1  **JUSTICE COURT JUDGE ELECTIONS AMENDMENTS**

2  2022 GENERAL SESSION

3  STATE OF UTAH

4  **Chief Sponsor:  Jon Hawkins**

5  Senate Sponsor:  Todd D. Weiler

6

7  **LONG TITLE**

8  **General Description:**

9      This bill amends provisions related to retention elections for justice court judges.

10  **Highlighted Provisions:**

11      This bill:

12      ‣  amends the ballot requirements for a retention election of a justice court judge; and

13      ‣  makes technical and conforming changes.

14  **Money Appropriated in this Bill:**

15      None

16  **Other Special Clauses:**

17      None

18  **Utah Code Sections Affected:**

19  AMENDS:

20      **20A-12-201**, as last amended by Laws of Utah 2020, Chapter 401

21

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

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

24      **20A-12-201.  Judicial appointees -- Retention elections.**

25      (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:

60         (i)  at the beginning of the judicial retention section of the ballot, the following

61    statement:

62         "Visit judges.utah.gov to learn about the Judicial Performance Evaluation

63    Commission's recommendations for each judge"; and

64         (ii)  as to each justice or judge of any court to be voted on in the county, the following

65    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

83    county clerk shall place the judge's name on the ballot separately for each office.  If the justice

84    court judge receives more no votes than yes votes in one office, but more yes votes than no

85    votes in 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.]

87        (7) (a)  If a justice court judge is standing for retention for one or more judicial offices

88    in a county in which the judge is a county justice court judge or a municipal justice court judge

89    in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any

90    combination thereof, the election officer shall place the judge's name on the county ballot only

91    once for all judicial offices for which the judge seeks to be retained.

92        (b)  If a justice court judge is standing for retention for one or more judicial offices in a

93    municipality of the first, second, or third class, as described in Section 10-2-301, the election

94    officer shall place the judge's name only on the municipal ballot for the voters of the

95    municipality that the judge serves.