

Representative Daniel McCay proposes the following substitute bill:

JUDICIAL RETENTION ELECTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



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

27 **20A-12-201. Judicial appointees -- Retention elections.**

28 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election
29 at the first general election held more than three years after the judge or justice was appointed.

30 (b) After the first retention election:

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

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

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

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

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

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

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

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

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

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

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

56 (i) transmit a certified list containing the names of the justices of the Supreme Court

57 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
58 county; and

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

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

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

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

71 Yes ()

72 No ()."

73 (b) If a justice court exists by means of an interlocal agreement under Section
74 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

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

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

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

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