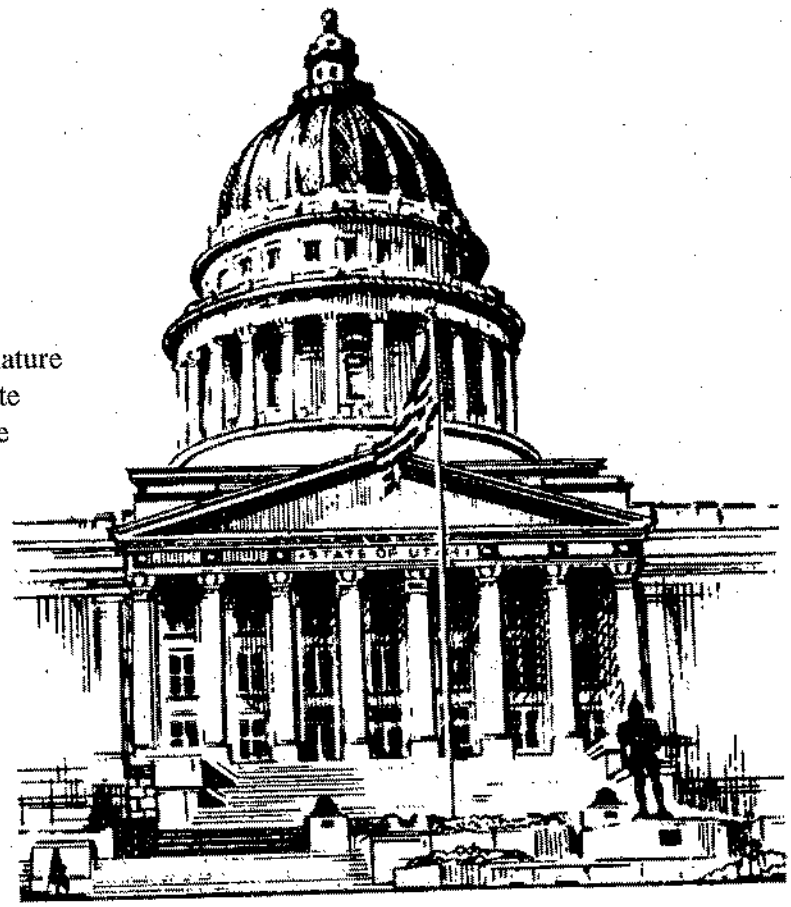
Utah Voter Information Pamphlet

General Election November 8, 1994



Prepared under the direction of
Olene S. Walker
Lieutenant Governor

In Cooperation with the Utah State Legislature
R. Lane Beattie, President of the Senate
Rob W. Bishop, Speaker of the House

Impartial Analysis by
Richard V. Strong, Director
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Information pertaining to
judicial retention provided by
the Judicial Council

MICHAEL O. LEAVITT
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OFFICE OF THE GOVERNOR
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OLENE S. WALKER
LIEUTENANT GOVERNOR

September 29, 1994

Dear Fellow Utahn:

As the 1994 general election approaches, I would like to encourage you to participate by voting on November 8th. As a citizen of the United States and a resident of the state of Utah, you have the right to help choose our public office holders. Citizens in many countries continue to fight for this privilege. The upcoming election will give you a chance to exercise your right to vote.

In this election you will have the opportunity to vote for candidates in federal, state, and local races. In addition, you will be able to vote on the retention of judges, three proposed amendments to the Utah State Constitution, and one initiative.

This Voter Information Pamphlet has been prepared to help you better understand the judicial retention election, the proposed amendments to our state's constitution, and the initiative. This year, the section on the retention of judges has been expanded to include certification and performance information about each judge. This pamphlet also includes information on how you can register to vote and instructions on the actual balloting procedures. The purpose of this publication is to help you be a more informed voter.

I encourage you to study this pamphlet, as well as other sources of election information, before you go to the polls on election day.

Sincerely,

Olene S. Walker
Lieutenant Governor

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INSTRUCTIONS FOR READING THE TEXT OF THE BALLOT PROPOSALS

(1) Underlined words and numbers represent new language being added or current language that is being moved from another section.

(2) Bracketed and lined–through words or numbers represent current language being deleted or current language that is being moved to another section.

(3) All other language is the current language, which is retained without change.

Example: (1) The members of the House of Representatives[~~, after the first election,~~] shall be chosen biennially on even–numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November[~~, 1896, and biennially thereafter~~].

Present Language: The members of the House of Representatives, after the first election, shall be chosen by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter.

Proposed Revision: (1) The members of the House of Representatives shall be chosen biennially on even–numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.

For ◯

Against ◯

Proposition No. 1

RIGHTS OF CRIME VICTIMS

Votes cast by the members of the Legislature at the 1994 General Session on final passage:
HOUSE (75 members): Yeas, 63; Nays 0; Absent, 12.
SENATE (29 members): Yeas, 27; Nays, 0; Absent, 2.

Official Ballot Title:

Shall the Utah Constitution be amended to:

(1) declare that victims of crimes have specific rights as defined and enforced by statute while not creating a cause of action for money damages, costs, or attorney fees, or dismissal of any criminal charge, or relief from any criminal judgment under these provisions;

(2) limit the scope of the preliminary examination to determine probable cause unless otherwise provided by statute; and

(3) allow the use of reliable hearsay evidence to determine probable cause at certain pretrial proceedings?

Impartial Analysis

Proposal

Proposition 1 declares the rights of crime victims in the Utah Constitution by specifically stating the rights they possess, limiting the scope of the preliminary examination to determine probable cause except in certain circumstances, and permitting the use of reliable hearsay evidence to determine probable cause. The provisions regarding victim rights are subject to legislative definition and enforcement, and certain provisions regarding the preliminary examination and certain pretrial proceedings are subject to definition through statute or court rule.

1. Rights of Crime Victims

The Utah Constitution guarantees the rights of the accused in the criminal justice system. Proposition 1 sets forth the rights of the crime victim in the criminal justice system. These provisions declare that victims of crime have the right to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process. Upon request, a victim has the right to be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once the accused has been publicly charged with the crime.

Additionally, there is no evidentiary limit placed on the reliable information the court may receive about a person convicted of an offense for purposes of sentencing. The victim has the right to have the sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider reliable information about the background, character, and conduct of a person convicted of an offense. The information about the background, character, and conduct of a person convicted of an offense cannot be used in capital cases (aggravated murder) or in privileged situations such as confidential communications between a physician and patient. Under the reliable information provision, the victim does not have to testify at a sentencing hearing.

These rights of crime victims extend to all felony crimes, and the Legislature may apply these rights to victims in other crimes or acts, including juvenile offenses.

The declaration of the rights of crime victims cannot be construed to create a cause of action for damages, costs, or attorney's fees. Additionally, defendants have no right to a reversal of a conviction or dismissal of any charges based upon these constitutional provisions. Proposition 1 gives the Legislature the power to define and enforce the proposed section on the rights of crime victims.

2. Preliminary Examination

a. Existing Law

The primary purpose of the preliminary examination (preliminary hearing) is to determine if there is probable cause, or in other words, sufficient evidence, to hold the accused for trial. The preliminary hearing helps the prosecutor decide whether to proceed to trial, the defendant whether to plead guilty and forego a trial, and the magistrate whether to hold the defendant for trial. The preliminary hearing also allows discovery in the case by means of disclosure of certain information and examination of witnesses. It also preserves testimony that might otherwise be unavailable at the trial. For example, if a witness dies before trial, then the written record of the person's testimony at the preliminary hearing may be used at trial.

b. Proposed Changes

Unless otherwise provided by statute, Proposition 1 limits the scope of the preliminary hearing to a determination of probable cause. However, the proposition also provides that the discovery function is retained at preliminary hearings although limited by statute or rule defining what is appropriate.

3. Reliable Hearsay

Hearsay is a statement that is made by a person outside the courtroom which may be retold by another person in the courtroom to prove the truth about something in the case. Under this proposal, reliable hearsay may be used by the magistrate at a preliminary hearing under rules or statutes which define the hearsay standards more broadly than under existing court rules of evidence. For example, a magistrate could rely solely on the law enforcement officer's testimony at the preliminary hearing to determine probable cause when the investigating officer gives the victim's description of the crime. This means that the crime victim need not testify in person and be cross--examined by the defendant's attorney for the court to determine probable cause at this stage of the criminal proceedings. The provisions protecting the use of reliable hearsay may apply also at any pretrial proceeding, such as a bail hearing concerning the release of the defendant.

Effective Date

Proposition 1 takes effect January 1, 1995.

Fiscal Impact

Unless statutes and court rules are implemented and experience is gained under the provisions of the amendment, no reasonable estimate can be made of the net savings or costs associated with these changes in criminal justice proceedings.

Arguments For

Proposition 1 establishes a Bill of Rights for crime victims. Currently crime victims do not have the same constitutional rights as criminal defendants. In fact, they have few rights at all. Proposition 1 will balance the scales of justice by establishing and protecting victims' rights in Utah's constitution.

Criminal defendants have had all of the constitutional rights while crime victims have been ignored. Proposition 1 is part of a nationwide movement to restore balance to the criminal justice system by placing specific rights for crime victims. Proposition 1 is based on successful models in fourteen states which have added constitutional protection for crime victims to their state constitutions.

Proposition 1 will guarantee that victims are treated with fairness, dignity, and respect throughout the criminal justice process. Under the Utah state constitution today, criminal defendants are guaranteed "due process", victims have no constitutional protection. As a result, courts have no constitutional requirement to consider victims' interests. Proposition 1 adopts a reasoned and logical approach and gives both criminal defendants and crime victims interests constitutional protection and fair treatment.

Proposition 1 will allow and encourage victims to participate in the criminal justice process rather than being treated as mere "evidence". Proposition 1 will permit victims to be notified about court hearings, to be present, and to speak (if they wish) when they have relevant information. As a result, the courts will have the benefit of relevant information from the victim.

Proposition 1 will reduce further traumas to crime victims. Under current law, crime victims may be required to testify and be cross–examined at virtually all preliminary hearings. For example, family members who witnessed the murder of their loved ones may be required to testify and be cross–examined about the events, often only a few days after they happened. All federal courts and most state courts allow an investigating police officer to testify at the preliminary hearing. Proposition 1 and an already–approved implementing statute adopt this prevailing approach and spare the victim from testifying until a later trial (if needed).

Proposition 1 is a bi–partisan proposal, with strong community support. Proposition 1 was drafted by the Governor's Council on Victims over many months, in consultation with distinguished study groups and individuals. Proposition 1 passed both the Utah House and Senate virtually unopposed. Proposition 1 has been endorsed by a broad range of groups and individuals, including the Governor, the Attorney General, all five of Utah's elected federal representatives, more than twenty County Attorneys from all parts of the state, the Utah state Domestic Violence Council, the Utah Chiefs of Police Association, the Utah Chapter of the National Committee for the Prevention of Child Abuse, the Utah Sheriffs Association, the Commission on Criminal and Juvenile Justice, the Utah Peace Officers Association, the Legal Aid Society, and the American Association of Retired Persons (AARP) Legislative Committee.

A vote FOR Proposition 1 will assure that the victims of crime have rights too. Vote FOR Proposition 1.

Senator Craig A. Peterson
Senator R. Lane Beattie

Rebuttal To

While it is entirely appropriate for victims to have protection against abuse by the criminal justice system, allowing them to control criminal prosecutions will ultimately result in more injustice.

