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1	RETENTION OF JUDGES RESOLUTION
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Katherine M. Bryson
5	A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH
6	CONSTITUTION; AUTHORIZING THE LEGISLATURE TO REQUIRE HIGHER THAN A
7	MAJORITY FOR APPROVAL OF A RETENTION QUESTION; DIRECTING THE
8	LIEUTENANT GOVERNOR TO SUBMIT THE PROPOSED AMENDMENT TO THE
9	VOTERS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.
10	This resolution proposes to change the Utah Constitution as follows:
11	AMENDS:
12	ARTICLE VIII, SECTION 9
13	Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of
14	the two houses voting in favor thereof:
15	Section 1. It is proposed to amend Utah Constitution Article VIII, Section 9, to read:
16	Article VIII, Section 9. [Judicial retention elections.]
17	(1) Each appointee to a court of record shall be subject to an unopposed retention election
18	at the first general election held more than three years after appointment.
19	(2) Following initial voter approval, each Supreme Court justice every tenth year, and each
20	judge of other courts of record every sixth year, shall be subject to an unopposed retention election
21	at the corresponding general election.
22	(3) Judicial retention elections shall be held on a nonpartisan ballot in a manner provided
23	by statute. The Legislature may by statute require the approval of up to 65% of those voting in a
24	retention election for the retention question to pass.
25	(4) If geographic divisions are provided for any court of record, the judges of those courts
26	shall stand for retention election only in the geographic division to which they are selected.
27	Section 2. Submittal to electors.

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28	The lieutenant governor is directed to submit this proposed amendment to the electors of
29	the state of Utah at the next general election in the manner provided by law.
30	Section 3. Effective date.
31	If approved by a majority of the electors of the state voting at the next general election, the
32	amendment proposed by this joint resolution shall take effect on January 1, 2001.

Legislative Review Note as of 1-27-99 4:46 PM

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

Office of Legislative Research and General Counsel

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