

MUNICIPAL JUSTICE COURT JUDGE ELECTIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: \_\_\_\_\_

LONG TITLE

General Description:

This bill changes the requirements for a retention election vote for municipal justice court judges and the length of the terms of justice court judges.

Highlighted Provisions:

This bill:

- changes the retention election requirements for municipal justice court judges from the entire county to the municipality where the judge sits; and
reduces the term of justice court judges from six to four years.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-202, as last amended by Laws of Utah 2009, Chapter 146

78A-7-203, as last amended by Laws of Utah 2009, Chapter 146

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

Section 1. Section 78A-7-202 is amended to read:

78A-7-202. Justice court judges to be appointed -- Procedure -- Retention.



28 (1) As used in this section:

29 (a) "Local government executive" means:

30 (i) for a county:

31 (A) the chair of the county commission in a county operating under the county

32 commission or expanded county commission form of county government;

33 (B) the county executive in a county operating under the county executive-council form

34 of county government; and

35 (C) the county manager in a county operating under the council-manager form of

36 county government; and

37 (ii) for a city or town:

38 (A) the mayor of the city or town; or

39 (B) the city manager, in the council-manager form of government described in

40 Subsection 10-3b-103(6).

41 (b) "Local legislative body" means:

42 (i) for a county, the county commission or county council; and

43 (ii) for a city or town, the council of the city or town.

44 (2) There is created in each county a county justice court nominating commission to

45 review applicants and make recommendations to the appointing authority for a justice court

46 position. The commission shall be convened when a new justice court judge position is created

47 or when a vacancy in an existing court occurs for a justice court located within the county.

48 (a) Membership of the justice court nominating commission shall be as follows:

49 (i) one member appointed by:

50 (A) the county commission if the county has a county commission form of

51 government; or

52 (B) the county executive if the county has an executive-council form of government;

53 (ii) one member appointed by the municipalities in the counties as follows:

54 (A) if the county has only one municipality, appointment shall be made by the

55 governing authority of that municipality; or

56 (B) if the county has more than one municipality, appointment shall be made by a

57 municipal selection committee composed of the mayors of each municipality in the county;

58 (iii) one member appointed by the county bar association; and

59 (iv) two members appointed by the governing authority of the jurisdiction where the  
60 judicial office is located.

61 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be  
62 appointed by the regional bar association. If no regional bar association exists, the state bar  
63 association shall make the appointment.

64 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be an elected  
65 official of the county or municipality.

66 (d) The nominating commission shall submit at least two names to the appointing  
67 authority of the jurisdiction expected to be served by the judge. The local government  
68 executive shall appoint a judge from the list submitted and the appointment ratified by the local  
69 legislative body.

70 (e) The state court administrator shall provide staff to the commission. The Judicial  
71 Council shall establish rules and procedures for the conduct of the commission.

72 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through  
73 the Utah State Bar, and other appropriate means.

74 (4) Selection of candidates shall be based on compliance with the requirements for  
75 office and competence to serve as a judge.

76 (5) Once selected, the Judicial Council shall certify the judge as qualified to hold office  
77 upon successful completion of the orientation program.

78 (6) The selection of a person to fill the office of justice court judge is effective upon  
79 certification of the judge by the Judicial Council. A justice court judge may not perform  
80 judicial duties until certified by the Judicial Council.

81 (7) Upon the expiration of a justice court judge's term of office, the judge shall be  
82 subject to an unopposed retention election [~~in the county or counties in which the court to~~  
83 ~~which the judge is appointed is located,~~] in accordance with the procedures set forth in Section  
84 20A-12-201[-]:

85 (a) in the county or counties in which the court to which the judge is appointed is  
86 located if the judge is a county justice court judge; or

87 (b) in the municipality in which the court to which the judge is appointed is located if  
88 the judge is a municipal justice court judge.

89 (8) Before each retention election, each justice court judge shall be evaluated in

90 accordance with the performance evaluation program established in Subsection 78A-2-104(5).

91 Section 2. Section **78A-7-203** is amended to read:

92 **78A-7-203. Term of office for justice court judge.**

93 (1) The term of a justice court judge is [~~six~~] four years beginning the first Monday in  
94 January following the date of election.

95 (2) Notwithstanding Section 20A-12-201, justice court judges holding office or  
96 appointed to fill any vacancy before January 1, 2009 will stand for election in the 2010 general  
97 election, unless a municipal justice court judge chooses not to stand for election.

98 (3) (a) Notwithstanding Section 20A-12-201, any municipal justice court judge holding  
99 office on January 1, 2009 may serve out their current term if the judge:

100 (i) stands for retention election in 2010, and is not retained in that election; or

101 (ii) chooses not to stand for election in 2010.

102 (b) A vacancy shall then exist in the office on the first Monday in February 2012.

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**Legislative Review Note**  
**as of 1-11-11 3:17 PM**

**Office of Legislative Research and General Counsel**