Contrary to the assertion by proponents, Utah's proposal is unique and goes further than any other state. No one can predict how the courts will interpret this amendment, however certain consequences are foreseeable. Perhaps the most dangerous outcome is the ability for certain defendants to use victims in order to control the outcome of their case. Michael Jackson's recent sexual abuse charge dramatizes the injustice which can occur. Mr. Jackson was able to purchase his alleged victim's silence by paying large sums of money. That result is currently impossible under the Utah prosecution scheme where prosecutors, and not victims, decide to what extent the cases will be pursued.

Under current Utah law, victims are subpoenaed to appear and required to testify, against abusive spouses, or against perpetrators who attempt to intimidate them. Today in Utah, prosecutors decide when and to what extent a case will be pursued. If this proposal passes, silence will be obtained by the rich and by those, who through intimidation, can control what their victims do. Our current system works and there is no need to fix it.

This proposal was written by well–meaning people, however, the voters should not support it. Its passage will result in all citizens losing constitutional rights they now enjoy. It will cost taxpayers money and will ultimately result in more injustice.

Mark Moffat
Richard Mauro
Jim Bradshaw
Utah Association of
Criminal Defense Lawyers

Arguments Against

THE PROPOSED AMENDMENT DENIES UTAH'S CITIZENS THEIR CONSTITUTIONAL RIGHTS.

The Constitution of the State of Utah was adopted in 1896 and affords all citizens certain freedoms and rights. Insofar as the proposed amendment creates for victims the right to be treated with fairness, respect, and dignity, it is worthy of support. To the extent that it eliminates constitutional protections for citizens accused of crime, it cannot be supported. The amendments to article I, § 12 will forever alter the way in which persons accused of crime are treated by eliminating the right of citizens to confront and question their accusers at preliminary hearings. The victim's rights measure will allow hearsay statements in place of live witness testimony. A hearsay statement is unreliable because the person making the statement, observing the event, or discovering the evidence is not present in court and not subject to questioning.

CHANGES TO THE PRELIMINARY HEARING SYSTEM ARE UNNECESSARY.

Preliminary hearings serve a useful and important function in Utah's criminal justice system. At present, preliminary hearings assure that innocent people are not wrongly convicted of crimes by requiring that there be sufficient evidence to warrant a trial. Our Supreme Court has stated that the most important function of a preliminary hearing is to discover the truth and to ensure that groundless prosecutions are dismissed. This function is best served by granting the accused the right to confront and question all witnesses including victims. As demonstrated by O.J. Simpson's preliminary hearing, such questioning allows the prosecution and defense to assess the believability of witnesses and the strengths and weaknesses of their respective cases. Preliminary hearings also narrow the issues for trial.

THE VICTIM'S RIGHTS MEASURE WILL COST TAXPAYERS MONEY.

At present, preliminary hearings promote the settlement of cases saving taxpayers the expense of time-consuming jury trials. By allowing hearsay testimony, neither the prosecution nor defense will have the opportunity to assess the credibility of witnesses or the strength of their cases. As a result, many more cases will go to trial, the cost being passed onto the taxpayer.

ALLOWING HEARSAY AT PRELIMINARY HEARINGS WILL NOT PROTECT VICTIMS.

Admission of hearsay statements at preliminary hearings will cause more cases to go to trial. At trial victims will testify in open courtrooms before a judge and jury. This is more traumatic than a preliminary hearing. The rules presently allow the preliminary hearing courtrooms to be closed in sensitive cases. Victims need only testify before a judge, the accused and both attorneys. In a trial setting, the victims must testify before eight jurors they do not know. The elimination of live testimony at the preliminary hearing will only require victims to appear and testify at a longer and more extensive jury trial, in a far more traumatic setting.

Mike Moffat
Richard Mauro
Jim Bradshaw
Utah Association of
Criminal Defense Lawyers

Rebuttal To

Proposition 1 is opposed principally by the defense bar, a special interest group. Without clearly enumerated victims rights, the system intimidates crime victims and unduly burdens the prosecution of dangerous criminals. Virtually every member of the state legislature and a broad spectrum of citizens groups from all parts of the state support Proposition 1.

Proposition 1 restores traditional rights to the people for preliminary hearings. In Utah, the long-standing approach had been to have police officers testify and be cross-examined at the preliminary hearing rather than subjecting crime victims to this ordeal. Proposition 1 would reestablish this traditional approach, which is followed in most states and all federal courts, by allowing reliable evidence in preliminary hearings when "permitted by the United States Constitution."

Proposition 1 will save the taxpayers money. In contrast to unsupported speculation, a detailed study at the University of Utah College of Law found that Proposition 1 would save the taxpayers more than $920,000 each year by reducing unwarranted expenses associated with preliminary hearings. Similarly, a study published by the *Utah Law Review* found that eliminating the need for victims to testify at preliminary hearings could save as much as $100,000 each year in witnesses expenses in Salt Lake County alone.

Senator Craig A. Peterson

COMPLETE TEXT OF PROPOSITION NO. 1
CONSTITUTIONAL DECLARATION OF THE RIGHTS OF CRIME VICTIMS

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; DECLARING THE RIGHTS OF CRIME VICTIMS IN THE UTAH CONSTITUTION; AMENDING THE RIGHTS OF ACCUSED PERSONS TO LIMIT THE FUNCTION AND PROCEDURES OF PRELIMINARY EXAMINATIONS; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO CHANGE THE UTAH CONSTITUTION AS FOLLOWS:

AMENDS: ARTICLE I, SEC. 12

ENACTS: ARTICLE I, SEC. 28

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 Article I, Sec. 12, Utah Constitution, to read:

Sec. 12. [Rights of accused persons.]

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.

Section 2. It is proposed to enact Article I, Sec. 28, Utah Constitution, to read:

Sec. 28. [Declaration of the rights of crime victims.]

(1) To preserve and protect victims' rights to justice and due process, victims of crimes have these rights, as defined by law:

(a) To be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process;

(b) Upon request, to be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once a criminal information or indictment charging a crime has been publicly filed in court; and

(c) To have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider, without evidentiary limitation, reliable information concerning the background, character, and conduct of a person convicted of an offense except that this subsection does not apply to capital cases or situations involving privileges.

(2) Nothing in this section shall be construed as creating a cause of action for money damages, costs, or attorney's fees, or for dismissing any criminal charge, or relief from any criminal judgment.

(3) The provisions of this section shall extend to all felony crimes and such other crimes or acts, including juvenile offenses, as the Legislature may provide.

(4) The Legislature shall have the power to enforce and define this section by statute.

Section 3. Submittal to Electors.

The lieutenant governor is directed to submit this proposed amendment to the electors of the state of Utah at the next general election in the manner provided by law.

Section 4. Effective Date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1995.

For ◯

Against ◯

Proposition No. 2

CHANGES TO PUBLIC SCHOOL FUNDING

Votes cast by the members of the Legislature at the 1994 General Session on final passage:
HOUSE (75 members): Yeas, 65; Nays, 3; Absent, 7.
SENATE (29 members): Yeas, 22; Nays, 0; Absent, 7.

Official Ballot Title:

Shall the Utah Constitution be amended to:

(1) require the retention of a portion of interest earnings in the State School Fund as added principal, with the remaining interest deposited into the Uniform School Fund;

(2) allow revenue from school trust lands to pay for administration and management of those lands, with unexpended balances deposited into the State School Fund;

(3) require the deposit of revenue from renewable resources on school trust lands into the State School Fund rather than the Uniform School Fund; and

(4) modify other revenue provisions regarding donations, excess interest, and income from sovereign lands?

Impartial Analysis

Proposal

Proposition 2 changes public school funding by increasing and securing the present and future holdings of the State School Fund. It increases the State School Fund's revenues through the retention of a portion of interest earnings as principal, the deposit of unexpended administrative and management balances from the school trust lands, and the deposit of renewable resource revenues from school trust lands. Proposition 2 also modifies other revenue source provisions relating to donations, excess interest, and income from sovereign lands.

1. Present School Funding

School trust lands are lands that Congress granted to the state under the Utah Enabling Act to support common (public) schools. The trust lands are vested in the State as trustee for the schools who are the beneficiaries. The trustee must manage the lands and their revenues to balance the interests of the current beneficiaries for trust income and to preserve trust assets for future beneficiaries.

Public education is a principal activity of state and local government. The state's portion of funding is handled through the State School Fund, the Uniform School Fund, and the General Fund.

The State School Fund is a trust fund with its principal preserved so that income from the fund will be available perpetually to support public education. At present, the principal in the fund comes primarily from the sale of school trust lands and the sale of nonrenewable resources, such as coal and other minerals, taken from school trust lands.

The Uniform School Fund is used yearly to meet the current expenses of operating public education. The Uniform School Fund is created in the Utah Constitution, and it receives revenue from all state income tax, all the investment interest in the State School Fund, and proceeds from renewable resources from school trust lands and other state lands, such as grazing fees and the sale of timber rights.

The General Fund is the primary account which funds state government. If designated revenues in the Uniform School Fund are inadequate to fund education, then General Fund monies may be used to contribute the difference.

2. Proposed Changes to the State School Fund and the Uniform School Fund

a. Interest Earnings

Interest earnings of the State School Fund have historically been deposited into the Uniform School Fund. This proposition requires the State School Fund to retain a portion of those interest earnings and to add those monies to its principal. The interest earnings are to include an inflationary protection with the annual rate of inflation to be determined by the State Treasurer. For example, if the fund has $100,000 principal which generates $10,000 of interest and the rate of inflation is 3 percent, the State School Fund retains $3,000 of the earnings and the remaining $7,000 is deposited into the Uniform School Fund.

b. Administration and Management Funds

This provision clarifies that the Legislature can appropriate revenues from the school trust lands to provide the funding necessary for the proper administration and management of the school trust lands. Unexpended appropriations are to be deposited into the State School Fund at the end of each fiscal year.

c. Renewable Resource Revenues

Renewable resource revenues, such as grazing fees or sales of timber rights, on school trust lands will now be deposited into the State School Fund, rather than the Uniform School Fund. Nonrenewable resource revenues, such as sales of mineral rights, will continue to be deposited into the State School Fund.

d. Other Revenue Sources

Proposition 2 modifies other revenue source provisions relating to donations, excess interest, and income from sovereign lands. Donations and other monies received under any other provision of law may be accepted and deposited into the Uniform School Fund.

Proposition 2 also deletes the unused provision which states that the investment interest generated by the State School Fund, in excess of the amount required by the Uniform School Fund, shall pass to the General Fund. Any income derived from the nonrenewable resources on sovereign lands, such as royalties from minerals extracted from the Great Salt Lake, will no longer be deposited into the State School Fund. By statute, this income will be used to manage sovereign lands.

Effective Date

Proposition 2 takes effect January 1, 1995.

Fiscal Impact

At the end of fiscal year 1994, the State School Fund had a principal in excess of $75 million. During fiscal year 1994, this fund earned approximately $4 million in interest. During that same period, the income from renewable resources on school trust lands was approximately $1.4 million and from nonrenewable resources on sovereign lands was approximately $600,000. If the proposition passes, a certain portion of the earned interest and all the income from the renewable resources will be retained in the State School Fund, rather than made available for current school purposes. These increases in State School Fund principal should enlarge future earnings. The income from nonrenewable resources on sovereign lands will no longer go into the State School Fund.

Arguments For

Prior to statehood, the Federal government owned over 80% of the Territory of Utah. None of that land was subject to the property tax which private landowners paid to support public schools. As a result, at statehood the Federal government gave Utah some seven million acres of land to hold in trust for the support of public schools. The Utah Enabling Act, which transferred the land to the state, required that proceeds from the land be deposited into a permanent fund from which only the interest would be used to support the schools.

