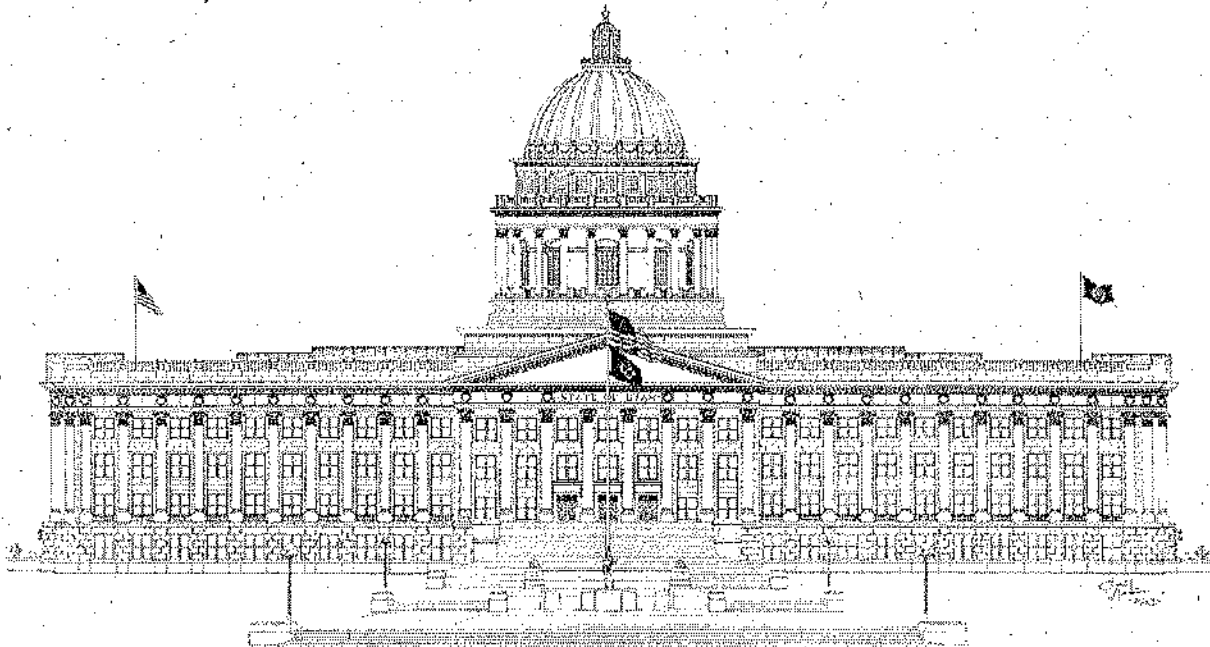


# UTAH VOTER INFORMATION PAMPHLET



GENERAL ELECTION NOVEMBER 3, 1998

Prepared under the direction of  
Olene S. Walker  
Lieutenant Governor

Impartial Analysis by  
Richard V. Strong, Director  
Office of Legislative Research  
and General Counsel

In cooperation  
with the  
Utah State Legislature  
R. Lane Beattie, President of the Senate  
Melvin R. Brown, Speaker of the House

Information pertaining to  
judicial retention provided by the  
Judicial Council

Cover art work by Chad Hawkins. Used with permission.



MICHAEL O. LEAVITT  
GOVERNOR

STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
84114-0601

OLENE S. WALKER  
LIEUTENANT GOVERNOR

September 1, 1998

Dear Fellow Utahn:

The state of Utah is undergoing many changes and taking on exciting challenges! People from around the world are being drawn to Utah for its quality of life and diversity of attractions. This November, you will once again be empowered to help shape the future of our state by practicing your right to vote.

We are pleased to provide you with the *1998 Voter Information Pamphlet*. This pamphlet is a traditional means of providing information on state-wide issues and candidates that will be on the November ballot. This year you will vote on candidates running for U.S. Congress, the state legislature, judicial retention and state school board. You will also be able to vote on six proposed amendments to the Utah Constitution.

In an effort to make this pamphlet more informative, this year we have included a short biographical sketch and picture of each judge up for retention. As before, an impartial analysis on each proposition, instructions on voting, and other pertinent information are also included.

I hope this pamphlet will help you make an educated choice on the leaders and policies that will govern the future of Utah. Let's continue the tradition of being a state who cares and actively participates in the democratic process. Go out and vote November 3, 1998!

Sincerely,

Olene S. Walker  
Lieutenant Governor

## TABLE OF CONTENTS

NAMES AND PHONE NUMBERS OF REGISTERED POLITICAL PARTIES .....	6
CANDIDATES FOR STATE SCHOOL BOARD .....	6
INFORMATION ABOUT CANDIDATES FOR US SENATE APPEARING ON YOUR BALLOT .....	7
INFORMATION ABOUT CANDIDATES FOR US CONGRESS APPEARING ON YOUR BALLOT .....	8-11
LIST OF CANDIDATES FOR STATE LEGISLATURE APPEARING ON YOUR BALLOT .....	12-18
INSTRUCTIONS FOR READING THE TEXT OF THE BALLOT PROPOSALS .....	19
PROPOSITION NO. 1 - .....	20
Official Ballot Title .....	20
Final Legislative Vote .....	20
Impartial Analysis .....	20
Arguments For .....	21
Text .....	22
PROPOSITION NO. 2 - .....	23
Official Ballot Title .....	23
Final Legislative Vote .....	23
Impartial Analysis .....	23
Arguments For .....	24
Text .....	25
PROPOSITION NO. 3 - .....	26
Official Ballot Title .....	26
Final Legislative Vote .....	26
Impartial Analysis .....	26
Arguments For .....	27
Text .....	28
PROPOSITION NO. 4 - .....	29
Official Ballot Title .....	29
Final Legislative Vote .....	29
Impartial Analysis .....	29-30
Arguments For .....	31
Arguments Against .....	32
Text .....	33

PROPOSITION NO. 5 - .....	34
Official Ballot Title .....	34
Final Legislative Vote .....	34
Impartial Analysis .....	34
Arguments For .....	35
Arguments Against .....	36
Text .....	37
 PROPOSITION NO. 6 - .....	 38
Official Ballot Title .....	38
Final Legislative Vote .....	38
Impartial Analysis .....	38-39
Arguments For .....	40
Text .....	41
 INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOT .....	 42-44
 JUDGES OF COURTS OF RECORD APPEARING ON YOUR BALLOT .....	 45-65
 INSTRUCTIONS TO VOTERS (Beaver, Box Elder, Cache, Carbon, Davis, Duchesne, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Weber counties.) .....	   66-67
 INSTRUCTIONS TO VOTERS (Daggett, Piute, Rich, and Wayne counties.) .....	  67-68
 INSTRUCTIONS TO VOTERS (Emery and San Juan counties.) .....	 69
 LIST OF COUNTY CLERKS .....	 70
 HOW TO REGISTER TO VOTE .....	 72

## CANDIDATES

The following 11 pages list the candidates who are running for U.S. Senate, U.S. House of Representatives and Utah State Legislature. The candidates for federal offices were given the opportunity to submit a 100 word statement and photograph. The Lt. Governor's office had no editorial authority over these statements. The candidates are listed in alphabetical order by last name.

## POLITICAL PARTIES

There are eight registered political parties in Utah. If you would like to contact them they are listed below in alphabetical order.

Democratic Party .....	(801) 328-1212
Independent American Party .....	(801) 375-8833
Independent Party .....	(801) 466-6544
Libertarian Party .....	(801) 534-8872 or (800) 280-7900
Natural Law Party .....	(801) 582-3246
Reform Party .....	(801) 943-3654
Republican Party .....	(801) 533-9777
U.S. Taxpayers Party .....	(801) 229-1160

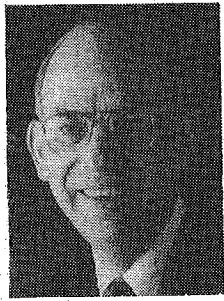
## PROJECT VOTE SMART

Additional information about candidates is available free to Utah voters from Project Vote Smart, a national, non-partisan program started in 1992. This includes information about voting records, campaign finances, past and current position statements and performance evaluations. Voters can reach Project Vote Smart at 1-800-662-7627 or on the internet at <http://www.vote-smart.org>.

## STATE SCHOOL BOARD

District 1: Bette Arial, St. George Tony Pellegrini, Cedar City	District 9: Judy Larson, West Valley Allan C. Rushton, West Valley
District 3: Marilyn Shields, Stansbury Park	District 10: Denis R. Morrill, Taylorsville Lavelle Prince, Taylorsville
District 5: John L. Watson, Ogden	District 13: Janet A. Cannon, S.L.C. Earl M. Wunderli, Sandy
District 7: Kim R. Burningham, Bountiful Randy Lee Sedgwick, Bountiful	

## U.S. Senate



**Robert F.  
Bennett**

Republican

During his first term, Senator Bennett's priorities have reflected the concerns of his Utah constituents. From his seat on the Appropriations Committee, he has fought to ensure that Utah highway projects receive their fair share of federal transportation funding. He opposed a massive government-run health care system and then led efforts toward meaningful health-care reform. He has consistently promoted land-use policies based on common sense and sound science. And he remains a leading congressional voice in calling for a simplification and restructuring of the U.S. tax code. Most recently, Senator Bennett was asked to chair the Senate Special Committee on the Year 2000 Technology Problem.

---



**Scott  
Leckman**

Democrat

Dr. Scott Leckman, a native Utahn and surgeon in Salt Lake City, serves on the board of directors of RESULTS, an anti-hunger citizens' advocacy group, and on the advisory board at the Bennion Center, a service organization at the University of Utah. He is past president of the Salt Lake Surgical Society, member of the Salt Lake Rotary Club, and is serving his second term as vice-speaker of the Utah Medical Association. In 1994, Dr. Leckman received the Utah Medical Association's Community Service Award. He and his wife, Linda, have two sons adopted from India; Matthew, 12, and Eric, 9.

---



**Gary R.  
Van Horn**

Independent  
American

My wife, Gloria, and I were born and raised in the West, she in Utah and I in Washington. We brought our family here in 1964. I graduated from New Mexico State with a degree in Physics, took courses in electronics and worked for many years as an electronic engineer. I managed a successful technical sales company for nine years. I have made a life-long study of government, economics, and especially our Constitution. Unlike some office holders, I am determined to honor my oath of office and defend the Constitution of the United States against all enemies, foreign and domestic.

---

## U.S. Congressional District #1

---

No  
photo  
submitted

**Gerard A.  
Arthus**

Libertarian

---



**Steve  
Beierlein**

Democrat

Beierlein, 40, moved to Utah when his father was stationed at Hill Air Force Base in 1969. He married Ogden native, Sandra Grow Beierlein. They have two young-adult daughters, Stephanie and Stacie. Beierlein is a financial consultant and Second Vice President at Solomon Smith Barney. He is certified by the State Treasurer's Office to offer investment counsel to Utah's Public Treasurers. Beierlein's recent political achievement was service on the Riverdale City Council. He is on the Board of Trustees for St. Benedict's Foundation and is Chairman of their Finance Committee. He is a member of the Weber School District Foundation.

---



**James V.  
Hansen**

Republican

I am honored to serve Utah's First District in Congress, and am proud of the progress the Republican Congress has made by achieving a balanced federal budget for the first time since 1969, cutting taxes, and in turning greater control back to state and local governments. My goals for the next session of Congress include strengthening our national defense against further deep cuts, keeping Hill AFB viable, maintaining environmentally-sound multiple uses of public lands, preventing the draining of Lake Powell, ensure transportation funding for Utah projects, paying down the national debt, stabilizing Social Security and Medicare, and income tax reform.

---



## U.S. Congressional District #2

---



**Merrill  
Cook**

Republican

Congressman Merrill Cook was elected to Congress in 1996. He serves on the House Transportation, Science and Banking committees and seven related subcommittees. He helped get a \$450 million increase in Utah's federal highway funding over the next six years. He is a strong advocate for tax cuts and tax reform as well as less government. He advocates campaign finance reform, health care reform and protection of the environment. He is a small business owner. He holds degrees from the University of Utah and Harvard University. He is married to Camille Sanders Cook. They have five children and two grandchildren.

---

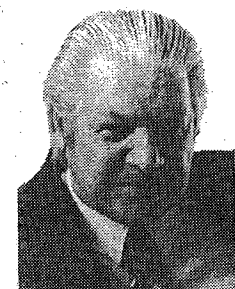


**Lily  
Eskelsen**

Democrat

Lily Eskelsen brings her values and experience as a wife, mother and teacher to the campaign in Utah's 2nd district. After representing Utah teachers, serving on the Utah Retirement Systems board and on the National Council of Senior Citizens, Lily is respected as a tough negotiator and fighter for common sense solutions to our problems. Lily believes it is important to the future to bring people together to find the answers, and we must put aside partisan fighting and work together to protect the future for families and children. A vote for Lily Eskelsen is a vote for the future!

---



**Ken  
Larsen**

Independent

A famous Frenchman once said America was great because Americans were good. I disagree. In my experience, people are about the same everywhere. America was great because America was free. Freedom can make a great country out of ordinary individuals. The foundation for our freedom was our Constitution. We have destroyed our freedoms by ignoring our Constitution. We will restore our freedom by restoring our Constitution and thus reducing the impact of government in our daily lives. I support the Constitution, the whole Constitution, and nothing but the Constitution. Call me at 533-8658 or email me at [kencan@xmission.com](mailto:kencan@xmission.com). Thank you.

---

No  
photo  
submitted

**Robert C.  
Lesh**

Natural Law

---

No  
photo  
submitted

---

**Arly H.  
Pederson**

Independent American



**Brian  
Swim**

Libertarian

I believe that our federal government should secure to each individual the free exercise of conscience, the right and control of property, and the protection of life. It should provide national defense and a judicial system. Any needs beyond these would be better taken care of by a moral and free people than by the coercive intrusion of the federal government. I will work for less government, lower taxes and more personal freedom. I have a Masters Degree in Educational Administration. I have taught in public and private schools, sold real estate, and currently own an insurance agency.

## U.S. Congressional District #3


---

No  
photo  
submitted

**Kitty K.  
Burton**

Libertarian

---



**Chris  
Cannon**

Republican

Congressman Cannon over the past two years has kept his promise to be a consistent, effective conservative. In Congress, he has worked to reduce the federal tax burden, restrain the IRS, balance the budget, protect Lake Powell, enhance Utah's technology industries, crack down on criminal illegal aliens, and preserve the value of Utah's school trust lands. Mr. Cannon and his wife Claudia have eight children and live in Mapleton.

---



**Will  
Christensen**

Independent

American

The major problem of our age is the unchecked growth of government. The 'go along to get along' Washington mentality is not worthy of our people. Congress should respond to the needs of the people, not sell the establishment line. I will support legislation to: stop foreign aid, eliminate special interest funding, and balance the budget by cutting spending. Will and Ruth are the parents of 12 children, 47 grandchildren. Will served in the marine corps, and has been active in politics and business since the 1950's. He is a founding member and state chairman of the Independent American Party.

---

# STATE LEGISLATIVE CANDIDATES

*Call your county clerk (see page 70) to find out which senate and house district you live in.*

## Candidates for the Utah State Senate

### District 1

Lilli De Cair	1044 E 400 S #201A	SLC 84102	533-2444	Natural Law
Kenneth Grover	228 S Douglas St.	SLC 84102	583-6595	Republican
Paula F. Julander	1467 Penrose Dr.	SLC 84103	363-0868	Democrat
David B. Smith	1259 E. South Temple St #6	SLC 84102	531-6243	Libertarian

### District 3

Gene Davis	865 Parkway Ave.	SLC 84106	484-9428	Democrat
Fred W Jones	332 Shamrock Dr.	Murray 84107	266-2545	Republican

### District 4

Edward (Ted) Black	10862 S. Ardonna Wy.	Sandy 84070	571-3402	Democrat
Howard A. Stephenson	1038 E. 13590 S.	Draper 84020	576-1022	Republican

### District 7

David L. Buhler	1436 S. Yuma St.	SLC 84108	583-2115	Republican
James K. Elwell	2522 S. Chadwick St.	SLC 84106	483-2890	Libertarian
Karen Hale	2564 Maywood Dr.	SLC 84109	485-6642	Democrat
Chris Larsen	1457 E. 3350 S.	SLC 84106	466-6544	Independent

### District 9

Steven Poulton	4524 Briarcreek Dr.	Holladay 84117	272-4338	Republican
Dusty Swain	1460 E. Highland Cove Ln.	SLC 84106	278-1026	Natural Law
Steven B. Wall	2646 E. 6710 S.	SLC 84121	943-7930	Democrat

### District 10

Charles A. Bonsall	8887 S. Ida Ln.	Sandy 84093	569-9259	Libertarian
Tom Coleman	10028 S. Rockview Dr.	Sandy 84092	943-4436	Natural Law
Al Mansell	9015 Canyongate Cir.	Sandy 84093	942-6019	Republican
Howard Van Horn	1125 Bronze Ln.	Sandy 84094	571-1045	Democrat

### District 11

Ed Mayne	5044 W. Bannock Cir.	West Valley 84120	968-7756	Democrat
----------	----------------------	-------------------	----------	----------

### District 12

James L. Leigh	5083 W. Elma St.	West Valley 84120	969-6060	Republican
Millie M. Peterson	7131 W. 3800 S.	West Valley 84128	250-5944	Democrat

### District 13

Ron Allen	835 Lakeview	Stansbury Park 84074	977-0100	Democrat
Merrill F. Nelson	164 S. 800 E.	Grantsville 84029	884-6789	Republican

### District 15

Robert (Bob) Davis	28 N. 580 E.	Orem 84097	368-0454	Democrat
Parley Hellewell	492 S. 1000 W.	Orem 84058	226-3034	Republican
Mike Maloney	580 N. 750 W.	Provo 84601	377-3398	Ind. American

### District 18

D. Edgar (Ed) Allen	4317 Fern Dr.	Ogden 84403	392-1050	Democrat
Nathan Tanner	6225 Woodland Dr.	Ogden 84403	479-6442	Republican

<b>District 21</b>				
David H. Steele	3367 W. 400 N.	West Point 84015	825-3033	Republican
<b>District 22</b>				
Gregory J. Sanders	1182 N. Newport Ln	Kaysville 84037	547-9049	Democrat
Terry R. Spencer	1110 N. Kimberly Dr.	Layton 84040	543-4450	Republican
<b>District 24</b>				
Peter C. Knudson	1209 Michelle Dr.	Brigham City 84302	723-2035	Republican
Richard L. Partridge	4480 N. Hwy 38	Brigham City 84302	734-2678	Libertarian
Corey Rowley	439 N. 100 W.	Tremonton 84337	257-1677	Democrat
<b>District 26</b>				
Beverly Evans	HC65 Box 36	Altamont 84001	454-3719	Republican
Jerry B. Romero	5196 N. East Meadows Dr.	Park City 84098	655-8400	Democrat
Steve Sady	1687 W. SR 32	Peoa 84036	783-5889	Libertarian

