This pamphlet contains general voting information for all Utah voters. To view voting information that is specific to you, visit VOTE.UTAH.GOV, enter your address, and click on "Sample Ballot, Profiles, Issues."

For audio & braille versions of the voter information pamphlet, please visit blindlibrary.utah.gov.

UTAH VOTER INFORMATION PAMPHLET

2014 GENERAL ELECTION
TUESDAY, NOVEMBER 4

VOTE

VOTE.UTAH.GOV

PREPARED BY THE OFFICE OF THE
LIEUTENANT GOVERNOR, SPENCER J. COX

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

SPENCER J. COX
LIEUTENANT GOVERNOR

September 15, 2014

Dear Utah Voters:

The Office of the Lieutenant Governor is pleased to present the 2014 Voter Information Pamphlet. Please take the time to read through the enclosed material to learn more about the upcoming General Election on November 4, 2014. Inside you will find information about candidates, ballot issues, judges, and instructions on how to vote.

In addition to the information provided in these pages, you can visit vote.utah.gov and find even more information about the election. At vote.utah.gov you can view your sample ballot, find your polling location, and view candidate biographies for the candidates in your area.

As always, if you need assistance of any kind, please call us at 1-800-995-VOTE (8683), email elections@utah.gov, or stop by our office in the State Capitol.

Thank you for doing your part to move our democracy forward.

Sincerely,

Spencer J. Cox
Lieutenant Governor

UTAH STATE CAPITOL, SUITE 220 • P.O. BOX 142325 • SALT LAKE CITY, UTAH 84114-2325
TEL: (801) 538-1041 • FAX: (801) 538-1133

Constitution Party
P.O. Box 1215
Bountiful, UT 84010
435-363-4453
constitutionpartyofutah.com

Democratic Party
825 N. 300 W., Suite C400
Salt Lake City, UT 84103
801-328-1212
www.utahdemocrats.org

Independent American Party
4270 Normandie
Salt Lake City, UT 84107
801-232-0576
www.utahiap.org

Libertarian Party
6885 South State St., Suite 200
Midvale, UT 84047
801-871-9415
www.utahlp.org

Republican Party
117 E. South Temple
Salt Lake City, UT 84111
801-533-9777
www.utgop.org

FOR MORE INFORMATION

The following list of websites, although not comprehensive, is provided to give voters the opportunity to become better informed:

NEWS MEDIA

National
www.cnn.com
www.foxnews.com
www.nbcnews.com
www.nytimes.com
www.wsj.com
www.washingtonpost.com

Local
www.abc4.com
www.deseretnews.com
www.fox13now.com
www.heraldextra.com
www.hjnews.com
www.ksl.com
www.kutv.com
www.sltrib.com
www.thespectrum.com
www.standard.net
www.utahpolicy.com

GOVERNMENT

www.vote.utah.gov
www.elections.utah.gov
www.fec.gov

YOUTH VOTING SITES

www.youthvote.org
www.rockthevote.org
www.ourtime.org

REGISTER TO VOTE

www.voter.utah.gov

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CANDIDATES

The following pages list the candidates who are running for U.S. House of Representatives, Attorney General, Utah State Senate, Utah State House of Representatives, and State School Board.

The candidates for the U.S. House and Attorney General were given the opportunity to submit a 100-word statement and a photograph. The Lieutenant Governor's Office has no editorial authority over these statements.

A list of candidates for the Utah State Senate, Utah State House of Representatives, and State Board of Education are provided to give voters the opportunity to contact the candidates in their area. To find out which candidates are running for office in your area, visit VOTE.UTAH.GOV.

U.S. CONGRESSIONAL DISTRICT 1

Box Elder, Cache, Daggett, Davis (part), Duchesne, Morgan, Rich, Summit, Uintah, and Weber Counties

DONNA MCALEER
Democratic

Donna McAleer is a West Point graduate, Army veteran, businesswoman, non-profit leader, award-winning author and ski instructor. Donna served our country as an Army officer in Germany. She serves on the Defense Advisory Council on Women. She earned an MBA from the University of Virginia and led a global logistics division for GenRad, a technology firm.

She earned a spot in the National and Olympic Trials for the U.S. Women's Bobsled Team. Donna then led the People's Health Clinic, a non-profit organization providing health care to the uninsured. She lives in Summit County with Ted, her husband, and her daughter.

P.O. Box 981731
Snyderville, UT 84098
801-683-0114
donna@dmcaleer.com
dmcaleer.com

DWAYNE A VANCE
Independent American

Dwayne A. Vance was bred, born, raised, educated and married in Utah. He has an accounting degree from the University of Utah, a law degree from BYU, and has practiced law in Park City for two decades, including serving as a volunteer Small Claims Court Judge. He has served in volunteer positions for the Boy Scouts of America for 27 years, and is an active participant in numerous non-profit organizations in Summit County. He is a student of, and unapologetic champion of, the U.S. Constitution as the bedrock on which this great nation was built. Learn more at www.vancelawutah.com.

