

Proposal to Amend Utah Constitution - Judicial Nominations

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason B. Kyle

Senate Sponsor:

LONG TITLE

General Description:

This joint resolution of the Utah Legislature proposes to amend the Utah Constitution to modify the judicial nominating process.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- authorize the Governor to request a list of nominees from a judicial nominating commission when the Governor is filling a judicial vacancy;
- authorize the Governor to appoint any qualified candidate even if the candidate is not nominated by the nominating commission;
- remove the time constraint on the Governor to make an appointment; and
- remove the authority of the chief justice of the Supreme Court to fill a judicial vacancy if the Governor fails to fill the vacancy.

Other Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2027 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

Article VIII, Section 8

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 8, to read:

Article VIII, Section 8 . [Vacancies -- Nominating commissions -- Senate approval.]

[4] When a vacancy occurs in a court of record, the governor shall fill the vacancy by appointment from a list of at least three nominees certified to the governor by the Judicial Nominating Commission having authority over the vacancy. The governor shall

31 fill the vacancy within 30 days after receiving the list of nominees. If the governor fails
32 to fill the vacaney within the time prescribed, the chief justice of the Supreme Court
33 shall within 20 days make the appointment from the list of nominees.]

34 (1) When a vacancy occurs in a court of record, the Governor shall fill the vacancy by
35 appointment. The Governor may request the Judicial Nominating Commission for the
36 court in which the vacancy occurs to provide a list of nominees, but the Governor may
37 appoint any candidate who meets the qualifications established by this Constitution.

38 (2) The Legislature by statute shall provide for the nominating commissions' composition
39 and procedures. No member of the Legislature may serve as a member of, nor may the
40 Legislature appoint members to, any Judicial Nominating Commission.

41 (3) The Senate shall consider and render a decision on each judicial appointment within 60
42 days of the date of appointment. If necessary, the Senate shall convene itself in
43 extraordinary session for the purpose of considering judicial appointments. The
44 appointment shall be effective upon approval of a majority of all members of the Senate.
45 If the Senate fails to approve the appointment, the office shall be considered vacant and
46 a new nominating process shall commence.

47 (4) Selection of judges shall be based solely upon consideration of fitness for office without
48 regard to any partisan political consideration.

49 Section 2. **Submittal to voters.**

50 The lieutenant governor is directed to submit this proposed amendment to the voters of
51 the state at the next regular general election in the manner provided by law.

52 Section 3. **Contingent effective date.**

53 If the amendment proposed by this joint resolution is approved by a majority of those
54 voting on it at the next regular general election, the amendment shall take effect on January 1,
55 2027.