon their voluntary retire-
27 ment.

28 At the end of his or her term any judicial officer, not otherwise
29 removed from office, may place his or her name on the ballot for an
30 additional term of six years. Between the 180th day and the 120th
31 day before the last statewide election occurring before the end of
32 his or her term, the judicial officer shall file with the State Secretary
33 a written request to be placed on the ballot for an additional term.
34 Upon receipt of such written request the State Secretary shall
35 place the officer's request on the ballot in the last statewide election
36 occurring before the end of the officer's term. Judicial officers in
37 the Supreme Judicial Court and the Appeals Court shall appear on
38 ballots throughout the Commonwealth. Other judicial officers
39 shall appear on ballots throughout the judicial district in which the
40 officer has served a majority of his or her time in the year imme-
41 diately preceding the request for extension. The ballot shall con-
42 tain the question to be answered by a YES or NO: "Shall (name of
43 officer) be continued as (title of judicial office) for an additional six
44 years? If a majority of those voting on the question vote "YES," the
45 judicial officer shall be deemed appointed to an additional term of
46 six years, which term shall commence on the day after the officer's
47 current term ends. If a majority of those voting on the question
48 vote "NO," the judicial officer shall serve only until the officer's
49 current term ends.