

460 to that [~~category of respondents~~] respondent group.

461 [~~(b) Litigants may be surveyed only about judicial temperament, integrity, and~~
462 ~~communication skills.~~]

463 [~~(c) The commission shall, by rule, determine appropriate litigants to be surveyed.~~]

464 (9) (a) The survey shall allow respondents to indicate responses in a manner
465 determined by the commission, which shall be:

466 [~~(a)~~] (i) on a numerical scale from one to five, with one representing inadequate
467 performance and five representing outstanding performance; or

468 [~~(b)~~] (ii) in the affirmative or negative, with an option to indicate the respondent's
469 inability to respond in the affirmative or negative.

470 (b) To supplement the responses to questions on either a numerical scale or in the
471 affirmative or negative, the commission may allow respondents to provide written comments.

472 (10) The commission shall compile and make available to each judge that judge's
473 survey results with each of the judge's judicial performance evaluations.

474 (11) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
475 Administrative Rulemaking Act, as necessary to administer the judicial performance survey.

476 Section 4. Section **78A-12-205** is amended to read:

477 **78A-12-205. Minimum performance standards.**

478 (1) The commission shall establish [~~a~~] minimum performance [~~standard~~] standards
479 requiring that:

480 (a) the judge have no more than one [~~formal disciplinary action taken against the~~
481 ~~judge~~] public reprimand issued by the Judicial Conduct Commission or the Utah Supreme
482 Court during the judge's current term; and

483 (b) the judge receive a minimum score on the judicial performance survey as follows:

484 (i) an average score of [~~at least a 3.0~~] no less than ~~3~~ **→** ~~67%~~ **65%** ~~←~~ ~~3~~ on [~~at least 80% of the~~
485 ~~questions, excluding litigant respondents, for questions scored on the numerical scale~~] each
486 survey category as provided in Subsection 78A-12-204(7); and

487 (ii) if the commission includes a question on the survey that does not use the numerical
488 scale, the commission shall establish the minimum performance standard for all questions[;
489 ~~excluding any question to litigant respondents;~~] that do not use the numerical scale to be
490 substantially equivalent to the standard required under Subsection (1)(b)(i).