Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session **MEASURE: SJR 4 A**

STAFF MEASURE SUMMARY **CARRIER: Sen. Ferrioli**

Senate Committee On Rules

Fiscal: Fiscal impact issued
Revenue: No Revenue Impact

Action Date: 04/07/15
Action: Be Adopted With Amendments. (Printed A-Eng.)
Meeting Dates: 03/12, 03/24, 04/07
Vote:
Yeas: 5 - Beyer, Boquist, Burdick, Ferrioli, Rosenbaum
Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:
Proposes amendment to repeal mandatory retirement age for judges. Refers amendment to voters at next regular general election.

ISSUES DISCUSSED:

- Amendment
- Ability of voters to address mandatory retirement age through direct democracy
- Impact of mandatory retirement age on who seeks judgeship
- Lack of mandatory retirement age for other elected offices
- Language used to describe impact of referral

EFFECT OF COMMITTEE AMENDMENT:
Proposes amendment to repeal mandatory retirement age for judges. Refers amendment to voters at next regular general election.

BACKGROUND:
There is no mandatory retirement age for judges at the federal level. At the state level, 33 states plus the District of Columbia currently have a mandatory retirement age for judges, but that number is in flux as mandatory retirement has been the topic of several initiatives as well as court cases throughout the nation.

Oregon's judicial retirement requirement is in Section 1a, Article VII of the Oregon Constitution, which mandates that a judge of any court retire at the end of the calendar year in which "he" reaches the age of 75 years. This section also states that the Legislative Assembly or the people may by law fix a lesser age for mandatory retirement not to be earlier than the end of the calendar year in which the judge attains the age of 70 years. Oregon's mandatory retirement age was challenged in 2014 by Attorney Agnes Peterson in a case filed against the Secretary of State alleging age and gender discrimination, as well as the unconstitutionality of Section 1a. The case was dismissed.

In 1959, a 21-member statewide Legislative Interim Committee on Judicial Administration issued a report, which included the determination that a mandatory retirement age would address the issues of judicial congestion and delay. The report resulted in Senate Joint Resolution 3 (1959) mandating that a judge of any court retire at the end of the calendar year in which "he" reaches the age of 75 years. The resolution was adopted by voters in 1960.

Senate Joint Resolution 4-A, if approved by voter's at the next general election, repeals the mandatory retirement age for judges.