

Senator Daniel McCay proposes the following substitute bill:

JUDICIAL ELECTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Timothy D. Hawkes

LONG TITLE

General Description:

This bill provides information requirements related to a judicial retention election.

Highlighted Provisions:

This bill:

▶ requires the Judicial Retention Evaluation Commission's website address to be included on:

- a general election ballot; and
- the electronic voter information website; and

▶ requires other information related to the Judicial Retention Evaluation Commission be included on the electronic voter information website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-801, as last amended by Laws of Utah 2019, Chapter 255

20A-12-201, as last amended by Laws of Utah 2017, Chapter 81



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

Section 1. Section **20A-7-801** is amended to read:

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election; and

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the ~~[Judicial Council]~~ Judicial Performance Evaluation Commission describing the judicial selection and retention process;

(b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, judges.utah.gov;

(c) a link to the retention recommendation made by the Judicial Performance Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation, for each judicial appointee to a court that is subject to a retention election, in accordance with Section [20A-12-201](#), for the upcoming general election;

~~(d)~~ (d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

~~(e)~~ (e) a list that contains the name of a political subdivision that operates an election day voting center under Section [20A-3-703](#) and the location of the election day voting center;

~~(f)~~ (f) other information determined appropriate by the lieutenant governor that is

57 currently being provided by law, rule, or ordinance in relation to candidates and ballot
58 questions; and

59 ~~(e)~~ (g) any differences in voting method, time, or location designated by the
60 lieutenant governor under Subsection 20A-1-308(2).

61 (4) (a) An election official shall submit the following information for each ballot label
62 under the election official's direct responsibility under this title:

63 (i) a list of all candidates for each office;

64 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later
65 than 45 days before the primary election or before 5 p.m. no later than 60 days before the
66 general election:

67 (A) a statement of qualifications, not exceeding 200 words in length, for each
68 candidate;

69 (B) the following current biographical information if desired by the candidate, current:

70 (I) age;

71 (II) occupation;

72 (III) city of residence;

73 (IV) years of residence in current city; and

74 (V) email address; and

75 (C) a single web address where voters may access more information about the
76 candidate and the candidate's views; and

77 (iii) factual information pertaining to all ballot propositions submitted to the voters,
78 including:

79 (A) a copy of the number and ballot title of each ballot proposition;

80 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
81 vote was required to place the ballot proposition on the ballot;

82 (C) a complete copy of the text of each ballot proposition, with all new language
83 underlined and all deleted language placed within brackets; and

84 (D) other factual information determined helpful by the election official.

85 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
86 governor no later than one business day after the deadline under Subsection (4)(a) for each
87 general election year and each municipal election year.

88 (c) The lieutenant governor shall:

89 (i) review the information submitted under this section, to determine compliance under
90 this section, prior to placing it on the website;

91 (ii) refuse to post information submitted under this section on the website if it is not in
92 compliance with the provisions of this section; and

93 (iii) organize, format, and arrange the information submitted under this section for the
94 website.

95 (d) The lieutenant governor may refuse to include information the lieutenant governor
96 determines is not in keeping with:

97 (i) Utah voter needs;

98 (ii) public decency; or

99 (iii) the purposes, organization, or uniformity of the website.

100 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
101 Subsection (5).

102 (5) (a) A person whose information is refused under Subsection (4), and who is
103 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
104 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.
105 A notice of appeal submitted under this Subsection (5)(a) shall contain:

106 (i) a listing of each objection to the lieutenant governor's determination; and

107 (ii) the basis for each objection.

108 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
109 response within 10 business days after the day on which the notice of appeal is submitted.

110 (c) An appeal of the response of the lieutenant governor shall be made to the district
111 court, which shall review the matter de novo.

112 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
113 enter the voter's address information on the website to retrieve information on which offices,
114 candidates, and ballot propositions will be on the voter's ballot at the next general election or
115 municipal election.

116 (b) The information on the website will anticipate and answer frequent voter questions
117 including the following:

118 (i) what offices are up in the current year for which the voter may cast a vote;

- 119 (ii) who is running for what office and who is the incumbent, if any;
 - 120 (iii) what address each candidate may be reached at and how the candidate may be
 - 121 contacted;
 - 122 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
 - 123 (v) what qualifications have been submitted by each candidate;
 - 124 (vi) where additional information on each candidate may be obtained;
 - 125 (vii) what ballot propositions will be on the ballot; and
 - 126 (viii) what judges are up for retention election.
- 127 (7) As resources are made available and in cooperation with the county clerks, the
- 128 lieutenant governor may expand the electronic voter information website program to include
- 129 the same information as provided under this section for special elections and primary elections.

130 Section 2. Section **20A-12-201** is amended to read:

131 **20A-12-201. Judicial appointees -- Retention elections.**

- 132 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election
- 133 at the first general election held more than three years after the judge or justice was appointed.
- 134 (b) After the first retention election:
- 135 (i) each Supreme Court justice shall be on the regular general election ballot for an
 - 136 unopposed retention election every tenth year; and
 - 137 (ii) each judge of other courts shall be on the regular general election ballot for an
 - 138 unopposed retention election every sixth year.
- 139 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in
- 140 the year the justice or judge is subject to a retention election:
- 141 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk
 - 142 in the candidate's county of residence, within the period beginning on July 1 and ending at 5
 - 143 p.m. on July 15 in the year of a regular general election; and
 - 144 (ii) pay a filing fee of \$50.
- 145 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice
- 146 court judge is subject to a retention election:
- 147 (A) file a declaration of candidacy with the lieutenant governor, or with the county
 - 148 clerk in the candidate's county of residence, within the period beginning on July 1 and ending
 - 149 at 5 p.m. on July 15 in the year of a regular general election; and

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

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

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

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

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

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

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

166 (4) (a) At the general election, the ballots shall contain[=];

167 (i) at the beginning of the of the judicial retention section of the ballot, the following
168 statement:

169 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation
170 Commission's recommendations for each judge"; and

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

173 "Shall _____ (name of justice or judge) be retained in the
174 office of _____? (name of office, such as "Justice of the Supreme
175 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
176 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";
177 "Justice Court Judge of (name of county) County or (name of municipality)")

178 Yes ()

179 No ()."

180 (b) If a justice court exists by means of an interlocal agreement under Section

181 78A-7-102, the ballot question for the judge shall include the name of that court.

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

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

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

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