

***Superseded 5/3/2023***

**78A-10-104 Convening of judicial nominating commissions -- Certification to governor of nominees -- Meetings to investigate prospective candidates.**

- (1) Unless a hiring freeze is implemented in accordance with Section 78A-2-113, the governor shall ensure that:
  - (a) the recruitment period to fill a judicial vacancy begins 235 days before the effective date of a vacancy, unless sufficient notice is not given, in which case the recruitment period shall begin within 10 days of receiving notice;
  - (b) the recruitment period is a minimum of 30 days but not more than 90 days, unless fewer than nine applications are received, in which case the recruitment period may be extended up to 30 days; and
  - (c) the chair of the judicial nominating commission having authority over the vacancy shall convene a meeting not more than 10 days after the close of the recruitment period.
- (2) The time limits in Subsection (1) shall begin to run the day the hiring freeze ends.
- (3) The nominating commission may:
  - (a) meet as necessary to perform its function; and
  - (b) investigate prospective candidates.
- (4) Not later than 45 days after convening, the:
  - (a) appellate court nominating commission shall certify to the governor a list of the seven most qualified applicants per vacancy; and
  - (b) trial court nominating commission shall certify to the governor a list of the five most qualified applicants per vacancy.
- (5) The governor shall fill the vacancy within 30 days after receiving the list of nominees.
- (6) If the governor fails to fill the vacancy within 30 days of receiving the list of nominees from the nominating commission, the chief justice of the Supreme Court shall, within 20 days, appoint a person from the list of nominees certified to the governor.
- (7) A nominating commission may not nominate a person who has served on a nominating commission within six months of the date that the commission was last convened.