## Candidates for the Utah House of Representatives

<b>District 1</b>				
Eli H. Anderson	8790 W. Hwy 102	Tremonton 84337	854-3760	Democrat
Allen Gardner	P.O. Box 340	Mendon 84325	753-3440	Republican
<b>District 2</b>				
Ben C. Ferry	905 N. 6800 W.	Corinne 84307	744-2997	Republican
J. Douglas Wight	137 S. 400 W.	Brigham City 84302	723-5966	Democrat
<b>District 3</b>				
Mary Bissonette	1960 N. 1380 E.	North Logan 84341	753-1276	Democrat
Craig W. Buttars	540 S. 1600 W.	Lewiston 84330	258-5015	Republican
<b>District 4</b>				
Loraine T. Pace	435 E. 900 N.	Logan 84321	753-6154	Republican
Myrna Redd	1664 E. 1185 N.	Logan 84341	753-7436	Democrat
<b>District 5</b>				
Monti Jones	635 Circle Place	Providence 84332	753-4218	Democrat
Evan L. Olsen	2009 S. 3200 W.	Young Ward 84339	752-4304	Republican
<b>District 6</b>				
Glenn W. Barrow	5257 W. 4250 S.	Hooper 84315	731-1814	Democrat
Frank Erwin	5889 S. 4950 W.	Hooper 84315	773-7841	Natural Law
Martin R. "Marty" Stephens	3159 N. Higley Rd.	Farr West 84404	731-5346	Republican
<b>District 7</b>				
R. Thomas Babcock	572 E. 1700 N.	North Ogden 84414	782-8490	Democrat
Dave Gladwell	P.O. Box 12096	Ogden 84412	782-4130	Republican
<b>District 8</b>				
James R. Hasenyager	P.O. Box 255	Huntsville 84317	745-2048	Democrat
Joseph G. (Joe) Murray	1030 Peach Dr.	Ogden 84404	393-7062	Republican
<b>District 9</b>				
Neil A. Hansen	1031 Capitol St.	Ogden 84401	393-1514	Democrat
Robert O. Miles	1170 Capitol St.	Ogden 84401	399-4815	Republican
<b>District 10</b>				
LaWanna "Lou" Shurtliff	5085 Aztec Dr.	Ogden 84403	479-0289	Democrat
Bill Turner	5067 Sioux Cir.	Ogden 84403	479-8513	Republican

<b>District 11</b>				
Carl R. Saunders	2128 Eastwood Blvd.	Ogden 84403	476-1110	Republican
Donald M. "Biff" Whiting	2668 E. 6025 S.	Ogden 84403	479-0321	Democrat
<b>District 12</b>				
Gerry A. Adair	5433 S. 3100 W.	Roy 84067	773-2125	Republican
Lani Kai Rounds	3921 W. 4700 S.	Roy 84067	732-2832	Democrat
<b>District 13</b>				
Nora B. T. Stephens	2024 N. 400 W.	Sunset 84015	825-3792	Republican
Howard F. Stoddard	909 N. 4000 W.	West Point 84015	825-2730	Democrat
<b>District 14</b>				
Charmalee Blakeley	1113 W. 550 N.	Clearfield 84015	773-2861	Democrat
Don Bush	138 Locust St.	Clearfield 84015	825-3210	Republican
<b>District 15</b>				
Blake Chard	1940 N. 350 W.	Layton 84041	773-7474	Republican
Beatrice R. Espinoza	2875 N. 400 W. #49	Layton 84041	825-1264	Democrat
Susan Green Parker	1142 N. 1250 W.	Layton 84041	543-2235	Libertarian
<b>District 16</b>				
Kevin Garn	2206 E. Summerwood Dr.	Layton 84040	544-3533	Republican
Todd B. Nilsen	1015 E. 1150 N.	Layton 84040	547-1825	Democrat
<b>District 17</b>				
Marda Dillree	379 Shepard Ridge Rd.	Farmington 84025	451-2773	Republican
Theda W. Judd	82 W. 600 N.	Farmington 84025	451-2070	Libertarian
George L. Miles	202 E. Shadowbrook Ln.	Kaysville 84037	544-0588	Democrat
<b>District 18</b>				
Susan J. Koehn	1793 Sorrento Dr.	Woods Cross 84087	296-1761	Republican
<b>District 19</b>				
Sheryl Allen	620 Larsen Dr.	Bountiful 84010	295-8576	Republican
Julie Clay Pollock	1156 Oakridge Ln.	Bountiful 84010	295-4750	Democrat
<b>District 20</b>				
Ruby Young Hansen	3017 S. 400 W.	Bountiful 84010	295-0848	Independent
Lew E. Jeppson	138 S. 350 E.	North Salt Lake 84054	298-8907	Democrat
Richard M. Siddoway	243 E. 3100 S.	Bountiful 84010	292-4185	Republican
Reva Wadsworth	127 S. 150 E.	North Salt Lake 84054	298-7195	Ind. American
<b>District 21</b>				
James R. Gowans (Jim)	240 S. 2nd W.	Tooele 84074	882-2120	Democrat
Jeff McNeill	3942 N. Railroad Cir.	Grantsville 84029	884-6801	Republican
<b>District 22</b>				
Dan R. Cripps	7247 Miriam Wy.	Magna 84044	250-5377	Republican
Carl W. Duckworth	2901 S. 8750 W.	Magna 84044	250-0728	Democrat
Don W. Johnstun	8109 W. Whitman Dr.	Magna 84044	250-3690	Libertarian
Dub Richards	7472 W. Jefferson Rd.	Magna 84044	487-3737	Independent
<b>District 23</b>				
Duane E. Bourdeaux	870 N. Cornell St.	SLC 84116	596-8784	Democrat
Jack Ellefsen	P.O. Box 16823	SLC 84116	595-8338	Republican

<b>District 24</b>				
Ralph Becker	282 N. Canyon Rd.	SLC 84103	364-1656	Democrat
Bryce Brady	663 Second Ave.	SLC 84103	538-0311	Republican
John Owen Erickson	130 C St.	SLC 84103	539-8512	Natural Law
John M. Renteria	358 N. 300 W.	SLC 84103	521-8143	Independent
<b>District 25</b>				
Steven D. Estes	1124 Third Ave.	SLC 84103	521-5336	Natural Law
Dave Jones	545 S. 1100 E.	SLC 84102	582-8247	Democrat
J. Robert Latham	130 S. 1300 E. #710	SLC 84102	364-0090	Republican
<b>District 26</b>				
Fred J. Fife III	842 W. 900 S.	SLC 84104	521-7383	Democrat
Larry D. Garske	1993 S. West Temple	SLC 84115	466-2248	Ind. American
<b>District 27</b>				
Ronald Amos	516 Windsor St.	SLC 84102	355-5804	Libertarian
Loretta Baca	421 E. Garfield Ave.	SLC 84115	487-2738	Democrat
David B. Burnham	517 E. 900 S.	SLC 84105	364-1928	Republican
<b>District 28</b>				
Afton B. Bradshaw	1931 Browning Ave.	SLC 84108	581-9646	Republican
Bruce G. Cohne	2384 S. Summit Cir.	SLC 84109	484-3353	Democrat
<b>District 29</b>				
Brent H. Goodfellow	3620 S. 6000 W.	West Valley 84128	968-0626	Democrat
Troy Staker	4259 W. Stane Ave.	West Valley 84120	957-1424	Republican
<b>District 30</b>				
Jackie Biskupski	753 E. Roosevelt Ave.	SLC 84105	484-8369	Democrat
Bryan J. Irving	838 E. Roosevelt Ave.	SLC 84105	486-8834	Republican
<b>District 31</b>				
Mary Carlson	2419 Maywood Dr.	SLC 84109	485-8612	Democrat
Betty Christensen	2114 Vimont Ave.	SLC 84109	466-2136	Independent
Charles G. Pearce	1975 Imperial St.	SLC 84105	467-0376	Libertarian
Verdi White, II	2906 S. Melbourne St.	SLC 84106	466-5963	Republican
<b>District 32</b>				
Ron Bigelow	4658 Waterwood Dr.	West Valley 84120	968-4188	Republican
Necia Christensen	4196 S. 4000 W.	West Valley 84120	966-4524	Democrat
Janet Mantle Ericson	4498 W. 4695 S.	West Valley 84120	969-0153	Ind. American
<b>District 33</b>				
John W. Cannon	3575 S. 3200 W. #15B	West Valley 84119	963-6948	Republican
Neal "B" Hendrickson	3402 W. 4100 S.	West Valley 84119	969-8920	Democrat
<b>District 34</b>				
Dennis Carty	3728 W. 5100 S.	Taylorsville 84118	965-9528	Democrat
Kory M. Holdaway	4352 Rupp Ct.	Taylorsville 84119	464-6360	Republican
<b>District 35</b>				
Kevin R. Arrington	1192 Ridgedale Ln.	SLC 84106	466-7178	Republican
Judy Ann Buffmire	765 E. 4255 S.	Murray 84107	266-1862	Democrat
<b>District 36</b>				
Lamont Tyler	3810 Eastwood Ln.	SLC 84109	272-1218	Republican
Greg Peters	2035 E. Keller Ln.	SLC 84109	272-7834	Democrat

<b>District 37</b>				
Zane Gill	1926 E. 3900 S.	SLC 84124	272-7900	Democrat
Ray Short	2421 Bramble Way	SLC 84117	277-1372	Republican
<b>District 38</b>				
Gary F. Cox	4468 Tidwell St.	Kearns 84118	967-9760	Democrat
Chauna P. Pierce	5465 Bailiff Dr.	Kearns 84118	967-5591	Libertarian
<b>District 39</b>				
Jim Dexter	5718 S. Dynastyoaks Cir.	Taylorsville 84118	963-1028	Libertarian
David L. Zolman, Sr.	2108 Champagne Cir.	Taylorsville 84118	967-6687	Republican
<b>District 40</b>				
Jerold L. Jensen	4856 Kings Row Dr.	Holladay 84117	277-8064	Democrat
Richard L. Walsh	6784 S. 1300 E.	SLC 84121	561-5169	Republican
<b>District 41</b>				
Patrice Arent	6281 S. Havenbrook Cir.	SLC 84121	272-1956	Democrat
Steven B. Olsen	5174 Gurene Dr.	Holladay 84117	277-4420	Ind. American
Athelia T. Woolley	2485 Haven Ln.	SLC 84117	272-3035	Republican
<b>District 42</b>				
Perry L. Buckner	4901 W. Aspen Park Dr.	West Jordan 84084	964-8215	Democrat
Max Byron Meng	7708 Woodgreen Rd.	West Jordan 84084	282-6687	Republican
<b>District 43</b>				
Mary K. Hammond	3707 W. Pensacola Cir.	West Jordan 84084	969-6613	Democrat
Wayne A. Harper	6683 S. Nottingham Dr.	West Jordan 84084	566-5466	Republican
<b>District 44</b>				
Bruce Bangerter	793 W. Green Oaks Dr.	Murray 84123	262-8852	Ind. American
Chad E. Bennion	136 E. 4800 S.	Murray 84107	281-1607	Republican
Gary Yengich	91 W. 7065 S.	Midvale 84047	561-9086	Democrat
<b>District 45</b>				
Melvin R. Brown	165 E. 7430 S.	Midvale 84047	255-0556	Republican
Michael Ray Olsen	8118 Salisbury Ct.	Sandy 84094	562-0418	Democrat
<b>District 46</b>				
Brian R. Allen	7386 S. Banbury Cir.	SLC 84121	942-7714	Republican
Alan Hepner	Star Route	Brighton 84121	649-6865	Libertarian
Karen W. Morgan	8378 Austrian Way	SLC 84121	943-0067	Democrat
<b>District 47</b>				
D. Mark Faux	2128 W. 7520 S.	West Jordan 84084	561-4184	Independent
Bryan D. Holladay	9024 Judd Ln.	West Jordan 84088	280-6404	Republican
<b>District 48</b>				
Trisha S. Beck	1783 E. 9880 S.	Sandy 84092	572-2325	Democrat
Richard Perry	2097 E. 10140 S.	Sandy 84092	942-6296	Republican
<b>District 49</b>				
Greg J. Curtis	8639 Snowville Dr.	Sandy 84093	942-7464	Republican
Chris Shouse	1491 E. 8175 S.	Sandy 84093	561-2775	Democrat
<b>District 50</b>				
Drew Chamberlain	4013 W. Yorkshire Dr.	South Jordan 84095	282-4877	Independent
Lloyd Frandsen	9461 S. 2500 W.	South Jordan 84095	254-4940	Republican
Charles Campbell Hardy	9442 S. David St.	Sandy 84070	523-3817	Libertarian



<b>District 51</b>				
Sherry L. Hall	#14 Apple Hill	Sandy 84092	576-1776	Democrat
John E. Swallow	1260 E. Bell View Cir.	Sandy 84094	572-8201	Republican
<b>District 52</b>				
David L. Hogue	13150 S. 2900 W.	Riverton 84065	254-1668	Republican
Lee McKenzie	6560 W. Indianhollow Ln.	Riverton 84065	254-7515	Prohibition
<b>District 53</b>				
Greg Miner	P.O. Box 494	Park City 84060	649-3674	Democrat
David Ure	661 S. Lambert Ln.	Kamas 84036	783-4650	Republican
<b>District 54</b>				
Cindy Barton-Coombs	P.O. Box 87	Altamont 84001	722-0200	Democrat
Gordon E. Snow	688 W. Lagoon 51-1	Roosevelt 84066	722-4162	Republican
<b>District 55</b>				
Jack A. Seitz	858 W. 200 N.	Vernal 84078	789-0650	Republican
<b>District 56</b>				
David N. Cox	7812 N. 8350 W.	Lehi 84043	768-8759	Republican
Shiela E. Heindel	2080 N. 600 W.	Lehi 84043	768-4527	Ind. American
George F. Tripp	541 S. 500 W.	Lehi 84043	768-3117	Democrat
<b>District 57</b>				
Janice Dean Mayne	381 West Main	American Fork 84003	756-3823	Democrat
Lowell A. Nelson	5254 W. Forest Trail	Highland 84003	756-2091	Republican
<b>District 58</b>				
Walden W. Johnson	858 S. 950 E.	Pleasant Grove 84062	785-5606	Ind. American
John L. Valentine	857 E. 970 N.	Orem 84097	224-1693	Republican
<b>District 59</b>				
Tammy J. Rowan	654 W. 1325 N.	Orem 84057	224-6141	Republican
John T. Wilkinson	512 W. 700 N.	Orem 84057	764-9739	Ind. American
<b>District 60</b>				
Katherine Bryson	833 S. 300 W.	Orem 84058	226-5278	Republican
Douglas LeBaron	295 E. 260 S.	Orem 84058	224-1348	Ind. American
Gary J. Ransom	1065 W. 85 S.	Orem 84058	224-0862	Democrat
<b>District 61</b>				
Margaret Dayton	97 W. Westview Dr.	Orem 84058	221-0623	Republican
Brian L. Light	2345 W. 1700 N.	Provo 84604	344-8868	Ind. American
<b>District 62</b>				
Jeff Alexander	3222 Apache Ln.	Provo 84604	375-1092	Republican
Wayne L. Hill	533 E. 2600 N.	Provo 84604	377-0111	Ind. American
<b>District 63</b>				
Jordan Tanner	1871 N. 1450 E.	Provo 84604	373-6246	Republican
Henry S. Todd	1391 Cedar Circle	Provo 84604	375-5310	Ind. American
<b>District 64</b>				
Becky Lockhart	1754 S. Nevada Ave.	Provo 84606	377-7428	Republican
Richard Grant Thayne	992 E. 300 N.	Provo 84606	377-1575	Natural Law
<b>District 65</b>				
Glenn V. Bird	249 W. 300 N.	Springville 84663	489-7901	Democrat
Catherine C. Jensen	1532 S. 600 E.	Springville 84663	489-0339	Ind. American
Matthew Throckmorton	357 S. 300 W.	Springville 84663	489-8342	Republican

<b>District 66</b>				
Joel A. Bradford	1000 S. Main	Spanish Fork 84660	798-1970	Democrat
Glenn Way	348 S. 1480 E.	Spanish Fork 84660	798-2295	Republican
<b>District 67</b>				
Paul Meredith	11808 S.W. Mt. Road	Payson 84651	465-2653	Independent
Bill Wright	P.O. Box 178	Elberta 84626	667-3333	Republican
<b>District 68</b>				
Lloyd James Pipes	440 W. 500 N.	Manti 84642	835-9191	Ind. American
Michael R. Styler	1755 W. 5500 S.	Delta 84624	864-3077	Republican
<b>District 69</b>				
Brad King	635 N. 500 E.	Price 84501	637-7955	Democrat
Eldon L. Miller	819 Castle Gate Cir.	Helper 84526	472-8253	Natural Law
<b>District 70</b>				
Bradley T. Johnson	30 N. Main	Aurora 84620	529-3227	Republican
<b>District 71</b>				
Keele Johnson	732 N. 300 W. #34	Blanding 84511	678-2077	Republican
Robert R. Valerio	P.O. Box 637	Monticello 84535	587-2821	Democrat
<b>District 72</b>				
DeMar "Bud" Bowman	109 N. 800 W.	Cedar City 84720	586-8174	Republican
Victor R. Schafer	4828 N. 3100 W.	Cedar City 84720	867-1989	Ind. American
<b>District 73</b>				
M. Norman Gubler	74 N. 100 E.	LaVerkin 84745	635-2662	Ind. American
Thomas V. Hatch	P.O. Box 391	Panguitch 84759	676-2214	Republican
<b>District 74</b>				
Dennis H. Iverson	40 E. 200 N.	Washington 84780	673-2936	Republican
Terence Moore	3233 Santa Clara Dr.	Santa Clara 84765	634-1369	Democrat
<b>District 75</b>				
Robert O. Dalton	620 E. 600 S.	St. George 84770	628-7492	Democrat
John W. (Bill) Hickman	214 N. Emerald Dr.	St. George 84770	673-2671	Republican
Richard Holliday	3454 Chaparral Dr.	St. George 84790	674-1883	Ind. American

## 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

## LEGISLATIVE ELIGIBILITY RESOLUTION

Votes cast by the members of the Legislature at the 1998 General Session on final passage:

HOUSE (75 members): Yeas, 61; Nays, 0; Absent, 14.

SENATE (29 members): Yeas, 20; Nays, 4; Absent, 5.

