

**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, as provided by statute. Within 30 days after receiving the second list of nominees, the governor shall fill the vacancy from either the first or

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

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

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

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

15 **Section 2. Submittal to electors.**

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

18 **Section 3. Effective date.**

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