1   **Judicial Election Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason B. Kyle

Senate Sponsor:

2

3   **LONG TITLE**

4   **General Description:**

5   This bill addresses judicial retention elections.

6   **Highlighted Provisions:**

7   This bill:

8   ‣ modifies the number of votes required for a justice or judge to be retained in a judicial

9   retention election.

10   **Money Appropriated in this Bill:**

11   None

12   **Other Special Clauses:**

13   None

14   **Utah Code Sections Affected:**

15   AMENDS:

16   **20A-12-201**, as last amended by Laws of Utah 2025, Chapter 39

17

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

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

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

21   (1)(a) Each judicial appointee to a court is subject to an unopposed retention election at

22   the first general election held more than three years after the judge or justice was

23   appointed.

24   (b) After the first retention election:

25   (i) each Supreme Court justice shall be on the regular general election ballot for an

26   unopposed retention election every tenth year; and

27   (ii) each judge of other courts shall be on the regular general election ballot for an

28   unopposed retention election every sixth year.

29   (2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the

30   year the justice or judge is subject to a retention election:

31   (i) file a declaration of candidacy with the lieutenant governor, or with the county

32   clerk in the candidate's county of residence, within the period beginning on July 1

33   and ending at 5 p.m. on July 15 in the year of a regular general election; and

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

35   (b)(i) Each justice court judge who wishes to retain office shall, in the year the justice

36   court judge is subject to a retention election:

37   (A) file a declaration of candidacy with the lieutenant governor, or with the county

38   clerk in the candidate's county of residence, within the period beginning on

39   July 1 and ending at 5 p.m. on July 15 in the year of a regular general election;

40   and

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

42   (ii) If a justice court judge is appointed or elected to more than one judicial office, the

43   declaration of candidacy shall identify all of the courts included in the same

44   general election.

45   (iii) If a justice court judge is appointed or elected to more than one judicial office,

46   filing a declaration of candidacy in one county in which one of those courts is

47   located is valid for the courts in any other county.

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

49   election year:

50   (i) transmit a certified list containing the names of the justices of the Supreme Court,

51   judges of the Court of Appeals, and judges of the Business and Chancery Court

52   declaring their candidacy to the county clerk of each county; and

53   (ii) transmit a certified list containing the names of judges of other courts declaring

54   their candidacy to the county clerk of each county in the geographic division in

55   which the judge filing the declaration holds office.

56   (b) Each county clerk shall place the names of justices and judges standing for retention

57   election:

58   (i) in the nonpartisan section of the ballot; and

59   (ii) in accordance with Section 20A-6-109.

60   (4)(a) At the general election, the ballots shall contain:

61   (i) at the beginning of the judicial retention section of the ballot, the following statement:

62   "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's

63   recommendations for each judge"; and

64   (ii) as to each justice or judge of any court to be voted on in the county, the following question:

65   "Shall _____(name of justice or judge) be retained in the

66   office of _____? (name of office, such as "Justice of the Supreme

67   Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery

68   Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the

69   Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)

70   County or (name of municipality)")

71   Yes ()

72   No ()."

73   (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102,

74   the ballot question for the judge shall include the name of that court.

75   (5)(a) If [the justice or judge receives more yes votes than no votes] at least 67% of the

76   votes cast are "yes" votes, the justice or judge is retained for the term of office

77   provided by law.

78   (b) If [the justice or judge does not receive more yes votes than no votes] fewer than 67%

79   of the votes cast are "yes" votes, the justice or judge is not retained, and a vacancy

80   exists in the office on the first Monday in January after the regular general election.

81   (6) A justice or judge not retained is ineligible for appointment to the office for which the

82   justice or judge was defeated until after the expiration of that term of office.

83   (7)(a) If a justice court judge is standing for retention for one or more judicial offices in

84   a county in which the judge is a county justice court judge or a municipal justice

85   court judge in a town or municipality of the fourth or fifth class, as described in

86   Section 10-2-301, or any combination thereof, the election officer shall place the

87   judge's name on the county ballot only once for all judicial offices for which the

88   judge seeks to be retained.

89   (b) If a justice court judge is standing for retention for one or more judicial offices in a

90   municipality of the first, second, or third class, as described in Section 10-2-301, the

91   election officer shall place the judge's name only on the municipal ballot for the

92   voters of the municipality that the judge serves.

93   Section 2. **Effective Date.**

94   This bill takes effect on May 6, 2026.