

## **Arguments “Against” Proposition 137**

This measure would not only virtually eliminate your right as a voter to decide whether judges — appointed through a political process — should remain on the bench, but would nullify your votes for or against judges in THIS election due to its retroactivity clause.

Judges in Arizona’s four most populous counties (Maricopa, Pima, Pinal, and Coconino) are appointed through the gold standard of Merit Selection, yet the partisan Governor makes final appointments. When former Supreme Court Justice Sandra Day O’Connor led the charge in the 1970s to institute our Merit System through citizens’ initiative, she saw the wisdom of voters having a voice through an electoral retention process. While some may find it a nuisance to vote to retain (or not) judges, others see an unaccountable, lifetime-appointed judiciary on the Federal and US Supreme Court benches. Scandals involving cruises, motor homes, jet flights to exotic vacations, fat stipends to attend gatherings of special-interest donors — all only revealed through persistent investigation — have made our judiciary a punch line about corruption, and the public has no viable recourse.

It’s not surprising that this measure is supported by the Arizona Judges Association. It would free them from pesky oversight, releasing them to make critical decisions about our lives without interference.

Republican lawmakers pushing this bill pretend that eliminating judicial retention would save voters from worrying our silly heads about something so complicated as judges. But we know that our right to weigh in on the judges whose decisions help shape our lives is not only important, but essential to the future of our democracy.

Judges say they’re only “calling balls and strikes,” but remember — they don’t just read the law, they interpret it. Otherwise, every decision would be unanimous. We strongly urge a NO vote on this measure.

**Catherine Sigmon, Co-Founder, Civic Engagement Beyond Voting, Tempe and Melinda Iyer, Co-Founder & Policy Director, Civic Engagement Beyond Voting, Phoenix**

Fellow patriots! Do you love the constitution? Do you enjoy your freedoms? Perhaps you like the liberties, and democracy this great nation grants us? If you do, I urge you to VOTE NO on this BAD BILL. Read two lines in, and you will see what I mean. This bill aims to give ALL judges a lifetime appointment and remove our ability to vote on judges once and for all! Since the writing of Arizona’s constitution 111 years ago we have always had the privilege to vote to elect our publicly funded, judicial servants also known as Judges. This bill intends to take our choice away, because our local legislators think us too stupid to have the right to choose who to hire when people are fighting in a court of law for their freedoms. This bill wants to cancel 4 & 6 year terms on our Judges & Supreme Court Justices and make them LIFETIME appointments as long as Judges are deemed “ON GOOD BEHAVIOR” Now tell me, what does “on good behavior” even mean? For these reasons I believe it is safe to deem this ballot measure Anti-

Arizonan, and Anti-American, and urge you to VOTE NO to PROTECT OUR FREEDOMS AND LIBERTIES.

**Eric Stafford, State Senate Candidate Legislative District 29, Stafford4AZ, Goodyear**

Vote NO on Prop 137! We have some state legislators who are upset because voters unseated three activist Maricopa County Superior Court judges during the 2022 election cycle; so they're pushing legislation to eliminate our choice entirely. The bill is retroactive, so it will nullify all of the results of this year's judicial retention elections regardless of how we the people vote for it. Gov. Doug Ducey expanded the State's Supreme Court from five to seven even though all the other justices from both parties said it was unnecessary, which allowed him to pack the court with four conservative justices during his tenure. In the past, we relied on the Commission on Judicial Performance Review which graded a judge unfit, based not on their rulings but only on their behavior. We now have organizations that track judges on their rulings that clearly come from their ideologies and world views. Corrupt politicians and the judges who do their bidding should not test the will of the voters. Join me and vote NO on Prop 137!

**Kerry Jackson, Phoenix**

We Arizonans value our freedom and power to hold accountable those in government who do the wrong thing in our view. So why would we want to grant what are essentially LIFETIME APPOINTMENTS to judges who rule over us? Proposition 137 would do just that by eliminating judicial retention elections. VOTE NO on Prop 137!

Whether you agree or disagree with the 1864 abortion ban law that Arizona Supreme Court Justices Bolick and King upheld in April, protecting these judges, or any judge by giving them a job for life that reigns over all Arizonans violates the self-determination we value.

Power-hungry politicians want to keep their judges in place for as long as possible in order to advance their own political agendas. Arizona voters are not the ones who are asking for this to be on our ballot, but rather these extreme politicians who are desperate to hold onto power.

VOTE NO on Prop 137 to protect your right to decide who gets to remain a judge at the end of their term. It's our decision, not politicians.

**Christian Ortega, Phoenix**

Proposition 137 is an affront to the voters, the judiciary, and the Constitution. It is that simple.

In the 248 years of this County's existence, elections, election results, and the electorate have all been held in the highest esteem. The Constitutional right to vote, with all of its amendments to right wrongs such as eliminating women and Blacks from the process, is sacrosanct. Sacrosanct. That word means too important or valuable to be interfered with. The past 4 years have demonstrated the chaos of governance suffered at the hands of election interference.

All of that being said, Proposition 137 eliminates voters from their right to determine who and for how long serves on the Arizona Supreme Court. The fact that these are elected positions removed from the cloak of political gerrymandering. Arizonans are fortunate to have the voice to decide who makes the most important judicial decisions from the mundane to the most elaborate and life-affecting. When judicial views are made that are in opposition to the lives of Arizonans as demonstrated by Justice Bolick and Justice King earlier this year by upholding the 1864 near-total abortion ban.

Arizonans must retain the right to be heard through the ballot box. Silence the ballot box you silence democracy. Vote no on Proposition 137.

