

## Part 2 Judicial Retention Elections

### 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 with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 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 with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 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.
    - (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, judges of the Court of Appeals, and judges of the Business and Chancery Court 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:
    - (i) at the beginning of the judicial retention section of the ballot, the following statement:  
"Visit [judges.utah.gov](http://judges.utah.gov) to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and
    - (ii) 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 Business and Chancery Court 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.

(7)

(a) If a justice court judge is standing for retention for one or more judicial offices in a county in which the judge is a county justice court judge or a municipal justice court judge in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the election officer shall place the judge's name on the county ballot only once for all judicial offices for which the judge seeks to be retained.

(b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of the first, second, or third class, as described in Section 10-2-301, the election officer shall place the judge's name only on the municipal ballot for the voters of the municipality that the judge serves.

Amended by Chapter 394, 2023 General Session