

Senator Craig L. Taylor proposes to substitute the following bill:

**RESOLUTION AMENDING JUDICIAL
NOMINATION PROCESS**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig L. Taylor

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH
CONSTITUTION; ALTERING THE JUDICIAL APPOINTMENT PROCESS; PERMITTING
THE GOVERNOR TO REJECT ONE TIME A LIST OF NOMINEES; AND PROVIDING AN
EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

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.]

(1) When a vacancy occurs in a court of record, the governor shall fill the vacancy by
appointment from a list of at least [~~three~~] five nominees for a trial court or seven nominees for an
appellate court, certified to the governor by the Judicial Nominating Commission having authority
over the vacancy. The governor shall [~~fill the vacancy~~], within 30 days after receiving the list of
nominees, fill the vacancy or reject the list and request the Judicial Nominating Commission to
certify a second list with different nominees. If the governor rejects the first list and requests a
second list, the Judicial Nominating Commission having authority over the vacancy shall certify
a second list with a different set of nominees, at least five for a trial court and seven for an
appellate court, within 30 days of the governor's rejection of the first list. The governor shall fill

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1 the vacancy within 30 days after receiving the second list of nominees. If the governor fails to fill
2 the vacancy or reject the first list and request a second list, or, having rejected the first list, fails
3 to fill the vacancy from the second list, within the time prescribed, the chief justice of the Supreme
4 Court shall within 20 days make the appointment from the previously certified first or second list
5 of nominees.

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

9 (3) The Senate shall consider and render a decision on each judicial appointment within
10 60 days of the date of appointment. If necessary, the Senate shall convene itself in extraordinary
11 session for the purpose of considering judicial appointments. The appointment shall be effective
12 upon approval of a majority of all members of the Senate. If the Senate fails to approve the
13 appointment, the office shall be considered vacant and a new nominating process shall commence.

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

16 **Section 2. Submittal to electors.**

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

19 **Section 3. Effective date.**

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