Representative **Kenneth W. Sumsion** proposes the following substitute bill:

1   **MUNICIPAL JUSTICE COURT JUDGE ELECTIONS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Kenneth W. Sumsion**

5   Senate Sponsor: Mark B. Madsen

7   **LONG TITLE**

8   **General Description:**

9   This bill changes the requirements for a retention election vote for

9a   Ĥ→ [~~municipal~~] ←Ĥ   justice

10   court judges Ĥ→ [~~and the length of the terms of justice court judges~~] ←Ĥ .

11   **Highlighted Provisions:**

12   This bill:

13   ▸   changes the retention election requirements for municipal justice court judges

13a   Ĥ→ **in cities of the first, second, and third class** ←Ĥ   from

14   the entire county to the municipality where the judge sits;

15   ▸   clarifies that a justice court judge standing for retention in more than one location

16   who is retained in one location and not retained in another does not lose both

17   offices; and

18   ▸   makes a technical correction.

19   **Money Appropriated in this Bill:**

20   None

21   **Other Special Clauses:**

22   None

23   **Utah Code Sections Affected:**

24   AMENDS:

25   **20A-12-201**, as last amended by Laws of Utah 2008, Chapters 93 and 225

119   (d) The nominating commission shall submit at least two names to the appointing
120   authority of the jurisdiction expected to be served by the judge. The local government
121   executive shall appoint a judge from the list submitted and the appointment ratified by the local
122   legislative body.
123   (e) The state court administrator shall provide staff to the commission. The Judicial
124   Council shall establish rules and procedures for the conduct of the commission.
125   (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through
126   the Utah State Bar, and other appropriate means.
127   (4) Selection of candidates shall be based on compliance with the requirements for
128   office and competence to serve as a judge.
129   (5) Once selected, the Judicial Council shall certify the judge as qualified to hold office
130   upon successful completion of the orientation program.
131   (6) The selection of a person to fill the office of justice court judge is effective upon
132   certification of the judge by the Judicial Council. A justice court judge may not perform
133   judicial duties until certified by the Judicial Council.
134   (7) Upon the expiration of a justice court judge's term of office, the judge shall be
135   subject to an unopposed retention election [in the county or counties in which the court to
136   which the judge is appointed is located,] in accordance with the procedures set forth in Section
137   20A-12-201[.]:
138   (a) in the county or counties in which the court to which the judge is appointed is
139   located if the judge is a county justice court judge Ĥ→ **or a municipal justice court judge in a**
139a   **town or city of the fourth or fifth class** ←Ĥ ; or
140   (b) in the municipality in which the court to which the judge is appointed is located if
141   the judge is a municipal justice court judge Ĥ→ **and Subsection (7)(a) does not apply** ←Ĥ .
142   (8) Before each retention election, each justice court judge shall be evaluated in
143   accordance with the performance evaluation program established in [Subsection 78A-2-104(5)]
144   Section 78A-12-203.