

CERTIFICATION OF JUDGES

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Katherine M. Bryson

This act modifies provisions relating to the certification of judges for retention elections, providing that judges shall be certified by the Supreme Court and justices by the Judicial Council.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-7-702, as last amended by Chapter 331, Laws of Utah 2002

78-7-2, as enacted by Chapter 47, Laws of Utah 1986

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-7-702** is amended to read:

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor,



28 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
29 candidate to the lieutenant governor's office before July 15 at 5 p.m.;

30 (g) information pertaining to all measures to be submitted to the voters, beginning a
31 new page for each measure and containing, in the following order for each measure:

32 (i) a copy of the number and ballot title of the measure;

33 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
34 the Legislature or by referendum;

35 (iii) the impartial analysis of the measure prepared by the Office of Legislative
36 Research and General Counsel;

37 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
38 measure, the arguments against the measure, and the rebuttal to the arguments against the
39 measure, with the name and title of the authors at the end of each argument or rebuttal;

40 (v) for each constitutional amendment, a complete copy of the text of the constitutional
41 amendment, with all new language underlined, and all deleted language placed within brackets;
42 and

43 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
44 lieutenant governor;

45 (h) a description provided by the Judicial Council of the selection and retention process
46 for judges, including, in the following order:

47 (i) a description of the judicial selection process;

48 (ii) a description of the judicial performance evaluation process;

49 (iii) a description of the judicial retention election process;

50 (iv) a list of the criteria and minimum standards of judicial performance evaluation;

51 (v) the names of the judges standing for retention election; and

52 (vi) for each judge:

53 (A) the counties in which the judge is subject to retention election;

54 (B) a short biography of professional qualifications and a recent photograph;

55 (C) for each standard of performance, a statement identifying whether or not the judge
56 met the standard and, if not, the manner in which the judge failed to meet the standard;

57 (D) a statement provided by the Utah Supreme Court identifying the cumulative
58 number of informal reprimands, when consented to by the judge in accordance with Section

59 [78-7-107] 78-7-108(2)(d), formal reprimands, and all orders of censure and suspension issued
60 by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's
61 current term and the immediately preceding term, and a detailed summary of the supporting
62 reasons for each violation of the Code of Judicial Conduct that the judge has received; and

63 (E) a statement identifying whether or not the judge was certified by the Supreme
64 Court or, in the case of a justice of the Supreme Court, the Judicial Council;

65 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic
66 format, the responses for each attorney, jury, and other survey question used by the Judicial
67 Council for certification of judges, displayed in 1% increments;

68 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a
69 particular judge is too small to provide statistically reliable information in 1% increments, the
70 survey results for that judge shall be reported as being above or below 70% and a statement by
71 the surveyor explaining why the survey is statistically unreliable shall also be included;

72 (i) an explanation of ballot marking procedures prepared by the lieutenant governor,
73 indicating the ballot marking procedure used by each county and explaining how to mark the
74 ballot for each procedure;

75 (j) voter registration information, including information on how to obtain an absentee
76 ballot;

77 (k) a list of all county clerks' offices and phone numbers; and

78 (l) on the back cover page, a printed copy of the following statement signed by the
79 lieutenant governor:

80 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
81 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
82 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
83 correct according to law. SEAL

84 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
85 of ____ (month), ____ (year)

86 (signed) _____
87 Lieutenant Governor"

88 (3) The lieutenant governor shall:

89 (a) ensure that one copy of the voter information pamphlet is placed in one issue of

90 every newspaper of general circulation in the state not more than 40 nor less than 15 days
91 before the day fixed by law for the election;

92 (b) ensure that a sufficient number of printed voter information pamphlets are available
93 for distribution as required by this section;

94 (c) provide voter information pamphlets to each county clerk for free distribution upon
95 request and for placement at polling places; and

96 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
97 before the election.

98 Section 2. Section **78-7-2** is amended to read:

99 **78-7-2. Justices and judges -- Limitations during terms -- Certification for**
100 **retention by Supreme Court.**

101 [~~N~~] (1) A justice or judge of any court of record may not, during his term of office:

102 [~~1~~] (a) practice law or have a partner engaged in the practice of law;

103 [~~2~~] (b) hold office in or make any contribution to any political party or organization
104 engaged in political activity; or

105 [~~3~~] (c) use, in his efforts to obtain or retain judicial office, any political party
106 designation, reference, or description.

107 (2) Any judge standing for retention election shall be certified by the Supreme Court.

108 (3) Any justice of the Supreme Court standing for retention election shall be certified
109 by the Judicial Council.

Legislative Review Note
as of 2-24-03 9:43 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0370

Certification of Judges

26-Feb-03

9:13 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst