

MUNICIPAL GOVERNMENT CHANGES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John R. Westwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends language related to a council-manager form of government.

Highlighted Provisions:

This bill:

▶ allows the municipal council in the council-manager form of government to change the title of mayor or manager; and

▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3b-103, as last amended by Laws of Utah 2011, Chapter 209

20A-1-102, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391

78A-7-202, as last amended by Laws of Utah 2012, Chapter 205

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

Section 1. Section **10-3b-103** is amended to read:

10-3b-103. Forms of municipal government -- Form of government for towns --



28 **Former council-manager form.**

29 (1) A municipality operating on May 4, 2008, under the council-mayor form of
30 government:

31 (a) shall, on and after May 5, 2008:

32 (i) operate under a council-mayor form of government, as defined in Section
33 10-3b-102; and

34 (ii) be subject to:

35 (A) this part;

36 (B) Part 2, Council-mayor Form of Municipal Government;

37 (C) Part 5, Changing to Another Form of Municipal Government; and

38 (D) except as provided in Subsection (1)(b), other applicable provisions of this title;

39 and

40 (b) is not subject to:

41 (i) Part 3, Six-member Council Form of Municipal Government; or

42 (ii) Part 4, Five-member Council Form of Municipal Government.

43 (2) A municipality operating on May 4, 2008 under a form of government known under
44 the law then in effect as the six-member council form:

45 (a) shall, on and after May 5, 2008, and whether or not the council has adopted an
46 ordinance appointing a manager for the municipality:

47 (i) operate under a six-member council form of government, as defined in Section
48 10-3b-102;

49 (ii) be subject to:

50 (A) this part;

51 (B) Part 3, Six-member Council Form of Municipal Government;

52 (C) Part 5, Changing to Another Form of Municipal Government; and

53 (D) except as provided in Subsection (2)(b), other applicable provisions of this title;

54 and

55 (b) is not subject to:

56 (i) Part 2, Council-mayor Form of Municipal Government; or

57 (ii) Part 4, Five-member Council Form of Municipal Government.

58 (3) A municipality operating on May 4, 2008, under a form of government known

59 under the law then in effect as the five-member council form:

60 (a) shall, on and after May 5, 2008:

61 (i) operate under a five-member council form of government, as defined in Section
62 10-3b-102;

63 (ii) be subject to:

64 (A) this part;

65 (B) Part 4, Five-member Council Form of Municipal Government;

66 (C) Part 5, Changing to Another Form of Municipal Government; and

67 (D) except as provided in Subsection (3)(b), other applicable provisions of this title;

68 and

69 (b) is not subject to:

70 (i) Part 2, Council-mayor Form of Municipal Government; or

71 (ii) Part 3, Six-member Council Form of Municipal Government.

72 (4) Subject to Subsection (5), each municipality incorporated on or after May 5, 2008,

73 shall operate under:

74 (a) the council-mayor form of government, with a five-member council;

75 (b) the council-mayor form of government, with a seven-member council;

76 (c) the six-member council form of government; or

77 (d) the five-member council form of government.

78 (5) Each town shall operate under a five-member council form of government unless:

79 (a) before May 5, 2008, the town has changed to another form of municipal

80 government; or

81 (b) on or after May 5, 2008, the town changes its form of government as provided in

82 Part 5, Changing to Another Form of Municipal Government.

83 (6) (a) As used in this Subsection (6), "council-manager form of government" means
84 the form of municipal government:

85 (i) provided for in Laws of Utah 1977, Chapter 48;

86 (ii) that cannot be adopted without voter approval; and

87 (iii) that provides for, subject to Subsections (7) and (8), an appointed manager with
88 duties and responsibilities established in Laws of Utah 1977, Chapter 48.

89 (b) A municipality operating on May 4, 2008, under the council-manager form of

90 government:

91 (i) shall:

92 (A) continue to operate, on and after May 5, 2008, under the council-manager form of
93 government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

94 (B) be subject to:

95 (I) this Subsection (6) and other applicable provisions of this part;

96 (II) Part 5, Changing to Another Form of Municipal Government; and

97 (III) except as provided in Subsection (6)(b)(ii), other applicable provisions of this

98 title; [~~and~~]

99 (ii) may designate by majority vote of the council to change the title of:

100 (A) mayor to council chair; or

101 (B) manager to executive chair; and

102 [~~(ii)~~] (iii) is not subject to:

103 (A) Part 2, Council-mayor Form of Municipal Government;

104 (B) Part 3, Six-member Council Form of Municipal Government; or

105 (C) Part 4, Five-member Council Form of Municipal Government.

