

**JUSTICE COURT JUDGE ELECTIONS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**Committee Note:**

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 3 absent

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ amends the ballot requirements for a retention election of a justice court judge; and
- ▶ makes technical and conforming changes.

**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 2020, Chapter 401

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*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.**



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 with the lieutenant governor, or with the county clerk  
38 in the candidate's county of residence, within the period beginning on July 1 and ending at 5  
39 p.m. on July 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 with the lieutenant governor, or with the county  
44 clerk in the candidate's county of residence, within the period beginning on July 1 and ending  
45 at 5 p.m. on July 15 in the year of a regular general election; and

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

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

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

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

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

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

59 filing the declaration holds office.

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

62 (4) (a) At the general election, the ballots shall contain:

63 (i) at the beginning of the judicial retention section of the ballot, the following  
64 statement:

65 "Visit [judges.utah.gov](http://judges.utah.gov) to learn about the Judicial Performance Evaluation  
66 Commission's recommendations for each judge"; and

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

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

74 Yes ()

75 No ()."

76 (b) If a justice court exists by means of an interlocal agreement under Section  
77 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

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

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

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

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

90           (7) (a) If a justice court judge is standing for retention for one or more judicial offices  
91 in a county in which the judge is a county justice court judge or a municipal justice court judge  
92 in a town or municipality of the fourth or fifth class, as described in Section [10-2-301](#), or any  
93 combination thereof, the election officer shall place the judge's name on the county ballot only  
94 once for all judicial offices for which the judge seeks to be retained.

95           (b) If a justice court judge is standing for retention for one or more judicial offices in a  
96 municipality of the first, second, or third class, as described in Section [10-2-301](#), the election  
97 officer shall place the judge's name only on the municipal ballot for the voters of the  
98 municipality that the judge serves.