**Ruthee Goldkorn, Peoria**

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I strongly urge Arizonans to VOTE NO on Proposition 137. This measure allows Arizona judges to retain their positions until retirement at age 70, without the public oversight that Arizonans currently have. As of now, every 6 years judges face retention elections. Judges making decisions that are contrary to the view of the majority of Arizonans can be held accountable by the will of the voters and not be retained. We have had this right for over 50 years and it plays an important part in our democracy, as it allows us to vote for judges who we know will work for justice in Arizona and not those who uphold a partisan political agenda. The citizens of Arizona are not asking for this right to be taken away from them, but this is rather only a ploy by some extreme legislators to allow unpopular judicial decisions to not have any civilian oversight or accountability. Specifically, they want to prevent 2 judges, Clint Bollick and Kathryn King- who voted in favor of reinstating the total abortion ban (which is opposed by the majority of Arizonans)- from facing public accountability for their decisions. Our government is based on a system of checks and balances, and judicial retention elections provide a "check" by the citizens to oversee whether judicial decisions are consistent with the sentiment of the majority of Arizonans. We have seen the serious consequences of federal judicial decisions which are contrary to the will and feelings of the majority of Americans and these judges have no oversight whatsoever. This is not the system that has been in place in Arizona, nor the system that we desire. Arizonans see through this political ploy and need to VOTE NO on Proposition 137 to retain oversight of the judiciary.

**Dr. Dean Martin, Phoenix**

VOTE NO on Prop 137 to prevent lawmakers from stripping power away from Arizona voters. Our vote is one of our most sacred rights. Extremist Republican lawmakers are attempting to remove the ability for Arizona voters to hold judges accountable. This year, Arizonans witnessed the Arizona Supreme Court uphold a civil war era near-total abortion ban. Extremist lawmakers are attempting to protect the judges who voted to uphold the ban from facing the consequences of this disastrous vote. Arizonans have the right to voice their support or opposition to these judges. Arizonans have the right to vote on whether we believe these judges are representing the interest of voters and upholding the Constitution, or whether these judges are voting recklessly for political gain and stripping us of our civil and human rights. More than 60% of Americans

oppose lifetime appointments of judges. Prop 137 is not the will of the voters. It is a selfish, greedy, and desperate attempt by extremist lawmakers to prevent Arizona Supreme Court Justices Bolick and King from having to answer to voters. By voting to allow the 1864 abortion ban to go into effect, these judges displayed their contempt for the life, liberty, dignity, and safety of women in Arizona. These judges used their votes to send a strong message to the nation that in Arizona, pregnant people do not have equal protection under the law, and are therefore not equal citizens. Justices Bolick and King had their opportunity to vote and chose to uphold extremist ideology rather than to uphold the Constitution. It is Arizona's turn to vote. We must VOTE NO on Prop 137 to protect our votes in the upcoming judicial retention election from being invalidated and ensure we preserve the right to vote on judicial retention.

**Meghan Krokaugger, Phoenix**

Please Oppose Proposition 137!

Since the state's founding over 112 years ago, a hallmark of Arizona's constitution is its provisions for direct democracy by voters in the form of the initiative and referendum processes, as well as election of select members of the judiciary.

In 1992, Arizona voters established by constitutional amendment the merit-based Judicial Performance Review (JPR). The JPR requires that the performance evaluation process include public input about each judge's performance collected through surveys of jurors, witnesses, litigants, people who represent themselves in court, attorneys and court staff who have observed the judge at work. This long-standing process has worked to the benefit of Arizona citizens since then.

Now, the Arizona legislature wishes to take away this right of voters to make decisions about members of the judiciary, those judges who hold the futures of Arizonans in their hands when they make any decision about a case before them. Over recent years, the legislature has attempted—and sometimes succeeded—to pass every measure they can to remove your right to direct democracy as provided for in the Arizona constitution. Prop 137 is another attempt at this. Worse, it is written retroactively, so if passed, the entire judicial retention slate for the November election would be dismissed.

The Sierra Club holds voter participation and direct democracy as sacrosanct and inalienable. Don't let the Arizona legislature take away your vote and your voice in the retention of the judges who have such an effect on the lives of Arizonans. Vote NO on Proposition 137.

**Cyndi Tuell, chair, Sierra Club - Grand Canyon Chapter, Tucson and Jim Vaaler, vice chair, Sierra Club - Grand Canyon Chapter, Phoenix**

Proposition 137 will eliminate Arizonan's ability to hold judges accountable. This measure takes away the right of the people to have a say in our court justices. It will also undo the will of Arizona Voters and invalidate the 2024 Judicial Election Results on judges who were NOT re-elected to their seats.

Extremist politicians are dressing this up and twisting its true intent because they want you to

vote against your own interests. They want to be able to appoint and retain activist judges who vote in favor of extremist, partisan agendas instead of actual justice. We must protect the right to vote on judges so that we can make sure we have judges who rule in favor of justice, not politics. Vote NO on Prop 137!

**Denise Previte, Scottsdale**

Proposition 137 is a terrible idea because it rolls back the right we have as Arizonans to determine when a judicial appointment is no longer fit for retention and I urge you to VOTE NO. We have had this right since 1974 and we should not have it taken away because it comes at odds with what those who are in power want. A strong majority of Americans, and even a majority of federal judges, oppose lifetime judicial appointments. This proposition is anti-democratic, and it would give judges lifetime appointments on the bench without accountability-- including the justices who voted for the territorial era abortion ban-- until the retirement age of 70. This is just another ballot proposition from our partisan extremist lawmakers in a desperate attempt to hold on to power, which is why we should VOTE NO on Proposition 137.

**Jonathon Sandell, Phoenix**

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VOTE NO on Prop 137. This proposition would strip Arizonans of the ability to hold Arizona judges accountable for their actions. Prop 137 would allow members of the Arizona judiciary to keep their positions until they hit the retirement age of 70. Currently, Arizonans have the right to vote to decide whether to keep a judge or have a new one appointed if they dislike this judge's ruling history. Arizona Republican extremists want to strip us of this right in order to protect the two Supreme Court Justices who voted in favor of the 1864 total abortion ban. This proposition was not supported by or brought to the ballot by Arizonans. Instead, Republicans Lawmakers used their power in the State Legislature to push forward this anti-democratic initiative in hopes of bypassing a veto from the Governor. More than 60% of everyday Americans and even 60% of Federal judges oppose lifetime appointments for judges. Here in Arizona, our unique history with judicial retention elections ensures us protection over the problem and abuses of power that we see on the Federal level in the US Supreme Court. We have the ability to remove activist judges who rule in favor of partisans from the bench. This is another attempt by Arizona Republicans to send toxic, anti-democratic, and unconstitutional bills to the ballot to overwhelm voters and score political points. This is a threat to both judicial independence and democratic governance by taking power away from Arizonans and ensuring that extremist Republicans can rule however they please without fear of the people's will being heard. VOTE NO on this extremist proposition and show hyper partisan lawmakers what We The People really means!