106 (7) (a) As used in this Subsection (7), "interim vacancy period" means the period of
107 time that:

108 (i) begins on the day on which a municipal general election described in Section
109 10-3-201 is held to elect a council member; and

110 (ii) ends on the day on which the council member-elect begins the council member's
111 term.

112 (b) (i) The council may not appoint a manager during an interim vacancy period.

113 (ii) Notwithstanding Subsection (7)(b)(i):

114 (A) the council may appoint an interim manager during an interim vacancy period; and

115 (B) the interim manager's term shall expire once a new manager is appointed by the
116 new administration after the interim vacancy period has ended.

117 (c) Subsection (7)(b) does not apply if all the council members who held office on the
118 day of the municipal general election whose term of office was vacant for the election are
119 re-elected to the council for the following term.

120 (8) A council that appoints a manager in accordance with this section may not, on or

121 after May 10, 2011, enter into an employment contract that contains an automatic renewal
122 provision with the manager.

123 (9) Nothing in this section may be construed to prevent or limit a municipality
124 operating under any form of municipal government from changing to another form of
125 government as provided in Part 5, Changing to Another Form of Municipal Government.

126 Section 2. Section **20A-1-102** is amended to read:

127 **20A-1-102. Definitions.**

128 As used in this title:

129 (1) "Active voter" means a registered voter who has not been classified as an inactive
130 voter by the county clerk.

131 (2) "Automatic tabulating equipment" means apparatus that automatically examines
132 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

133 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
134 upon which a voter records the voter's votes.

135 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
136 envelopes.

137 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

138 (a) contain the names of offices and candidates and statements of ballot propositions to
139 be voted on; and

140 (b) are used in conjunction with ballot sheets that do not display that information.

141 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
142 on the ballot for their approval or rejection including:

143 (a) an opinion question specifically authorized by the Legislature;

144 (b) a constitutional amendment;

145 (c) an initiative;

146 (d) a referendum;

147 (e) a bond proposition;

148 (f) a judicial retention question;

149 (g) an incorporation of a city or town; or

150 (h) any other ballot question specifically authorized by the Legislature.

151 (6) "Ballot sheet":

- 152 (a) means a ballot that:
- 153 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 154 (ii) can be counted using automatic tabulating equipment; and
- 155 (b) includes punch card ballots and other ballots that are machine-countable.
- 156 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 157 together with a staple or stitch in at least three places across the top of the paper in the blank
- 158 space reserved for securing the paper.
- 159 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 160 [20A-4-306](#) to canvass election returns.
- 161 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 162 the proposed issuance of bonds by a government entity.
- 163 (10) "Book voter registration form" means voter registration forms contained in a
- 164 bound book that are used by election officers and registration agents to register persons to vote.
- 165 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 166 charge by the sender.
- 167 (12) "By-mail voter registration form" means a voter registration form designed to be
- 168 completed by the voter and mailed to the election officer.
- 169 (13) "Canvass" means the review of election returns and the official declaration of
- 170 election results by the board of canvassers.
- 171 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 172 the canvass.
- 173 (15) "Contracting election officer" means an election officer who enters into a contract
- 174 or interlocal agreement with a provider election officer.
- 175 (16) "Convention" means the political party convention at which party officers and
- 176 delegates are selected.
- 177 (17) "Counting center" means one or more locations selected by the election officer in
- 178 charge of the election for the automatic counting of ballots.
- 179 (18) "Counting judge" means a poll worker designated to count the ballots during
- 180 election day.
- 181 (19) "Counting poll watcher" means a person selected as provided in Section
- 182 [20A-3-201](#) to witness the counting of ballots.

183 (20) "Counting room" means a suitable and convenient private place or room,
184 immediately adjoining the place where the election is being held, for use by the poll workers
185 and counting judges to count ballots during election day.

186 (21) "County officers" means those county officers that are required by law to be
187 elected.

188 (22) "Date of the election" or "election day" or "day of the election":

189 (a) means the day that is specified in the calendar year as the day that the election
190 occurs; and

191 (b) does not include:

192 (i) deadlines established for absentee voting; or

193 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
194 Voting.

195 (23) "Elected official" means:

196 (a) a person elected to an office under Section 20A-1-303;

197 (b) a person who is considered to be elected to a municipal office in accordance with
198 Subsection 20A-1-206(1)(c)(ii); or

199 (c) a person who is considered to be elected to a local district office in accordance with
200 Subsection 20A-1-206(3)(c)(ii).

