

**Senator Daniel McCay** proposes the following substitute bill:

**JUDICIAL ELECTION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions regarding a judicial retention election.

**Highlighted Provisions:**

This bill:

► requires the county clerk to include the retention recommendation of the Judicial Retention Evaluation Committee on a judicial retention ballot.

**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 2017, Chapter 81

---

---

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

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

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

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



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

27 (b) After the first retention election:

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

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

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

34 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk  
35 in the candidate's county of residence, within the period beginning on July 1 and ending at 5  
36 p.m. on July 15 in the year of a regular general election; and

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

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

40 (A) file a declaration of candidacy with the lieutenant governor, or with the county  
41 clerk in the candidate's county of residence, within the period beginning on July 1 and ending  
42 at 5 p.m. on July 15 in the year of a regular general election; and

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

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

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

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

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

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

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

59 (4) (a) At the general election, the ballots shall contain, as to each justice or judge of  
60 any court to be voted on in the county[-];

61 (i) notice of:

62 (A) whether the judge or justice received a favorable or unfavorable retention  
63 recommendation from the Judicial Performance Evaluation Commission in accordance with  
64 Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation; and

65 (B) the final vote count of the Judicial Performance Evaluation Commission on the  
66 retention recommendation described in Subsection (4)(a)(i)(A); and

67 (ii) the following question:

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

73 Yes ()

74 No ()."

75 (b) If a justice court exists by means of an interlocal agreement under Section  
76 78A-7-102, the ballot question for the judge shall include the name of that court.

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

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

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

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

88 received more yes votes than no votes.