### Official Ballot Title:

Shall the Utah Constitution be amended to: 1) require that, for the office of state senator or state representative, the three years of residency in the state be consecutive, the six months of residency in the person's legislative district be consecutive, and both periods occur immediately prior to the last date provided by statute for filing for the office; and, 2) remove the reference to a specific date at which other eligibility requirements for the office of state senator or state representative are to be determined?

### Impartial Analysis

Proposition 1 amends the present eligibility requirements in the Utah Constitution for the offices of state senator and state representative. This proposition requires that the three years during which a person must be a resident of the state be a consecutive period and that it occur immediately prior to the last date provided by statute for filing for the office. Likewise, this proposition requires that the six months during which a person must be a resident of the person's legislative district be a consecutive period and that it also occur immediately prior to the last date provided by statute for filing for the office. This proposition eliminates the reference to a specific date at which other eligibility requirements must be met, but does not otherwise affect those eligibility requirements. This proposition also makes grammatical changes.

#### Current constitutional provisions

The Utah Constitution presently requires a person seeking the office of state senator or state representative to be a resident for three years of the state and a resident for six months of the person's legislative district "as of the last date provided by law for filing for the office." That provision does not expressly require that either the three years or the six months be consecutive or immediately before the date of filing for office. In addition to residency requirements, the Utah Constitution presently requires a person seeking the office of state legislator to be: 1) a citizen of the United States; 2) twenty-five years of age; and 3) a qualified voter in the

district from which the person is chosen. Those three eligibility requirements are to be determined "as of the last date provided by law for filing for the office."

#### Proposed changes

Proposition 1 requires that the three years of residency in the state be consecutive years, that the six months of residency in the person's legislative district be consecutive months, and that both periods occur immediately prior to the last date provided by statute for filing for the office. The effect of this proposition is to require a person seeking the office of state senator or state representative to be a resident of the state for three consecutive years immediately before the date on which the person files for that office, and to be a resident of the person's legislative district for the last six consecutive months of that three-year period.

This proposition also removes from the Utah Constitution language indicating that the other three eligibility requirements are to be determined "as of the last date provided by law for filing for the office." This proposition does not otherwise affect those three eligibility requirements.

#### Effective Date

Proposition 1 takes effect January 1, 1999.

#### Fiscal Impact

Proposition 1 has no fiscal impact.

## Arguments For

Proposition 1 clarifies the residency requirements for a person seeking the office of state legislator. Residency requirements have been in the Utah Constitution since statehood. Proposition 1 preserves the original intent of the framers of the Utah Constitution.

The Utah Constitution currently requires a person seeking the office of state legislator to be a resident of the state for three years and a resident of the district from which the person is chosen for six months "as of the last date provided by law for filing for the office." The framers of our constitution wisely included this requirement to ensure that a person would have at least three years of personal involvement with the state and six months in a specific district before being placed in a position of setting policies and enacting laws for the state. This provision has consistently been interpreted to require three consecutive years of residency in the state and six consecutive months of residency in the district and that both periods occur immediately before the filing date. Proposition 1 simply clarifies those residency requirements.

This proposition preserves and strengthens the wise and time-tested principle that individuals should meet minimum residency requirements before representing the state and their local constituents as legislators.

Preserve government that represents you. Vote FOR Proposition 1.

President R. Lane Beattie  
Representative Patrice Arent

## 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. 1  
LEGISLATIVE ELIGIBILITY RESOLUTION**

**A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING THE REQUIREMENTS OF ELIGIBILITY AS A STATE LEGISLATOR; MAKING THE RESIDENCY REQUIREMENTS CONSECUTIVE AND APPLICABLE IMMEDIATELY PRIOR TO THE LAST DATE FOR FILING FOR OFFICE; DIRECTING THE LIEUTENANT GOVERNOR TO WITHDRAW S.J.R. 1, PASSED DURING THE 1997 GENERAL SESSION, REPLACE IT WITH THIS RESOLUTION AND, PLACE IT BEFORE THE VOTERS; AND PROVIDING AN EFFECTIVE DATE.**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

**ARTICLE VI, SECTION 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 Utah Constitution Article VI, Section 5, to read:**

**Article VI, Section 5. [Who is eligible as a legislator.]**

No person shall be eligible to the office of senator or representative who ~~[as of the last date provided by law for filing for the office]~~ is not; a citizen of the United States~~[;]~~; twenty-five years of age~~[;]~~; a qualified voter in the district from which ~~[he]~~ the person is chosen~~[;]~~; a resident of the state for three consecutive years ~~[of the State;]~~ immediately prior to the last date provided by statute for filing for the office; and ~~[for six months]~~ a resident of the district from which ~~[he]~~ the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office. No person elected to the office of senator or representative shall continue to serve in that office after ceasing to be a resident of the district from which elected.

**Section 2. Replacing previous resolution -- Submittal to electors.**

The lieutenant governor is directed to withdraw S.J.R. 1, Resolution Amending Legislator Eligibility Standards, passed during the 1997 General Session, and submit in its place this proposed amendment to the electors of the state at the next general election in the manner provided by statute.

**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, 1999.

For ☐

Against ☐

# Proposition No. 2

## RESOLUTION REPEALING MARITAL PROPERTY PROVISIONS

Votes cast by the members of the Legislature at the 1997 General Session on final passage:

HOUSE (75 members): Yeas, 68; Nays, 0; Absent, 7.

SENATE (29 members): Yeas, 24; Nays, 0; Absent, 5.

### Official Ballot Title:

Shall the Utah Constitution be amended to repeal the provision regarding real and personal estate and property of married women?

### Impartial Analysis

Proposition 2 repeals a provision of the Utah Constitution regarding property rights of married women.

#### Current law

The Utah Constitution presently contains a provision adopted in 1896 and intended to raise the protection given to property rights of married women to the same level as that given to the property rights of men. It provides that property of a married woman, acquired before marriage or acquired afterwards by purchase, gift, grant, or inheritance, should remain her separate property and not be liable for her husband's debts and obligations. Utah statutes contain a provision that is comparable to the constitutional provision.

#### Proposed changes

Proposition 2 repeals the Utah constitutional provision regarding property rights of married women. The repeal of this provision is not likely to affect the property rights of married women because over the years a substantial body of law has developed that protects those rights apart from the Utah constitutional provision. Even without the Utah constitutional

provision, married women have, with respect to their separate property, the same legal rights as men.

The current Utah constitutional provision may be read as granting greater property rights to married women than to men. If read that way, it would probably be held invalid under the Equal Protection Clause of the United States Constitution which prohibits treating men and women differently under the law unless there is a compelling governmental interest. Repealing the Utah constitutional provision resolves this potential conflict.

#### Legislation effective on passage of Proposition 2

H.B. 374, Marital Property Rights Amendments, 1997 General Session, will become law on January 1, 1999 only if Proposition 2 passes. H.B. 374 repeals the provision in statute that is equivalent to the provision of the Utah Constitution repealed by Proposition 2.

#### Effective Date

Proposition 2 takes effect January 1, 1999.

#### Fiscal Impact

Proposition 2 has no fiscal impact.

## Arguments For

The Utah Legislature unanimously supported the repeal of Article XXII, Section 2 of the Utah Constitution regarding the property rights of married women. With this repeal, married woman will maintain the same rights to property they enjoy today—the right to own and transfer property in their own name before, during, and after marriage. This is because the Equal Protection clause of the United States Constitution provides that “[n]o State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

When Article XXII, Section 2 was drafted by the Constitutional Convention of 1896, the constitutional debate stated that the provision was to be “a recognition of the right of women to acquire and dispose of property after marriage, just the same as while single.” It was further explained that the drafters of the language had attempted to “give women equal rights with men. . . .”

Although equality was the original intent of Article XXII, Section 2 of the Utah Constitution, the actual language appears to offer more protection to property owned by married woman than to property owned by married men. The Equal Protection clause of the United States Constitution protects the property rights of women and men, so that both are treated fairly. Because the actual language of Article XXII, Section 2 of the Utah Constitution appears to favor married women, it probably violates the Equal Protection clause of the United States Constitution.

Repealing Article XXII, Section 2 provides for true equality in property rights for women and men. Vote FOR Proposition 2.

Rep. Afton B. Bradshaw

## Rebuttal To

*Arguments For Proposition No. 2*  
(No opposing argument was submitted.)

## Arguments Against

(No argument was submitted.)

## Rebuttal To

*Arguments Against Proposition No. 2*  
(No opposing argument was submitted.)



**COMPLETE TEXT OF PROPOSITION NO. 2**  
**RESOLUTION REPEALING MARITAL PROPERTY PROVISIONS**

**A JOINT RESOLUTION OF THE LEGISLATURE  
PROPOSING TO AMEND THE UTAH CONSTITUTION;  
REPEALING THE PROVISION ON MARITAL  
PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

This resolution proposes to change the Utah Constitution as follows:

**REPEALS:**  
**ARTICLE XXII, SECTION 2**

*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 repeal Utah Constitution Article XXII, Section 2:**

**Article XXII, Section 2. [Property rights of married women.]**

~~[Real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled by purchase, gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband, and may be conveyed, devised or bequeathed by her as if she were unmarried.]~~

**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, 1999.

**For**



**Against**



# Proposition No. 3

## ACCEPTANCE OF TRUST LANDS RESOLUTION

Votes cast by the members of the Legislature at the 1997 General Session on final passage:

HOUSE (75 members): Yeas, 72; Nays, 0; Absent, 3.

SENATE (29 members): Yeas, 22; Nays, 0; Absent, 7.

### Official Ballot Title:

Shall the Utah Constitution be amended to clarify the status, purposes, and beneficiaries of school and institutional lands held in trust by the state?

## Impartial Analysis

Proposition 3 clarifies the status of school and institutional trust lands designated by Congress at statehood and other lands which may be added to them. It provides that those lands are to be held in trust for specified beneficiaries and purposes, and distinguishes those lands from other public lands held in trust by the state for other beneficiaries and purposes.

### Current law

The Utah Constitution presently provides that all lands that have been granted to the state by Congress and all lands acquired by other means are public lands of the state. All of these lands are held in trust for the people of the state for the respective purposes for which they have been granted or acquired.

Some of those public lands are lands that were granted to the state under the Utah Enabling Act. The Enabling Act was passed by Congress in 1894 to establish the conditions under which Utah could achieve statehood. Under Sections 6, 8, and 12 of the Enabling Act, Congress granted specified parcels of land to the

state to support public schools, universities, and other facilities and institutions.

### Proposed changes

Proposition 3 clarifies that lands granted under Sections 6, 8, and 12 of the Enabling Act, together with lands which may be added to them by purchase, exchange, or other means, are school and institutional trust lands, held in trust for the specific purposes and beneficiaries stated in those sections of the Enabling Act. This proposition reinforces that the purposes and beneficiaries stated in the Enabling Act apply to all those lands. Proposition 3 distinguishes those lands from other public lands held in trust for other beneficiaries and purposes.

### Effective Date

Proposition 3 takes effect January 1, 1999.

### Fiscal Impact

Proposition 3 has no fiscal impact.

## Arguments For

Before admitting Utah to statehood, Congress enacted a law known as the "Enabling Act" which set conditions under which Utah could become a state. One of those conditions prohibited Utah from taxing property owned by the Federal Government. That created a big problem, because more than 2/3 of the land in Utah was (and still is) owned by the Federal Government. That meant that Utah would have a very limited property tax base and Utah's taxpayers would be heavily burdened with taxes on private property. To ease that burden, Congress said it would give the state lands to help support the public schools and other named beneficiaries such as the University of Utah and Utah State University. As noted by the Tenth Circuit Court of Appeals in 1978, which cited an earlier U. S. Supreme Court decision, "[t]he nature of the Congressional land grant was 'bilateral' in effect. It constituted a solemn immunity from taxation of federal lands . . . in return for acceptance by the states of lands granted, to be held and administered by the states under trust covenants for the benefit of the public school systems."

Utah accepted the terms of the Enabling Act. Since the grants included lands for purposes other than public schools, including lands which belong to the state itself and are not held in trust for schools or other institutions, the Constitutional provision accepting the land grants was written in broad language. It said that all of the lands granted by Congress were "accepted and declared to be the public lands of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, donated, devised, or otherwise acquired."

That wording has had unfortunate consequences, largely because many people failed to read all the way to the end of the sentence. The lands were not accepted by the state for just any purpose, but only for the purposes for which they were granted. As a result of the failure to read the whole sentence, public school and other trust lands were given away and used or sold for much less than fair market value, resulting in losses to the schools alone of hundreds of millions of dollars. Those losses have been made up through higher taxes on the incomes and private property of Utah's citizens.

The proposed amendment makes it clear that lands granted under the Enabling Act are held in trust by the state for the purposes for which they were granted. The change does not actually change the meaning of the Constitution; the new wording has been consistently held by both state and federal courts to be what the wording in the Constitution really meant. The effect of the change will be to remove confusion, avoid future losses through misuse of trust lands, and save taxpayer funds by eliminating lawsuits questioning the status of the trust lands.

Representative Kevin Garn

## Rebuttal To

*Arguments For Proposition No. 3*  
(No opposing argument was submitted.)

## Arguments Against

(No argument was submitted.)

## Rebnttal To

*Arguments Against Proposition No. 3*  
(No opposing argument was submitted.)

**COMPLETE TEXT OF PROPOSITION NO. 3  
ACCEPTANCE OF TRUST LANDS RESOLUTION**

**A JOINT RESOLUTION OF THE LEGISLATURE  
PROPOSING TO AMEND THE UTAH CONSTITUTION;  
RELATING TO LANDS GRANTED OR ACQUIRED BY  
THE STATE; CLARIFYING THE STATUS OF LANDS  
ACCEPTED IN TRUST BY THE STATE FOR SPECIFIC  
PURPOSES; AND PROVIDING AN EFFECTIVE DATE**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

**ARTICLE XX, SECTION 1**

**ENACTS:**

**ARTICLE XX, SECTION 2**

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

**Section 1. It is proposed to amend Utah Constitution Article XX, Section 1, to read:**

**Article XX, Section 1. [Land grants accepted on terms of trust.]**

All lands of the State that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be

acquired, are hereby accepted, and, except as provided in Section 2 of this Article, are declared to be the public lands of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, donated, devised or otherwise acquired.

**Section 2. It is proposed to enact Utah Constitution Article XX, Section 2, to read:**

**Article XX, Section 2. [School and institutional trust lands.]**

Lands granted to the State under Sections 6, 8, and 12 of the Utah Enabling Act, and other lands which may be added to those lands pursuant to those sections through purchase, exchange, or other means, are declared to be school and institutional trust lands, held in trust by the State for the respective beneficiaries and purposes stated in the Enabling Act grants.

**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, 1999.

For ☐

Against ☐

# Proposition No. 4

## RESOLUTION ELIMINATING VOTING RIGHTS OF CONVICTED FELONS

Votes cast by the members of the Legislature at the 1998 General Session on final passage:

HOUSE (75 members): Yeas, 63; Nays, 3; Absent, 9.

SENATE (29 members): Yeas, 23; Nays, 1; Absent, 5.

### Official Ballot Title:

Shall the Utah Constitution be amended to prohibit any person convicted of a felony from voting and from being eligible to hold office in Utah until the right to vote or hold elective office is restored as provided by statute, and to modify language relating to the restoration of rights for other persons prohibited by the constitution from voting and holding office in Utah?

### Impartial Analysis

Proposition 4 restricts any person convicted of a felony from voting and holding office in Utah. This proposition restricts those rights until the right to vote or hold elective office is restored as provided by statute. It also modifies language relating to the restoration of rights for other persons deprived of the right to vote or hold office.

#### Current voting law applicable to persons convicted of a felony

Neither the Utah Constitution nor Utah statutes currently restrict a person convicted of a felony from voting or holding office in Utah. Persons convicted of a felony may, and occasionally do, vote in Utah elections. Current Utah statutes specify that incarcerated persons, including persons convicted of a felony, are residents of the voting district in which they resided before they were incarcerated.

#### Current restrictions on the right to vote and hold office in Utah

The Utah Constitution presently prohibits persons from voting and holding office in Utah who are: 1) mentally incompetent; 2) convicted of treason; or 3) convicted of a crime against the elective franchise. The Utah Constitution allows these persons to vote or hold office in Utah if they are "restored to civil rights." Currently neither the Utah Constitution nor Utah statutes

provide for the restoration of civil rights to those three categories of persons.

#### Proposed changes

Proposition 4 amends the Utah Constitution to prohibit a fourth category of persons – those convicted of a felony – from voting and holding office in Utah. This proposition also replaces the current language, "unless restored to civil rights," with new language, "until the right to vote or hold elective office is restored as provided by statute." The effect of Proposition 4 is to prohibit all four categories of persons from voting and holding office in Utah "until the right to vote or hold elective office is restored as provided by statute."

#### Legislation effective on passage of Proposition 4

H.B. 190, Felon Voting Restrictions, 1998 General Session, will become law on January 1, 1999 only if Proposition 4 is approved by the voters. H.B. 190 applies to any person convicted of a felony in a Utah state court. It prohibits incarcerated felons from registering to vote and allows persons to challenge a voter's right to vote on the grounds that the person is an incarcerated felon. H.B. 190 also requires the lieutenant governor, in conjunction with the Department of Corrections, to maintain a list of all incarcerated felons.

H.B. 190 restores the right to vote to each person convicted of a felony who is sentenced to probation by the sentencing judge, is granted parole by the Board of Pardons, or has completed the term

of incarceration to which the felon was sentenced. Under H.B. 190, incarcerated felons would be prohibited from voting in Utah, but felons on probation or parole or who had completed their term of incarceration could vote.

H.B. 190 does not restore the right to hold elective office to persons convicted of a felony.

**Effective Date**

Proposition 4 takes effect on January 1, 1999.

**Fiscal Impact**

If Proposition 4 passes, the initial cost to the state of implementing H.B. 190 is estimated to be \$15,000 for a software program to extract existing names from previous felony convictions and to record names from new felony convictions. Ongoing costs to state government to maintain the list of persons convicted of a felony will be approximately \$8,000 per year. County clerks would also face additional costs to maintain a file providing election rolls that exclude names of incarcerated felons.

## Arguments For

Utah is one of only four states that permit convicted felons to vote. The others are Maine, Massachusetts, and Vermont. Passage of this proposition will take away that right while convicted felons are in prison. Upon their release, or placement on parole or probation, the right to vote would be restored.

The right to vote by prisoners convicted of federal crimes in the federal courts is already taken away by federal law. Adopting this proposition will put Utah in conformity with the policy contained in federal law.