The state immediately began selling large tracts of land, often receiving only one dollar per acre. That was not an unreasonable price for land ninety years ago, but today many of those same parcels of land are worth several thousand dollars per acre. Nevertheless, since the interest earned from that one dollar per acre has been spent each year without replacing losses due to inflation, the permanent fund still holds only one dollar for each of those acres.

As a result of Utah's failure to reinvest part of the interest earnings to correct for inflation, we now have much less in our permanent school fund than almost any other state which received school trust lands, and inflation eats away at the value of the fund day after day. HJR 15 will correct that problem. Part of the interest earned by the permanent fund will be reinvested each year, so that inflation will no longer consume the money that was intended to help educate Utah's children.

Other parts of the resolution correct conflicts between the Utah Constitution and the original grant document. For example, the Enabling Act provides that "the proceeds of land herein granted for educational purposes . . . shall constitute a permanent school fund, the interest of which only shall be spent for the support of said schools," but current law only requires proceeds from non–renewable resources to be put into the permanent fund. All other proceeds are simply spent each year. The resolution will require the deposit of all proceeds into the permanent school fund, except for funds required to manage the lands. While the initial effect of the new investment strategy will be a small reduction in current school revenues, increased interest earnings will more than make up for that reduction within nine years.

Because of inadequate laws and a lack of awareness, Utah often failed to act as a prudent trustee of the school trust lands and permanent school fund in past years. HJR 15 and other recent amendments to the law governing management of school trust lands will help prevent that from happening again. Although the lands and the permanent fund currently produce only about 1% of the revenue required for the operation of the public schools, approval of HJR 15 and careful management of school trust lands under the new laws should make it possible for that percentage to increase dramatically, greatly benefiting Utah's schoolchildren for many years to come.

Representative Melvin R. Brown
165 East 7430 South
Midvale, Utah 84047

Rebuttal To

Arguments For Proposition No. 1
(No opposing argument was submitted.)

Arguments Against

(No argument was submitted.)

Rebuttal To

Arguments Against Proposition No. 1
(No opposing argument was submitted.)

COMPLETE TEXT OF PROPOSITION NO. 2
STATE SCHOOL FUND AND UNIFORM SCHOOL FUND CONSTITUTIONAL AMENDMENT

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; RELATING TO PUBLIC SCHOOL FUNDS; PROVIDING THAT ALL REVENUES DERIVED FROM THE USE OF SCHOOL TRUST LANDS SHALL GO TO THE STATE SCHOOL FUND; PROVIDING THAT THE LEGISLATURE MAY MAKE APPROPRIATIONS FROM SCHOOL TRUST LAND REVENUES TO PROVIDE FOR PROPER ADMINISTRATION AND MANAGEMENT OF THOSE LANDS; PROVIDING THAT UNEXPENDED BALANCES FROM THE APPROPRIATION SHALL BE DEPOSITED IN THE STATE SCHOOL FUND; PROVIDING THAT INTEREST FROM THE STATE SCHOOL FUND SHALL BE DEPOSITED IN THE UNIFORM SCHOOL FUND AFTER DEDUCTING AND RETAINING IN THE STATE SCHOOL FUND AN AMOUNT NECESSARY TO PROTECT THE FUND AGAINST LOSSES DUE TO INFLATION; ABOLISHING REVENUES DERIVED FROM NONRENEWABLE RESOURCES ON SCHOOL OR STATE LANDS AS A REVENUE SOURCE FOR THE UNIFORM SCHOOL FUND; ABOLISHING THE PROVISION REQUIRING EXCESS REVENUES TO PASS FROM THE UNIFORM SCHOOL FUND TO THE GENERAL FUND IF THE INTEREST GENERATED BY THE STATE SCHOOL FUND EXCEEDS THE AMOUNT REQUIRED TO FUND THE UNIFORM SCHOOL FUND; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO CHANGE THE UTAH CONSTITUTION AS FOLLOWS:

AMENDS: ARTICLE X, SEC. 5

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 Article X, Sec. 5, Utah Constitution, to read:

Sec. 5. [State School Fund and Uniform School Fund — Establishment and use.]

(1) There is established a permanent State School Fund which shall consist of revenue from the following sources:

(a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;

(b) 5% of the net proceeds from the sales of United States public lands lying within this state;

(c) all revenues derived from nonrenewable resources on [~~school or~~] state lands, other than [~~those~~] sovereign lands and lands granted for other specific purposes; [~~and~~]

(d) all revenues derived from the use of school trust lands; and

(e) other revenues [~~as~~] appropriated by the Legislature.

(2) The State School Fund principal shall be safely invested and held by the state in perpetuity. [~~The~~] Only the interest received from investment of the State School Fund [~~only shall~~] may be expended for the support of the public elementary and secondary schools. [~~The Legislature by statute may provide for necessary administrative costs.~~] The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund. A portion of the interest earnings of the State School Fund, in an amount equal to the total balance in the State School Fund at the close of each calendar year multiplied by the annual rate of inflation for the preceding year, as determined by the state treasurer, shall be retained in the State School Fund and added to the principal. The State School Fund shall be guaranteed by the state against loss or diversion.

[~~(2)~~] (3) There is established a Uniform School Fund which shall consist of revenue from the following sources:

(a) interest from the State School Fund remaining after deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation;

(b) [~~except as~~] revenues appropriated by the Legislature [~~for the State School Fund, revenues derived from renewable resources on school or state lands, other than those granted for specific purposes~~]; and

(c) other revenues [~~which the Legislature may appropriate~~] received by the fund under any other provision of law or by donation. [~~If the interest generated by the State School Fund exceeds the amount required to fund the Uniform School Fund, as appropriated annually by the Legislature, the excess shall pass through to the General Fund.~~]

(4) The Uniform School Fund shall be maintained and used for the support of the state's public elementary and secondary schools and apportioned as the Legislature shall provide.

Section 2. Submittal to Electors.

The lieutenant governor is directed to submit this proposed amendment to the electors of the state of Utah at the next general election in the manner provided by law.

Section 3. Effective Date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1995.

For ◯

Against ◯

Proposition No. 3

Official Ballot Title:

Shall the Utah Constitution be amended to define what constitutes the nonsectarian study of religion in the state education system?

NONSECTARIAN STUDY OF RELIGION

Votes cast by the members of the Legislature at the 1994 General Session on final passage:
HOUSE (75 members): Yeas, 66; Nays, 3; Absent, 6.
SENATE (29 members): Yeas, 24; Nays, 0; Absent, 5.

Impartial Analysis

Proposal

Proposition 3 defines what forms of study in a state education system do not constitute either religious instruction or a sectarian practice forbidden by the Utah Constitution.

Definition Regarding Religious Instruction or Sectarian Practice

The Utah Constitution provides, "No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment." Utah Const. art. 1, § 4. A recent Utah Supreme Court decision interpreted that constitutional provision with regard to religious exercise in a public setting but declined to comment on religious instruction or sectarian practice in a state education setting. Consequently, Proposition 3 specifies what forms of study in a state education setting constitute neither religious instruction nor a sectarian practice forbidden by the Utah Constitution.

Effective Date

Proposition 3 takes effect January 1, 1995.

Fiscal Impact

It is estimated that any costs can be met within the existing resources and budgets of the State Board of Education and local school districts.

Arguments For

This proposed constitutional amendment had overwhelming, bipartisan support in the legislature. It is intended to eliminate an unintended erroneous interpretation of language in the Utah State Constitution.

The concept embodied in this amendment was first advanced by the "Religious Liberties Committee," a group of six legislators and 14 individuals from the community representing various religious and nonreligious persuasions. The "Religious Liberties Committee" was appointed in 1992 to consider issues relating to religious liberties in the Utah Constitution.

During its deliberations, the committee heard testimony from citizens, attorneys and educators from the public school system and the higher education system. Many citizens and educators expressed confusion about what was appropriate and what was not appropriate to include in an educational setting. For example, could a teacher discuss in a classroom the religious motivations of the pilgrims in coming to America? Could a college law class talk about the historical influence of the Ten Commandments on the development of English common law? Could a University offer a course in comparative world religions?

The lawyers advising the committee said that the U.S. Constitution would clearly allow these types of activities. So the Religious Liberties Committee recommended, and the Legislature unanimously passed in 1993, a bill entitled "Recognizing Constitutional Freedoms in School" which was intended to clarify these matters for educators.

After the passage of that bill, several constitutional scholars pointed to language in our state Constitution that could be interpreted to prohibit the very freedoms that the act was intended to preserve and that would be allowed by the U.S. Constitution. Because an act of the Legislature cannot modify or change our state Constitution, they suggested amending the state Constitution.

In 1994, a majority of the members of the Religious Liberties Committee met in an ad hoc meeting to consider this issue. This proposed amendment was discussed and debated. The language of this amendment that you are asked to vote upon was endorsed by all but one of those members and then overwhelmingly passed by the Legislature.

The technical explanation of the language is that Article I sec. 4 prohibits appropriation of state moneys for "religious ... instruction." The new language added to Article X clarifies that the prohibition in Article I sec. 4 does not prohibit instruction about religious, theistic, agnostic or atheistic factors that were part of historical events, cultural heritage, political theory, moral theory or societal values.

The authors of this explanation agree with the prohibition against using state moneys for religious instruction. We just want to make it clear that our schools can, for example, teach history the way it really happened without having to "sanitize" it to remove any mention of the effect of religious or nonreligious beliefs on historical figures.

Byron Harward, Utah State Legislator
Chairperson, Religious Liberty Committee

Kelly C. Atkinson, Utah State Legislator
Member, Religious Liberty Committee

Rebuttal To

I. "CLARIFYING" THE CONSTITUTION

It's misleading to argue that a legislative act cannot modify the Constitution. The Legislature often enacts statutes to "interpret and clarify" the Constitution, and **such acts have the force of law** unless overturned by the Utah Supreme Court.

A constitutional expert advised the Religious Liberty Committee that the **"unintended interpretation" is too unlikely to warrant a constitutional amendment.** He suggested instead that a statute be passed interpreting the Utah Constitution to permit teaching about religion.

That was done, and there is **no chance of that statute being reversed** by the Utah Supreme Court, because, as the proponents admit, the **U.S. Constitution clearly protects these activities.**

That means this unnecessary amendment is just political grandstanding and a waste of tax money.

II. PUSHING THE LIMITS

Across the nation the religious right is campaigning to push the limits of public education towards sectarian indoctrination. **The Rutherford Institute** files law suits to further this objective. In Utah **the First Liberty Institute,** supported by the Department of Education, trains teachers to teach "about" religion, giving lip service to prohibiting indoctrination, but promoting the use of religion to teach "morality." **This proposed amendment is part of that campaign.**

From Revolutionary War times, using religion to teach morality was the excuse given for government religious indoctrination. Thomas Jefferson and James Madison saw the danger of it and were wise enough to prohibit it in the Bill of Rights. Let's sustain their wisdom, reject this amendment, and avoid the lawsuits it invites.

Chris Allen
Society of Separationists
Member, Religious Liberty Committee
535 Park View Drive
Park City, Utah 84060

Richard Andrews
Society of Separationists
1794 W. 700 N. Suite B1
Salt Lake City, Utah 84116

Arguments Against

I. INTERPRETING THE CONSTITUTION

Support for this proposal is **based on a false premise**, that the Religious Liberties section of the Utah Constitution might **outlaw teaching *about* religion or comparative religion**. The U.S. Supreme Court ruled in 1963 in *Murray v. Curlett* that **the study of religion in the public schools, "when presented objectively as part of a secular program of education," is protected by the First Amendment and even encouraged**. [83 S.Ct. 1560 p. 1573 (1963)] Since the U.S. Constitution takes precedence over state constitutions, there's no legal issue here, no doubt to clarify.