201 (24) "Election" means a regular general election, a municipal general election, a
202 statewide special election, a local special election, a regular primary election, a municipal
203 primary election, and a local district election.

204 (25) "Election Assistance Commission" means the commission established by Public
205 Law 107-252, the Help America Vote Act of 2002.

206 (26) "Election cycle" means the period beginning on the first day persons are eligible to
207 file declarations of candidacy and ending when the canvass is completed.

208 (27) "Election judge" means a poll worker that is assigned to:

209 (a) preside over other poll workers at a polling place;

210 (b) act as the presiding election judge; or

211 (c) serve as a canvassing judge, counting judge, or receiving judge.

212 (28) "Election officer" means:

213 (a) the lieutenant governor, for all statewide ballots and elections;

- 214 (b) the county clerk for:
- 215 (i) a county ballot and election; and
- 216 (ii) a ballot and election as a provider election officer as provided in Section
- 217 [20A-5-400.1](#) or [20A-5-400.5](#);
- 218 (c) the municipal clerk for:
- 219 (i) a municipal ballot and election; and
- 220 (ii) a ballot and election as a provider election officer as provided in Section
- 221 [20A-5-400.1](#) or [20A-5-400.5](#);
- 222 (d) the local district clerk or chief executive officer for:
- 223 (i) a local district ballot and election; and
- 224 (ii) a ballot and election as a provider election officer as provided in Section
- 225 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 226 (e) the business administrator or superintendent of a school district for:
- 227 (i) a school district ballot and election; and
- 228 (ii) a ballot and election as a provider election officer as provided in Section
- 229 [20A-5-400.1](#) or [20A-5-400.5](#).
- 230 (29) "Election official" means any election officer, election judge, or poll worker.
- 231 (30) "Election results" means:
- 232 (a) for an election other than a bond election, the count of votes cast in the election and
- 233 the election returns requested by the board of canvassers; or
- 234 (b) for bond elections, the count of those votes cast for and against the bond
- 235 proposition plus any or all of the election returns that the board of canvassers may request.
- 236 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 237 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 238 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 239 form, and the total votes cast form.
- 240 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 241 device or other voting device that records and stores ballot information by electronic means.
- 242 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 243 or logically associated with a record and executed or adopted by a person with the intent to sign
- 244 the record.

245 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

246 (b) "Electronic voting device" includes a direct recording electronic voting device.

247 (35) "Inactive voter" means a registered voter who has:

248 (a) been sent the notice required by Section 20A-2-306; and

249 (b) failed to respond to that notice.

250 (36) "Inspecting poll watcher" means a person selected as provided in this title to
251 witness the receipt and safe deposit of voted and counted ballots.

252 (37) "Judicial office" means the office filled by any judicial officer.

253 (38) "Judicial officer" means any justice or judge of a court of record or any county
254 court judge.

255 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
256 Local Government Entities - Local Districts, and includes a special service district under Title
257 17D, Chapter 1, Special Service District Act.

258 (40) "Local district officers" means those local district board members that are required
259 by law to be elected.

260 (41) "Local election" means a regular county election, a regular municipal election, a
261 municipal primary election, a local special election, a local district election, and a bond
262 election.

263 (42) "Local political subdivision" means a county, a municipality, a local district, or a
264 local school district.

265 (43) "Local special election" means a special election called by the governing body of a
266 local political subdivision in which all registered voters of the local political subdivision may
267 vote.

268 (44) "Municipal executive" means:

269 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
270 or

271 (b) the mayor or, if applicable, council chair in the council-manager form of
272 government defined in Subsection 10-3b-103(6).

273 (45) "Municipal general election" means the election held in municipalities and, as
274 applicable, local districts on the first Tuesday after the first Monday in November of each
275 odd-numbered year for the purposes established in Section 20A-1-202.

276 (46) "Municipal legislative body" means the council of the city or town in any form of
277 municipal government.

278 (47) "Municipal office" means an elective office in a municipality.

279 (48) "Municipal officers" means those municipal officers that are required by law to be
280 elected.

281 (49) "Municipal primary election" means an election held to nominate candidates for
282 municipal office.

283 (50) "Official ballot" means the ballots distributed by the election officer to the poll
284 workers to be given to voters to record their votes.