Historically, the loss of this privilege was considered a deterrent to crime because citizenship and the right to vote were valued so highly in the Roman and English cultures. The loss of the right to vote was considered to be a form of retaliation against those who had broken the social contract by their criminal acts.

The U.S. Constitution provides that qualifications for voting be established by the individual states. No state or federal court has ever ruled that state laws denying voting rights to persons convicted of certain serious crimes are unconstitutional.

We believe that those who commit serious crimes against our society and communities have, in a sense, declared "war" on our society. By their criminal acts, they have indicated that they do not want to live by our laws. Therefore, they should not have a voice in who governs our society, or in other ballot decisions we make. It is not, however, the intent of those who favor this proposition to heap more punishment upon convicted felons. It is their intent and hope that felons will sense the great value we place upon the right to vote.

Proposition 4 sends the message that the right to vote is a privilege that those who choose to obey the law hold sacred. It is not a right to be shared with or offered to those who commit terrible crimes. Utah should join virtually all of the rest of the United States - take the right to vote away from convicted felons until they have made fair recompense for their crimes.

Don't be soft on convicted felons. Vote for Proposition 4.

Representative Carl R. Saunders, Dist. 11

## Rebuttal To

Before deciding how to vote on Proposition 4, please take a moment to read the arguments on both sides. The argument in favor of the resolution, submitted by Representative Carl Saunders, is anything but compelling. In one sentence, Representative Saunders states: "It is not, however, the intent of those who favor this Proposition to heap more punishment upon convicted felons." Then he states: "Don't be soft on convicted felons." Representative Saunders states that those who have committed crimes against our society "have, in a sense, declared 'war' on our society." Apparently Representative Saunders feels that we should use all the weapons at our disposal, in order to win that "war".

While passing the amendment may satisfy our innate desire for revenge, it is bad policy. It segregates people into classes, and lengthens the distance between us, when we should be building bridges. If we can convince some felons, especially the growing number of people convicted of drug crimes, that they have an alternative to "dropping out" of society, we will all be well served.

The constitutional amendment will allow the Legislature to add to those who cannot vote. The political pressure to avoid being "soft on convicted felons" makes it too easy to do just that. Our Constitution is there to protect our basic rights.

Leave our constitutional protections intact. Vote against Proposition 4.

W. Andrew McCullough

## Arguments Against

The Utah Legislature has voted to deprive convicted felons of the right to vote, until restored to that privilege by action of the Legislature. While many states have similar legal provisions, Utah has never before prohibited those convicted of crimes from voting, with narrow exceptions. This tradition of allowing everyone to vote in Utah started when some leaders of the LDS Church were convicted felons, because of the practice of polygamy. More than 100 years after Statehood, the legislature who now suggests that allowing convicted felons to vote will injure the electoral process.

There is no evidence to support this proposition. Several years ago the City of Draper became concerned that inmates at the Utah State Prison might influence the vote in Draper, where the prison is located. That problem was solved by a law that gave convicted felons residency where they lived prior to being incarcerated. Prison officials now say that voting by prisoners, which must be by absentee ballot, is fairly low.

The real question, however, is not whether allowing convicted felons to vote is harmless. The more important question is whether there is any positive value to society as a whole, in keeping the law the way it stands.

Voting in the United States is a sacred privilege. It allows us to participate in making major decisions which affect our lives. Most of those convicted of felonies and sent to prison or jail do not feel that they have much stake in society and society's goals. Most of them did not make a practice of voting before their conviction. Our prison system has, over the years, provided various programs to train, educate and assist inmates in avoiding continued criminal activity when they are released. Members of the Legislature, and the public at large, have objected to these programs because they are expensive to maintain. They argue that providing training and education to inmates seems more like a reward than a punishment; and people want these inmates punished. Unlike education and training programs, allowing inmates to vote costs little or nothing. If just a few of them get involved in our democratic process by voting, that is a substantial benefit to society. If those who were formerly completely alienated from society now feel that they have a voice and can participate in some small way in decision making, they are less likely to continue criminal activity. This simple connection with society and its traditions, causes no harm, and no appreciable expense. Convicted felons should be encouraged, rather than discouraged, from participating in our electoral and governmental processes. If they are involved with us, maybe a few more of us can live without fear of crime. Please join with me in voting against Proposition Number 4.

Submitted by W. Andrew McCullough, Independent and Libertarian candidate for Utah Attorney General in 1996; and a member of the Board of Directors of the ACLU of Utah.

## Rebuttal To

The Legislature has not deprived convicted felons of the right to vote. Only the voters can make that decision. Not the Legislature. If this resolution passes, the law allows for the restoration of those rights when felons are released from prison, placed on probation, or paroled.

These prisoners have demonstrated complete lack of respect for our laws. Their crimes against society are of a serious nature. They have not been imprisoned for traffic violations or other minor offenses.

It is pleasing to note that there has been a renewed interest and desire by prisoners to vote since this issue was debated by the legislature. Again we see that it is human nature that we often do not appreciate something special until it is taken from us.

In the pro argument for this resolution it is inferred that voting rights are taken by federal law from those convicted of felonious crimes in federal courts. It is more factual to state that the federal courts advise the states of those convictions, and then all but four of the states restrict those rights. The result is practically the same.

The real issue here is: Should those convicted felons, who have committed serious crimes against our society be allowed to vote while imprisoned or not? All but four states have said they should not. We legislators think they should not. But you, the people of the state of Utah must decide.

We encourage you to vote yes for this resolution.

Representative Carl R. Saunders



**COMPLETE TEXT OF PROPOSITION NO. 4  
RESOLUTION ELIMINATING VOTING RIGHTS OF CONVICTED FELONS**

**A JOINT RESOLUTION OF THE LEGISLATURE  
PROPOSING TO AMEND THE UTAH CONSTITUTION;  
ELIMINATING THE VOTING RIGHTS OF CONVICTED  
FELONS; AND PROVIDING AN EFFECTIVE DATE.**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

**ARTICLE IV, SECTION 6**

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

**Section 1. It is proposed to amend Utah Constitution  
Article IV, Section 6, to read:**

**Article IV, Section 6. [Mentally incompetent persons,  
convicted felons, and certain criminals ineligible to vote.]**

[No] Any mentally incompetent person [or], any person convicted of a felony, or any person convicted of treason[,] or a crime against the elective franchise, [unless restored to civil rights, shall] may not be permitted to vote at any election[,] or be eligible to hold office in this State until the right to vote or hold elective office is restored as provided by statute.

**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, 1999.

For ☐

Against ☐

# Proposition No. 5

## RESOLUTION ESTABLISHING WILDLIFE INITIATIVE NUMBERS

Votes cast by the members of the Legislature at the 1998 General Session on final passage:

HOUSE (75 members): Yeas, 52; Nays, 19; Absent, 4.

SENATE (29 members): Yeas, 25; Nays, 3; Absent, 1.

### Official Ballot Title:

Shall the Utah Constitution be amended to require a two-thirds vote in order to adopt by initiative a state law allowing, limiting, or prohibiting the taking of wildlife or the season for or method of taking wildlife?

### Impartial Analysis

Proposition 5 amends present provisions of the Utah Constitution regarding the power of the people of the state to initiate legislation and submit it to a vote of the people for approval or rejection by majority vote. This proposition requires a two-thirds vote in order to adopt by initiative a state law allowing, limiting, or prohibiting the taking of wildlife or the season for or method of taking wildlife.

#### Current law

The Utah Constitution grants legislative power to both the Legislature and the people of the state. One of the ways the people may exercise their legislative power is through the initiative process. Under the Utah Constitution, that process consists of legal voters proposing a law and submitting it for approval or rejection by a vote of the people. The process occurs under the conditions, in the manner, and within the time provided by law. If the people by initiative propose the adoption of a state law, the initiative is subject to a statewide vote requiring approval by majority vote. Accordingly under current law, an initiative proposing the adoption of a state law relating to the taking of wildlife or the season for or method of taking wildlife would be subject to a statewide vote requiring approval by majority vote.

State wildlife laws currently use some of the same terms found in Proposition 5. The term "take," as used in wildlife laws,

includes hunting, pursuing, harassing, catching, capturing, possessing, angling, netting, trapping, or killing wildlife or the attempt to do any of these activities. The term "wildlife" means crustaceans, including brine shrimp and crayfish; shellfish; and mammals, birds, and fish living in nature, except those that have escaped domestication and become wild. The term "season" refers to the period of time during which specified wildlife may be legally taken. These terms would serve as the starting point for any initiative proposing a change to state wildlife law.

#### Proposed changes

Proposition 5 amends the Utah Constitution to establish a two-thirds vote requirement in order to adopt by initiative a state law that allows, limits, or prohibits the taking of wildlife or the season for or method of taking wildlife. All other initiatives would continue to be subject to approval by majority vote.

#### Effective Date

Proposition 5 takes effect on January 1, 1999.

#### Fiscal Note

Proposition 5 has no fiscal impact.

## Arguments For

**VOTE FOR PROPOSITION 5** and keep our wildlife management system just the way it is. When you **VOTE FOR PROPOSITION 5** you protect Utah's wildlife management system, and preserve your wildlife for all time. A **VOTE FOR PROPOSITION 5** keeps in place a sound wildlife management system that has one of the most extensive public participation processes in the country. Over the last 75 years, citizen's ideas have been blended with science by trained biologists to effectively balance the needs of all wildlife with available habitat and human population growth.

**VOTE FOR PROPOSITION 5** because animal extremists groups have been pushing a Washington, D.C., liberal agenda using ballot initiatives to take over wildlife management systems throughout the western states. Look at their history of taking away wildlife management practices from wildlife experts: 1990 California, 1990 Arizona, 1992 Colorado, 1992 Arizona, 1994 Oregon, 1996 California, 1996 Colorado, 1996 Oregon, 1996 Washington, and 1996 Idaho. Now, they are threatening Utah!

**VOTE FOR PROPOSITION 5** so the Humane Society of the United States knows Utahns want them to stay in Washington, D.C., "...the Humane Society of the United States will be in Salt Lake City on Tuesday to begin planning the (wildlife ballot initiative) campaign." (Salt Lake Tribune, January 10, 1997)

**VOTE FOR PROPOSITION 5** because local animal extremists are threatening to take management of Utah's wildlife into their own hands; "The mission of the Utah Cougar Coalition is to advance the cause of predator protection...by taking our cause directly to the citizens of Utah by means of an initiative." (Cougar Coalition Mission Statement, Sept. 8, 1996); and "When we do it (run an initiative), we want to be successful". (Utah Animal Rights Alliance, Salt Lake Tribune, January 10, 1997).

**VOTE FOR PROPOSITION 5** so Division of Wildlife Resources Director John Kimball can work with wildlife experts and Utah citizens. Mr. Kimball hopes all citizens will establish a dialogue about wildlife management using the current wildlife management process of regional wildlife advisory councils, not the ballot box. (Salt Lake Tribune, January 10, 1997)

**VOTE FOR PROPOSITION 5** so your wildlife is managed using science and facts, not emotion and political campaigns run by extremist groups like PETA that exclaim, "fish have lives and should be left alone". PETA wants to ban all fishing in national parks calling it a "violent process". "Our (PETA's) position is fishing is inherently cruel". (PETA's anti-fishing coordinator - Provo Daily Herald, 2/14/1998).

A **VOTE FOR PROPOSITION 5** is a vote for equal protection and full rights. It does not favor nor harm anyone's

rights. According to Mr. Richard Wilkins, Constitutional Law Professor at Brigham Young University, Proposition 5 does not stop any citizen's right to use an initiative, nor does it discriminate against any Utah citizen. It applies an equal standard to everyone!

**VOTE FOR PROPOSITION 5.** Support the wildlife heritage of generations of Utahns before us. Stand-up FOR Utah values. Defend your freedoms. Protect your rights and natural resources from a Washington, D.C. agenda.

Senator Leonard M. Blackham

## Rebuttal To

- Proposition 5 will restrict your voting rights. A vote of a minority 1/3 + 1 will be sufficient to veto the will of the majority.
- Supporters of Proposition 5 argue that they must remove your right to vote on wildlife issues because of the threat of a ballot initiative affecting wildlife management. No such initiative has ever been attempted in Utah, nor is one anticipated.
- Proposition 5 argues that you, the voter, are not intelligent enough to decide these issues for yourself.
- Despite what proponents of Proposition 5 have said, Washington bureaucrats and politicians can't introduce a ballot initiative in any state.
- Proponents of Proposition 5 decry the use of outside money to pursue political agendas in our state, yet a majority of the money to support this measure has come from outside Utah.
- We should not tamper with the constitution to please any special interest.
- If Proposition 5 is passed, your right to vote on transportation, taxes, or your children's education could be next.

**Vote NO on Proposition 5!**

Members of both political parties, wildlife biologists, and professors of law, believe that Proposition 5 is a bad idea for all Utahns. Please join them by voting NO on Proposition 5.

Norma Matheson

Dr. Sam Zeveloff  
Zoology Professor, WSU

Congressman Merrill Cook

Lily Eskelsen  
Congressional Candidate

Dr. Sam Rushforth  
Botany Professor, BYU

Dr. Ed Firmage  
Professor of Law

Dr. Barrie Gilbert  
Zoology Professor, USU

Dr. Dinah Davidson  
Ecology Professor, U of U

State Senator Millie Peterson    State Senator Robert Stelner

## Arguments Against

The ballot initiative process was created to allow the citizens of Utah to have a voice in how they want to be governed. It is a valuable tool that enables the people to vote on issues of importance when their elected official fails to act, or act inappropriately.

This proposition represents a direct assault on the ballot initiative process. If passed, Utah would become the first state to amend its constitution making ballot initiatives dealing with a specific issue more difficult to pass than an initiative on any other issue.

Currently the approval of a simple majority is sufficient to pass an initiative. This proposition would violate our tradition of majority rule by requiring approval by at least 2/3 of the voters before any initiative affecting wildlife management could become law. Why should we allow for 1/3 of the voting public the right to veto the will of the majority on this or any other issue? A vote for this proposition would limit your voice in the democratic process.

Utah's ballot initiative process is already one of the most difficult in the country. To put an issue to a vote a group or individual must first gather more than 60,000 signatures distributed through 20 counties. This gives counties with an extremely small percentage of Utah's overall population veto power over any ballot initiative they dislike. There is no need to single out a specific issue and make the process even more difficult for those concerned with that issue.

Additionally, it is vitally important that we not allow any interest group to rewrite our constitution making it more difficult for their opponents to successfully pass ballot initiatives. Our constitution is too important to be manipulated in this way. Utah's constitutional review commission was never involved in reviewing the measure. Considering the importance of this issue, and the precedent it sets, the commission should have been involved in the process.

Some in our legislature don't trust you to make wise decisions on issues you care about. We believe the citizens of Utah are intelligent enough to decide each initiative placed on the ballot in its own merits. Let us not change our constitution to give away the right to decide how we want to govern ourselves.

Send a clear message this election day that you cherish Utah's tradition of allowing its citizens the right to practice direct democracy. This proposition allows you to speak out for your own individual rights by voting NO.

Senator Millie Peterson  
Senator Bob Steiner

## Rebuttal To

On November 3rd, join the hundreds of thousands of independent UTAH CITIZENS, Republicans and Democrats alike, that will VOTE "FOR" PROPOSITION 5 protecting our wildlife management system. Don't let Washington, D.C. and local extremists use initiatives to take control of Utah resources!

VOTE "FOR" PROPOSITION 5 and join Dr. Max Morgan, Chairman, and Utah Wildlife Board members in supporting professional management of Utah's animals, birds and fish by the Utah Division of Wildlife Resources, citizens of Utah, and local regional wildlife councils.

A VOTE "FOR" PROPOSITION 5 supports management of Utah's wildlife using sound biology and science says Wildlife Biology Professors Dr. Hal Black, BYU, Dr. Terry Messmer, USU.

VOTE FOR PROPOSITION 5 so Utah's Wildlife Board Members and the Division of Wildlife Resources have flexibility to effectively regulate Utah's wildlife.

Join Congressman Jim Hansen and CONGRESSMAN Chris Cannon, and VOTE "FOR" PROPOSITION 5 to preserve Utah's western way of life, and protect your sovereign state's rights to manage Utah's wildlife.

Join State Senate President Lane Beattie, House of Representatives Speaker Melvin Brown, and 25 of 29 state senators, and 52 of 75 representatives who voted "FOR" proposition 5 (SJR 10), and tell extremists they can not have control of Utah wildlife using initiatives.

Support Utah HABITAT AND WILDLIFE CONSERVATION organizations including Utah Rocky Mountain Elk Foundation, Utah Sportsmen for Fish and Wildlife, and more, in preserving habitat and wildlife for your family heritage. VOTE "FOR" PROPOSITION 5.

Senator Leonard M. Blackham

**COMPLETE TEXT OF PROPOSITION NO. 5**  
**RESOLUTION ESTABLISHING WILDLIFE INITIATIVE NUMBERS**

**A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; PROVIDING THAT ANY VOTER INITIATIVE REGARDING THE TAKING OF WILDLIFE SHALL BE ADOPTED UPON APPROVAL OF TWO-THIRDS OF THOSE VOTING; AND PROVIDING AN EFFECTIVE DATE.**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

**ARTICLE VI, SECTION 1**

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

**Section 1. It is proposed to amend Utah Constitution Article VI, Section 1, to read:**

**Article VI, Section 1. [Power vested in Senate, House and People.]**

The Legislative power of the State shall be vested:

1. In a Senate and House of Representatives which shall be designated the Legislature of the State of Utah.
2. In the people of the State of Utah, as hereinafter stated:

The legal voters or such fractional part thereof, of the State of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may

initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the Legislature (except those laws passed by a two-thirds vote of the members elected to each house of the Legislature) to be submitted to the voters of the State before such law shall take effect. Legislation initiated to allow, limit, or prohibit the taking of wildlife or the season for or method of taking wildlife shall be adopted upon approval of two-thirds of those voting.

The legal voters or such fractional part thereof as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect.

**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, 1999.

For ☐

Against ☐

# Proposition No. 6

## RESOLUTION ON REVIEW OF TAX COMMISSION CASES

Votes cast by the members of the Legislature at the 1998 General Session on final passage:  
HOUSE (75 members): Yeas, 66; Nays, 0; Absent, 9.  
SENATE (29 members): Yeas, 28; Nays, 0; Absent, 1.

### Official Ballot Title:

Shall the Utah Constitution be amended to permit the Legislature to authorize any state court to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission or by any county board of equalization relating to revenue and taxation, including authorization for application back to July 1, 1994 under specified circumstances?

### Impartial Analysis

Proposition 6 amends the Revenue and Taxation Article of the Utah Constitution. It permits the Legislature to authorize any state court to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission or by a county board of equalization relating to revenue and taxation. This proposition also permits the Legislature to make the expansion of the court's jurisdiction effective back to July 1, 1994 under specified circumstances.