**Nicholas Mink, Scottsdale**

The League strongly opposes Proposition 137, a constitutional amendment that would abolish retention elections that allow voters to decide if judges should stay in office and, instead, allow judges to remain in office indefinitely during "good behavior."

The governor appoints Arizona Supreme and appellate court judges based on a nominating commission's recommendation. Lower court judges are either appointed based on merit (Maricopa, Pima, and Pinal counties) or elected by the voters (the remaining counties). All appointed judges are up for retention election at the end of their terms; this is the voters' opportunity to decide if they should stay in office. The Arizona Commission on Judicial Performance Review (JPR) surveys people who have contact with the judges, including attorneys, jurors, litigants, witnesses, court staff, and other judges. The Commission also holds public hearings every election year and accepts written comments from the public.

This proposition would effectively abolish retention elections unless a judge exhibits "bad behavior." The "bad behavior" list does not include criteria such as public perception of unfairness, lack of impartiality, lack of thoughtful, fact-based rulings, patterns of unprofessional or unethical behavior, or conflicts of interest. Ultimately, the Chief Justice makes the final determination.

Judges have immense power over people's lives and should, like other branches of government, be ultimately subject to the people's will. This proposition would remove the voter's right to confirm or reject judges.

**Pinny Sheoran, President, League of Women Voters of Arizona, Scottsdale**  
*Sponsored by League of Women Voters of Arizona*

Vote no on Proposition 137, which would in essence grant the Arizona Supreme Court Justices and most judges in the state lifetime appointments. This is not what the people of Arizona want, which is why it wasn't proposed by them, it was created and proposed by extremist members of the Arizona legislature. If passed, this measure will strip Arizona voters of their right to hold elected officials accountable through regularly voting for who we want to see in the Arizona Supreme Court. It is shameful that measures are being proposed to restrict our rights as voters instead of expanding them. Vote no on Prop 137 because it shrinks and does not expand democracy.

**Karlyn Bradley, Phoenix**  
*Sponsored by Opportunity Arizona*

Vote NO on Prop 137: Keep Accountability in Our Merit Based Judge Selection System

Proposition 137 seeks to rob Arizona voters of important powers. Specifically, it would strip us of our critical role in holding judges accountable through judicial retention elections. These elections are an important part of our Merit Selection System, a treasured legacy from Justice Sandra Day O'Connor.

I urge you to vote NO on Proposition 137.

Our current judicial retention system was passed by the voters and has served Arizona well for decades. Voters decide if judges are enforcing the law and doing their jobs properly. The overwhelming majority of judges have been retained, only a few who were clearly not up to the

job have been removed by the voters. This misguided proposition effectively eliminates term limits for judges in all but the most extreme cases.

Another troubling element of Prop. 137 is its retroactivity. If passed, it could overturn voter decisions about judges in this election cycle. Should voters this year exercise their right not to retain a judge, that decision would be nullified.

Voting NO on Prop. 137 preserves the power of Arizona voters, and our Merit Selection System. It ensures accountability for the judiciary. The judges themselves respect the process and voted to support continuing retention elections.

I have the utmost respect for our Arizona judges. One current example stands out. Voters overwhelmingly passed the Stop Dark Money Initiative in 2022, but it was challenged by several powerful dark money groups. Our courts decisively dismissed each challenge. I salute the excellent judges who stood up to pressure and followed the law. Let's keep the Merit Selection System which made our courts so excellent.

I urge you to vote NO on Proposition 137!

Terry Goddard  
Former Arizona Attorney General and Mayor of Phoenix

**Terry Goddard, Phoenix**

Arizona's judges must be accountable to those they serve. Proposition 137 undercuts accountability, and, although we are no longer actively serving judges, we oppose Proposition 137 because:

It abolishes the current system in which Arizonans decide whether to retain a judge at regularly scheduled retention elections – held every six years for all appellate judges (Supreme Court and Court of Appeals) and every four years for Superior Court Judges from Arizona's more populous counties.

It creates a new system in which Arizona voters will rarely have an opportunity to vote on judges in retention elections. Appellate and Superior Court judges would only be subject to retention elections if a majority of the Arizona Commission on Judicial Performance Review (JPR Commission) determined the judge failed to meet judicial performance standards, or the judge had been convicted of certain crimes, filed bankruptcy, or had a mortgage foreclosed.

It cancels any “do not retain” decision the voters may make in the upcoming November 2024 retention elections. Even if a majority of the voters in November decide not to retain a judge, the proposition is retroactive, and that judge would not be removed from office.

It subjects judges who stand in retention elections to legislative pressure and intimidation. Any one legislator can force the JPR Commission to investigate a retention judge by merely alleging the judge “engaged in a pattern of malfeasance.” The JPR Commission has no discretion to

ignore the allegation, even if groundless or made for partisan reasons. Judges should spend their time doing the people's work, not responding to groundless allegations.

Other judges oppose Proposition 137. Members of the Arizona Judges Association, a voluntary association of state judicial officers that promotes fair and impartial courts, have voted to oppose Proposition 137.

**Patricia Norris, Phoenix; Scott Bales, Phoenix; Diane Johnsen, Scottsdale; Ruth McGregor, Phoenix; Peter Swann, Phoenix; and Lawrence Winthrop, Phoenix**

A cornerstone of our freedom and economy is a healthy democracy, where all eligible Americans have the opportunity to vote to hold politicians and government accountable. Since our state was founded more than 100 years ago, Arizona voters have exercised that right in judicial elections. Our ability to decide whether or not judges should be retained every few years is an important check and balance to ensure our legal system is fair and just.

