

Superseded 7/17/2016

78A-10-103 Procedures governing meetings of judicial nominating commissions.

- (1) The Commission on Criminal and Juvenile Justice shall:
 - (a) in consultation with the Judicial Council, enact rules establishing procedures governing the meetings of the judicial nominating commissions in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) ensure that those procedures include:
 - (i) a minimum recruitment period of at least 30 days but not more than 90 days, unless fewer than nine applications are received for a judicial vacancy, in which case the recruitment period may be extended up to 30 days;
 - (ii) standards for maintaining the confidentiality of the applications and related documents;
 - (iii) standards governing the release of applicant names before nomination;
 - (iv) standards for destroying the records of the names of applicants, applications, and related documents upon completion of the nominating process;
 - (v) an opportunity for public comment concerning the nominating process, qualifications for judicial office, and individual applicants;
 - (vi) evaluation criteria for the selection of judicial nominees;
 - (vii) procedures for taking summary minutes at nominating commission meetings;
 - (viii) procedures for simultaneously forwarding the names of nominees to the governor, the president of the Senate, and the Office of Legislative Research and General Counsel;
 - (ix) standards governing a nominating commissioner's disqualification and inability to serve; and
 - (x) procedures that require the Administrative Office of the Courts to immediately inform the governor when a judge is removed, resigns, or retires.
- (2) In determining which of the applicants are the most qualified, the nominating commissions shall determine by a majority vote of the commissioners present which of the applicants best possess the ability, temperament, training, and experience that qualifies them for the office.
- (3)
 - (a) The appellate court nominating commission shall certify to the governor a list of the seven most qualified applicants per vacancy; and
 - (b) trial court nominating commissions shall certify to the governor a list of the five most qualified applicants per vacancy.
- (4) Nominating commissions shall ensure that the list of applicants submitted to the governor:
 - (a) meet the qualifications required by law to fill the office; and
 - (b) are willing to serve.
- (5) In determining which of the applicants are the most qualified, nominating commissions may not decline to submit a candidate's name to the governor merely because:
 - (a) the nominating commission had declined to submit that candidate's name to the governor to fill a previous vacancy;
 - (b) a previous nominating commission had declined to submit that candidate's name to the governor; or
 - (c) that nominating commission or a previous nominating commission had submitted the applicant's name to the governor and the governor selected someone else to fill the vacancy.
- (6) A judicial nominating commission may not nominate a justice or judge who was not retained by the voters for the office for which the justice or judge was defeated until after the expiration of that term of office.
- (7) Judicial nominating commissions are exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings Act.