The **Utah Supreme Court** interpreted the Religious Liberties section of the Utah Constitution last December in *SOS v. Whitehead* and made its position clear. **The Court reads this section conservatively and will not tolerate extreme interpretations**, especially when the U.S. Supreme Court has said otherwise. Any claim that the Utah Constitution outlaws teaching about religion or comparative religion would be promptly thrown out.

A Utah **statute was passed last year to protect religious expression in public schools**. It provides all the legal support necessary for teaching about religion.

That statute protects our children against teachers that proselytize or endorse religious doctrines, but this **proposal would go into our constitution and it contains none of that protection**.

II. AVOIDING LAWSUITS

Supporters of this proposed amendment claim it **will reduce the risk of lawsuits**, because it will send a message of support for teaching about religion in school.

Just the **opposite is true**. Since legal support for teaching about religion objectively is already guaranteed, **the message sent will be encouragement for *religious indoctrination* in public schools**. Federal courts have consistently ruled that such indoctrination violates the First Amendment, so this proposal is more likely to create lawsuits than prevent them.

III. SEPARATION OF STATE AND CHURCH

The real purpose of this amendment is to strike a blow against Separation of State and Church. This Separation is your constitutionally protected right to be free from government intrusion into your private religious beliefs or lack thereof. It is your protection against religious intolerance in government. Our courts protect this right for children in public schools and some people don't like that.

The author of this proposed amendment is Matthew Hilton, an attorney for the **Rutherford Institute, a national organization that promotes the agenda of the religious right**. Hilton has frankly admitted [*Utah County Journal, 3/26/93*] that **his purpose is to lay the legal foundation for teaching "religious values" in the schools, and to teach that "our heritage presuppose[s] a spiritual realm," and a "creator."**

The legislators behind this proposed amendment also come from the religious right. They spent two years working on another amendment to attack State/Church Separation, then the Utah Supreme Court wrecked their plans and stole their thunder with its conservative ruling in *SOS v. Whitehead*, the City Council Prayer case. **This proposed amendment is a weak substitute for that failed amendment so these legislators can salvage some political gain as heros to the religious right.**

Chris Allen
Society of Separationists, and
Member, Religious Liberty Committee
535 Park View Drive
Park City, Utah 84060

Richard Andrews
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Rebuttal To

Arguments Against Proposition No. 3

It is not true that the U.S. Constitution always takes precedence over state constitutions. If this statement were correct there would be no need for state constitutions. It is entirely likely that even though the U.S. Constitution encourages non-sectarian study of religion, a Utah court if it literally interpreted Article 1, Section 6 of the Utah Constitution could prohibit the study of non-sectarian religion in Utah's public schools. Such a ruling would not violate the U.S. Constitution because the Utah State Constitution is permitted by law to be more restrictive in protecting religious freedoms than the U.S. Constitution. The Religious Liberty Committee heard testimony from constitutional scholars arguing this very point and urging the committee to recommend to the State Legislature a change in the Utah Constitution.

The Religious Liberty Committee, arguably the most religiously diverse committee ever established by the Utah Legislature, voted overwhelmingly to recommend the amendment now before you to the Legislature with the only negative vote being cast by the representative from the Society of Separationists. The Utah State Legislature whole-heartily endorsed the amendment easily obtaining the two-third vote required in both the House and Senate to place the issue before the voters. The amendment is not the work of the religious right or an attempt to save political face, but a well-thought out effort to improve Utah's Constitution.

Byron Harward
Utah State Legislator
Chairperson, Religious Liberty Committee

Kelly C. Atkinson
Utah State Legislator
Member, Religious Liberty Committee

COMPLETE TEXT OF PROPOSITION NO. 3
RESOLUTION ON NONSECTARIAN STUDY OF RELIGION

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; CREATING THE EDUCATION PROVISION WITH REGARD TO THE STUDY OF RELIGION; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION PROPOSES TO CHANGE THE UTAH CONSTITUTION AS FOLLOWS:

ENACTS: ARTICLE X, SEC. 14

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 enact Article X, Sec. 14, Utah Constitution, to read:

Sec. 14. [Nonsectarian study of religion.]

The study of the influence of religion, the comparative study of religions, or the theistic, agnostic, and atheistic assumptions relevant to the educational curriculum, including cultural heritage, political theory, moral theory, scientific thought, or societal values, does not constitute either religious instruction or a sectarian practice forbidden by the Utah Constitution.

Section 2. Submittal to Electors.

The lieutenant governor is directed to submit this proposed amendment to the electors of the state of Utah at the next general election in the manner provided by law.

Section 3. Effective Date.

If approved by the electors of the state, the amendment proposed by this joint resolution shall take effect on January 1, 1995.

For ◯

Against ◯

Initiative A

TERM LIMITS AND ELECTION BY MAJORITY VOTE OR BY RUN–OFF

Official Ballot Title:

Shall a law be enacted to:

(1) create a term limit on each United States Senator, United States Congressional Representative, and each state and county officer, except judges, unless that person held that office on April 15, 1993;

(2) require a run–off election after each general or special election for a federal, state, county, or other political subdivision office in which no candidate received a majority vote for the office; and

(3) provide run–off election procedures specifically for 1994?

Impartial Analysis

Proposal

Initiative A imposes, by law, term limits on United States Senators, United States Congressional Representatives, and on each elected state and county officer, except judges, unless the person running for that office held it on April 15, 1993. Initiative A also requires a run–off election for all races in which no candidate received a majority of the votes cast for the office.

Because Initiative A enacts and amends Utah law, it must conform to the requirements of the United States and Utah Constitutions. Each provision of Initiative A contains a severability clause, which a court might use to invalidate any unconstitutional part of the Initiative without affecting other portions of the Initiative.

1. Term Limits

Initiative A prohibits county clerks and the lieutenant governor from accepting a declaration of candidacy on the filing date from: any person who has held the office of United States Senator for more than eleven years; any person who has held the office of United States Congressional Representative for more than seven years; and any person who has held a county or state office, except a judicial office, for more than seven years. Unless the Initiative's exceptions apply, this means that each person elected to serve as a United States Senator could serve only twelve years in that office and each person elected to serve in an elected Congressional, state, or county office could serve only eight years in that office.

The United States Supreme Court is considering the constitutionality of a statute imposing term limits on United States Senators and United States Congressional Representatives. If the Court declares that statute unconstitutional, the term limits on United States Senators and United States Congressional Representatives in Initiative A probably would be unconstitutional also.

If that portion of the Initiative is declared unconstitutional, the Initiative asks United States Senators and Congressional Representatives from Utah to voluntarily comply with term limits of 12 years and eight years, respectively. The Initiative also states support for a nationwide term limit of 12 years for United States Senators and eight years for United States Congressional Representatives.

Initiative A provides that persons holding public office on April 15, 1993 are not subject to its term limit requirements if they seek election to that same office. This exception may violate the Equal Protection Clauses of the United States and Utah Constitutions.

In 1994, the Utah Legislature enacted a law imposing term limits of 12 years on all state and federal officers. Initiative A's provisions conflict with those limits. For example, the Legislature's law applies term limits to all federal and state officers, but not to county officers. Initiative A's provisions exempt all incumbent federal, state, and county officers from term limits.

2. Run–Off Election If No Majority Vote

a. General Requirements.

Initiative A requires run–off elections throughout the state and any political subdivision of the state for any office if no candidate for the office, regardless of political affiliation, received more than 50% of the vote. This means that there will be a run–off election for each office – federal, state, county, city, town, school district, special district – in which no candidate for the office received over 50% of the votes cast at a general or special election.

Initiative A requires the run–off election to be held the first Tuesday after the fourth Monday in November. This means that Utah voters would vote for candidates in the general election in early November and then vote for run–off candidates in late November.

b. Implementation of Run–Off Election Requirement.

Initiative A implements the run–off election requirement by enacting two and amending four sections of Utah law. The four sections amended by Initiative A were repealed in January, 1993. It is unknown whether or not courts would uphold those parts of Initiative A that attempt to amend laws that no longer exist. If a court decided not to uphold those changes to nonexistent laws, those portions of Initiative A governing run–off elections probably could not be implemented.

c. Run–Off Elections for State Officers and Legislators.

Initiative A requires that a run–off election be held at the end of November for all state offices. Utah's Constitution requires that Utah's Governor, Lieutenant Governor, State Auditor, State Treasurer, and Attorney General, and members of the Utah Legislature be elected on the first Tuesday after the first Monday in November. The provisions of Initiative A making those state officers and legislators subject to a run–off election after the day required by the Constitution are probably unconstitutional.

The Utah Constitution also provides that the state officer candidate having the highest number of votes cast for the office is elected. Initiative A requires that if no candidate receives a majority (more than 50%) of the votes, the top two candidates must participate in a run–off election. Initiative A may violate the Utah Constitution because its run–off requirement establishes an additional requirement not permitted by the Utah Constitution.

3. Run–Off Election for the 1994 Election

Voters will accept or reject Initiative A at the 1994 regular general election. If accepted, the Initiative takes effect on Monday, December 5, 1994. Initiative A provides for a run–off election for each office being filled in the 1994 election if no candidate for that office received a majority of the votes for that office. That provision requires a run–off election on Tuesday, December 6, 1994.

Utah law requires the boards of canvassers to meet in November to issue certificates of election to those candidates who received the highest number of votes. Before December 5, 1994 – the date Initiative A takes effect – the boards of canvassers must have already complied with the law and issued certificates of election. As a result, any run–off election held under Initiative A would be for an office that is already filled.

Effective Date

Initiative A takes effect December 5, 1994.

Fiscal Impact

The costs of a run–off election for a Congressional district, county, municipality, or other political subdivision will vary. A statewide run–off election will cost approximately $380,000.

Arguments For

A Citizen's Movement

Term Limitation is the most significant citizen's grass-roots movement in America today. It is the most meaningful Congressional reform that can be accomplished this year. Runoff elections will make the Utah political system much more fair and open the process to citizens and politicians who are not just part of party establishments. But runoffs are not for political candidates. Runoffs are for the people because they assure election by majority vote, protecting us from a candidate's possibly taking office with only 33.4% of the vote. Runoffs uphold the most basic ideals of the American political process.

The Precedent

George Washington set the example for public officeholders when he voluntarily stepped down from the Presidency after two terms, or eight years, in spite of near-unanimous support for a third term. He did this because he wanted to set an example that government was to be run by citizens—not professional officeholders or professional politicians. The opportunity for public service should be spread among as many citizens as possible.

The Election Cycle

Term limitation is the right way to begin the election cycle. Election officials should not accept filings for office from those who have already served eight years, or, for U.S. Senators, 12 years. Requiring election by majority vote is the right way to end the election cycle, making sure that every public officeholder takes office with the support of a majority of the electorate—not a simple plurality. Those who oppose runoff elections have a vested interest in exercising political power without that power's being based on the will of a majority of the voting citizens.

Achieving Turnover

It is very hard to unseat an incumbent—even one who does not represent their constituents. Ninety-seven percent of members of Congress who run for re-election are re-elected. No wonder. They get, on average, about $250,000 worth of free mailing during the election cycle. They use their taxpayer-supported $1.5 million/year staffs to campaign for them. An incumbent automatically gets about $400,000 to $500,000 from special interests and PACS. They get these advantages simply because they are in office. Our founding fathers envisioned turnover among public officeholders. The only practical way to achieve turnover is to have term limitation.