#### Current law

The Utah Constitution presently directs the State Tax Commission to "administer and supervise the tax laws of the State" and specifies other powers of the Commission. Under current state statute, a district court may affirm or reverse a State Tax Commission decision or send it back to the Commission for its further action. The district court may also grant other relief as long as the court's actions do not limit State Tax Commission powers set forth in the Utah Constitution. According to a recent Utah court decision, the Utah Constitution does not presently allow the Legislature to authorize a district court to conduct an original, independent proceeding on a State Tax Commission decision.

The Utah Constitution also directs county boards of equalization to adjust and equalize the valuation and assessment of property within their respective counties, subject to regulation and control by the State Tax Commission as provided by statute. Under current state statute, a county board of equalization decision may

be appealed to the Utah Supreme Court after review by the State Tax Commission.

#### Proposed changes

Proposition 6 amends the Utah Constitution to allow the Legislature to authorize a state court to adjudicate, review, reconsider, or redetermine a matter decided by the State Tax Commission or by a county board of equalization relating to revenue and taxation. This proposition allows the Legislature to expand the jurisdiction of state courts with respect to decisions of the State Tax Commission and county boards of equalization. Under that expanded jurisdiction, a court could conduct an original, independent proceeding and exercise its own judgment in the place of a decision by the State Tax Commission or a decision by a county board of equalization that has received review by the State Tax Commission. This proposition also allows the Legislature to authorize a state court to review directly a county board of equalization decision that has not received State Tax Commission review.

In addition, Proposition 6 gives the Legislature authority to make the expansion of the court's jurisdiction effective back to July 1, 1994. This retroactive application would apply to decisions of the State Tax Commission or county boards of equalization for which neither a district court, the Court of Appeals, nor the

Supreme Court has issued a final, unappealable judgment or order, and as long as a vested right is not enlarged, eliminated, or destroyed.

#### **Statutory provisions effective on passage of Proposition 6**

If Proposition 6 passes, certain provisions of S.B. 62, District Court Review of Tax Commission Cases, 1998 General Session, will become law on January 1, 1999. (Other provisions of S.B. 62 have already become law.) The provisions of S.B. 62 that become law upon passage of Proposition 6: 1) grant a district court jurisdiction to conduct an original, independent proceeding in reviewing a final decision issued by the State Tax Commission if the decision resulted from a formal, administrative proceeding; 2) expressly grant a district court the power to modify any order issued by the State Tax Commission; and 3) remove language that restricts the district court's ability to grant other relief in reviewing State Tax Commission decisions. These statutory provisions are applied back to July 1, 1994 for decisions relating to revenue and taxation that are issued by the State Tax Commission or county boards of equalization. This retroactive application applies to decisions for which neither a district court, the Court of Appeals, nor the Supreme Court has issued a final, unappealable judgment or order and for which application back does not "enlarge, eliminate, or destroy a vested right."

S.B. 62 does not expand state court jurisdiction to review directly a county board of equalization decision that has not

received State Tax Commission review, although Proposition 6 authorizes the Legislature to do so.

#### **Effective Date**

Proposition 6 takes effect on January 1, 1999 and authorizes the Legislature to pass laws applying the provisions of Proposition 6 back to July 1, 1994 under specified circumstances.

#### **Fiscal Note**

The State Tax Commission has identified 31 tax cases currently pending before Utah state courts that will be impacted if Proposition 6 passes. In two of the cases, there is a combined total of approximately 1.2 billion dollars of property taxes in dispute. In the other cases, there is a combined total of approximately 75 million dollars of sales, corporate franchise, and property taxes in dispute. These 31 cases are already being reviewed by Utah state courts under current statutes but would be eligible for review by a state court in an original, independent proceeding if Proposition 6 passes. The result of an original, independent court proceeding, in terms of the amount of tax owed by a taxpayer involved in a case, may or may not differ from the result that would have been reached without the original, independent court proceeding.

Additionally, the State Tax Commission expressed concern that a broad reading of S.B. 62 would allow court review for any Commission decision issued since July 1, 1994 that has not received final, unappealable court action. The potential fiscal impact of such a reading is uncertain.

## Arguments For

A vote for Proposition 6 will help ensure fair and equitable taxation in Utah by re-establishing a tax court in the state and providing a more taxpayer-favorable place to appeal tax assessments.

Assume for a minute that you or your company have been hit with a sales or income tax audit that you believe is unfair. Or assume that your property value for property tax purposes doubles in one year's time and you want to appeal. Under Utah's current tax appeal structure, the "judges" in your appeal are the very people that imposed the tax on you--either the county, or the state tax commission. Moreover, if you appeal the decision of these taxing authorities to court, the appellate court is required to defer to the judgment of those government authorities on most issues, giving these government authorities the benefit of any doubts.

In 1998, the Legislature voted 94-0 to allow you to take your Tax Commission assessment for an impartial *day in court*. Approval of this Proposition will make the tax court a reality. The tax judges will be able to hear all evidence in a case, and make a ruling based solely on the facts and law, without paying undue deference to the tax assessing body. The tax court will consist of 6 sitting district court judges who have tax expertise. Because the judges are already sitting judges, the court will cost the taxpayers of Utah no additional money. The judges will continue to hear non-tax cases. To be more accessible to taxpayers, these judges will travel to any areas of the state where tax disputes arise.

The Tax Commission does a good job with its duties. However, isn't it comforting to know that someone unconnected to the assessing function can review your case. The United States was founded on the principle of checks and balances, with different branches of government making sure other branches act appropriately to ensure fairness for all. The tax court is a check and balance for Utah's tax system, providing an impartial eye to ensure the system runs smoothly and fairly for everybody.

Senator Howard A. Stephenson  
Representative John Valentine

## Rebuttal To

*Arguments For Proposition No. 6*  
(No opposing argument was submitted.)

## Arguments Against

(No argument was submitted.)

## Rebuttal To

*Arguments Against Proposition No. 6*  
(No opposing argument was submitted.)



**COMPLETE TEXT OF PROPOSITION NO. 6  
RESOLUTION ON REVIEW OF TAX COMMISSION CASES**

**A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH CONSTITUTION; AMENDING THE REVENUE AND TAXATION ARTICLE TO AUTHORIZE A COURT TO ADJUDICATE, REVIEW, RECONSIDER, OR REDETERMINE A MATTER DECIDED BY THE STATE TAX COMMISSION OR BY A COUNTY BOARD OF EQUALIZATION RELATING TO REVENUE AND TAXATION; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

**ARTICLE XIII, SECTION 11**

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

**Section 1. It is proposed to amend Utah Constitution Article XIII, Section 11, to read:**

**Article XIII, Section 11. [Creation of State Tax Commission -- Membership -- Governor to appoint -- Terms -- Duties -- County boards -- Duties.]**

(1) There shall be a State Tax Commission consisting of four members, not more than two of whom shall belong to the same political party.

(2) The members of the Commission shall be appointed by the Governor, by and with the consent of the Senate, for such terms of office as may be provided by law.

(3)(a) The State Tax Commission shall administer and supervise the tax laws of the State.

(b) It shall assess mines and public utilities and adjust and equalize the valuation and assessment of property among the several counties.

(c) It shall have such other powers of original assessment as the Legislature may provide.

(d) Under such regulations in such cases and within such limitations as the Legislature may prescribe, it shall review proposed bond issues, revise the tax levies of local governmental units, and equalize the assessment and valuation of property within the counties.

(4) The duties imposed upon the State Board of Equalization by the Constitution and Laws of this State shall be performed by the State Tax Commission.

(5) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may authorize any court established under Article VIII to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission or by a County Board of Equalization relating to revenue and taxation as provided by statute.

(6) In each county of this State there shall be a County Board of Equalization consisting of the Board of County Commissioners of said county.

(7) The County Boards of Equalization shall adjust and equalize the valuation and assessment of the real and personal property within their respective counties, subject to such regulation and control by the State Tax Commission as may be prescribed by law.

(8) The State Tax Commission and the County Boards of Equalization shall each have such other powers as may be prescribed by the Legislature.

**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.**

(1) If approved by the electors of the state, the amendments proposed by this joint resolution take effect on January 1, 1999.

(2) Notwithstanding Subsection (1), the Legislature may apply the amendments proposed by this joint resolution retrospectively to July 1, 1994, to a statute authorizing a court to adjudicate, review, reconsider, or redetermine a decision issued by the State Tax Commission or a County Board of Equalization relating to revenue and taxation, for which the Supreme Court, the Court of Appeals, or a district court has not issued a final unappealable judgment or order, if:

(a) the Legislature expressly states that the statute is to be applied retrospectively; and

(b) the statute does not enlarge, eliminate, or destroy a vested right.

# INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOTS

## 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 Judicial Article of the Utah Constitution, revised effective July 1, 1985, establishes 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.

## 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 is evaluated by the Judicial Council. The Judicial Council is established by the Utah Constitution as the policy making body for the judicial branch of government and is required by its own rules and by statute to evaluate the performance of all judges. As a result of the evaluation, the Judicial Council certifies whether the judge is qualified for retention election. The results of individual evaluations are published in the voter information pamphlet.

## 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 regardless of whether the judge is standing 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. In addition, a similar survey of jurors is conducted for district court judges. Prior to the close of a judge's term of office, the Judicial Council reviews the results of the attorney and juror polls and other standards of performance and determines whether the judge is qualified for retention.

## 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.

**Minimum Standards for Performance**

The Judicial Council has established the following minimum standards for judicial performance. Some standards apply to all judges and some standards apply to judges of a specific court.

- A minimum score of 70% on at least 75% of the questions on the attorney survey.
- A minimum score of 70% on at least 75% of the questions on the juror survey.
- For justices of the Supreme Court, circulating no more than six principal opinions more than 180 days after submission.
- For judges of the Court of Appeals, circulating not more than six principal opinions more than 180 days after submission; and achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.
- For judges of the trial court, no cases under advisement for more than 180 days and no more than 6 cases under advisement for more than 60 days.
- At least 30 hours of judicial education per year.
- Compliance with Code of Judicial Administration and the Code of Judicial Conduct.
- Physical and mental fitness for office.

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.

**Attorney Survey Questions**

A random sample of attorneys appearing before each judge was asked to rate the judge as "excellent", "more than adequate", "adequate", "less than adequate", and "inadequate" on the following questions. 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%.

**Questions of Attorneys About Appellate Judges**

- 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?

### **Questions of Attorneys About Trial Court Judges**

- 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 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) Attorneys who recommend the Judicial Council certify the Judge for retention election.

### **Juror Survey Questions**

All jurors appearing before each district court judge were asked to answer "yes" or "no" to each of the following questions. 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%. There are no jurors in the Supreme Court, Court of Appeals, or juvenile court, and some district court judges are assigned only cases for which there are no jury trials.

### **Questions of Jurors About District Court Judges**

- 1) Does the judge avoid "playing favorites?"
- 2) Does the judge's behavior appear to be free from bias?
- 3) Does the judge conduct proceedings in a fair and impartial manner?
- 4) Does the judge clearly explain court procedures?
- 5) Does the judge clearly explain reasons for delay?
- 6) Does the judge clearly explain responsibilities of the jury?
- 7) Does the judge behave in a dignified manner?
- 8) Does the judge behave in a courteous manner?
- 9) Does the judge avoid arrogance?
- 10) Does the judge display patience?
- 11) Does the judge display attentiveness?
- 12) Does the judge treat people with respect?
- 13) Does the judge convene court without undue delay?
- 14) Did you find the recesses to be frequent enough and long enough to attend to your personal needs?
- 15) Would you be comfortable having your case tried before this judge?



### **Justice Leonard H. Russon - Utah Supreme Court (Serving all counties of Utah)**

Justice Leonard H. Russon was appointed to the Utah Supreme Court in January 1994 by Gov. Michael O. Leavitt. He is a past Associate Presiding Judge of the Court of Appeals. He was appointed to the Utah Court of Appeals in December 1990 by Gov. Norman H. Bangerter and to the Third District Court in May 1984 by Gov. Scott M. Matheson. He received his law degree from the University of Utah College of Law in 1962. Justice Russon was a senior partner in the Salt Lake law firm of Hanson, Russon & Dunn. He is past chair of the Board of District Court Judges, past chair of the Judicial Conduct Commission, and past member of the Supreme Court's Advisory Committee on the Code of Professional Conduct. Justice Russon is currently a member of the Judicial Council.

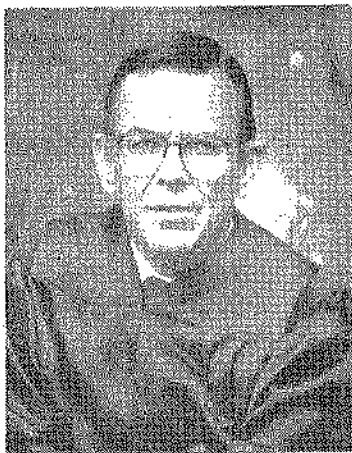
### **Justice Russon met or exceeded the following standards of performance:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Fewer than 6 opinions under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In compliance with the Code of Judicial Conduct.
- In compliance with the Code of Judicial Administration.

*The Judicial Conduct Commission entered no disciplinary sanctions against Justice Russon.*

**There were 100 attorney survey respondents for Justice Russon.**

	Standard Favorable Response	Judge's Favorable Response
1. Professional behavior is free from impropriety or appearance of impropriety.	70%	96%
2. Behavior is free from bias.	70%	93%
3. Discourages inappropriate ex parte approaches from attorneys or participants in a case.	70%	94%
4. Demonstrates knowledge of substantive law.	70%	90%
5. Demonstrates knowledge of the rules of evidence and procedure.	70%	97%
6. Demonstrates an ability to perceive legal and factual issues.	70%	93%
7. Properly applies the law to the facts of the case.	70%	88%
8. Demonstrates an awareness of recent legal developments.	70%	94%
9. Opinions demonstrates scholarly legal analysis.	70%	87%
10. Opinions are clear and well written.	70%	89%
11. Demonstrates preparation for oral arguments.	70%	94%
12. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?	70%	91%



### **Justice I. Daniel Stewart – Utah Supreme Court (Serving all counties of Utah)**

Justice I. Daniel Stewart was appointed to the Utah Supreme Court in January 1979 by Gov. Scott M. Matheson. He served as Associate Chief Justice from 1986 to 1988. He received his law degree from the University of Utah College of Law in 1962, graduated first in his class and was Editor-in-Chief of the Utah Law Review. On graduation, he served in the U.S. Department of Justice Honors Program Antitrust Division and practiced before the U.S. Supreme Court and various U.S. Courts of Appeals. Prior to his appointment to the bench, Justice Stewart was a partner in the firm of Jones, Waldo, Holbrook & McDonough in Salt Lake City. From 1965 to 1970 he was an Associate Professor of law at the University of Utah. He is a liaison to the Supreme Court Committee on Rules of Evidence and was named Appellate Court Judge of the Year in 1986 by the Utah State Bar.

### **Justice Stewart met or exceeded the following standards of performance:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Fewer than 6 opinions under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In compliance with the Code of Judicial Conduct.
- In compliance with the Code of Judicial Administration.

*The Judicial Conduct Commission entered no disciplinary sanctions against Justice Stewart.*

### **There were 109 attorney survey respondents for Justice Stewart.**

	Standard Favorable Response	Judge's Favorable Response
1. Professional behavior is free from impropriety or appearance of impropriety.	70%	97%
2. Behavior is free from bias.	70%	96%
3. Discourages inappropriate ex parte approaches from attorneys or participants in a case.	70%	96%
4. Demonstrates knowledge of substantive law.	70%	95%
5. Demonstrates knowledge of the rules of evidence and procedure.	70%	94%
6. Demonstrates an ability to perceive legal and factual issues.	70%	93%
7. Properly applies the law to the facts of the case.	70%	90%
8. Demonstrates an awareness of recent legal developments.	70%	94%
9. Opinions demonstrates scholarly legal analysis.	70%	93%
10. Opinions are clear and well written.	70%	92%
11. Demonstrates preparation for oral arguments.	70%	91%
12. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?	70%	92%



### **Justice Michael D. Zimmerman - Utah Supreme Court (Serving all counties of Utah)**

Justice Michael D. Zimmerman was appointed to the Utah Supreme Court in July 1984 by Gov. Scott M. Matheson. He served as Chief Justice from January 1994 to April 1998. He received his law degree from the University of Utah College of Law in 1969 and served as law clerk to U.S. Supreme Court Chief Justice Warren E. Burger for one year. Between 1970 and 1976 he practiced law in Los Angeles. From 1976 to 1978 he was an associate professor of law at the University of Utah College of Law. From 1978 to 1980 he was a sole practitioner in Salt Lake City and served as part-time special counsel to the Governor. Justice Zimmerman was an attorney with the Salt Lake law firm of Watkiss & Campbell from 1980 until his appointment to the bench and was also an adjunct professor of law at the University of Utah College of Law from 1978 to 1984 and from 1989 to 1992. Justice Zimmerman is

a former vice-chair of the Task Force on Gender and Justice, the Supreme Court's representative on the Judicial Council from 1986 to 1991, and former chair of the Salt Lake Courts' Complex Steering Committee. He was named Appellate Court Judge of the Year in 1988 by the Utah State Bar. He received the Distinguished Service Award from the Utah State Bar in 1998.

### **Justice Zimmerman met or exceeded the following standards of performance:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Fewer than 6 opinions under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In compliance with the Code of Judicial Conduct.
- In compliance with the Code of Judicial Administration.

*The Judicial Conduct Commission entered no disciplinary sanctions against Justice Zimmerman.*

<b>There were 113 attorney survey respondents for Justice Zimmerman.</b>	<b>Standard Favorable Response</b>	<b>Judge's Favorable Response</b>
1. Professional behavior is free from impropriety or the appearance of impropriety.	70%	89%
2. Behavior is free from bias.	70%	87%
3. Discourages inappropriate ex parte approaches from attorneys or participants in a case.	70%	95%
4. Demonstrates knowledge of the substantive law.	70%	97%
5. Demonstrates knowledge of the rules of evidence and procedure.	70%	95%
6. Demonstrates an ability to perceive legal and factual issues.	70%	96%
7. Properly applies the law to the facts of the case.	70%	89%
8. Demonstrates an awareness of recent legal developments.	70%	99%
9. Opinions demonstrate scholarly legal analysis.	70%	93%
10. Opinions are clear and well written.	70%	91%
11. Demonstrates preparation for oral arguments.	70%	96%
12. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?	70%	92%



**Judge Michael J. Wilkins - Utah Court of Appeals  
(Serving all counties of Utah)**

Judge Michael J. Wilkins was appointed to the Utah Court of Appeals in August 1994 by Gov. Michael O. Leavitt, and currently serves as Associate Presiding Judge. He received his law degree from the University of Utah College of Law in 1977. From 1977 to 1994 he was engaged in private law practice in Salt Lake City. He chairs the judiciary's Standing Committee on Technology, is a member of the Utah Information Technology Commission, Associate Presiding Judge of the Court of Appeals, a member of the Board of Appellate Court Judges, and has previously served on other committees and boards, including the Joint Committee on Court Security and the Supreme Court Task Force on Video in the Courtroom.

