

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:

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 65% or more yes votes [~~than no votes~~], the 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 65% yes votes, the 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**