285 (51) "Official endorsement" means:

286 (a) the information on the ballot that identifies:

287 (i) the ballot as an official ballot;

288 (ii) the date of the election; and

289 (iii) the facsimile signature of the election officer; and

290 (b) the information on the ballot stub that identifies:

291 (i) the poll worker's initials; and

292 (ii) the ballot number.

293 (52) "Official register" means the official record furnished to election officials by the
294 election officer that contains the information required by Section [20A-5-401](#).

295 (53) "Paper ballot" means a paper that contains:

296 (a) the names of offices and candidates and statements of ballot propositions to be
297 voted on; and

298 (b) spaces for the voter to record the voter's vote for each office and for or against each
299 ballot proposition.

300 (54) "Pilot project" means the election day voter registration pilot project created in
301 Section [20A-4-108](#).

302 (55) "Political party" means an organization of registered voters that has qualified to
303 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
304 and Procedures.

305 (56) "Pollbook" means a record of the names of voters in the order that they appear to
306 cast votes.

- 307 (57) "Polling place" means the building where voting is conducted.
- 308 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
309 election, voting, or counting votes.
- 310 (b) "Poll worker" includes election judges.
- 311 (c) "Poll worker" does not include a watcher.
- 312 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
313 in which the voter marks the voter's choice.
- 314 (60) "Primary convention" means the political party conventions held during the year
315 of the regular general election.
- 316 (61) "Protective counter" means a separate counter, which cannot be reset, that:
- 317 (a) is built into a voting machine; and
- 318 (b) records the total number of movements of the operating lever.
- 319 (62) "Provider election officer" means an election officer who enters into a contract or
320 interlocal agreement with a contracting election officer to conduct an election for the
321 contracting election officer's local political subdivision in accordance with Section
322 [20A-5-400.1](#).
- 323 (63) "Provisional ballot" means a ballot voted provisionally by a person:
- 324 (a) whose name is not listed on the official register at the polling place;
- 325 (b) whose legal right to vote is challenged as provided in this title; or
- 326 (c) whose identity was not sufficiently established by a poll worker.
- 327 (64) "Provisional ballot envelope" means an envelope printed in the form required by
328 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
329 verify a person's legal right to vote.
- 330 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the
331 duties of the position for which the person was elected.
- 332 (66) "Receiving judge" means the poll worker that checks the voter's name in the
333 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
334 after the voter has voted.
- 335 (67) "Registration form" means a book voter registration form and a by-mail voter
336 registration form.
- 337 (68) "Regular ballot" means a ballot that is not a provisional ballot.

338 (69) "Regular general election" means the election held throughout the state on the first
339 Tuesday after the first Monday in November of each even-numbered year for the purposes
340 established in Section 20A-1-201.

341 (70) "Regular primary election" means the election on the fourth Tuesday of June of
342 each even-numbered year, to nominate candidates of political parties and candidates for
343 nonpartisan local school board positions to advance to the regular general election.

344 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

345 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
346 and distributed as provided in Section 20A-5-405.

347 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or
348 punch the ballot for one or more candidates who are members of different political parties.

349 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into
350 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
351 the voter's vote.

352 (75) "Special election" means an election held as authorized by Section 20A-1-203.

353 (76) "Spoiled ballot" means each ballot that:

354 (a) is spoiled by the voter;

355 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

356 (c) lacks the official endorsement.

357 (77) "Statewide special election" means a special election called by the governor or the
358 Legislature in which all registered voters in Utah may vote.

359 (78) "Stub" means the detachable part of each ballot.

360 (79) "Substitute ballots" means replacement ballots provided by an election officer to
361 the poll workers when the official ballots are lost or stolen.

362 (80) "Ticket" means each list of candidates for each political party or for each group of
363 petitioners.

364 (81) "Transfer case" means the sealed box used to transport voted ballots to the
365 counting center.

366 (82) "Vacancy" means the absence of a person to serve in any position created by
367 statute, whether that absence occurs because of death, disability, disqualification, resignation,
368 or other cause.