**Judge Wilkins met or exceeded the following standards of performance:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Fewer than 6 opinions under advisement for more than 6 months.
- An average time for preparation of opinions of 120 days or less.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In compliance with the Code of Judicial Conduct.
- In compliance with the Code of Judicial Administration.

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Wilkins.*

**There were 46 attorney survey respondents for Judge Wilkins.**

	Standard Favorable Response	Judge's Favorable Response
1. Professional behavior is free from impropriety or the appearance of impropriety.	70%	98%
2. Behavior is free from bias.	70%	95%
3. Discourages inappropriate ex parte approaches from attorneys or participants in a case.	70%	100%
4. Demonstrates knowledge of substantive law.	70%	93%
5. Demonstrates knowledge of the rules of evidence and procedure.	70%	97%
6. Demonstrates an ability to perceive legal and factual issues.	70%	93%
7. Properly applies the law to the facts of the case.	70%	91%
8. Demonstrates an awareness of recent legal developments.	70%	100%
9. Opinions demonstrate scholarly legal analysis.	70%	95%
10. Opinions are clear and well written.	70%	93%
11. Demonstrates preparation for oral arguments.	70%	89%
12. Taking everything into account, would you recommend the Judicial Council certify this judge for retention election?	70%	93%





### **Judge Clint S. Judkins - 1st District, District Court (Box Elder, Cache, Rich)**

Judge Clint S. Judkins was appointed to the First Circuit Court in 1988 by Gov. Norman H. Bangerter. He became a judge in First District in July 1996. He is currently the Presiding Judge of the First District. He received his law degree from the University of Utah College of Law in 1972. He was in private practice in Tremonton prior to his appointment to the bench. He served as the Tremonton City Attorney for 16 years. He served on the Indigent Defense Cost Committee and is past President of the Box Elder County Bar Association. He has been the Presiding Judge in the First Circuit and also served on the Board of Circuit Court Judges. He has served on the Gender Fairness Committee and is presently serving on the Commissioner Conduct Committee. He is Master of the Bench, Rex E. Lee American Inn of Court.

**Judge Judkins met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Judkins.*

**There were 56 attorney survey respondents for Judge Judkins.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	90%	81%	85%	93%	90%	92%	87%	88%	89%	94%	94%	96%	85%

**There were 8 juror respondents for Judge Judkins.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	75%	100%	100%	100%	100%	100%	88%	100%	100%	88%	100%



### **Judge Michael G. Allphin - 2nd District, District Court (Davis, Morgan, Weber)**

Judge Michael G. Allphin was appointed to the Second District Court in July 1995 by Gov. Michael O. Leavitt. He received his law degree from the University of Pacific, McGeorge School of Law in 1980. Prior to his appointment, Judge Allphin served as a District Court Commissioner/District Judge Pro Tempore for six years. He was appointed in May of 1989 to a position in the Third District and later transferred to the Second District. He was chair of the Executive Committee of Court Commissioners and a member of the Board of District Court Judges. He served as the State District Court Administrator during 1988 and 1989 and guided the District Court transition from county-operated to state-operated courts. He practiced law in the Second, Third and Fifth Districts with the firm of Boyack, Allphin & Hansen. He is currently the Associate Presiding Judge for the Second District.

**Judge Allphin met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Allphin.*

**There were 94 attorney survey respondents for Judge Allphin.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	99%	96%	93%	97%	97%	100%	97%	95%	98%	99%	98%	99%	97%

**There were 4 juror respondents for Judge Allphin.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Glen R. Dawson - 2nd District, District Court (Davis, Morgan, Weber)**

Judge Glen R. Dawson was appointed to the Second District Court in September 1994 by Gov. Michael O. Leavitt. He received his law degree from the J. Reuben Clark College of Law at Brigham Young University in 1980. He served in Washington, D.C. as a trial attorney with the United States Department of Justice from 1980 to 1986. Judge Dawson relocated to Utah in 1986 where he served as an Assistant United States Attorney for the District of Utah until his appointment to the bench. He was chosen as 1994 Government Attorney of the Year for the Utah Chapter of the Federal Bar Association. Judge Dawson currently serves as a member of the Board of District Court Judges and is a member of the Supreme Court Advisory Committee on Rules of Criminal Procedure.

**Judge Dawson met or exceeded the standards of performance outlined on page 43.**

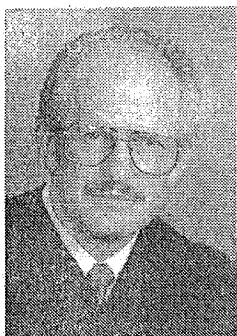
*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Dawson.*

**There were 87 attorney survey respondents for Judge Dawson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	96%	96%	94%	94%	89%	92%	96%	94%	99%	96%	90%	97%

**There were 72 juror respondents for Judge Dawson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	94%	100%	100%	100%	97%	100%	100%



### **Judge Roger S. Dutson - 2nd District, District Court (Davis, Morgan, Weber)**

Judge Roger S. Dutson was appointed to the Second Circuit Court in March 1988 by Gov. Norman H. Bangerter. He became a judge in Second District Court in July 1996. From 1980 until his appointment to the bench, he served as Roy City Attorney and the Assistant City Manager for Roy City. Judge Dutson received his law degree from George Washington University in Washington, D.C. in 1965 and was in private practice in Ogden from 1968 to 1980. He served as defense counsel for the Navy Judge Advocate General Corps from 1965 to 1968. He serves on the Fee Arbitration Committee and Courts and Judges Committee of the Utah State Bar. Judge Dutson is also a member of the Judiciary Subcommittee of the Utah Substance Abuse and Anti-Violence Coordinating Council.

**Judge Dutson met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Dutson.*

**There were 90 attorney survey respondents for Judge Dutson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	96%	90%	93%	99%	93%	92%	89%	94%	95%	99%	93%	89%	92%

**There were 29 juror respondents for Judge Dutson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	97%	100%	81%	96%	100%	100%	100%	100%	91%	100%	80%	96%	100%



### **Judge Pamela G. Heffernan – 2nd District, District Court (Davis, Morgan, Weber)**

Judge Pamela G. Heffernan was appointed to the Second Circuit Court in 1989 by Gov. Norman H. Bangarter. She became a judge in Second District Court in July 1996. Judge Heffernan received her law degree from the University of Utah College of Law in 1981. She was a shareholder in the Salt Lake law firm of Snow, Christensen & Martineau until her appointment to the bench. Judge Heffernan is a former member of the Board of Circuit Court Judges and has also served on the Commission for Justice in the 21st Century and the Judicial Performance Evaluation Committee.

**Judge Heffernan met or exceeded the standards of performance outlined on page 43.**

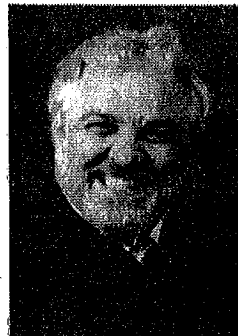
*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Heffernan.*

**There were 96 attorney survey respondents for Judge Heffernan.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	94%	79%	80%	95%	87%	89%	86%	82%	86%	90%	79%	81%	76%

**There were 91 juror respondents for Judge Heffernan.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	98%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	93%	100%	100%



### **Judge Stanton M. Taylor – 2nd District, District Court (Davis, Morgan, Weber)**

Judge Stanton M. Taylor was appointed to the Second District Court in July 1988 by Gov. Norman H. Bangarter. He was appointed an Ogden City Judge in 1973 and became a Second Circuit Court Judge when the city court system changed in 1978. He received his law degree from the University of Utah College of Law in 1964 and was a partner in the Ogden law firm of Lamph, Newey & Taylor. Judge Taylor served as an Ogden Deputy Attorney. He is a member of the Ancillary Court Services Task Force, the Statewide Transition Team and chair of the Grand Jury Panel of Judges.

**Judge Taylor met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Taylor.*

**There were 108 attorney survey respondents for Judge Taylor.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	98%	93%	88%	92%	96%	95%	90%	94%	93%	99%	92%	96%	94%

**There are no jury surveys for Judge Taylor during the reporting period.**



### **Judge J. Mark Andrus - 2nd District, Juvenile Court (Davis, Morgan, Weber)**

Judge J. Mark Andrus was appointed to the Second District Juvenile Court in September 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1982. He was an attorney with the Legal Defender Association prior to accepting a position with the Davis County Attorney's Office in 1983. Judge Andrus is the Presiding Judge in the Second District Juvenile Court, is a member of the Board of Juvenile Court Judges and is on the education subcommittee of the Board. He has served on the Juvenile Court Recodification Subcommittee, the Family Court Task Force, the Sentencing Commission and the Board of Juvenile Justice and Delinquency Prevention.

**Judge Andrus met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Andrus.*

**There were 59 attorney survey respondents for Judge Andrus.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	91%	89%	84%	96%	98%	93%	91%	95%	98%	96%	96%	100%	90%



### **Judge L. Kent Bachman -2nd District, Juvenile Court (Davis, Morgan, Weber)**

Judge L. Kent Bachman was appointed to the First and Second District Juvenile Court in August 1977 by Gov. Scott M. Matheson. He received his law degree from the University of Utah College of Law in 1968. Judge Bachman was a Deputy Weber County Attorney and Chief Deputy City Attorney for Ogden City. He was in private practice from 1968 to 1977 in general civil and criminal litigation and was a referee for the First District Juvenile Court from 1969 to 1971. Judge Bachman was the Chair of the Board of Juvenile Court Judges from 1981 to 1982 and is a former member of the Judicial Council.

**Judge Bachman met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Bachman.*

**There were 62 attorney survey respondents for Judge Bachman.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	97%	92%	89%	92%	91%	91%	96%	91%	98%	100%	95%	95%



### **Judge Judith S. H. Atherton - 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Judith S. H. Atherton was appointed to the Third District Court in July 1995 by Gov. Michael O. Leavitt. Judge Atherton received her law degree from the University of Utah College of Law in 1983. She was a member of the firm of Hugh C. Garner & Associates from 1984 to 1986 and Staff Counsel for the Legal Aid Society of Salt Lake from 1986 to 1988. She then served in the state executive branch as Assistant Administrative Law Judge and Assistant Attorney General. She was appointed as a Third District Court Commissioner in 1992 and handled a civil and criminal caseload. She has also served as an adjunct instructor at the University of Utah College of Law.

**Judge Atherton met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Atherton.*

**There were 81 attorney survey respondents for Judge Atherton.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	95%	94%	91%	95%	90%	91%	89%	91%	87%	95%	91%	92%	93%

**There were 32 juror respondents for Judge Atherton.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Leon A. Dever - 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Leon A. Dever was appointed to the Third District Court in July, 1995. Judge Dever received his law degree from the University of Houston Law School in 1975. His first position was with the firm of Andrew P. Stephens & Associates in Houston. He then moved to Salt Lake and after two years as a solo practitioner, he served from 1978 to 1982 in the Salt Lake County Attorney's office. He then became a Partner in the Vernal firm of McRae & DeLand from 1982-1987. He then accepted a position as Assistant Attorney General and for the next eight years served in several capacities in the Attorney General's Office. At the time of his appointment to the bench, he was serving as Chief of the Public Affairs Division in the Attorney General's Office.

**Judge Dever met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Dever.*

**There were 95 attorney survey respondents for Judge Dever.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	94%	85%	87%	93%	82%	82%	81%	87%	84%	96%	84%	85%	81%

**There were 54 juror respondents for Judge Dever.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	98%	98%	100%	98%	88%	100%	98%	100%	98%	100%	98%	100%	100%	98%	100%



### **Judge Stephen L. Henriod – 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Stephen L. Henriod was appointed to the Third District Court in November 1994 by Gov. Michael O. Leavitt. Judge Henriod received his law degree from the University of Utah College of Law in 1975. Judge Henriod was in private practice from 1975 until his appointment to the bench. Judge Henriod is a member of the Sutherland Inn of the American Inns of Court and is a past member of the Association of Trial Lawyers of America and the American Arbitration Association, Panel of Arbitrators. Judge Henriod is currently a member of the executive committee of the Litigation Section and Family Law Section of the Utah State Bar.

**Judge Henriod met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Henriod.*

**There were 110 attorney survey respondents for Judge Henriod.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	76%	70%	70%	82%	86%	82%	78%	81%	72%	95%	90%	91%	72%

**There were 16 juror respondents for Judge Henriod.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	94%	100%



### **Judge Robert K. Hilder – 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Robert K. Hilder was appointed to the Third District Court in August 1995 by Gov. Michael O. Leavitt. Judge Hilder received his law degree from the University of Utah College of Law in 1984. In 1984, he joined the firm of Christensen, Jensen & Powell. In his 11-year tenure with the firm, he was an Associate Attorney and then Shareholder, Director and Managing Director. His practice stressed civil litigation, covering a wide range of specialties. His extensive pro bono practice included experience in criminal, consumer, adoption and juvenile law.

**Judge Hilder met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Hilder.*

**There were 143 attorney survey respondents for Judge Hilder.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	99%	98%	99%	99%	99%	98%	98%	99%	99%	100%	99%	100%	99%

**There are no jury surveys for Judge Hilder during the reporting period.**



### **Judge Roger A. Livingston - 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Roger A. Livingston was appointed to the Third Circuit Court in 1988 by Gov. Norman H. Bangerter. He became a judge in the Third District in July 1996. He received his law degree from the University of Utah College of Law in 1974. He was a partner in the Salt Lake law firm of Livingston, Ward, & McPhie from 1977 to 1980 and he worked in the Salt Lake County Attorney's Office from 1980 until his appointment to the bench. He served two terms as a Representative in the Utah State Legislature. Judge Livingston is presently serving on the Bar Committee on Collection Agencies and the Uniform Fine/Bail Schedule Committee and was on the Board of Circuit Court Judges.

**Judge Livingston met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Livingston.*

**There were 90 attorney survey respondents for Judge Livingston.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	87%	83%	85%	88%	87%	92%	84%	87%	94%	98%	88%	93%	84%

**There were 6 juror respondents for Judge Livingston.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

### **Judge Ronald E. Nehring - 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Ronald E. Nehring was appointed to the Third District in January 1995 by Gov. Michael O. Leavitt. Judge Nehring is a graduate of Cornell University and the University of Utah College of Law. Prior to his appointment to the bench, Judge Nehring practiced law in Salt Lake City for 17 years. Judge Nehring has been active in community affairs, including service on the commission for the recodification of Utah's insurance laws, the Valley Mental Health Board of Directors and the Judge Memorial Catholic High School Board of Financial Trustees. He has also been a long-time youth soccer coach. Judge Nehring is currently a member of the Board of District Court Judges and the Advisory Committee on the Rules of Professional Conduct.

**Judge Nehring met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Nehring.*

**There were 95 attorney survey respondents for Judge Nehring.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	94%	95%	92%	96%	97%	97%	94%	94%	93%	99%	98%	92%	93%

**There were 18 juror respondents for Judge Nehring.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	94%	100%



### **Judge Sandra N. Peuler – 3rd District, District Court (Salt Lake, Summit, Tooele)**

Judge Sandra N. Peuler was appointed to the Third District Court in May 1994 by Gov. Michael O. Leavitt. She received her law degree from the University of Baltimore School of Law in 1977. From 1978 to 1980 she was a sole practitioner in Salt Lake City. From 1980 to 1982 she was a Deputy Salt Lake County Attorney. Judge Peuler was a court commissioner in Third District Court from 1982 until her appointment to the bench. She is a former member of the Judicial Performance Evaluation Committee, the Third District Committee on Court Reorganization, the Utah Child Support Task Force and the Executive Committee for Court Commissioners. She currently serves on the Children's Justice Center Advisory Board, the Utah State Bar Ethics Advisory Opinion Committee and the Board of District Court Judges. She is a member of the Sutherland II Inns of Court.

**Judge Peuler met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Peuler.*

**There were 108 attorney survey respondents for Judge Peuler.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	94%	94%	94%	97%	95%	95%	91%	95%	96%	99%	95%	95%	96%

**There were 69 juror respondents for Judge Peuler.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	97%	100%	100%	100%	98%	100%	100%	100%	100%	100%	100%	100%	100%	100%	99%



### **Judge Joseph W. Anderson – 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)**

Judge Joseph W. Anderson was appointed to the Third District Juvenile Court in August 1995. He received his law degree from the University of Utah College of Law in 1974. He served as a law clerk for the Chief Judge of the U.S. District Court, Northern District of West Virginia from 1974 to 1975, an Associate in the firm of Parsons, Behle and Latimer from 1975 to 1978, then as Assistant U.S. Attorney in the Northern District of West Virginia from 1979 to 1982 and in Salt Lake from 1982 to 1995. From 1986 to his appointment to the bench he served as chief of the Civil Division for the Salt Lake U.S. Attorney's Office.

**Judge Anderson met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Anderson.*

**There were 23 attorney survey respondents for Judge Anderson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	90%	95%	93%	81%	90%	90%	86%	100%	81%	100%	90%	96%





### **Judge Kimberly K. Hornak - 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)**

Judge Kimberly K. Hornak was appointed to the Third District Juvenile Court in October 1994 by Gov. Michael O. Leavitt. She received her law degree from Gonzaga University College of Law in 1983. From 1984 to 1985 she was a staff attorney with Utah Legal Services in Ogden. From 1985 to 1986 she was a staff attorney with the Legal Aid Society. Judge Hornak was an Assistant Attorney General from 1986 to 1988 and was a Deputy Salt Lake County Attorney from 1988 until her appointment to the bench. She has taught classes on the Trial Advocacy Program at the University of Utah College of Law and classes for the paralegal program at Westminster College. She currently serves on the Court Improvement Committee, the Law Related Education Board and the Judicial Education Committee.

**Judge Hornak met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Hornak.*

**There were 61 attorney survey respondents for Judge Hornak.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	93%	90%	93%	92%	93%	93%	88%	93%	93%	97%	98%	98%	86%



### **Judge Sharon P. McCully - 3rd Judicial, Juvenile Court (Salt Lake, Summit, Tooele)**

Judge Sharon P. McCully was appointed to the Third District Juvenile Court in July 1983 by Gov. Scott M. Matheson. Judge McCully graduated from the University of Utah College of Law in 1978 and was an Assistant Utah Attorney General. Judge McCully is a member of the Board of Trustees of the National Council of Juvenile and Family Court Judges. Judge McCully is currently serving on the Judicial Ethics Advisory Committee.