A National Movement

Seventeen states have already passed term limitation. Eight more states, including Utah, are set to pass term limitation this November. Success for term limitation at the ballot box will provide the momentum to persuade Congress to pass a Term Limitation Constitutional Amendment that will put all the states on a level playing field. This amendment will be similar to the amendment Congress passed years ago to limit the President to eight years in office. Existing officeholders are grandfathered in the term limitation initiative because term limitation is not directed against any current officeholder, but is for Utah's future and for America's future.

Vote, YES

Please vote YES on the initiative to limit the terms of public officeholders and require election by majority vote.

MERRILL COOK
Leader of the Utah Ballot Initiative Drive
for Term Limitation/Runoff

Rebuttal To

Arguments For Initiative A

Utah created history this spring (1994) becoming the only state to impose term limits through legislation. That is why the phrase "eight more states, including Utah, are set to pass term limitation this November" is misleading. Utah already has a term limit law that meets Utah's needs. The initiative is a generic, poorly crafted law. For example, it exempts all present incumbents from ever being subject to term limits.

Passing this initiative wipes out Utah's good law and replaces it with a poorly drafted, unconstitutional law. It will be up to the courts to deal with problems caused by amending nonexistent law and mandating run-offs after the election results are official and winners certified. Voting "yes" gives Utah a weak term limit law that will be challenged in court. Voting "no" reaffirms Utah's sound term limit statute. The proponents of the initiative ask you to "provide the momentum to persuade Congress." In other words, send a message to Congress. Utah's initiative process gives voters the responsibility to enact law. That responsibility is too sacred to enact poorly written, unconstitutional law just to send Congress a message.

The proposed initiative would:

(1) limit our U.S. senators and representatives without insisting that other states impose term limits;

(2) propose a very costly, easily manipulated run-off election designed to help tightly organized minorities to control the process;

(3) bring costly law suits; and

(4) threaten Utah's sound law already enacted.

The risk is too great to replace Utah's law with a poor substitute.

Rob W. Bishop, Speaker
Utah House of Representatives

Arguments Against

The issue is not term limits. **Utah already has a strong term limits law.** If you vote "yes" on the initiative, there will be term limits; and if you vote "no" on the initiative, there will be term limits. If you vote "yes," you buy for Utah three specific problems:

1. The initiative unilaterally limits terms for our United States representatives and senators. Utah's current law agrees that federal officials should be limited but only after at least half the states (which is the number of states with initiative procedures) have also agreed that their senators and representatives should be limited. A small, western state like Utah would be guilty of suicide if we limit Utah's chances for influence and clout in Congress when Massachusetts, New York, or California do not. The state law approaches this issue sanely. **The initiative buys disaster.**

2. The initiative proposes a costly run–off election provision. Actually only one–fourth of the initiative deals with term limits. Three quarters of the initiative establishes a run–off election mechanism. If even one state race were involved in a run–off, it would double the entire expense of the general election. It elongates the campaign season, putting a runoff election most likely during the same week as Thanksgiving. Run–off elections were designed to help tightly organized minority groups win elections. The initiative may want people elected by 50 percent of the voters, but the question is 50 percent of how many voters? All run–off elections, like special bond elections, have fewer potential voters. For example, in the last United States Senate seat decided by a run–off election, there was a 44 percent decrease in the number of voters from the general election. The winning senator in that run–off election won with about half the number of votes he received while losing in the general election. In fact, the most popular candidate in the general election (who received 1.1 million votes in the general election) lost because only one–half of the voters showed up for the run off. (The total vote for both candidates in the run–off was 1.2 million.) It is clear that this provision of the initiative benefits small parties or independent candidates who would seldom gain 50 percent of regular election vote; but if the turnout were low enough, they could conceivably garner 50 percent of a run–off election vote. **The initiative buys election manipulation.**

3. The initiative will produce costly law suits. It is poorly drafted which will require lawsuits to declare its meaning. For example, it amends four sections of the Utah Code that do not exist. It gives duties to the Secretary of State, a position that has not existed in over a decade. It requires term limits for future candidates but specifically exempts anyone already in office. This is clearly not the author's intent. However, this initiative would be law; and law is what is written, not what is intended. The initiative violates provisions of the state constitution which require all state officials to be elected at the same November date. A run–off election violates the state constitution. There would obviously be lawsuits on this issue. Thus, taxpayers would be footing the bill for countless lawsuits because of the initiative drafter's mistakes. **The initiative buys lawsuits.**

Rob Bishop, Speaker
Utah House of Representatives

Rebuttal To

Arguments Against Initiative A

The Utah Term Limitation Initiative achieves two goals:

(1) It stops professional politicians from a lifetime of living at taxpayers' expense in public office.

(2) It requires a majority vote before power may be exercised by those elected to public office.

One member of today's Congress was first elected in November of 1941!! Public office was, and is, supposed to be temporary community service, not a lifetime career.

Incumbents are re–elected over 90% of the time!!! Why? Because they spend much of their time positioning and soliciting themselves for re–election.

The Term Limit Initiative breaks this self–serving cycle. Consistent with Benjamin Franklin's constitutional philosophy Term Limits prohibits the creation of a political aristocracy in congress, just as the 22nd Amendment to the Federal Constitution in 1951 limited the President to two terms.

Utah has an opportunity to join over twenty other states in stopping professional lifetime politicians. Congress on its own will not adopt term limits, it requires the initiation to come directly from the people through their states. If we followed the course advocated by the opponents of Term Limits (wait until all the States adopt it) the U. S. Constitution would never have been adopted. Utah must lead!!

If we succumb to minority rule (where elected officials are elected with less than 50% of the vote) we are on the slippery slope to either aristocracy or non–elected government. The Term Limit Initiative provides run–off elections which would require majority support before the peoples' power may be exercised.

Pat Shea
Candidate for United States Senate

COMPLETE TEXT OF INITIATIVE A
TERM LIMITS AND ELECTION BY MAJORITY VOTE OR BY RUN–OFF

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

Section 1: Section 20–4–9.3.1 is added to the Utah Code Annotated 1953, to read:

Additional conditions precedent to filing of declaration of candidacy for county offices.

(1) In order to broaden the opportunities for public service and to guard against excessive concentrations of power, the county clerk, before accepting a declaration of candidacy for any county office, other than a judicial office, shall ensure that the person filing that declaration of candidacy has not held the office for which he has filed for more than seven years as of the date of filing, unless the person holds that office as of April 15, 1993.

(2) The people of Utah declare that the provisions of Section 1 of this act shall be deemed severable from the remainder of this act.

Section 2: Section 20–4–9.3.2

Additional conditions precedent to filing of declaration of candidacy for state offices.

(1) In order to broaden the opportunities for public service, to guard against excessive concentrations of power, and to assure that the legislature is representative of the Utah citizens, the Lieutenant Governor or County Clerk, before accepting a declaration of candidacy for any state office, other than a judicial office, shall ensure that the person filing that declaration of candidacy has not held the office for which he has filed for more than seven years as of the date of the filing, unless the person holds that office as of April 15, 1993.

(2) The people of Utah declare that the provisions of Section 2 of this act shall be deemed severable from the remainder of this act.

Section 3: Section 20–4–9.3.3

Additional conditions precedent to filing of declaration of candidacy for federal offices.

(1) In order to broaden the opportunities for public service and to assure that members of the United States Congress from Utah are representative of and responsive to Utah citizens, the Lieutenant Governor, before accepting a declaration of candidacy for United States Senate shall ensure that the person filing the declaration of candidacy has not held the office for which he has filed for more than eleven years as of the date of filing, and before accepting a declaration of candidacy for U.S. Representative, shall ensure that the person filing the declaration of candidacy has not held the office for which he has filed for more than seven years as of the date of the filing unless the person holds that office as of April 15, 1993.

(2) The people of Utah hereby state their support for a nationwide limit of twelve years of service in the U.S. Senate and eight years of service in the U.S. House of Representatives.

(3) The people of Utah declare that the provisions of Section 3 of this Act shall be deemed severable from the remainder of this Act and that their intention is that federal officials elected from Utah will continue voluntarily to observe the wishes of the people, as stated in this section, in the event any provision thereof is held invalid.

Section 4:

(1) In order to prevent government in Utah by minority vote, Section 20–1–1.1 is added to the Utah Code Annotated 1953 to read:

Runoff Elections–When Necessary–When Held

In order to prevent government in Utah by minority vote, a runoff election to the general election shall be held throughout the State or any subdivision thereof for any office in which no person has received a majority of the votes given for the office at the general election. When required by this statute, a runoff election will be held on the first Tuesday after the fourth Monday in November following the general election.

(2) In order to prevent government in Utah by minority vote, Section 20–8–6 Utah Code Annotated 1953 is amended to read:

Highest number of votes elects except for any office in which no person receives a majority vote.

The board must declare elected the persons having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof, except for any office in which no person has received a majority of the votes given for the office. If no person has received a majority of the votes given for the office, then the two persons having the highest number of votes given for that office will advance to the runoff election to be held on the first Tuesday after the fourth Monday of November. At the meeting on Monday next, after the runoff election, the board must declare elected the persons having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof.

(3) In order to prevent government in Utah by minority vote, Section 20–8–10 Utah Code Annotated 1953 is amended to read:

Board of state canvassers–Time of meeting–Duties.

On the third Monday of November after the day of election, at 12 noon, or in case of a special election, at 12 noon on the day following the receipt by the secretary of state of the last of the returns of such special election, the state auditor, the state treasurer, and the attorney general, who shall constitute a board of state canvassers, must meet in the office of the secretary of state and compute and determine the vote for officers and on any measure voted upon by the electors of the state at large or of two or more counties; and the secretary of state, who shall be secretary of said board, must make and file in his office a statement thereof, and must immediately make and deliver to the person having the highest number of votes given for each office to be billed by such electors a certificate of election signed by the secretary of state and authenticated by his seal, except for any office in which no person has received a majority of the votes given for the office. If no person has received a majority of the votes given for the office, then the two persons having the highest number of votes given for the office will advance to the runoff election to be held on the first Tuesday after the fourth Monday of November. At 12 noon on the second Monday after the runoff election, the board must meet in the office of the secretary of state and compute and determine the vote for officers by the electors of the state at large or of two or more counties; and the secretary of state, who shall be secretary of said board, must make and file in his office a statement thereof, and must immediately make and deliver to the person having the highest number of votes given

for each office to be filled by such electors a certificate of election signed by the secretary of state and authenticated by his seal. In any case in which a secretary of state shall be elected to succeed himself, the certificate of election shall be issued by the board of state canvassers.

(4) Section 20–7–1 Utah Code Annotated 1981 is amended as follows:

Preparation of official ballots

Except as otherwise provided by law, the county clerk of each county shall provide printed ballots for every election of public officers in which the voters, or any of the voters, within the county participate; and shall cause to be printed on the ballot the name of every candidate whose nomination has been certified to or filed with the county clerk in the manner provided for in Chapter 1, 3, 4 and 8 of Title 20. The recorder of any city or clerk of any town, except as otherwise provided by law, shall provide printed ballots for every election of public officers in which the voters, or any of the voters, of his city or town participate; and shall cause to be printed on the ballot the name of every candidate whose nomination has been certified to or filed with such city recorder or town clerk in the manner provided by law. The official ballots shall be printed and in the possession of the county clerk, city recorder or town clerk before election, and shall be subject to inspection by the candidates and their agents.

(5) Section 20–8–11 Utah Code Annotated 1983 is amended as follows:

Delayed returns–Messenger sent to clerk of board of county canvassers.