Prop 137 would strip us of this right, allowing powerful judges who decide cases that affect millions of Arizonans to be appointed for a lifetime. This change to the state constitution would eliminate our voice.

Not only that, but Prop 137 is retroactive by 10 years, meaning the outcomes of the judicial elections we vote in this November would be overturned, reversing the will of the people. When voters cast ballots, they should do so knowing their vote will count.

As founder and CEO of the largest local business coalition in the U.S., I believe any erosion of voter power is a threat to our society as well as our economy. Businesses depend on a fair and even playing field, which impartial judges are supposed to uphold. No matter what your political beliefs, I think we can all agree that unchecked political and judicial control is not something we want in our state. Ensuring our laws and constitution are respected is vital. Vote no on Prop 137.

**Kimber Lanning, Founder and CEO, Local First Arizona, Phoenix**

Don't give away your constitutional rights!

Few of us enjoy the "judges/justices" section of our ballots every 2 years. Heck, I appear in front of judges and cover them at [ArizonasLaw.org](http://ArizonasLaw.org), and researching and voting that section is not my idea of a picnic, either. HOWEVER, it is an important part of what has made Arizona's merit selection process a blueprint for many other states. It is accountability.

This so-called "Judicial Accountability Act" actually REDUCES accountability, and gives almost all of our judges/justices a lifetime appointment. (Only with a felony conviction, a bankruptcy, a foreclosure or an unheard of finding of failing to meet standards would a retention election take place.) Remember, our elected lawmakers do not approve of Arizona judges/justices when appointed, as in the federal system.



Even worse than taking away our power to give a thumbs up or thumbs down to these judges/justices, the lawmakers who put this on the ballot - by only 1 vote in each chamber – are asking you to voluntarily nullify your votes for the judges/justices ON THE SAME BALLOT!

Why would you, the voter, do this?

The reason proponents give in this pamphlet is the politicization of these judicial retention elections. In reality, it is their motivation that is nakedly political – attempting to protect a Supreme Court made up of all Republican-appointed justices and to prevent a Democratic Governor from making appointments. (In fact, at the last minute, they removed a clause that would make this change temporary, until they could elect a new Governor.)

This measure asks US to voluntarily give away some of our power. (Other measures they referred to the ballot about initiatives do likewise.) DON'T FALL FOR IT!  
Keep judges/justices accountable to US, the voters!

We will provide additional coverage of this proposal at [ArizonasLaw.org](http://ArizonasLaw.org).

**Paul Weich, Attorney/Publisher, [ArizonasLaw.org](http://ArizonasLaw.org)/[PWLAWarizona.com](http://PWLAWarizona.com), Phoenix**

Vote No!

Proposition 137 is proposing lifetime appointments for judges to replace the current 4-6-year term elections. This change would allow judges to remain in office indefinitely, provided they exhibit "good behavior." While the aim may be to provide stability, it raises concerns about transparency, accountability, and the checks and balances essential to our democracy. Public oversight is a crucial safeguard against abuse of power, bias, and corruption. Without such oversight, the judiciary may become insulated from the people it serves, leading to decisions that undermine the principles of justice and fairness.

The ambiguity of "good behavior" is problematic, as it is open to interpretation and could lead to potential biases. Historical evidence suggests that lifetime appointments can shield judges from the public scrutiny and accountability necessary for consequences for their actions. Such a shift in power dynamics subverts the voice of the people, who play a vital role in determining those who wield the power to interpret and enforce the law.

Our world increasingly values transparency and accountability, and this proposition threatens both. We cannot afford to take a step backward by allowing this legislation to pass.

It is imperative that we protect the checks and balances that keep our judiciary fair and impartial. By opposing Proposition 137, we can preserve the voice of the people and maintain a judiciary that prioritizes justice over personal interests.

If lifetime power for a president is deemed unsuitable, then granting it to judges should be equally concerning, if not more so. Just as a president's term limit ensures accountability and prevents the consolidation of power, so too do term limits for judges. Stability is important, but it should not come at the cost of transparency and the democratic principles that underpin our society. Vote no on Proposition 137.

**Jessica Stagers, Community Engagement Strategist, Maricopa County Young Democrats  
Events Director, Surprise**

Arizonans have lost trust in the judiciary — and for good reason.

Arizona voters are fortunate that we have a system of checks and balances that allows us to vote on our judges. It's important to remember that not every state does. In 1974, Arizona's Merit Selection system of nominating and retaining judges was championed by Sandra Day O'Connor and other legal scholars who recognized the need for voters to be the final check and balance to prevent courts from becoming undemocratic. Prop 137 would strip us of these rights and give near lifetime appointments to judges in Maricopa, Pima, Pinal and Coconino Counties, all Appellate Courts, and the Arizona Supreme Court.

Voters who support public education recognize the desperate need for these checks and balances. Many remember the great lengths the Arizona Supreme Court has gone to in order to reject education funding measures over the past 7 years, after Gov. Ducey expanded and stacked the Court. In 2018, the Court tossed Invest in Ed from the ballot, depriving Arizona voters an opportunity to increase school funding. In 2021, the Court overruled a lower court's decision on Prop 208, blocking the citizen-powered initiative to tax wealthier Arizonans to provide more than \$800 million for public education. In 2022, the Court tossed a citizen's referendum on Ducey's tax breaks for the rich. Arizona voters were denied the ability to reject this measure, which is now driving massive budget deficits that hurt schools and everyday Arizonans.

Prop 137 deprives Arizona voters of the right to weigh in on the retention of judges based on the merit selection system. We urge you to vote "no" on this measure to retain your treasured rights as an Arizonan.

**Beth Lewis, Director, Save Our Schools Arizona, Chandler and Dr. Sharon Kirsch, Research Director, Save Our Schools Arizona, Phoenix**

Judicial retention elections are a critical tool of democracy. They protect the people's right to hold judges accountable through regular elections. We learn in high school civics that appointed officials who must seek re-election regularly are less likely to abuse their power. This measure would greatly limit voters' ability to hold judges accountable through retention elections. It would allow judges, once appointed, to run their own extremist agendas while leaning into special-interest dollars.

