

1 **JUDICIAL RETENTION ELECTION AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code in relation to a judicial retention election.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that a justice or judge who wishes to retain office shall, in the year the
13 justice or judge is subject to a retention election, file a declaration of candidacy with
14 the lieutenant governor or county clerk within the period beginning on April 1 and
15 ending at 5 p.m. on April 15 in the year of a regular general election.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-12-201**, as last amended by Laws of Utah 2011, Chapters 29, 208, and 327

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

25 Section 1. Section **20A-12-201** is amended to read:

26 **20A-12-201. Judicial appointees -- Retention elections.**

27 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election



28 at the first general election held more than three years after the judge or justice was appointed.

29 (b) After the first retention election:

30 (i) each Supreme Court justice shall be on the regular general election ballot for an
31 unopposed retention election every tenth year; and

32 (ii) each judge of other courts shall be on the regular general election ballot for an
33 unopposed retention election every sixth year.

34 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in
35 the year the justice or judge is subject to a retention election:

36 (i) file a declaration of candidacy [~~as if a candidate for multi-county office in~~
37 ~~accordance with Section 20A-9-202~~] with the lieutenant governor, or with the county clerk in
38 the candidate's county of residence, within the period beginning on April 1 and ending at 5 p.m.
39 on April 15 in the year of a regular general election; and

40 (ii) pay a filing fee of \$50.

41 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice
42 court judge is subject to a retention election:

43 (A) file a declaration of candidacy as if a candidate for county office in accordance
44 with Section 20A-9-202; and

45 (B) pay a filing fee of \$25 for each judicial office.

46 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
47 declaration of candidacy shall identify all of the courts included in the same general election.

48 (iii) If a justice court judge is appointed or elected to more than one judicial office,
49 filing a declaration of candidacy in one county in which one of those courts is located is valid
50 for the courts in any other county.

51 (3) (a) The lieutenant governor shall, no later than August 31 of each regular general
52 election year:

53 (i) transmit a certified list containing the names of the justices of the Supreme Court
54 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
55 county; and

56 (ii) transmit a certified list containing the names of judges of other courts declaring
57 their candidacy to the county clerk of each county in the geographic division in which the judge
58 filing the declaration holds office.

59 (b) Each county clerk shall place the names of justices and judges standing for
60 retention election in the nonpartisan section of the ballot.

61 (4) (a) At the general election, the ballots shall contain, as to each justice or judge of
62 any court to be voted on in the county, the following question:

63 "Shall _____ (name of justice or judge) be retained in the
64 office of _____? (name of office, such as "Justice of the Supreme
65 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
66 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";
67 "Justice Court Judge of (name of county) County or (name of municipality)")

68 Yes ()

69 No ()."

70 (b) If a justice court exists by means of an interlocal agreement under Section
71 78A-7-102, the ballot question for the judge shall include the name of that court.

72 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
73 is retained for the term of office provided by law.

74 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
75 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
76 regular general election.

77 (6) A justice or judge not retained is ineligible for appointment to the office for which
78 the justice or judge was defeated until after the expiration of that term of office.

79 (7) If a justice court judge is standing for retention for more than one office, the county
80 clerk shall place the judge's name on the ballot separately for each office. If the justice court
81 judge receives more no votes than yes votes in one office, but more yes votes than no votes in
82 the other, the justice court judge shall be retained only in the office for which the judge
83 received more yes votes than no votes.

Legislative Review Note
as of 2-24-14 1:35 PM

Office of Legislative Research and General Counsel