♣ Approved for Filing: JLF♣ 12-30-99 8:39 AM♣ 4

1	JUDICIAL RETENTION ELECTION
2	AMENDMENTS
3	2000 GENERAL SESSION
4	STATE OF UTAH
5	Sponsor: Katherine M. Bryson
6	AN ACT RELATING TO THE ELECTION CODE; MODIFYING REQUIREMENTS FOR
7	JUDICIAL RETENTION ELECTIONS; AND MAKING TECHNICAL CORRECTIONS.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	20A-12-201, as last amended by Chapter 183, Laws of Utah 1997
11	Be it enacted by the Legislature of the state of Utah:
12	Section 1. Section 20A-12-201 is amended to read:
13	20A-12-201. Judicial appointees Retention elections.
14	(1) (a) Each appointee to a court of record is subject to an unopposed retention election
15	at the first general election held more than three years after the judge or justice was appointed.
16	(b) After the first retention election:
17	(i) each Supreme Court justice shall be on the regular general election ballot for an
18	unopposed retention election every tenth year; and
19	(ii) each judge of other courts of record shall be on the regular general election ballot for
20	an unopposed retention election every sixth year.
21	(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the
22	year the justice or judge is subject to a retention election:
23	(i) file a declaration of candidacy as if a candidate for multi-county office in accordance
24	with Section 20A-9-202; and
25	(ii) pay a filing fee of \$50.
26	(b) Each county justice judge who wishes to retain office shall, in the year the justice or
27	judge is subject to a retention election:

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28	(i) file a declaration of candidacy as if a candidate for county office in accordance with
29	Section 20A-9-202; and
30	(ii) pay a filing fee of \$25.
31	(3) (a) The lieutenant governor shall, by September 1 of each regular general election year:
32	(i) transmit a certified list containing the names of the justices of the Supreme Court and
33	judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and
34	(ii) transmit a certified list containing the names of judges of other courts of record
35	declaring their candidacy to the county clerk of each county in the geographic division in which
36	the judge filing the declaration holds office.
37	(b) Each county clerk shall place the names of justices and judges standing for retention
38	election in the nonpartisan section of the ballot.
39	(4) At the general election, the ballots shall contain, as to each justice or judge of any court
40	of record to be voted on in the county, the following question:
41	"Shall(name of justice or judge) be retained in the
42	office of?" (name of office, such as "Justice of the Supreme
43	Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third
44	Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "County
45	Justice Judge of (name of county) County")
46	Yes ()
47	No ()."
48	(5) (a) If the justice or judge receives $\hat{\mathbf{h}} = \frac{65\%}{5} = \frac{55\%}{6} \hat{\mathbf{h}} = \frac{55\%}{100} = \frac{1}{100} = 1$
48a	justice
49	or judge is retained for the term of office provided by law.
50	(b) If the justice or judge receives [more no votes] less than $\hat{\mathbf{h}}$ [65%] 55% $\hat{\mathbf{h}}$ yes votes, the
50a	justice or
51	judge is not retained, and a vacancy exists in the office on the first Monday in January after the
52	regular general election.
53	(6) A justice or judge not retained is ineligible for appointment to the office for which the
54	justice or judge was defeated until after the expiration of that term of office

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Legislative Review Note as of 12-9-99 9:25 AM

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

Office of Legislative Research and General Counsel