

Article 6.1 of the Arizona Constitution

Article 6.1 of the Arizona Constitution is the governing law for the Commission on Judicial Conduct and was approved by the Arizona electorate in November 1970. Minor changes were made to this section of the constitution in 1976, and substantial revisions were adopted in 1988.

The following is the complete text of the article.

1. Composition: appointment; term; vacancies

Section 1. A. A commission on judicial conduct is created to be composed of eleven persons consisting of two judges of the court of appeals, two judges of the superior court, one justice of the peace and one municipal court judge, who shall be appointed by the supreme court, two members of the state bar of Arizona, who shall be appointed by the governing body of such bar association, and three citizens who are not judges, retired judges nor members of the state bar of Arizona, who shall be appointed by the governor subject to confirmation by the senate in the manner prescribed by law.

B. Terms of members of the commission shall be six years, except that initial terms of two members appointed by the supreme court and one member appointed by the state bar of Arizona for terms which begin in January, 1991 shall be for two years and initial terms of one member appointed by the supreme court and one member appointed by the state bar of Arizona for terms which begin in January, 1991 shall be for four years. If a member ceases to hold the position that qualified him for appointment his membership on the commission terminates. An appointment to fill a vacancy for an unexpired term shall be made for the remainder of the term by the appointing power of the original appointment. *Added, election Nov. 3 1970; amended, election Nov. 2, 1976, eff. Nov. 22, 1976; election Nov. 8, 1988, eff. Dec. 5, 1988.*

2. Disqualification of judge

Section 2. A judge is disqualified from acting as a judge, without loss of salary, while there is pending an indictment or an information charging him in the United States with a crime punishable as a felony under Arizona or federal law, or a recommendation to the supreme court by the commission on judicial conduct for his suspension, removal or retirement. *Added, election Nov. 3, 1970, eff. Nov. 27, 1970; amended, election Nov. 8, 1988, eff. Dec. 5, 1988.*

3. Suspension or removal of judge

Section 3. On recommendation of the commission on judicial conduct, or on its own motion, the supreme court may suspend a judge from office without salary when, in the United States, he pleads guilty or no contest or is found guilty of a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law. If his conviction is reversed the suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the supreme court shall remove him from office. *Added, election Nov. 3, 1970, eff. Nov. 27, 1970; amended, election Nov. 8, 1988, eff. Dec. 5, 1988.*

4. Retirement of judge

Section 4. A. On recommendation of the commission on judicial conduct, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and may censure, suspend without pay or remove a judge for action by him that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

B. A judge retired by the supreme court shall be considered to have retired voluntarily. A judge removed by the supreme court is ineligible for judicial office in this state. *Added, election Nov. 3, 1970, eff. Nov. 27, 1970; amended, election Nov. 8, 1988. Dec. 5, 1988.*

5. Definitions and rules implementing article

Section 5. The term "judge" as used in this article shall apply to all justices of the peace, judges in courts inferior to the superior court as may be provided by law, judges of the superior court, judges of the court of appeals and justices of the supreme court. The supreme court shall make rules implementing this article and providing for confidentiality of proceedings. A judge who is a member of the commission or supreme court shall not participate as a member in any proceedings hereunder involving his own censure, suspension, removal or involuntary retirement. *Added, election Nov. 3, 1970, eff. Nov. 27, 1970; amended, election Nov. 8, 1988, eff. Dec. 5, 1988.*

6. Article self-executing

Section 6. The provisions of this article shall be self-executing. *Added, election Nov. 3, 1970, eff. Nov. 27, 1970.*