Elections should be improved to boost civic engagement, a backbone to our democracy, not eliminated altogether. Long-term appointments through retirement age are detrimental to democratic development. Arizona voters did not ask for this. It is being supported by extremist lawmakers afraid of losing power and the judges who want the freedom of unchecked behavior.

Of course Arizona Judges have voiced their support for this measure. Who wouldn't want a job for life without any feedback or penalty? Judges don't just follow existing law; they make critical interpretations and life-altering decisions for Arizonans. We must be able to hold them accountable to the people they are wielding such power over.

I believe that this measure is being used to protect Arizona Supreme Court Judges Bolick and King from the consequences of their votes to reinstate the absolute abortion ban from 1864, which is an immediate threat to Arizonans who are pregnant or may become pregnant. These judges will be up for retention election, allowing the people of Arizona to decide for themselves if this is what they want for their state. Prop 137 allows for an unchecked court with judges who do not have to answer to people for their actions.

Vote NO on this measure.

Bob Sommer, Business for Democracy-AZ

### **Bob Sommer, Tempe**

SCR 1044 is bad for Arizona. It makes appointed judges unaccountable to Arizona's citizens. These un-elected judges will be placed beyond the voters' right to remove a failing Supreme Court Justice or Court of Appeals Judge if this passes. The current system requires each appointed judge to stand for retention every 6 years. Voters have removed several non-performing appointed judges. In sum the current system works. To make un-elected judges unaccountable to Arizona's citizens makes no sense. Please vote NO on this proposition!

### **Thomas Ryan, Attorney, Gilbert**

Planned Parenthood Advocates of Arizona (PPAA) is strongly opposed to Prop 137. PPAA is Planned Parenthood's advocacy arm in Arizona and the state's largest nonpartisan advocacy organization dedicated to protecting access to sexual and reproductive health care. We advocate for everyone in our community, no matter their race, gender, sexuality, disability, or immigration status, so we can ensure access to reproductive healthcare and bodily autonomy for everyone.

Arizona courts significantly impact issues affecting the lives of Arizonans, including reproductive rights. In April of 2024, the Arizona Supreme Court upheld the deeply unpopular and dangerous 1864 total abortion ban. While the legislature has repealed this ban and ensured it will not go into effect, the ban would have significantly impacted the health and lives of pregnant people across Arizona had it been implemented. Arizonans deserve to maintain their long-standing right to evaluate and, if warranted, remove the judges and justices that make these crucial legal decisions to ensure they don't stray wildly from the will of the public.

Prop 137 would effectively eliminate the right to hold judges accountable for their inappropriate and hyper-partisan rulings. By getting rid of judicial term limits and only having judicial retention elections on recommendation by the Arizona Commission on Judicial Conduct or when certain offenses have been committed, Prop 137 effectively cuts voters out of the process. Our judges have so much power over the lives of everyday Arizonans, so it is crucial to maintain this system of checks and balances to ensure that their decisions actually benefit the people they are meant to serve.

It is vital to maintain democracy and protect the rights and health of all Arizonans. Please join Planned Parenthood Advocates of Arizona in voting NO on Prop 137.

**Erika Mach, Chief External Affairs Officer, Planned Parenthood Advocates of Arizona, Phoenix**

I strongly urge my fellow Arizonans to vote NO on Proposition 137.

The cornerstone to an independent justice system is the ability of judges to set aside all ideological preferences and political pressures, while maintaining accountability to the public. This is what makes Arizona's merit-based system with judicial retention elections work so well, and this is what we stand to lose with Prop 137.

Thanks to foresight of then-state legislator Sandra Day O'Connor's proposal, the question of how judges remain accountable to their oath and independent from outside pressures was answered in 1974, when voters amended the Arizona constitution to adopt a hybrid merit-based appointment process coupled with a retention election at the end of the justices' and certain judges' 4-6 year terms. This system has proven to produce accountable judges with only six judges failing to earn retention.

Prop 137 would toss aside our successful voter retention system and replace it with lifetime appointments—eliminating accountability except for only the most egregious offenses. For anyone paying attention to the U.S. Supreme Court in recent history this should send shivers down your spine.

The flaws of Prop 137 go further, it would retroactively wipe out the results of the November 5, 2024, retention election of all justices and judges. People can vote to retain or oust a justice or judge on election day but if Prop 137 passes, the vote will be erased. The voice of the people will be silenced.

Voting NO on Prop 137 will protect our tried-and-true system of judicial accountability. This very system that was championed by Arizona's Supreme Court Justice Sandra Day O'Connor who understood the need for accountability to the people when she said: "The freedom to criticize judges and other public officials is necessary to a vibrant democracy."

**Felecia Rotellini, Former Prosecutor; Former Superintendent, AZ Dept. of Financial Institutions; Former Chair, AZ Democratic Party, Phoenix**

The Arizona Center for Women's Advancement supports Arizona's current judicial retention election system as an important check on the considerable power of the judicial branch of government. Judges need a measure of independence, but they must be answerable to the people. Proposition 137 upends this balance, putting a thumb on the scale and destroying accountability. Arizona voters should understand that Proposition 137 did not appear on their ballots by any effort of common citizens working with their neighbors to qualify a measure. Rather, it is a cynical effort of entrenched and extremist policymakers who doubt the intelligence of Arizona voters and think Arizonans can be tricked into approving this ill-advised and steamrolled scheme. These extremists are afraid that voters may remove Justices who voted to revive Arizona's draconian 1864 Abortion Ban. Yet, arguably that decision would not have been possible without prior packing of the court by former Governor Doug Ducey, who held funding hostage in

exchange for an expansion of the Arizona Supreme Court by two seats. The extremists who referred Proposition 137 to the ballot want to insulate current and future Arizona Supreme Court justices from the consequences of their actions. It will eliminate term limits retroactively and confine accountability elections to narrowly circumscribed violations of “good behavior.” How ironic. Voters should note that this “good behavior” measure was voted on by a member of the Legislature whose husband would directly benefit from the new system, a clear conflict of interest. Voters are tired of judges and their spouses abusing their positions of power. Judicial retention elections are a time-tested tool of democracy, shielding the citizenry from judicial abuse of power through regular retention elections. Tell partisan politicians to get out of judiciary and vote “no” on Proposition 137.