**Judge McCully met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered one public reprimand against Judge McCully.*

**There were 68 attorney survey respondents for Judge McCully.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	98%	92%	97%	92%	97%	98%	94%	98%	100%	100%	100%	98%	96%



### **Judge Frederic M. Oddone - 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)**

Judge Frederic M. Oddone was appointed to the Third District Juvenile Court in August 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1972. From 1972 until his appointment to the bench he was a Deputy Salt Lake County Attorney, where he served as division chief of the Juvenile and Family Court Division since 1986. Since 1988 Judge Oddone has been a member of the Supreme Court Advisory Committee on the Rules of Juvenile Court Procedure. He has also been a member of the Salt Lake City Mayor's Task Force on Gang Violence and the Task Force on Juvenile Court Organization and Jurisdiction. He is chair of the State Task Force on Court Security, represents the judiciary on the State Executive Committee for F.A.C.T. and is Presiding Judge for the Third District Juvenile Court.

**Judge Oddone met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Oddone.*

**There were 72 attorney survey respondents for Judge Oddone.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	86%	87%	90%	63%	96%	97%	93%	97%	98%	100%	94%	100%	96%



### **Judge Robert S. Yeates - 3rd District, Juvenile Court (Salt Lake, Summit, Tooele)**

Judge Robert S. Yeates was appointed to the Third District Juvenile Court in November 1995. Judge Yeates received a master's degree in social work in 1972 and his law degree from the University of Utah College of Law in 1980. Prior to his appointment to the bench, Judge Yeates was in private practice, worked as a prosecutor with the Salt Lake County Attorney's Office and served as a Division Chief with the Salt Lake County District Attorney's Office. Judge Yeates presently serves as a member of the Utah State Sentencing Commission.

**Judge Yeates met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Yeates.*

**There were 35 attorney survey respondents for Judge Yeates.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Donald J. Eyre, Jr. - 4th District, District Court (Juab, Millard, Utah, Wasatch)**

Judge Donald J. Eyre, Jr., was appointed to the Fourth District Court in November 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1976. He was in private practice from 1976 until his appointment to the bench in 1994. Judge Eyre was appointed Nephi City Attorney in 1978 and concurrently served as Juab County Attorney from 1979 until his appointment to the bench. He served on the Jury Education Committee and is presently serving on the Justice Court Standards Committee.

**Judge Eyre met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Eyre.*

**There were 91 attorney survey respondents for Judge Eyre.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	97%	94%	96%	90%	88%	84%	89%	88%	100%	93%	99%	91%

**There were 32 juror respondents for Judge Eyre.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	97%	100%	100%	100%	97%	100%	100%	100%	100%	100%	97%	100%	97%	97%	100%



### **Judge Ray M. Harding, Jr. - 4th District, District Court (Juab, Millard, Utah, Wasatch)**

Judge Ray M. Harding, Jr., was appointed to the Fourth District Court in September 1995 by Gov. Michael O. Leavitt. He received his law degrees from the J. Reuben Clark Law School at Brigham Young University in 1978. He then became a partner in the law firm of Harding & Harding until 1985, whereupon he became president of the law firm of Harding & Associates, P.C. until his appointment to the bench. Judge Harding was also city attorney or prosecuting attorney for the following cities: American Fork, 1985 to 1995; Pleasant Grove, 1983 to 1995; Lindon, 1983 to 1995; Alpine, 1985 to 1995; and Lehi, 1990 to 1995. He served on the Board of Trustees of Utah Valley State College from 1987 to 1995 and was chair of said Board from 1992 to 1993. Judge Harding is also a member of the A. Sherman Christensen Inn of the American Inns of Court.

**Judge Harding met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Harding.*

**There were 62 attorney survey respondents for Judge Harding.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	89%	84%	90%	93%	87%	90%	83%	83%	84%	93%	92%	98%	81%

**There were 4 juror respondents for Judge Harding.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Fred D. Howard - 4th District, District Court (Juah, Millard, Utah, Wasatch)**

Judge Fred D. Howard was appointed to the Fourth District Court in July 1995 by Gov. Michael O. Leavitt. He received his law degree from the J. Reuben Clark Law School at Brigham Young University in 1979. Before his appointment to the bench, he was a partner with the law firm of Howard, Lewis & Peterson. In addition, he served as Deputy County Attorney for Carbon County from 1979 to 1982. Judge Howard is a member of the A. Sherman Christensen Inn of the American Inns of Court, a past member of the Utah Trial Lawyers Association and a past committee member of the Family Law Section of the Utah State Bar. Judge Howard is presently serving on the Ethics Advisory Committee.

**Judge Howard met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Howard.*

**There were 61 attorney survey respondents for Judge Howard.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	98%	98%	100%	98%	100%	100%	100%

**There were 16 juror respondents for Judge Howard.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Howard H. Maetani - 4th District, District Court (Juab, Millard, Utah, Wasatch)**

Judge Howard H. Maetani was appointed to the Fourth District Court in 1995 by Gov. Michael O. Leavitt. He received his law degree from the J. Reuben Clark Law School at Brigham Young University in 1976. Prior to his appointment to the bench he was a judge pro tempore in the Fourth District Court. He was also a Court Commissioner in the Fourth District Court from 1988 to 1994. In addition, from 1986 to 1988 he was a Court Commissioner for the Fourth, Fifth and Seventh District Courts. Judge Maetani is a Masters, A. Sherman Christensen American Inn of Court I; an honorary member, Phi Delta Phi, Sutherland Inn, The International Legal Fraternity; and a member of the American Judges Association.

**Judge Maetani met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Maetani.*

**There were 125 attorney survey respondents for Judge Maetani.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	98%	91%	96%	98%	90%	90%	88%	87%	88%	98%	92%	94%	90%

**There were 8 juror respondents for Judge Maetani.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	88%	100%	100%	100%	100%



### **Judge Leslie D. Brown - 4th District, Juvenile Court (Juab, Millard, Utah, Wasatch)**

Judge Leslie D. Brown was appointed to the Fourth District Juvenile Court in July 1979 by Gov. Scott M. Matheson. Judge Brown also sat on the Eighth District Juvenile Court bench from 1988 to 1996. He received his law degree from the University of Utah College of Law in 1972. He was in private law practice from 1972 to 1977 and was Duchesne County Attorney from 1975 to 1977. He was a member of the Judicial Council from 1992 to 1995 and is a former member of the Commission on Criminal and Juvenile Justice and the Board of Juvenile Court Judges. Judge Brown was Presiding Judge in the Fourth and Eighth District Juvenile Courts from 1991 to 1996. He has been involved with the State Advisory Group of Juvenile Justice and Delinquency Prevention.

**Judge Brown met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Brown.*

**There were 32 attorney survey respondents for Judge Brown.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	97%	97%	97%	100%	100%	100%	100%	100%	100%	100%	97%	96%	97%



### **Judge Sterling B. Sainsbury - 4th District, Juvenile Court (Juab, Millard, Utah, Wasatch)**

Judge Sterling B. Sainsbury was appointed to the Fourth District Juvenile Court in August 1994 by Gov. Michael O. Leavitt. Judge Sainsbury also sat on the Eighth District Juvenile Court bench until 1996, serving Daggett, Duchesne and Uintah Counties. He received his law degree from the J. Reuben Clark College of Law at Brigham Young University in 1981. From 1981 until his appointment to the bench he was a Deputy Utah County Attorney. From 1987 to 1992 Judge Sainsbury was a guest instructor at Brigham Young University in the Department of Social Work. He is a past member of the Utah State Supreme Court Advisory Committee on Juvenile Court Procedure and the Utah County Gang Task Force. Judge Sainsbury currently serves as a member of the Utah Sentencing Commission and is the presiding judge of the Fourth District Juvenile Court.

**Judge Sainsbury met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Sainsbury.*

**There were 26 attorney survey respondents for Judge Sainsbury.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	72%	76%	91%	85%	80%	73%	81%	83%	100%	81%	88%	77%



### **Judge Jeril B. Wilson - 4th District, Juvenile Court (Juab, Millard, Utah, Wasatch)**

Judge Jeril B. Wilson was appointed to the Fourth District Juvenile Court in August 1994 by Gov. Michael O. Leavitt. He chairs the Board of Juvenile Court Judges, and was Presiding Judge for the Fourth District Juvenile Court. Judge Wilson sat on the Eighth District Juvenile Court bench until 1996, serving Daggett, Duchesne and Uintah Counties. He received his law degree from the University of Utah College of Law in 1971. He has been in private practice and served for seven years as a Deputy Utah County Attorney. He was a Utah County Commissioner from 1981 to 1986 and served in the Utah House of Representatives from 1986 to 1990. Judge Wilson also served as a public defender for the Fourth District Juvenile Court. At the time he was appointed to the bench, Judge Wilson was a guardian ad litem for the Fourth District Juvenile Court. He is a member of the State Judicial Performance Evaluation Committee.

**Judge Wilson met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Wilson.*

**There were 31 attorney survey respondents for Judge Wilson.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	93%	93%	89%	93%	92%	93%	96%	95%	100%	97%	88%	94%



### **Judge G. Rand Beacham - 5th District, District Court (Beaver, Iron, Washington)**

Judge G. Rand Beacham was appointed to the Fifth District Court in August 1995 by Gov. Michael O. Leavitt. Judge Beacham received his law degree from the University of Utah College of Law in 1980. Prior to his appointment to the bench, he was in private legal practice, practicing general civil litigation and transactional and business work. He was outside general counsel to SkyWest and its subsidiaries. He was an associate with the law firm of Jones, Waldo, Holbrook & McDonough until 1985 and remained a shareholder there until his appointment to the bench.

**Judge Beacham met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Beacham.*

**There were 22 attorney survey respondents for Judge Beacham.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	95%	100%	100%	95%	90%	95%	100%	100%	100%	100%	100%	100%

**There were 18 juror respondents for Judge Beacham.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	82%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



### **Judge Hans Q. Chamberlain - 5th District, Juvenile Court (Beaver, Iron, Washington)**

Judge Hans Q. Chamberlain was appointed to the Fifth District Juvenile Court in August 1995 by Gov. Michael O. Leavitt. Prior to his appointment to the bench, he was the senior member of Chamberlain & Higbee. He also served as the Iron County Attorney for eight years and is the past president of the Utah State Bar, the Statewide Association of Prosecutors and the Southern Bar Association. He has also been a member of the Utah State Board of Regents and is a past member and chair of the Southern Utah University Board of Trustees. He is currently a member of the Board of Juvenile Court Judges and serves as chair until September 1998. He also serves on the Standing Committee on Court Facilities Planning.

**Judge Chamberlain met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Chamberlain.*

**There were 14 attorney survey respondents for Judge Chamberlain.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	93%	86%	86%	83%	100%	100%	93%	83%	75%	100%	92%	83%	93%

### **Judge Joseph E. Jackson - 5th District, Juvenile Court (Beaver, Iron, Washington)**

Judge Joseph E. Jackson was appointed to the Fifth District Juvenile Court in January 1977 by Gov. Scott M. Matheson. He received his law degree from the University of Utah College of Law in 1961 and was an attorney with the Cedar City law firm of Cline, Jackson, Mayor & Benson from 1963 to 1971. He was a City Attorney for Milford and Beaver from 1965 to 1975 and a City Attorney for Cedar City from 1972 to 1977. Judge Jackson served for six years as a commissioner for the Utah State Bar. He served six years on the Judicial Council and is past chair of the Ethics Advisory Committee. Judge Jackson served two terms as chair of the Juvenile Court Board of Judges and was named Juvenile Court Judge of the Year in 1987 by the Utah State Bar. He was given the 1997 Advocacy for Children Award by Utah Children. Judge Jackson is currently Presiding Judge in the Fifth District Juvenile Court.

**Judge Jackson met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Jackson.*

**There were 26 attorney survey respondents for Judge Jackson.**

Certification Question (see page 44)	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	96%	96%	96%	91%	100%	100%	96%	100%	94%	100%	100%	100%	96%



### **Judge K. L. McIff - 6th District, District Court (Garfield, Kane, Piute, Sanpete, Sevier, Wayne)**

Judge K. L. McIff was appointed to the Sixth District Court in November 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1967 and thereafter served a one-year appointment as law clerk to Chief Judge David T. Lewis of the U.S. Tenth Circuit Court of Appeals. From 1968 until his appointment to the bench, he maintained a private law practice in Richfield, initially with the law firm of Mattsson, Jackson & McIff, and most recently with Olsen, McIff & Chamberlain. He also served as Sevier County Attorney from 1970 to 1978, and as Piute County Attorney from 1978 to 1995. Judge McIff is a past president of the Southern Utah Bar Association and former Examiner for the Utah State Bar. He served as member and chair of the Board of Trustees of Southern Utah University and as a member of the Utah State Board of Regents. Judge McIff was awarded an honorary doctorate of Humane Letters from Snow College in 1996.

**Judge McIff met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge McIff.*

**There were 74 attorney survey respondents for Judge McIff.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	99%	93%	95%	92%	93%	93%	91%	94%	96%	99%	97%	94%	95%

**There were 30 juror respondents for Judge McIff.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	97%	100%	100%	90%	100%	100%	97%	100%	100%	100%	100%	89%	100%	93%



### **Judge Bryce K. Bryner - 7th District, District Court (Carbon, Emery, Grand, San Juan)**

Judge Bryce K. Bryner was appointed to the Seventh Circuit Court in December 1988 by Gov. Norman H. Bangerter. He became a District Court Judge January 1992. He received his law degree from the University of Utah College of Law in 1971. He was the city attorney for Price and Helper and was appointed public defender for Carbon County in 1979. He is a member of the Utah State Bar Fee Arbitration Committee and the Prisoner Transportation Committee. He served as presiding judge of the Seventh District from January 1993 to January 1995. Judge Bryner has been a member of the Board of District Court Judges since 1996.

**Judge Bryner met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Bryner.*

**There were 80 attorney survey respondents for Judge Bryner.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	100%	95%	97%	100%	99%	97%	93%	93%	92%	100%	91%	80%	96%

**There are no jury surveys for Judge Bryner during the reporting period.**



### **Judge A. Lynn Payne, Jr. - 8th District, District Court (Daggett, Duchesne, Uintah)**

Judge A. Lynn Payne, Jr., was appointed to the Eighth Circuit Court in 1987 by Gov. Norman H. Bangerter. He became a District Court Judge in January 1992. He received his law degree from the University of Utah College of Law in 1975, was a Salt Lake City Prosecutor from 1975 to 1978 and an attorney in the Salt Lake County Attorney's Office from 1978 to 1981. He was in private practice in Vernal from 1982 until his appointment to the bench. Judge Payne was named Circuit Court Judge of the Year in 1990 by the Utah State Bar. Judge Payne is presiding judge in Eighth District Court. He is a past chair of the Justice Court Standards Committee, a past member of the Board of Circuit Court Judges and the Board of District Court Judges. He is a past chair of the Board of District Court Judges. In 1992, the Justice Court awarded him the Amicus Curiae Award.

**Judge Payne met or exceeded the standards of performance outlined on page 43.**

*The Judicial Conduct Commission entered no disciplinary sanctions against Judge Payne.*

**There were 70 attorney survey respondents for Judge Payne.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	94%	87%	89%	93%	95%	95%	95%	95%	92%	95%	97%	97%	94%

**There were 22 juror respondents for Judge Payne.**

<i>Certification Question (see page 44)</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Judge's Favorable Response	95%	100%	100%	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

# Instructions to Voters

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

## HOW TO OBTAIN A BALLOT FOR VOTING

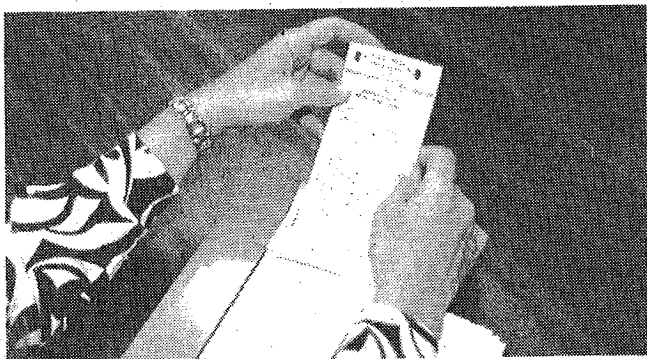
1. Give your name and address to an election judge.
  2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.
- NOTE:** If an election judge has reason to doubt your identity, the judge is required either, (a) to request identification from you, or (b) to 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 the ballot to the election judge who will issue you a new ballot.

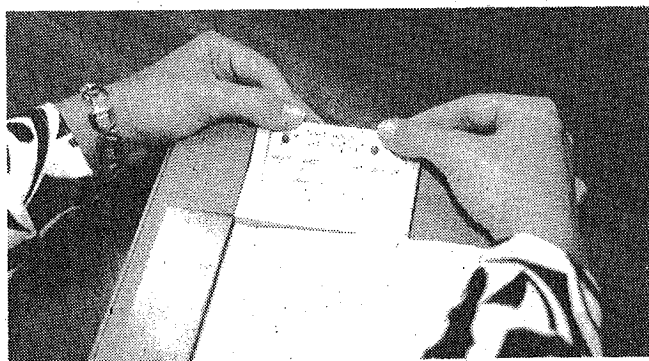
### STEP 1

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



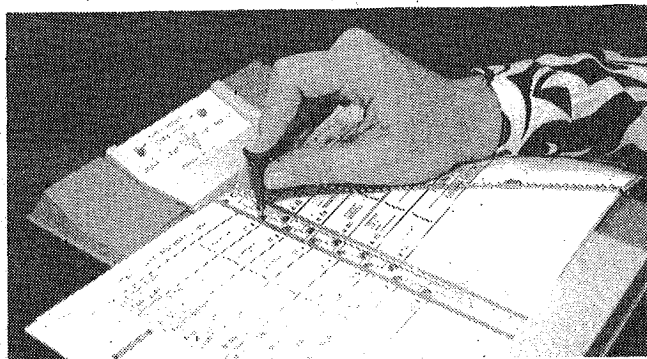
### STEP 2

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



### STEP 3

To vote, place the punch pin next to each of your choices on the ballot, hold the pin straight up, and push it through the ballot card. Follow the instructions, and vote all pages as instructed. Use the punch pin provided. Do not use a pen or pencil.



