

## SB0248S01 compared with SB0248

~~deleted text~~ shows text that was in SB0248 but was deleted in SB0248S01.

inserted text shows text that was not in SB0248 but was inserted into SB0248S01.

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Representative Daniel McCay proposes the following substitute bill:

### JUDICIAL RETENTION ELECTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

#### General Description:

This bill amends the Election Code in relation to a judicial retention election.

#### Highlighted Provisions:

This bill:

- ▶ provides that a justice, judge, or justice court judge who wishes to retain office shall, in the year the justice or judge is subject to a retention election, file a declaration of candidacy with the lieutenant governor or county clerk within the period beginning on April 1 and ending at 5 p.m. on April 15 in the year of a regular general election.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

## SB0248S01 compared with SB0248

None

### Utah Code Sections Affected:

AMENDS:

**20A-12-201**, as last amended by Laws of Utah 2011, Chapters 29, 208, and 327

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-12-201** is amended to read:

**20A-12-201. Judicial appointees -- Retention elections.**

(1) (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy [~~as if a candidate for multi-county office in accordance with Section 20A-9-202]~~ with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on April 1 and ending at 5 p.m. ~~on~~ April 15 in the year of a regular general election; and

(ii) pay a filing fee of \$50.

(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy [~~as if a candidate for county office in accordance with Section 20A-9-202]~~ with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on April 1 and ending at 5 p.m. on April 15 in the year of a regular general election; and

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

## SB0248S01 compared with SB0248

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3) (a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) (a) At the general election, the ballots shall contain, as to each justice or judge of any court to be voted on in the county, the following question:

"Shall \_\_\_\_\_ (name of justice or judge) be retained in the office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")

Yes ()

No ()."

(b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.

## **SB0248S01 compared with SB0248**

(7) If a justice court judge is standing for retention for more than one office, the county clerk shall place the judge's name on the ballot separately for each office. If the justice court judge receives more no votes than yes votes in one office, but more yes votes than no votes in the other, the justice court judge shall be retained only in the office for which the judge received more yes votes than no votes.

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**Legislative Review Note**

———— as of ~~2-24-14 1:35 PM~~

———— ~~Office of Legislative Research and General Counsel~~