**Jodi Liggett, Founder, Arizona Center for Women's Advancement, Tempe**

This proposition seeks to protect anti-abortion Supreme Court justices Clint Bolick and Kathryn King. A NO VOTE on this proposition will protect abortion rights. If this passes, Bolick and King will be protected from being removed from their position as a Supreme Court justice, even if Arizona voters voted NO on retaining them. Bolick and King voted to keep the 1864 ban on abortion and this measure protects them and their extremism. Please vote NO on this proposition to defend the right to abortion for Arizonans and to ensure extremists like Bolick and King can be voted out by Arizonans.

**Julie Coburn, Phoenix**

This proposition seeks to eliminate judicial retention elections, threatening the accountability and transparency essential to Arizona's judiciary. These elections allow voters to hold judges accountable and ensure that the judiciary remains impartial and fair.

This proposition would end term limits for state supreme court judges and superior court judges, allowing lifetime appointments for judges. Additionally, it would terminate retention elections at the end of judicial terms. A large majority of U.S. Americans, across party lines, agree on the need for term limits to ensure accountability. Removing these elections would make it harder for people to hold judges accountable and reduce the transparency of judicial actions.

Judicial retention elections are critical for boosting civic engagement by involving the public in the judicial review process. They prevent the courts from becoming overly politicized and ensuring that judges make decisions based on law, not political pressure.

Eliminating this democratic tool would weaken the integrity of Arizona's judiciary. It is essential to preserve judicial retention elections to maintain the balance of power and uphold the principles of democracy.

**Tom Prezelski, Senior Political Advisor, Rural Arizona Action, Coolidge**  
*Sponsored by Rural Arizona Action*

For more than 50 years, Arizona's constitution has protected our right as voters to hold judges accountable through judicial retention elections. These elections are a critical tool of democracy, helping to ensure that judges continue to serve the public interest as opposed to making decisions based on their own narrow personal or political agendas.

Unfortunately, there's now an effort underway to shield judges from accountability by eliminating judicial retention elections. Lawmakers afraid of the consequences of their own extreme positions are hoping to disempower voters and take away a critical component of our democracy.

The ability to vote to keep or dismiss judges is one of our constitutional rights, and it's up to us to defend it. As voters, we need to be able to replace judges who repeatedly issue rulings that are clearly at odds with the law and with the best interests of the people of Arizona. Help protect our democracy and vote NO on Proposition 137.

**Marisol Garcia, President, Arizona Education Association, Phoenix**

Vote NO. Removes our right of judicial review since 1974. Establishes lifetime appointments (to age 70 mandatory retirement) except for the rarest instance of retention judges only ballot listed if with felony, bankruptcy, mortgage foreclosure, or a Commission's Doesn't-Meet-Performance rating. Retroactive - all November 2024 retention judges would remain in office, nullifying results. A prime motive? The GOP attempt to prevent Supremes Bolick & King being voted out over their joining the 4-2 majority reestablishing the 1864 law criminalizing abortion. Voids the meticulous judicial rating system (e.g., lawyers, witnesses) in the voter guide. This so-called "The Judicial ACCOUNTABILITY Act of 2024" essentially eliminates ACCOUNTABILITY to voters. Reduces voter research time? It takes away voters' right to "research," however they choose, their same right when voting for props and candidates. Ref the Hon. Bolick 5/20 Op-Ed: Two highly qualified retention judges were ousted in '22? Not mentioned was a third ousted with a Commission unfit rating, nor (Axios 11/15/22) that all three had poor judicial ratings. Serious liberal/conservative commentators agreed the 1864 decision was soundly grounded in law? Not mentioned was that more than a third of the 47-page 1864 decision contained a scorching dissent by conservative Supremes Timmer & Brutinel contesting a decision based on legislative intent, not the wording, absence of wording, in the law, reason why I will cast at least two NO retention votes in November. Arizonans have the right, whatever their reasons, to vote on props & candidates, why not on retention judges? Six ousted in fifty years (1/4 of 1%?) suggests citizens have not abused the system. The independent judiciary, our merit system, under attack? Then, vote NO against political governors appointing lifelong judges. 40% in Maricopa don't vote for retention judges? Their right to not vote for whomever/whatever's on the ballot.

**Thomas Sonandres, Cave Creek**

The National Council of Jewish Women Arizona opposes SCR 1044, now Proposition 137, which would eliminate judicial retention elections, as they are currently structured, and remove important safeguards that currently work to ensure a fair and impartial judiciary in Arizona. Voters should understand that this measure is on the ballot, not by any effort of citizens, but due to a maneuver by extremist legislators who want to protect the conservative majority they

achieved through former Governor Doug Ducey's court-packing scheme, which added two conservative justices to the Arizona State Supreme Court. As intended, this new majority of justices later voted to reinstate Arizona's civil war-era 1864 abortion ban. Judicial retention elections are the sole check Arizona citizens have on this kind of political maneuver. Without accountability to voters, Judges will become increasingly disdainful of the will of the people. NCJWAZ believes we need to protect the people's right to hold judges accountable at the ballot box, especially judges with a clear social agenda who do not reflect the views of everyday Arizonans. Vote "no" on Proposition 137.

**Civia Tamarkin, President, National Council of Jewish Women Arizona, Scottsdale**

S.C.R. 1044, which is to be designated Proposition 137, proposes the elimination of term limits and regular retention elections for state court judges. I oppose this proposition.

I have practiced law for 50 years. First as a state and federal prosecutor in New York City, then with a large firm in Kansas City, and, for the last 30+ years, in Arizona. Having had experience with the courts of two other states and the federal court, I have admired the high quality of Arizona state court judges, which the current system with term limits and regular retention elections has produced. This system should not be changed.