If the returns from all counties have not been received on the Thursday before the day designated for the meeting of the board of state canvassers, the lieutenant governor must forthwith send a messenger to the clerk of the board of county canvassers of the delinquent county, and this clerk must furnish the messenger with a certified copy of the statement mentioned in Section 20–8–5. The messenger shall receive as compensation a per diem as provided by law.

(6) The people of Utah declare that the provisions of Section 4 of this act shall be deemed severable from the remainder of this act.

Section 5:

(1) In order to prevent government in Utah by minority vote Section 20–1–1.2 is added to the Utah Code Annotated 1953 to read:

1994 Runoff Election for Two Persons for Each Office Having the Highest Number of Votes–When Necessary–When Held

In order to prevent government in Utah by minority vote, a runoff election to the 1994 general election shall be held throughout the State or any subdivision thereof for any office in which the person elected (according to Section 20–8–6 Utah Code Annotated 1953 and Section 20–8–10 Utah Code Annotated 1953 in effect at the time of the 1994 general election) did not receive a majority of the votes given for the office at the 1994 general election. When required by this statute, the two persons for each office having the highest number of votes at the 1994 general election (according to Section 20–8–6 Utah Code Annotated 1953 and Section 20–8–10 Utah Code Annotated 1953 in effect at the time of the 1994 general election) will advance to the runoff election to be held on the first Tuesday after the first Monday of December 1994. At the meeting on Monday next after the 1994 runoff election, the board of county canvassers must declare elected the persons having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof. At 12 noon on the second Monday after the 1994 runoff election and after the board of county canvassers have made their declarations, according to the provisions of this statute, the state auditor, the state treasurer and the attorney general, who shall constitute a board of state canvassers, must meet in the office of the secretary of state and compute and determine the vote for officers by the electors of the state at large or of two or more counties; and the secretary of state, who shall be secretary of said board, must make and file in his office a statement thereof, and must immediately make and deliver to the person having the highest number of votes given for each office to be filled by such electors a certificate of election signed by the secretary of state and authenticated by his seal. In any case in which a secretary of state shall be elected to succeed himself, the certificate of election shall be issued by the board of state canvassers.

(2) Section 20–7–1 Utah Code Annotated 1981 is amended as follows:

Preparation of official ballots

Except as otherwise provided by law, the county clerk of each county shall provide printed ballots for every election of public officers in which the voters, or any of the voters, within the county participate; and shall cause to be printed on the ballot the name of every candidate whose nomination has been certified to or filed with the county clerk in the manner provided for in Chapter 1, 3, 4 and 8 of Title 20. The recorder of any city or clerk of any town, except as otherwise provided by law, shall provide printed ballots for every election of public officers in which the voters, or any of the voters, of his city or town participate; and shall cause to be printed on the ballot the name of every candidate whose nomination has been certified to or filed with such city recorder or town clerk in the manner provided by law. The official ballots shall be printed and in the possession of the county clerk, city recorder or town clerk before election, and shall be subject to inspection by the candidates and their agents.

(3) Section 20–8–11 Utah Code Annotated 1983 is amended as follows:

Delayed returns – Messenger sent to clerk of board of county canvassers.

If the returns from all counties have not been received on the Thursday before the day designated for the meeting of the board of state canvassers, the lieutenant governor must forthwith send a messenger to the clerk of the board of county canvassers of the delinquent county, and this clerk must furnish the messenger with a certified copy of the statement mentioned in Section 20–8–5. The messenger shall receive as compensation a per diem as provided by law.

(4) The people of Utah declare that the provisions of Section 5 of this act shall be deemed severable from the remainder of this act.

Section 6: This act shall take effect on the first Monday of December, 1994.

INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOTS

1. Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and so should answer to the public. However, the obligation of a judge is to resolve disputes impartially and to base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

Merit selection of judges was developed as an alternative to requiring judges to run in contested elections. The revised Judicial Article of the Utah Constitution, effective July 1, 1985, established merit selection as the exclusive method of choosing a state court judge. As stated in the Utah Constitution: *"Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration."*

There are four steps in the Utah merit selection plan: nomination, appointment, confirmation and retention election. The nomination of judges is by a committee of lawyers and non--lawyers selected by the Governor. The judicial nominating commission nominates between three and five of the best qualified candidates from among all applicants. The Governor appoints one of the nominees, who then must be confirmed by a majority of the Utah State Senate.

2. Judicial Retention Elections

Under the Utah Constitution, judges must stand for retention election at the end of each term of office. The public has the opportunity to vote whether to retain the judge for another term. Before a judge stands for retention election, he or she has been the subject of a performance evaluation by the Judicial Council. As a result of the evaluation, the Judicial Council decides whether the judge is qualified for retention election. All of the judges standing for retention election in the 1994 general election have been certified as qualified for retention. The results of individual evaluations are published in this voter information pamphlet.

3. Performance Evaluation Program

The judicial performance evaluation program is required by statute and developed by rule of the Judicial Council. The purpose of the program is two--fold:

- To provide each judge with information for his or her self improvement.
- To provide the public with information upon which to make knowledgeable decisions regarding retention election.

The evaluation of each judge's performance is conducted every two years whether or not the judge is up for retention election. An independent surveyor conducts a poll of lawyers appearing before each judge and asks the lawyer to anonymously evaluate the judge based on several criteria. Prior to the close of a judge's term of office, the Judicial Council reviews the results of the attorney poll and other standards of performance and determines whether the judge is qualified for retention.

4. Criteria for Performance Evaluation

(A) Integrity:

(1) avoidance of impropriety and appearance of impropriety;
(2) freedom from personal bias;
(3) ability to decide issues based on the law and the facts without regard to the identity of the parties or counsel, the popularity of the decision, and without concern for or fear of criticism;
(4) impartiality of actions;
(5) compliance with the Code of Judicial Conduct.

(B) Knowledge and understanding of the law:

(1) the issuance of legally sound decisions;
(2) understanding of the substantive, procedural, and evidentiary law of the state;
(3) attentiveness to the factual and legal issues before the court;
(4) the proper application of judicial precedents and other appropriate sources of authority.

(C) Ability to communicate:

(1) clarity of bench rulings and other oral communications;
(2) quality of written opinions with specific focus on clarity and logic, and the ability to explain clearly the facts of a case and the legal precedents at issue;
(3) sensitivity to impact of demeanor and other nonverbal communications.

(D) Preparation, attentiveness, dignity and control over proceedings:

(1) courtesy to all parties and participants; and
(2) willingness to permit every person legally interested in a proceeding to be heard, unless precluded by law or rules of courts.

(E) Skills as a manager:

(1) devoting appropriate time to all pending matters;
(2) discharging administrative responsibilities diligently;
(3) where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases.

(F) Punctuality:

(1) the prompt disposition of pending matters; and
(2) meeting commitments on time and according to rules of the court.

5. Minimum Standards for Performance

- Minimum score of 70% on at least 9 of 12 questions on the attorney survey.
- Absence of Judicial Conduct Commission sanction.
- The number of cases under advisement for more than 60 days.
- At least 30 hours of legal education per year.
- Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.
- Physical and mental competence.
- A judge who fails to meet one or more of these standards may appear before the Judicial Council and show cause why he or she should nevertheless be certified.

UTAH SUPREME COURT

Justice Christine M. Durham
of the Utah Supreme Court – Serving All Counties
has been **Certified** by the Utah Judicial Council to have met or exceeded the Standards
of Performance for the Office of Judge and is **Qualified for Retention** in the 1994 General Election

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 50 hrs 1992 – 49 hrs 1993 – 56 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see questions below)	1	2	3	4	5	6	7	8	9	10	11	12
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses												

A random sample of attorneys appearing before Justice Christine M. Durham were asked to rate the judge as excellent, more than adequate, adequate, less than adequate, or inadequate in the following areas. A satisfactory response is excellent, more than adequate, or adequate. To be certified the judge must receive a 70% satisfactory response rate to at least 75% of the following questions and an overall satisfactory response rate of at least 70%.

1. Professional behavior is free from impropriety or the appearance of impropriety.
2. Behavior is free from bias.
3. Discourages inappropriate ex parte approaches from attorneys or participants in a case.
4. Demonstrates knowledge of the substantive law.
5. Demonstrates knowledge of the rules of evidence and procedure.
6. Demonstrates an ability to perceive legal and factual issues.
7. Properly applies the law to the facts of the case.
8. Demonstrates an awareness of recent legal developments.
9. Opinions demonstrate scholarly legal analysis.
10. Opinions are clear and well written.
11. Demonstrates preparation for oral arguments.
12. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?

BAR SURVEY QUESTIONS
for DISTRICT JUDGES

A random sample of attorneys appeared before each judge and were asked to rate the judge as excellent, more than adequate, adequate, less than adequate, or inadequate in the following areas. A satisfactory response is excellent, more than adequate, or adequate. To be certified the judge must receive a 70% satisfactory response rate to at least 75% of the following questions and an overall satisfactory response rate of at least 70%.

1. Professional behavior is free from impropriety or the appearance of impropriety.
2. Weighs all evidence fairly and impartially before rendering a decision.
3. Behavior is free from bias.
4. Discourages inappropriate ex parte approaches from attorneys or participants in a case.
5. Demonstrates knowledge of the rules of procedure.
6. Demonstrates knowledge of the rules of evidence.
7. Applies the law to the facts of the case.
8. Clearly explains the basis of oral decisions.
9. Writes decisions in a clear and coherent manner.
10. Maintains order in the courtroom.
11. Demonstrates a familiarity with the pleadings, record, memoranda, and/or briefs that reflects preparation.
12. Issues orders, judgments, decrees, or opinions without unnecessary delay.
13. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?

COUNTY JUDGES IN FIRST DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Lorin C. Facer

of the Box Elder County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 40 hrs 1993 – 40 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge De Verl Payne

of the Box Elder County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 60 hrs 1993 – 39 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Ross K. McKinnon

of the Rich County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1993 – 18 hrs (Judge McKinnon was appointed mid–year)* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

SECOND DISTRICT JUDGES

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge K. Roger Bean

of the Second Circuit Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Kept fewer than 6 cases under advisement over 60 days and two cases under advisement over 180 days* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 62 hrs 1992 – 44 hrs 1993 – 81 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Rodney S. Page

of the Second District Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Kept fewer than 6 cases under advisement over 60 days and two cases under advisement over 180 days* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 51 hrs 1992 – 35 hrs 1993 – 40 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Stephen A. Van Dyke

of the Second District Juvenile Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 30 hrs 1992 – 30 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Alfred C. Van Wagenen

of the Second Circuit Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 31 hrs 1992 – 81 hrs 1993 – 51 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge W. Brent West

of the Second Circuit Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 93 hrs 1992 – 129 hrs 1993 – 64 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Diane W. Wilkins

of the Second District Juvenile Court – Serving Davis, Morgan, and Weber Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 89 hrs 1992 – 62 hrs 1993 – 82 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

COUNTY JUDGES IN SECOND DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Jerald L. Jensen

of the Davis County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 30 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Tony Hassell

of the Morgan County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 100 hrs 1993 – 90 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Craig D. Storey

of the Weber County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 31 hrs 1993 – 31 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

