

**PROPOSAL TO AMEND UTAH CONSTITUTION --  
FILLING JUDICIAL VACANCIES**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the filling of judicial vacancies.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ modify the time within which the governor is required to fill a vacancy in a court of record.

**Special Clauses:**

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2021 for this proposal.

**Utah Constitution Sections Affected:**

AMENDS:

**ARTICLE VIII, SECTION 8**

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 8, to read:

**Article VIII, Section 8. [Vacancies -- Nominating commissions -- Senate approval.]**



28 (1) When a vacancy occurs in a court of record, the governor shall fill the vacancy by  
29 appointment from a list of at least three nominees certified to the governor by the Judicial  
30 Nominating Commission having authority over the vacancy. The governor shall fill the  
31 vacancy within [~~30~~] 45 days after receiving the list of nominees. If the governor fails to fill the  
32 vacancy within the time prescribed, the chief justice of the Supreme Court shall within 20 days  
33 make the appointment from the list of nominees.

34 (2) The Legislature by statute shall provide for the nominating commissions'  
35 composition and procedures. No member of the Legislature may serve as a member of, nor  
36 may the Legislature appoint members to, any Judicial Nominating Commission.

37 (3) The Senate shall consider and render a decision on each judicial appointment  
38 within 60 days of the date of appointment. If necessary, the Senate shall convene itself in  
39 extraordinary session for the purpose of considering judicial appointments. The appointment  
40 shall be effective upon approval of a majority of all members of the Senate. If the Senate fails  
41 to approve the appointment, the office shall be considered vacant and a new nominating  
42 process shall commence.

43 (4) Selection of judges shall be based solely upon consideration of fitness for office  
44 without regard to any partisan political consideration.

45 **Section 2. Submittal to voters.**

46 The lieutenant governor is directed to submit this proposed amendment to the voters of  
47 the state at the next regular general election in the manner provided by law.

48 **Section 3. Contingent effective date.**

49 If the amendment proposed by this joint resolution is approved by a majority of those  
50 voting on it at the next regular general election, the amendment shall take effect on January 1,  
51 2021.