I believe SCR 1044 would encourage the appointment of judges based more on their political views, than solely on their qualifications for the bench, and reduce their accountability to the public. Freed from term limits and regular retention elections, they could feel enabled to ignore the needs of litigants and attorneys appearing before them and pursue their political agenda, whether conservative, liberal, or anywhere in between. This would be detrimental to the administration of justice and result in the erosion of public confidence in the courts.

As Justice Sandra Day O'Connor said in a 2008 Arizona Law Review article, "We further conclude that judges are best able to perform their constitutionally prescribed role in a hybrid merit-based system like Arizona now has, featuring both appointment and retention election." I concur.

**Douglas Behm, Self, Scottsdale**

Judicial retention is good for democracy and for Arizonans. If this proposition passes, it will get rid of this process and diminish accountability for Arizona's Supreme Court justices. Please vote NO against this proposition to keep judicial retention elections in place. This proposition is for Republicans' political gain and agenda. Arizonans benefit from judicial retention elections because it allows us to have a VOTE and a voice in which judges represent Arizonans. VOTE NO on this proposition to keep judicial retention elections in place and to protect the voice of Arizona voters.

**Chris Fernandez, Phoenix**  
*Sponsored by Opportunity Arizona*

Arizonans have historically used their power at the polls to decide whether or not a judge gets to keep their job. Prop 137 rips that ability away from voters by making all Arizona judges lifetime judges that would face no consequences for their actions in office.

Voters know that sometimes judges get it wrong, and some judges have made decisions that have negatively impacted millions of voters for decades. This is why Arizonans should get to decide whether or not judges should continue representing them.

Everyday Arizonans deserve more of a say in politics, not less. Voters should keep the right to retain judges who reflect the values of their communities and replace those who do not. Prop 137 silences Arizona voices and strips the power from voters to decide when someone no longer serves their community.

Voting NO on Prop 137 ensures that, regardless of anyone's political view, they get to have a say in which judges should keep making decisions for them. Allowing heavy handed government officials to make harmful decisions without facing consequences from voters goes against Arizona's values. Vote NO on Prop 137 to protect the right to vote out judges.

**Jennifer Guzman, Program Director, Common Cause Arizona, Phoenix**

The ACLU of Arizona is a non-partisan, civil rights and liberties organization committed to protecting the rights of all Arizonans. The ACLU urges a NO vote on Proposition 137.

The ACLU of Arizona has long fought for accountability within our legal system. Proposition 137 threatens fundamental, democratic principles of judicial accountability and independence.

Justice Sandra Day O'Connor first identified a model for choosing, evaluating, and retaining judges that balances the need for fair and impartial courts with the need for public accountability and transparency. O'Connor believed that giving voters the power to retain judges would encourage them to remain independent, impartial, and accountable to the people of Arizona — not the politicians who appointed them to the court. This model, now known as Arizona's judicial retention system, was established by voters in 1974 through Proposition 107, a voter-led ballot initiative.

By contrast, Proposition 137 is a legislature-referred proposal that would eliminate the power held by voters for fifty years to assess and hold the judiciary accountable. Furthermore, the law would function retroactively, nullifying judicial retention results in the very same 2024 election cycle. This is a clear attempt to to remove checks on our judiciary while stripping power from Arizona voters. Asking voters to undermine their own political power is simply undemocratic.

The people of Arizona deserve a judiciary, legislature, and political system that is accountable to the public, not special interests. A No vote on Proposition 137 will ensure that Arizonans continue to have a say in which judges remain on the bench.

**Scott Greenwood, Executive Director, ACLU of Arizona, Phoenix**



***Sponsored by ACLU of Arizona***

As a retired Marine, I urge you to vote NO on Prop 137. This proposition threatens voters' crucial role in holding judges accountable and undermines our democratic system.

Our current system of voter-approved judicial retention works. It empowers us to ensure judges uphold the law and serve our communities justly. Prop 137 seeks to dismantle this by eliminating term limits for judges, granting them lifetime appointments. This change would place immense power in the hands of partisan elites, reducing transparency and accountability.

Prop 137 endangers our reproductive rights. The Arizona Supreme Court recently banned abortion, applying an archaic 1864 law. This decision, led by Justices Clint Bolick and Kathryn King, threatens our fundamental rights. Prop 137 shields these justices from accountability, making their terms indefinite and retroactively protecting them from voter decisions. Voting NO ensures we can hold these justices accountable and safeguard our reproductive rights.

Additionally, Prop 137 undermines voter decisions. This proposition is retroactive, meaning it could overturn previous voter decisions about judges. If passed, it would keep Justices Bolick and King in office even if voters choose to remove them in the upcoming election. This attacks our democratic process and our right to decide who serves in our judiciary.

Prop 137 threatens Arizona's constitution by proposing changes that may violate our state's legal requirements by attempting to amend multiple constitutional provisions in one proposal. Upholding our constitution is vital for maintaining a fair and just legal system.

As a veteran who has fought to protect our freedoms, I know the importance of accountability and justice. We must stand together to protect our rights and ensure our judiciary remains accountable to the people it serves.

Vote NO on Prop 137 to preserve our democratic values and protect our rights.

**JoAnna Mendoza, Board Member, VetsForward, Red Rock**

I am strongly opposed to Proposition 137 and urge voters to vote no on this measure. This is an attempt to take away our ability to hold justices accountable for their decisions and silence our voice as Arizona voters. Our voice is more critical now than ever before, as Justices Bolick and King decided to ban abortion in Arizona, and they must be held accountable for this downright dangerous and out of touch decision. Medical decisions must be made by Arizona doctors and patients, not radical extremists serving a lifetime in our judiciary. Removing checks on judicial power from Arizona voters is not healthy for our democracy and is not a reflection of our values. Vote NO on Prop 137.