THIRD DISTRICT JUDGES

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Arthur G. Christean

of the Third District Juvenile Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 49 hrs 1992 – 43 hrs 1993 – 34 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge J. Dennis Frederick

of the Third District Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 225 hrs 1992 – 88 hrs 1993 – 39 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Timothy R. Hanson

of the Third District Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 84 hrs 1992 – 52 hrs 1993 – 31 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Leslie A. Lewis

of the Third District Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 129 hrs 1992 – 83 hrs 1993 – 96 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Franklyn B. Matheson

of the Third District Juvenile Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 64 hrs 1992 – 99 hrs 1993 – 51 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Sheila K. McCleve

of the Third Circuit Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 53 hrs 1992 – 45 hrs 1993 – 38 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Philip K. Palmer

of the Third Circuit Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 33 hrs 1992 – 40 hrs 1993 – 34 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Anne M. Stirba

of the Third District Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 109 hrs 1992 – 33 hrs 1993 – 42 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Edward A. Watson

of the Third Circuit Court – Serving Salt Lake, Summit, and Tooele Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 36 hrs 1992 – 45 hrs 1993 – 36 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

COUNTY JUDGES IN THIRD DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Peggy Acomb

of the Salt Lake County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 37 hrs 1993 – 40 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Rex Couradsen

of the Salt Lake County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 36 hrs 1993 – 42 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Joanne L. Rigby

of the Salt Lake County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 43 hrs 1993 – 33 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Phyllis J. Scott

of the Salt Lake County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 46 hrs 1993 – 68 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Lynn Sadler

of the Summit County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 90 hrs 1993 – 96 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Lamar F. Melville

of the Tooele County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 102 hrs 1993 – 44 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge William Pitt

of the Tooele County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 45 hrs 1993 – 42 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

FOURTH DISTRICT JUDGES

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Joseph I. Dimick

of the Fourth Circuit Court – Serving Juab, Millard, Utah, and Wasatch Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 30 hrs 1992 – 34 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

Judge Ray M. Harding

of the Fourth District Court – Serving Juab, Millard, Utah, and Wasatch Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 40 hrs 1992 – 37 hrs 1993 – 55 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

COUNTY JUDGES IN FOURTH DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Sharla Williams

of the Juab County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 124 hrs 1993 – 44 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Daniel Hansen

of the Millard County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 30 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Ronald R. Hare

of the Millard County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 102 hrs 1993 – 39 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Alyse Sigman

of the Utah County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 121 hrs 1993 – 55 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

Judge Blain R. Hylton

of the Wasatch County Justice Court

Self Certification Requirements

- *Received no sanctions from the Judicial Conduct Commission*
- *Met the case under advisement standard*
- *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 34 hrs 1993 – 30 hrs*
- *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration*
- *Certified to be mentally and physically fit for office*

FIFTH DISTRICT JUDGES

The following Judge has been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and is **Qualified for Retention** in the 1994 General Election

Judge James L. Shumate

of the Fifth District Court – Serving Beaver, Iron, and Washington Counties

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement time standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1991 – 150 hrs 1992 – 48 hrs 1993 – 34 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Bar Survey Results

Certification Question # (see page 30)	1	2	3	4	5	6	7	8	9	10	11	12	13
70% or more satisfactory responses	X	X	X	X	X	X	X	X	X	X	X	X	X
Less than 70% satisfactory responses													

COUNTY JUDGES IN FIFTH DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Jetta A. Davie

of the Beaver County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Bene' T. Johnson

of the Beaver County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 42 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Rowland B. Yardley

of the Beaver County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 33 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Kenneth Adams

of the Iron County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 33 hrs 1993 – 31 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Margaret Miller

of the Iron County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1993 – 37 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Chester Adams

of the Washington County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 18 hrs (Excused by the Judicial Council from the balance of hours)* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Richard "Mike" Dobson

of the Washington County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 47 hrs 1993 – 40 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

COUNTY JUDGES IN SIXTH DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge John W. Yardley

of the Garfield County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 33 hrs 1993 – 30 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge F. Kirk Heaton

of the Kane County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 38 hrs 1993 – 33 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Brent Gottfredson

of the Piute County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 42 hrs 1993 – 34 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Ned Jensen

of the Sanpete County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 60 hrs 1993 – 45 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Kent Nielsen

of the Sevier County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 40 hrs 1993 – 40 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Roy Brown

of the Wayne County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 34 hrs 1993 – 32 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

COUNTY JUDGES IN SEVENTH DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Elayne J. Storrs

of the Carbon County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 132 hrs 1993 – 136 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Betty Burns

of the Emery County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 97 hrs 1993 – 32 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Stan W. Truman

of the Emery County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 55 hrs 1993 – 56 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Paul C. Cox

of the Grand County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 30 hrs*
• *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Lyon Hazelton

of the San Juan County Justice Court
was not considered by the Utah Judicial Council for certification,
having been appointed after the date on which certification decisions were made.

COUNTY JUDGES IN EIGHTH DISTRICT

The following Judges have been **Certified** by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are **Qualified for Retention** in the 1994 General Election

Judge Claire Reed

of the Daggett County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 47 hrs 1993 – 33 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Anne Schneidervin

of the Daggett County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1993 – 51 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Floyd L. Nielsen

of the Duchesne County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 30 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Clair Poulson

of the Duchesne County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 32 hrs 1993 – 30 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Judge Brent Feltch

of the Uintah County Justice Court

Self Certification Requirements

• *Received no sanctions from the Judicial Conduct Commission* • *Met the case under advisement standard* • *Participated for the number of judicial education hours for the years indicated which meets or exceeds the minimum of 30 hours per year: 1992 – 43 hrs 1993 – 46 hrs* • *Certified to be in compliance with the Code of Judicial Conduct and the Code of Judicial Administration* • *Certified to be mentally and physically fit for office*

Instructions to Voters

In Beaver, Box Elder, Cache, Carbon, Davis, Duchesne, Grand, Iron, Kane, Millard, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Weber Counties.

FOR VOTING BALLOTS

HOW TO OBTAIN A BALLOT FOR VOTING

1. Give your name and address to an election judge.
2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required to either, (a) request identification from you, or (b) have a known registered voter of the district identify you.

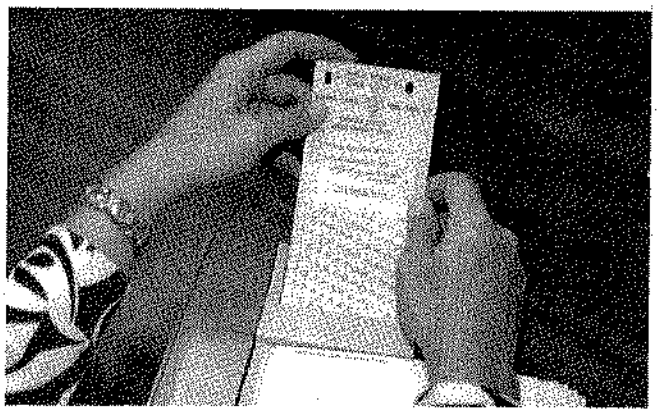
HOW TO VOTE YOUR BALLOT

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return it to the judge who will cancel it and issue you a new ballot.

When you receive a ballot from the election judge, immediately go alone to one of the voting booths and vote your ballot as follows:

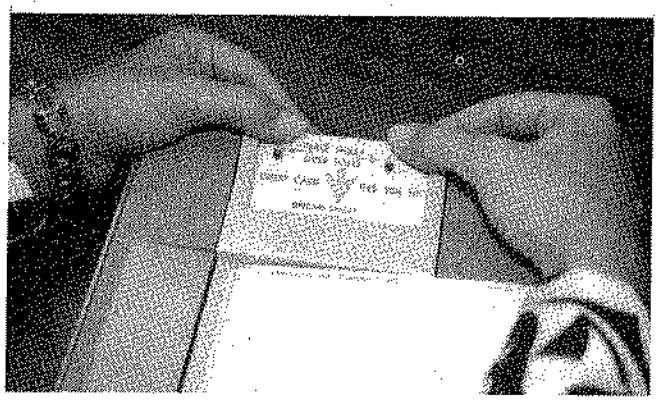
STEP 1

Using both hands, slide the ballot card all the way into the vote recorder.



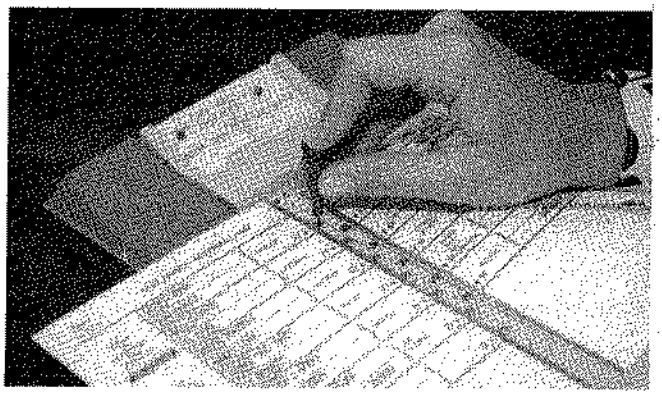
STEP 2

Be sure the two holes at the top of the card fit over the two red pins on the recorder.



STEP 3

To vote, hold the punch straight up and push down through the card in the box next to each of your choices. Follow the instructions, and vote all pages as instructed. **Use the punch provided. Do not use a pen or pencil.**



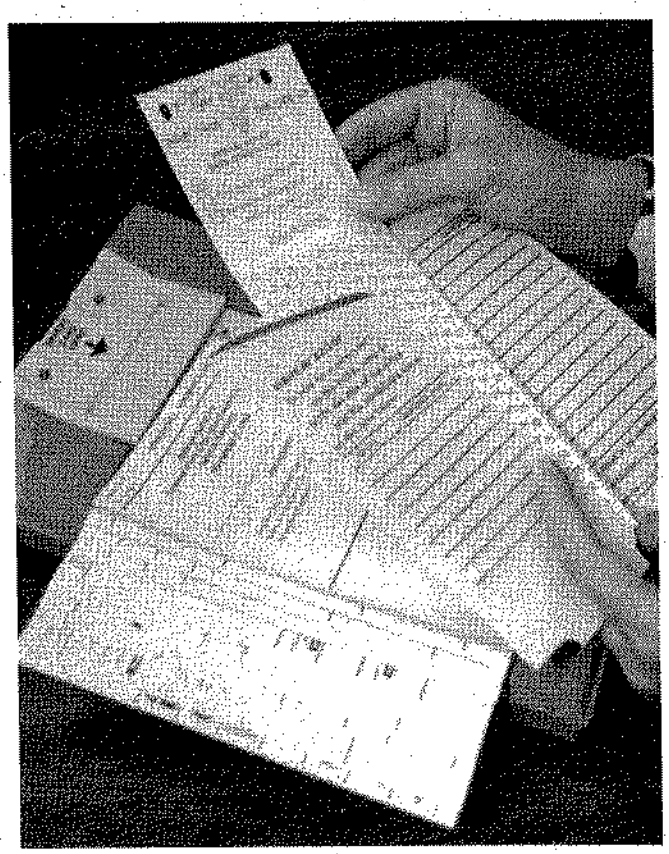
STEP 4

Voting for candidates of more than one party. If you want to vote for candidates from more than one party, you may do this by punching the ballot in the box next to the desired candidate's name on the ballot.

Voting for candidates of one party. If you want to cast a "straight party" vote for all the candidates of one party, punch the box next to the desired party on the first page of the ballot. If you vote "straight party" you vote for each candidate of that party. If you have already voted "straight party" and want to vote for a candidate of another party, you can do that by punching the ballot next to the candidate's name.

STEP 5

After voting, slide the card out of the vote recorder and place it under the flap of the write–in envelope.



STEP 6

After you have voted the ballot and placed it in the write–in ballot envelope, **RETURN IT TO THE ELECTION JUDGE.** Give your name. The judge will remove the stub from your ballot. Deposit the write–in ballot envelope, containing the ballot card, in the ballot hox. You have now finished voting.

