

(2) The Commission has the power to issue a reprimand and the power to recommend to the Court of Appeals the removal, censure or other appropriate disciplining of a judge or, in an appropriate case, retirement.

(3) All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except as provided by rule of the Court of Appeals; the record and any proceeding filed with the Court of Appeals shall lose its confidential character, except as ordered by the Court of Appeals.

(4) No judge shall participate as a member of the Commission in any proceedings involving that judge's own conduct, and the Governor shall appoint another judge as a substitute member of the Commission for those proceedings.

(5) The Court of Appeals shall prescribe by rule the means to implement and enforce the powers of the Commission and the practice and procedure before the Commission.

(b) (1) Upon any recommendation of the Commission, the Court of Appeals, after a hearing and upon a finding of misconduct while in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial to the proper administration of justice, may remove the judge from office or may censure or otherwise discipline the judge, or the Court of Appeals, after hearing and upon a finding of disability which is or is likely to become permanent and which seriously interferes with the performance of the judge's duties, may retire the judge from office.

(2) A judge removed under this section, and the judge's surviving spouse, shall have the rights and privileges accruing from the judge's judicial service only to the extent prescribed by the order of removal.

(3) A judge retired under this section shall have the rights and privileges prescribed by law for other retired judges.

(4) No judge of the Court of Appeals shall sit in judgment in any hearing involving that judge's own conduct.

(c) This section is alternative to, and cumulative with, the methods of retirement and removal provided in Sections 3 and 4 of this Article, and in Section 26 of Article III of this Constitution (*amended by Chapter 773, Acts of 1965, ratified Nov. 8, 1966; Chapter 789, Acts of 1969, ratified Nov. 3, 1970; Chapter 886, Acts of 1974, ratified Nov. 5, 1974; Chapter 523, Acts of 1980, ratified Nov. 4, 1980; Chapter 113, Acts of 1995, ratified Nov. 5, 1996*).

SEC. 5. Upon every occurrence or recurrence of a vacancy through death, resignation, removal, disqualification by reason of age or otherwise, or expiration of the term of fifteen years of any judge of a circuit court, or creation of the office of any such judge, or in any other way, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the election and qualification of his successor. His successor shall be elected at the first biennial general election for Representatives in Congress after the expiration of the term of fifteen years (if the vacancy occurred in that way) or the first such general election after one year after the occurrence of the vacancy in any other way than through expiration of such term. Except in case of reappointment of a judge upon expiration

of his term of fifteen years, no person shall be appointed who will become disqualified by reason of age and thereby unable to continue to hold office until the prescribed time when his successor would have been elected (*amended by Chapter 417, Acts of 1880, ratified Nov. 8, 1881; Chapter 772, Acts of 1943, ratified Nov. 7, 1944; Chapter 703, Acts of 1945, ratified Nov. 5, 1946; Chapter 551, Acts of 1975, ratified Nov. 2, 1976; Chapter 523, Acts of 1980, ratified Nov. 4, 1980*).

SEC. 5A. (a) A vacancy in the office of a judge of an appellate court, whether occasioned by the death, resignation, removal, retirement, disqualification by reason of age, or rejection by the voters of an incumbent, the creation of the office of a judge, or otherwise, shall be filled as provided in this section.

(b) Upon the occurrence of a vacancy the Governor shall appoint, by and with the advice and consent of the Senate, a person duly qualified to fill said office who shall hold the same until the election for continuance in office as provided in subsections (c) and (d).

(c) The continuance in office of a judge of the Court of Appeals is subject to approval or rejection by the registered voters of the appellate judicial circuit from which he was appointed at the next general election following the expiration of one year from the date of the occurrence of the vacancy which he was appointed to fill, and at the general election next occurring every ten years thereafter.

(d) The continuance in office of a judge of the Court of Special Appeals is subject to approval or rejection by the registered voters of the geographical area prescribed by law at the next general election following the expiration of one year from the date of the occurrence of the vacancy which he was appointed to fill, and at the general election next occurring every ten years thereafter.

(e) The approval or rejection by the registered voters of a judge as provided for in subsections (c) and (d) shall be a vote for the judge's retention in office for a term of ten years or his removal. The judge's name shall be on the appropriate ballot, without opposition, and the voters shall vote yes or no for his retention in office. If the voters reject the retention in office of a judge, or if the vote is tied, the office becomes vacant ten days after certification of the election returns.

(f) An appellate court judge shall retire when he attains his seventieth birthday.

(g) A member of the General Assembly who is otherwise qualified for appointment to judicial office is not disqualified by reason of his membership in a General Assembly which proposed or enacted any constitutional amendment or statute affecting the method of selection. Continuance in office, or retirement or removal of a judge, the creation or abolition of a court, an increase or decrease in the number of judges of any court, or an increase or decrease in the salary, pension or other allowances of any judge (*added by Chapter 551, Acts of 1975, ratified Nov. 2, 1976*).

SEC. 6. All Judges shall, by virtue of their offices, be Conservators of the Peace throughout the State; and no fees, or perquisites, commission, or reward of any kind shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any Judicial duty (*amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978*).