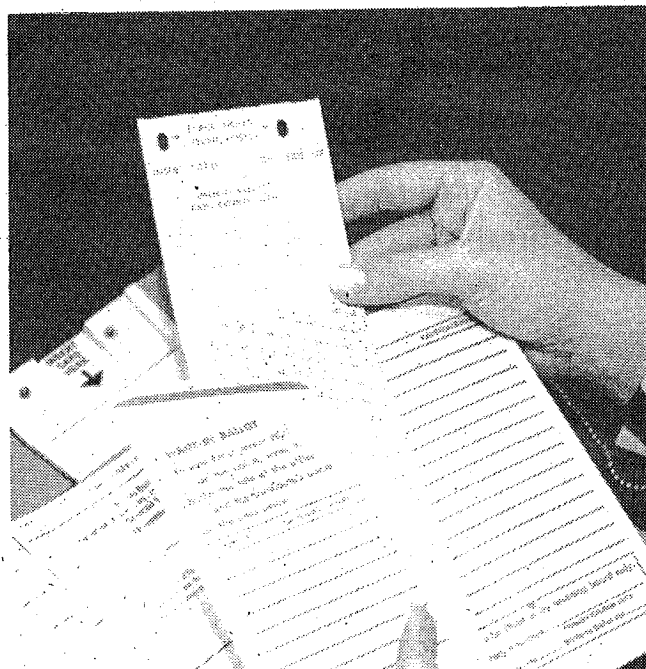
### STEP 4

**Voting for candidates of more than one party.** If you want to vote for candidates from more than one party, you may do so by punching the ballot card next to the candidate's name for whom you wish to vote.

**Voting for candidates of one party.** If you want to cast a "straight party" vote, you may do so by punching the ballot card next to the desired party at the beginning of the ballot. If you vote "straight party" and decide to vote for a candidate from a different party, you may do so by punching the ballot next to the candidate's name. A "straight party" vote is counted as a vote for all candidates of that party except where the voter punches the ballot next to the name of a candidate(s) from a different party.

### STEP 5

After voting, slide the ballot card out of the ballot holder and place it under the flap of the envelope provided with the ballot.



## STEP 6

When you have placed your ballot card under the flap of the envelope, **RETURN THE ENVELOPE CONTAINING THE BALLOT CARD TO THE ELECTION JUDGE.** The election judge will verify your identity and remove the stub from your ballot. Then deposit the envelope containing the ballot card in the ballot box. You have now finished voting.

### WRITE-IN VOTING

You may also vote for a valid write-in candidate. To do this, you may either write the candidate's name and the title of the office for which the candidate is running on the envelope provided with the ballot card or place a sticker containing this information on the envelope. When voting for a write-in candidate, **DO NOT** punch a hole in the punch card for any candidate running for the same office.

### NON-PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non-partisan contests. Your ballot will contain instructions designating the numbers of candidates that should be voted for in each office.

## CONSTITUTIONAL AMENDMENTS AND INITIATIVES

Constitutional amendments and initiatives appear on the ballot in the form of a question. A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot card, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and use the punch pin to punch a hole on the appropriate response.

### HOW TO GET HELP TO MARK YOUR BALLOT

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

## Instructions to Voters

In Daggett, Piute, Rich, and Wayne counties.

### 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.

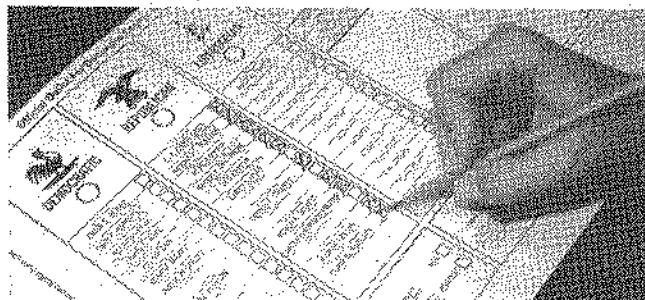
**NOTE:** If an election judge has reason to doubt your identity, the judge is required either, (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

### 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 the ballot to the election judge who will issue you a new ballot.

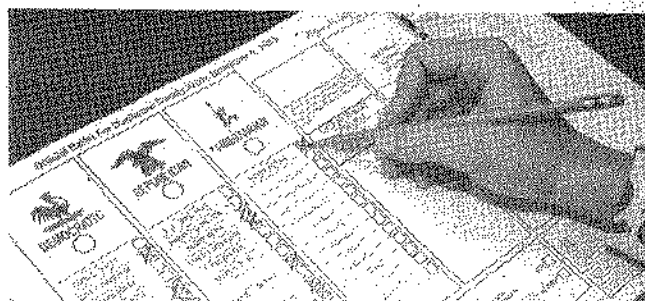
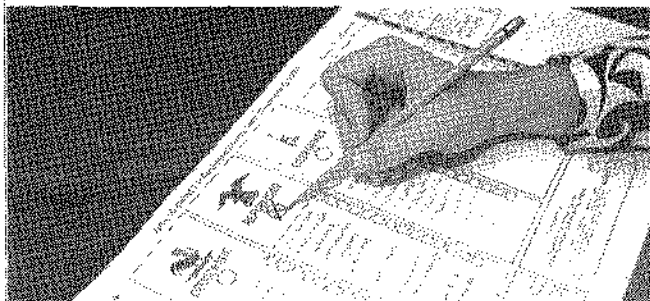
### VOTING FOR CANDIDATES OF ONE PARTY.

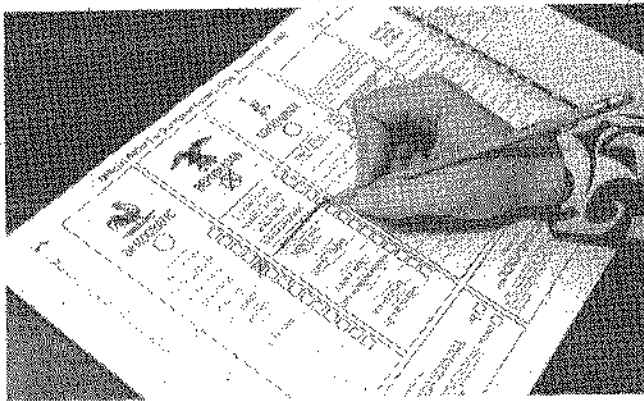
If you want to cast a "straight party" vote, simply mark an "X" in the circle at the top of the list of that party's candidates. You may also mark an "X" in the box next to the candidate's name, but this is not necessary if you marked an "X" in the circle next to the party's symbol.



### VOTING FOR CANDIDATES OF MORE THAN ONE PARTY

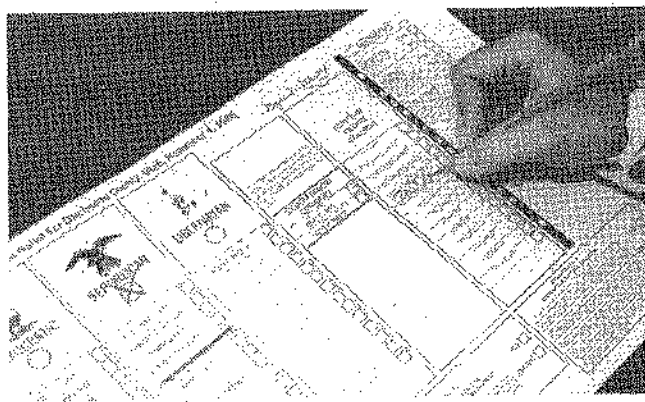
If you want to vote for candidates from more than one party, mark an "X" in the square next to the names of the candidates for whom you want to vote. If you have already voted "straight party" and then decide to vote for a candidate from another party, you must mark an "X" next to the candidate for whom you want to vote, and then, under the party for whom you cast a "straight party" vote, cross out the name of the candidate(s) running for that office.





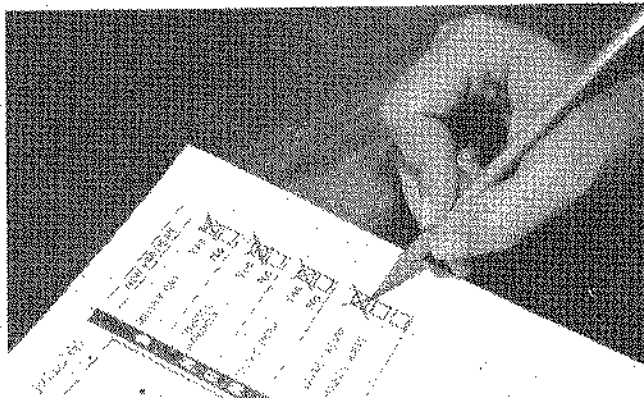
### WRITE-IN VOTING

You may also vote for a valid write-in candidate. To do this, locate the write-in column and identify whether the candidate for whom you wish to vote is running for a partisan or non-partisan office. Write the candidate's name and the title of the office for which the candidate is running on the ballot or place a sticker containing this information on the ballot. An "X" does not need to be placed next to the write-in candidate's name. The appearance of the candidate's name constitutes a vote for that candidate.



### 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 of the ballot. Your ballot will contain instructions designating the number of candidates that should be voted for in each office.



## CONSTITUTIONAL AMENDMENTS AND INITIATIVES

Constitutional amendments and initiatives appear on the ballot in the form of a question. A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and mark an "X" on the appropriate response.

### HOW TO GET HELP TO MARK YOUR BALLOT

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

# Instructions to Voters

In Emery and San Juan counties.

## 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 either (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

## HOW TO VOTE YOUR BALLOT

Mark your ballot only with the marker provided by the election judge. If you use any other type of pen or pencil, your vote may not be counted by the optical scanner.

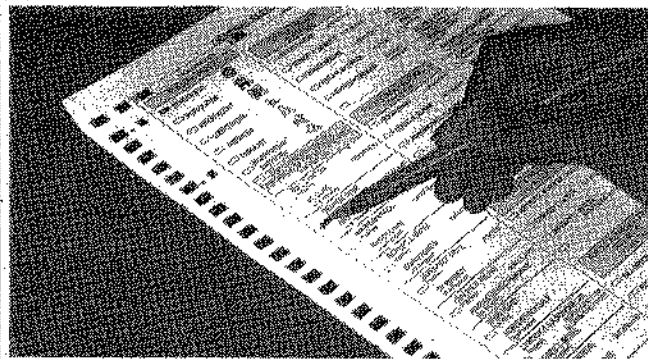
Completely fill in the oval next to the party or candidate of your choice. If an oval is not completely filled in, your vote may not be counted by the optical scanner.

Ballots may be printed on both the front and back. Do not forget to vote on issues that are listed on the reverse side of the 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, do not attempt to erase a mark. Instead, return your ballot to the election judge who will cancel the ballot and issue you a new ballot.

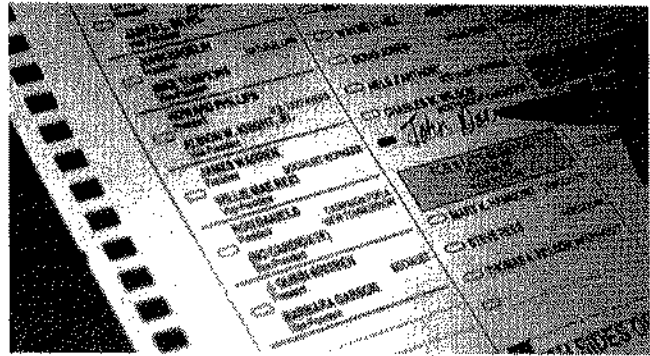
## VOTING FOR CANDIDATES OF ONE PARTY

If you want to cast a "straight party" vote for all the candidates of one party, fill in the oval next to the party symbol at the top of the list of that party's candidates. You may also fill in the ovals next to each candidate's name, but this is not necessary if you filled in the oval next to the party symbol.



## VOTING FOR CANDIDATES OF MORE THAN ONE PARTY

If you want to vote for candidates from more than one party, fill in the oval by the names of the candidates for whom you want to vote. If you have already voted "straight party" and then decide to vote for a candidate from another party, simply mark the oval next to the other candidate(s) of your choice. The optical scanner will interpret a "straight party" vote as a vote for all candidates of that party except where you fill in an oval for candidate(s) of a different party.

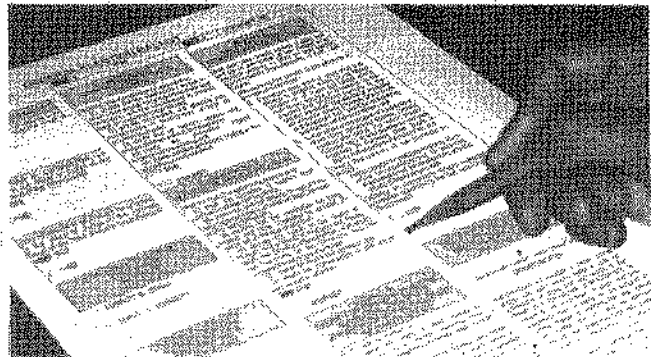


## WRITE-IN VOTING

You may also vote for a valid write-in candidate. You do this by legibly writing the name of the write-in candidate in the space provided on the ballot or by placing in that space a sticker containing the office and write-in candidate's name. You should also fill in the oval next to the write-in candidate's name.

## NON-PARTISAN CANDIDATES

Judicial, state school board, local school board, and similar offices are non-partisan contests. They are located either in the right column or on the reverse side of the ballot. The ballot contains instructions designating the number of candidates that should be voted for in each office.



## CONSTITUTIONAL AMENDMENTS AND INITIATIVES

Constitutional amendments and initiatives appear on the ballot in the form of a question. A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and fill in the oval for the appropriate response.

## HOW TO GET HELP MARKING A BALLOT

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

# County Clerks

Paul B. Barton  
Beaver County Clerk  
435-438-6463 Fax 438-6481  
P.O. Box 392  
Beaver, UT 84713-0392

Luann Adams  
Box Elder County Clerk  
435-734-2031 Fax 734-2038  
01 S. Main Street  
Brigham City, UT 84302-2599

Stephen M. Erickson  
Cache County Clerk  
435-752-3542 Fax 752-3597  
170 N. Main Street  
Logan, UT 84321-4599

Robert P. Pero  
Carbon County Clerk/Auditor  
435-636-3224 Fax 636-3210  
120 East Main  
Price, UT 84501-3098

Vicky McKee  
Daggett County Clerk/Auditor  
435-784-3154 Fax 784-3335  
P.O. Box 218  
Manila, UT 84046-0218

Margene Isom  
Davis County Clerk/Auditor  
801-451-3213 Fax 451-3202  
P.O. Box 618  
Farmington, UT 84025-0618

Pat Barker  
Duchesne County Clerk  
435-738-1102 Fax 738-5522  
Drawer 270  
Duchesne, UT 84021-0270

Bruce C. Funk  
Emery County Clerk/Auditor  
435-381-5106 Fax 381-5183  
P.O. Box 907  
Castle Dale, UT 84513-0907

Camille Moore  
Garfield County Clerk/Auditor  
435-676-8826 Fax 676-8239  
P.O. Box 77  
Panguitch, UT 84759-0077

Fran Townsend  
Grand County Clerk/Auditor  
435-259-1322 Fax 259-2959  
125 E. Center  
Moab, UT 84532-2492

David I. Yardley  
Iron County Clerk  
435-477-8340 Fax 477-8847  
P.O. Box 429  
Parowan, UT 84761-0429

Patricia Ingram  
Juab County Clerk/Auditor  
435-623-0271 Fax 623-5936  
160 N. Main  
Nephi, UT 84648-1412

Karla Johnson  
Kane County Clerk/Auditor  
435-644-2458 Fax 644-2052  
P.O. Box 50  
Kanab, UT 84741-0728

Marlene A. Whicker  
Millard County Clerk  
435-743-6223 Fax 743-6923  
765 S. Highway 99  
Fillmore, UT 84631

Pauline Green  
Morgan County Clerk/Auditor  
801-845-4010 Fax 829-6176  
P.O. Box 886  
Morgan, UT 84050-0886

Valeen H. Brown  
Piute County Clerk/Auditor  
435-577-2840 Fax 577-2433  
P.O. Box 99  
Junction, UT 84740-0099

Pamela Shaul  
Rich County Clerk/Auditor  
435-793-2415 Fax 793-2410  
20 South Main  
P.O. Box 218  
Randolph, UT 84064-0218

Sherie Swensen  
Salt Lake County Clerk  
Elections Division  
801-468-3427 Fax 468-3473  
2001 S. State Street, #S1100  
Salt Lake City, UT 84190-1050

Gail Northern  
San Juan County Clerk/Auditor  
435-587-3223 Fax 587-2425  
P.O. Box 338  
Monticello, UT 84535-0338

Kristine F. Anderson  
Sanpete County Clerk  
435-835-2131 Fax 835-2135  
160 N. Main  
Manti, UT 84642-1299

Steven C. Wall  
Sevier County Clerk  
435-896-9262 Fax 896-8888  
P.O. Box 517  
Richfield, UT 84701-0517

Kent Jones  
Summit County Clerk  
435-336-4451 Fax 336-3030  
P.O. Box 128  
Coalville, UT 84017-0128

Dennis D. Bwing  
Tooele County Clerk  
435-843-3140 Fax 882-7317  
47 S. Main  
Tooele, UT 84074-2194

Pat S. McNeill  
Uintah County Clerk  
435-781-5360 Fax 781-6701  
147 East Main  
Vernal, UT 84078-2126

Arlin V. Kuhn  
Utah County Clerk  
801-370-8128 Fax 370-8232  
100 East Center, Rm 3100  
Provo, UT 84606-3106

Brent R. Titcomb  
Wasatch County Clerk  
435-654-3211 Fax 654-5116  
25 N. Main  
Heber City, UT 84032-1827

Calvin R. Robison  
Washington County Clerk  
435-634-5712 Fax 634-5763  
197 E. Tabernacle  
St. George, UT 84770-3473

Sandra Rees  
Wayne County Clerk  
435-836-2731 Fax 836-2479  
P.O. Box 189  
Loa, UT 84747-0189

Linda Lunceford  
Weber County Clerk/Auditor  
801-399-8400 Fax 399-8300  
2380 Washington Blvd.,  
3rd Floor  
Ogden, UT 84401



# STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

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 3, 1998, and that the foregoing pamphlet  
is complete and correct according to the law.

DATED September 1, 1998

A handwritten signature in cursive script, reading 'Olene S. Walker'.

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 3, 1998, you may register to vote by one of the following methods.

- You may register by mail until October 14 by sending in a Mail-in Registration Form. These forms may be obtained at any county clerk's office or political party office. They are also available at various banks, post offices, libraries, and other public locations.
- You may register at any satellite registration location in your county between 8:00 a.m. and 8:00 p.m. on October 26 and 27. Please contact your county clerk (see page 70) for satellite registration locations.
- You may register at the County Clerk's office in your county during regular working hours until October 14.