WRITE–IN VOTING

You may also vote for a valid write–in candidate. You do this by either writing the office title and the name of the candidate on the write–in ballot envelope, or by placing a sticker with the candidate's name and office printed on it on the write–in envelope. When voting for a write–in candidate, **DO NOT punch a hole in the punch card ballot next to a candidate running for the same position.**

NON–PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non–partisan contests. They are on the last pages of your ballot. The copy of the hallot attached to the vote recorder contains instructions telling the number of persons that should be voted for in each office.

CONSTITUTIONAL AMENDMENTS AND INITIATIVES

When voting on a constitutional amendment or initiative, you punch the ballot hy the answer you want to give. The amendment or initiative will be in the form of a question. Vote "**FOR**" if you want to answer "**yes**" and "**AGAINST**" if you want to answer "**no**."

HOW TO GET HELP TO MARK YOUR BALLOT

If you are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, you may be helped by someone you choose. The person helping you cannot be your employer, an agent of your employer, or an officer or agent of your union. The person helping you cannot in any way request, persuade, or induce you to vote for or against any particular candidate or issue.

Instructions to Voters

In Daggett, Emery, Garfield, Juab, Morgan, Piute, Rich, San Juan, and Wayne counties.

FOR VOTING BALLOTS

HOW TO OBTAIN A BALLOT FOR VOTING

1. Give your name and address to an election judge.
2. If your name is on the official register, and your right to vote has not been challenged, the election judge will give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required to either, (a) request identification from you, or (b) have a known registered voter of the district identify you.

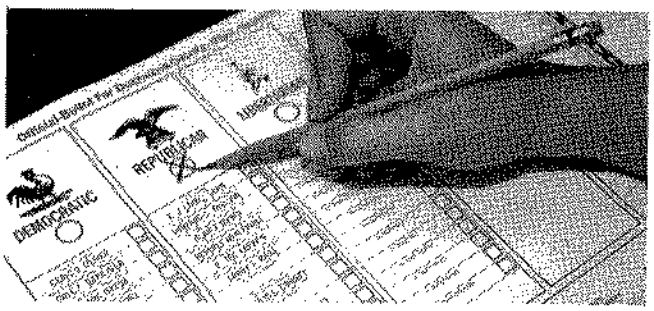
HOW TO VOTE YOUR BALLOT

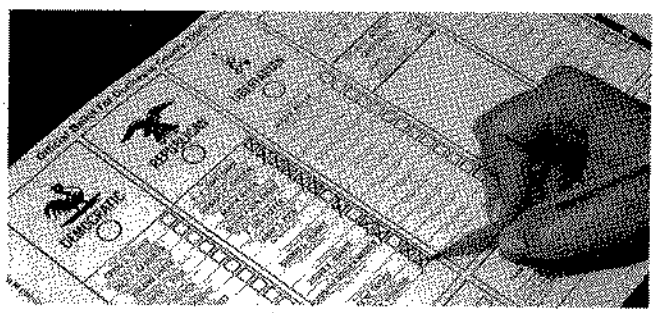
DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return it to the judge who will cancel it and issue you a new ballot.

When you receive a ballot from the election judge, immediately go alone to one of the voting booths and vote your ballot by marking it with an "X" as follows:

VOTING FOR CANDIDATES OF ONE PARTY.

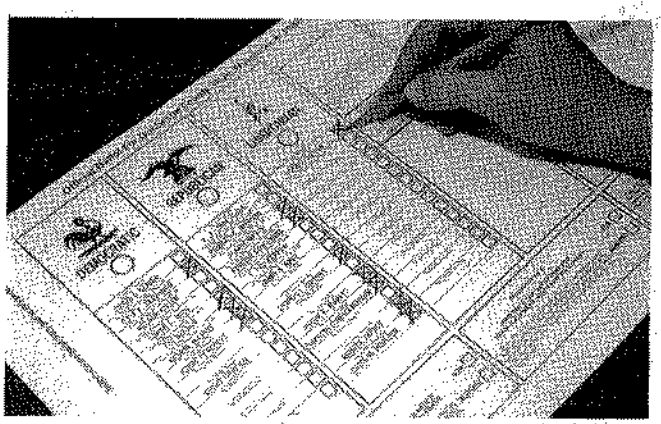
If you want to cast a "straight party" vote for all the candidates of one party, you may mark an "X" in the circle at the top of the list of that party's candidates, in the squares by the names of each candidate of that party, or in both the circle and the squares.

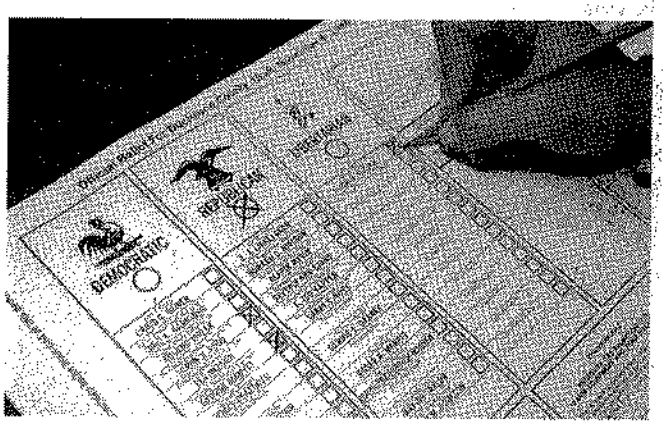




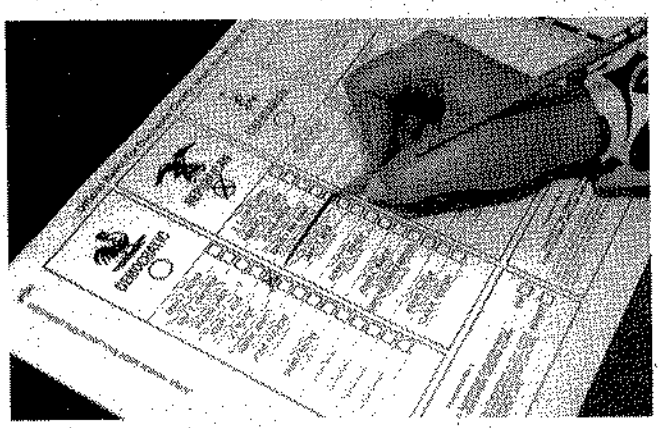
VOTING FOR CANDIDATES OF MORE THAN ONE PARTY

If you want to vote for candidates from more than one party, you may mark in the squares by the names of the candidates for whom you want to vote without marking in any party's circle. You may also vote "straight party" by marking in the circle above one party's list, then marking in the squares by the names of the candidates of your choice of other parties.



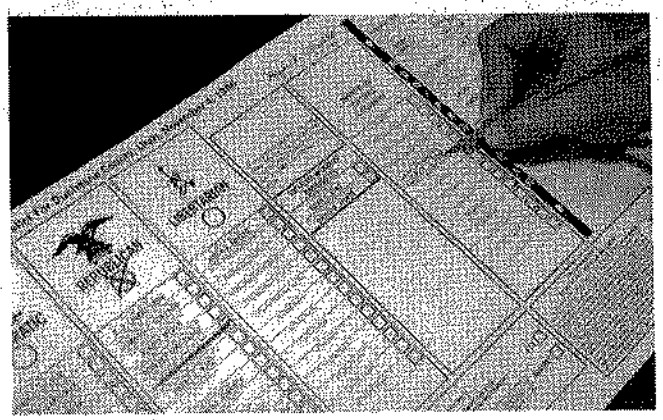


If you vote "straight party" by marking the circle above a party's list, you may draw a line through the name of any candidate of that party ticket for whom you **DO NOT** want to vote. However, when an office is listed that requires more than one person to be elected, you must draw a line through all the names of the persons of that party ticket for whom you do not want to vote (leaving only those for whom you wish to vote).



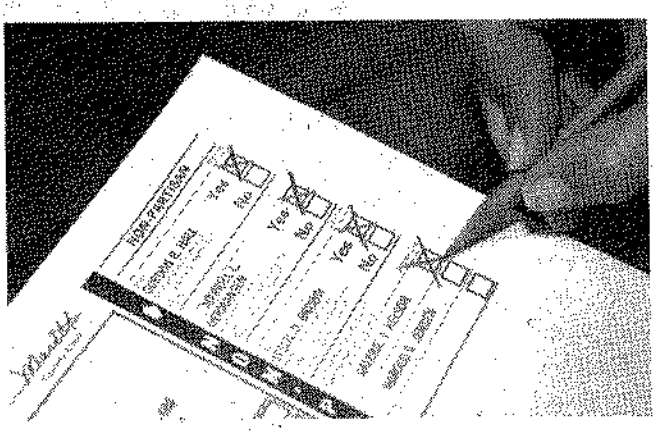
WRITE–IN VOTING

You may also vote for a valid write–in candidate. You do this by either writing the name of the candidate on the ballot or by placing a sticker with the candidate's name and office printed on it on the ballot. Partisan write–in candidates should be listed or stuck in the correct office space of the blank write–in column. Non–partisan write–in candidates should be listed in the blank space for that non–partisan office. If you write in a name or put a sticker on the ballot, you have voted for that person, even if you do not make an "X" by the write–in name.



NON–PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non–partisan contests. They are located in the extreme right–hand column on the ballot. Just above the voting squares are instructions telling how many persons should be voted for in each office.



CONSTITUTIONAL AMENDMENTS AND INITIATIVES

In case of a constitutional amendment or initiative submitted to a vote of the people, you make an "X" in the square by the answer you want to give. The amendment or initiative will be in the form of a question. Vote **"FOR"** if you want to answer **"yes"** and **"AGAINST"** if you want to answer **"no."**

HOW TO GET HELP TO MARK YOUR BALLOT

If you are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, you may be helped by someone you choose. The person helping you cannot be your employer, an agent of your employer, or an officer or agent of your union. The person helping you cannot in any way request, persuade, or induce you to vote for or against any particular candidate or issue.

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY that the foregoing measures will be submitted to the voters of the State of Utah at the election to be held throughout the state on November 8, 1994, and that the foregoing pamphlet is complete and correct according to the law.

WITNESS MY HAND and the Great Seal of the State of Utah at Salt Lake City, Utah this 29th day of September, 1994.

OLENE S. WALKER
Lieutenant Governor

A Message from Utah's Lieutenant Governor

During the most recent general election over 80% of the eligible population of Utah was registered to vote. Utah is typically one of the states with the highest percentage of registered voters as well as the highest turnout. This level of voter activity is commendable.

Utah offers many opportunities to register to vote including mail–in registration, neighborhood registration agents, county clerks' offices, and numerous voter registration drives throughout the state. This will continue as new legislation is implemented next year. The Utah Voter Registration Act will further expand voter registration sites to include driver's license offices, public assistance agencies and other public locations.

Please remember to register to vote, or reregister if you have moved, by the deadlines listed below. Don't forget to vote. It is your right, it is your privilege!

November 8, 1994 is Election Day

Best wishes,

Olene S. Walker
Lieutenant Governor

HOW TO REGISTER TO VOTE

If you will be 18 or older and will have been a resident of the State of Utah for 30 days preceding the election on November 8, 1994, you may register to vote by one of the following methods.

- You may register with the registration agent in your voting precinct between 8:00 a.m. and 9:00 p.m. on November 1, 2, and 3.
- You may register at the County Clerk's office in your county during regular working hours until October 18.
- You may register by mail at any time before October 18 by sending in a By–Mail Registration Form. These forms may be obtained at any bank, post office, library, county clerk's office, or political party office.