

1 **RESOLUTION AMENDING JUDICIAL**
2 **NOMINATION PROCESS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Craig L. Taylor**

6 A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH
7 CONSTITUTION; AMENDING THE JUDICIAL APPOINTMENT PROCESS;
8 PERMITTING THE GOVERNOR TO REJECT AN APPOINTMENT FROM THE LIST OF
9 NOMINEES; REQUIRING A NEW NOMINATING PROCESS TO COMMENCE; AND
10 PROVIDING AN EFFECTIVE DATE.

11 This resolution proposes to change the Utah Constitution as follows:

12 AMENDS:

13 **ARTICLE VIII, SECTION 8**

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

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

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

18 (1) When a vacancy occurs in a court of record, the governor shall fill the vacancy by
19 appointment from a list of at least three nominees certified to the governor by the Judicial
20 Nominating Commission having authority over the vacancy. The governor shall fill the vacancy
21 within 30 days after receiving the list of nominees. If the governor fails to fill the vacancy within
22 the time prescribed, ~~[the chief justice of the Supreme Court shall within 20 days make the~~
23 ~~appointment from the list of nominees]~~ a new nominating process shall commence.

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

27 (3) The Senate shall consider and render a decision on each judicial appointment within

1 60 days of the date of appointment. If necessary, the Senate shall convene itself in extraordinary
2 session for the purpose of considering judicial appointments. The appointment shall be effective
3 upon approval of a majority of all members of the Senate. If the Senate fails to approve the
4 appointment, the office shall be considered vacant and a new nominating process shall commence.

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

7 Section 2. **Submittal to electors.**

8 The lieutenant governor is directed to submit this proposed amendment to the electors of
9 the state of Utah at the next general election in the manner provided by law.

10 Section 3. **Effective date.**

11 If approved by the electors of the state, the amendment proposed by this joint resolution
12 shall take effect on January 1, 1999.

Legislative Review Note
as of 8-7-97 10:18 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel