

1 **Proposal to Amend Utah Constitution - Judicial Retention**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This joint resolution of the Utah Legislature proposes to amend the Utah Constitution to
5 modify provisions related to retention of judges.

6 **Highlighted Provisions:**

7 This resolution proposes to amend the Utah Constitution to:

8

- 9 ▶ authorize the Legislature to initiate a special retention process that allows the voters to
10 vote on whether a judge shall remain in office when a judge engages in certain conduct;
11 and

12

- 13 ▶ provide that a judge who is subject to a special retention election is still subject to a
14 regular retention election but that the special retention election may replace the regular
15 retention election if the elections occur in the same year.

16 **Other Special Clauses:**

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

18 This resolution provides a contingent effective date of January 1, 2027 for this proposal.

19 **Utah Constitution Sections Affected:**

20 AMENDS:

21 **Article VIII, Section 9**

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

24 Section 1. It is proposed to amend Utah Constitution, Article VIII, Section 9, to read:

25 **Article VIII, Section 9 . [Judicial retention elections.]**

26 (1) Each appointee to a court of record shall be subject to an unopposed retention
27 election at the first general election held more than three years after appointment.

28 Following initial voter approval, each Supreme Court justice every tenth year, and each
29 judge of other courts of record every sixth year, shall be subject to an unopposed
30 retention election at the corresponding general election. Judicial retention elections shall

31 be held on a nonpartisan ballot in a manner provided by statute. If geographic divisions
32 are provided for any court of record, the judges of those courts shall stand for retention
33 election only in the geographic division to which they are selected.

34 (2) If the Legislature determines that a judge is unfit or incompetent, persistently fails to
35 make timely decisions in a case, or has engaged in conduct that violates the judge's oath
36 of office, is improper, or creates an appearance of impropriety, the Legislature may
37 initiate a process for the judge to be subject to a special retention election as soon as
38 practicable. The Legislature may initiate the special retention election process even if
39 the judge could be liable to impeachment under Article VI, Section 19, or subject to
40 investigation and discipline under Article VIII, Section 13.

41 (3) The Legislature shall provide, in statute, for the process to subject a judge to a special
42 retention election, the manner and timing of the special retention election, and the
43 resolution of any conflicting outcomes from actions under this section, Article VI,
44 Section 19, or Article VIII, Section 13.

45 (4) A judge who is subject to a special retention election is still subject to the regular
46 retention elections described in Subsection (1), except that if the regular retention
47 election would occur in the same year as a special retention election, the special
48 retention election may replace the regular retention election for that year only.

49 **Section 2. Submittal to voters.**

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

52 **Section 3. Contingent effective date.**

53 If the amendment proposed by this joint resolution is approved by a majority of those
54 voting on it at the next regular general election, the amendment shall take effect on January 1,
55 2027.