**Morgan Finkelstein, Patient, Phoenix**

Before our current system was put into place we elected our Judges. Sandra Day O'Connor helped to reform that system in a way that allowed the citizens some say in which judges should

determine the law, giving us the opportunity to vote not to retain a judge. Since the reform, there has not been a Supreme Court Justice removed. There have been no instances of an undue or unfair decision made by the public that would have altered our laws in any significant way. Advocates can't point to any example of an undue removal and simply fear that one of their preferred justices might be removed. The only instance of political shenanigans with the Court we've seen was where the legislature and previous governor expand our Supreme Court unnecessarily from 5 to 7 seats, an expansion that allowed one Governor to tip the scale of justice by appointing two extra Supreme Court Justice. The same people who expanded the Court now want to take away the citizens' right to remove a judge when a majority of citizens agree that a judge should be removed. They argue lifetime appointments are necessary for independence... I'd argue that politics are already involved in the judiciary. These appointments are made by elected officials, elected officials campaign on the Courts all the time, and a sitting justice recently wrote an opinion piece in our local newspaper to advocate a position on whether or not to retain justices. Vote no. Make sure the citizens keep a check on our government that is rarely successfully used.

**Steven Jackson, Scottsdale**

Chispa Arizona is strongly opposed to Prop 137. Chispa Arizona works to empower Latinx communities to influence policy, protect natural resources, and fight climate change. Through grassroots advocacy and community engagement, we strive for clean air, safe water, and healthy neighborhoods for the communities most impacted by climate change.

Our democracy is based on the idea that our leaders serve the people, not their own interests. Prop 137 would get rid of the judicial retention system created by voters in 1974 to keep our courts balanced and connected to the people.

Voters must keep the right to hold judges accountable when they make extreme rulings. Our courts have a history of putting environmental protections at risk by making decisions that limit our ability to fight climate change and pollution.

It is vital to protect our ability to ensure a future with clean air and water for Arizona. Please join Chispa Arizona in voting NO on Prop 137.

**Jose Martinez Jr., Operations Director, Chispa AZ, Buckeye**  
*Sponsored by Chispa AZ*

I am an experienced educator who is very involved in civic education of both students and adults. Research and educated decisions matter when voting.

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What justices do we 'retain or remove'? The Judicial Performance Review is done by a panel who votes "after reviewing 14,000+ surveys from jurors, witnesses, litigants, attorneys..." They cannot remove anyone from office, but they see who meets performance standards. Voters then decide. (<https://ktar.com/story/5571995>)

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Here is what the AZ Legislature is attempting to sneak through this time! They want to “take the burden off of us,” so we don’t have to do all that work.

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The Legislature wants to have ALL JUSTICES AND JUDGES in office FOR LIFE instead of up for retention every 6 years. (That is scary job security!)

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This law, if it passes, will be RETROACTIVE, so even if voters “remove” a justice on this ballot, it will NOT count; they stay in! (How is that for rewriting the rules of the game as you’re playing?)

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One of the judges who is up for re-election happens to be married to an Arizona Senator who was one of the 47 who voted to put this proposition on the ballot. (How great would it be to only need 47 signatures to put an initiative up for a vote instead of the 384,000 that a “normal citizen” needs to put a constitutional initiative on the ballot?)

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If this becomes a law, only a few people on a “board” will have a say on who gets to stay on the bench.

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Please vote NO on PROP 137. Just because it’s a bit of work to research the judges, we STILL should have the ability to remove or retain those that we want to serve in our courts.

**Bonnie Hickman, Concerned Arizona Educator, MESA**  
***Sponsored by Better Ballot Arizona***

On your ballot this year, you will be able to vote on Arizona Supreme Court justices, Arizona Court of Appeals judges, and Superior Court (trial) judges. The justices and appeals judges, and the trial judges in the bigger counties, were chosen through a non-partisan merit selection process that has been in the Arizona Constitution since 1974. Merit selection makes judges accountable by requiring them to stand for retention every four or six years, while also somewhat protecting them from partisan politics and pressure to favor the powerful.

I have had the privilege of serving as a Maricopa County Superior Court judge for nineteen years. You can find out about me and other judges on the ballot from the Arizona Commission on Judicial Performance Review, a citizen body that is part of merit selection. The JPR Commission collects and publishes information from court user surveys, public comments, and judge interviews. Favorable JPR recommendations reflect merit selection’s success. My colleagues are smart, thoughtful people who do their best to be fair and impartial and to follow the law as they understand it.

Proposition 137 would upend the time-tested merit selection process. It would cancel this year’s judicial retention elections after the fact. Most judges would effectively get unlimited terms of office. At the same time, Proposition 137 would change the JPR Commission from a neutral information source to a political actor, by including legislators for the first time. It would require the Commission to “investigate” a judge, at the request of any legislator, for “a pattern of judicial malfeasance.” Disfavored judges would be sent to the ballot for a retention vote with a “do not

retain” recommendation. In short, judges would be made answerable to those who are loud and well-connected, instead of to the public.

Vote NO on Proposition 137.

**John Hannah, Judge of the Superior Court of Arizona in Maricopa County, Phoenix**

Vote No on Prop 137 and No on Retention for Justices Bolick and King. This will start the process of undoing the damage caused by extreme justices on the Arizona Supreme Court.

Arizona once had a system for selecting judges based on merit and quality. But in 2016, that all changed when then-Governor Ducey replaced the merit-based selection committee with hyper partisan allies. He went further, packing the court with two additional partisan judges. The result? A court so extreme that it resurrected a total ban on abortion based on a law written in 1864—before Arizona was a state, and before women had the right to vote.

The same anti-abortion extremists that packed the court have now put Prop 137 on the ballot to make sure that the partisan justices appointed last decade can stay for the rest of their lives with no accountability. Voting No on Prop 137 is a step toward accountability and protecting reproductive freedom.

However, a No vote on Prop 137 isn’t enough. In this election, two of the judges that banned abortion are on the ballot for retention elections. Voting No on Retention for Justices Clint Bolick and Kathryn King would remove judges that are putting our ability to make our own decisions about our bodies, families, and futures at risk.

When extreme politicians rigged our courts for their benefit, they put our freedoms at risk. Voting No on Prop 137 and No on Retention for Bolick and King begins to change all of that.

**Athena Salman, Tempe**

***Sponsored by Reproductive Freedom for All***