- 369 (83) "Valid voter identification" means:
- 370 (a) a form of identification that bears the name and photograph of the voter which may
- 371 include:
- 372 (i) a currently valid Utah driver license;
- 373 (ii) a currently valid identification card that is issued by:
- 374 (A) the state; or
- 375 (B) a branch, department, or agency of the United States;
- 376 (iii) a currently valid Utah permit to carry a concealed weapon;
- 377 (iv) a currently valid United States passport; or
- 378 (v) a currently valid United States military identification card;
- 379 (b) one of the following identification cards, whether or not the card includes a
- 380 photograph of the voter:
- 381 (i) a valid tribal identification card;
- 382 (ii) a Bureau of Indian Affairs card; or
- 383 (iii) a tribal treaty card; or
- 384 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 385 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 386 may include:
- 387 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 388 election;
- 389 (ii) a bank or other financial account statement, or a legible copy thereof;
- 390 (iii) a certified birth certificate;
- 391 (iv) a valid Social Security card;
- 392 (v) a check issued by the state or the federal government or a legible copy thereof;
- 393 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 394 (vii) a currently valid Utah hunting or fishing license;
- 395 (viii) certified naturalization documentation;
- 396 (ix) a currently valid license issued by an authorized agency of the United States;
- 397 (x) a certified copy of court records showing the voter's adoption or name change;
- 398 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 399 (xii) a currently valid identification card issued by:

- 400 (A) a local government within the state;
- 401 (B) an employer for an employee; or
- 402 (C) a college, university, technical school, or professional school located within the
- 403 state; or
- 404 (xiii) a current Utah vehicle registration.
- 405 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 406 candidate by following the procedures and requirements of this title.
- 407 (85) "Voter" means a person who:
- 408 (a) meets the requirements for voting in an election;
- 409 (b) meets the requirements of election registration;
- 410 (c) is registered to vote; and
- 411 (d) is listed in the official register book.
- 412 (86) "Voter registration deadline" means the registration deadline provided in Section
- 413 [20A-2-102.5](#).
- 414 (87) "Voting area" means the area within six feet of the voting booths, voting
- 415 machines, and ballot box.
- 416 (88) "Voting booth" means:
- 417 (a) the space or compartment within a polling place that is provided for the preparation
- 418 of ballots, including the voting machine enclosure or curtain; or
- 419 (b) a voting device that is free standing.
- 420 (89) "Voting device" means:
- 421 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 422 piercing the ballots by the voter;
- 423 (b) a device for marking the ballots with ink or another substance;
- 424 (c) an electronic voting device or other device used to make selections and cast a ballot
- 425 electronically, or any component thereof;
- 426 (d) an automated voting system under Section [20A-5-302](#); or
- 427 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 428 by means of automatic tabulating equipment.
- 429 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 430 and tabulating votes cast by voters at an election.

431 (91) "Voting poll watcher" means a person appointed as provided in this title to
432 witness the distribution of ballots and the voting process.

433 (92) "Voting precinct" means the smallest voting unit established as provided by law
434 within which qualified voters vote at one polling place.

435 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
436 poll watcher, and a testing watcher.

437 (94) "Western States Presidential Primary" means the election established in Chapter 9,
438 Part 8, Western States Presidential Primary.

439 (95) "Write-in ballot" means a ballot containing any write-in votes.

440 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the
441 ballot according to the procedures established in this title.

442 Section 3. Section **78A-7-202** is amended to read:

443 **78A-7-202. Justice court judges to be appointed -- Procedure.**

444 (1) As used in this section:

445 (a) "Local government executive" means:

446 (i) for a county:

447 (A) the chair of the county commission in a county operating under the county
448 commission or expanded county commission form of county government;

449 (B) the county executive in a county operating under the county executive-council form
450 of county government; and

451 (C) the county manager in a county operating under the council-manager form of
452 county government; and

453 (ii) for a city or town:

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

455 (B) the city manager or, if applicable, executive chair, in the council-manager form of
456 government described in Subsection [10-3b-103\(6\)](#).

457 (b) "Local legislative body" means:

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

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

460 (2) There is created in each county a county justice court nominating commission to
461 review applicants and make recommendations to the appointing authority for a justice court

462 position. The commission shall be convened when a new justice court judge position is created
463 or when a vacancy in an existing court occurs for a justice court located within the county.

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

465 (i) one member appointed by:

466 (A) the county commission if the county has a county commission form of
467 government; or

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

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

470 (A) if the county has only one municipality, appointment shall be made by the
471 governing authority of that municipality; or

472 (B) if the county has more than one municipality, appointment shall be made by a
473 municipal selection committee composed of the mayors of each municipality in the county;

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

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

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

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

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

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

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

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

492 (5) Once selected, every prospective justice court judge shall attend an orientation

493 seminar conducted under the direction of the Judicial Council. Upon completion of the
494 orientation program, the Judicial Council shall certify the justice court judge as qualified to
495 hold office.

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

Legislative Review Note
as of 2-4-15 5:10 PM

Office of Legislative Research and General Counsel