1335 Windsor Park Drive
Salt Lake City, UT 84117
801-274-3650
vance@vancelawutah.com
vancelawutah.com

ROB BISHOP
Republican

As a school teacher, legislator and lifelong Utah resident, Republican Rob Bishop has consistently served his community, defended our values and fought to empower our state.

In Congress, Rob is known as a workhorse who has strengthened our national security, defended our military installations, cut taxes, reduced spending, promoted job growth, looked after our lands, and opposed government overreach. He helps lead the fight for border security, energy independence, and protection of our Constitutional rights.

Born in Kaysville, Rob attended Davis High and the University of Utah. He and his wife, Jeralynn, live in Brigham City and have five children.

P.O. Box 1776
Brigham City, UT 84302
801-292-5577
votebishop@gmail.com
votebishop.com

CRAIG BOWDEN
Libertarian

I have been a lifelong resident of Utah and love this state very much. I chose to run because every day I see our rights being threatened, and every day I see my kids who will not enjoy the same liberty I did as a child. I am a former serving U.S. Marine of nearly eight years and I know what it means to uphold an oath. I will take that same sense of duty, honor, and commitment I had in the Marines to serving the people of Utah's 1st District.

2888 N. 400 E.
North Ogden, UT 84414
801-645-0440
craig_bowden@craig4congress.org
craig4congress.org

U.S. CONGRESSIONAL DISTRICT 2

Beaver, Davis (part), Garfield, Iron, Juab (part), Kane, Millard, Piute, Salt Lake (part), Sanpete (part), Sevier, Tooele, Washington, and Wayne Counties

SHAUN MCCAUSLAND
Constitution

Please take the time to go to my website www.mrshaungoestowashington.com. There is no way you can know much about me or my positions with a 100 word limit. You can also email me at mrshaunforcongress@gmail.com and I will respond. I will just say that the principles of the Constitution are the basis of our freedoms, prosperity, happiness and the respect of the world. The reason those things are all in jeopardy is that most of our current elected officials have chosen their careers over principles. Please help me send them a message. WE DESERVE BETTER! WE VOTE THE CONSTITUTION!

51 N. 300 W.
La Verkin, UT 84745
435-668-7118
mrshaunforcongress@gmail.com
mrshaungoestowashington.com

WAYNE L. HILL
Independent American

My Question is still: name some Laws or Regulations the government has passed that support the Constitution in the last 100 years? They have passed or regulated approximately ONE MILLION AGAINST! 20,000 of them are gun laws, all of course, are illegal. When will we quit aiding the enemies of God and stop voting for any Republican and or Democrat? (See: Creature from Jekyll Island, Federal Reserve, IRS and 17th amendment – go to utahiap.org and watch the Collectivist and Blood Money). IAP is the way. Principals do matter – "the truth will make us free". Vote4Wayne.

1450 N. Dixie Downs #154
St. George, UT 84770
435-680-0200
whillhearing@gmail.com
wayne4utah.org

CHRIS STEWART
Republican

Many speak of the deficit of trust between Americans and government. Recent events have eroded that trust to a dangerous level.

I have one goal in Congress: to increase our personal freedoms by reducing the size and scope of government. Whether working to reduce the power of federal agencies, standing up for conservative principles, or protecting our freedom in a dangerous world, I am fighting to restore the balance of power our Founding Fathers intended.

Conservative principles are the only thing that can save us. I will continue to fight for those principles. I will continue to fight for you!

P.O. Box 22
Farmington, UT 84025
801-447-0475
cstewart@stewartforutah.com
stewartforutah.com

See more details about these candidates at **VOTE.UTAH.GOV**.

U.S. CONGRESSIONAL DISTRICT 2 (CONTINUED)

Beaver, Davis (part), Garfield, Iron, Juab (part), Kane, Millard, Piute, Salt Lake (part), Sanpete (part), Sevier, Tooele, Washington, and Wayne Counties

LUZ ROBLES
Democratic

Senator Luz Robles currently serves her second term in the Utah State Senate. Both her undergraduate and MPA are from the University of Utah.

She currently works as Vice President for Zions Bank and has experience in both the private and public sector.

She is committed to improving the quality of life of all Utahans and has a record of hard work and making things happen by working across the aisle on issues that truly impact the life of the working families in our state.

She will use these same principles in Congress by assuring YOUR voice is represented.

1004 North Morton Drive
Salt Lake City, UT 84116
801-953-0905
senatorluzrobles@gmail.com
roblesforsenate.com

BILL BARRON
Unaffiliated

Use your vote to make a statement! Together we can help create the political will for bold action on climate change. We cannot wait for others to lead on this issue but rather lead ourselves. As a single-issue candidate, I can represent your voice of concern for the moral responsibility of our generation to effect change. Your vote can create opportunity from adversity and lead a political transformation. Conventional politics in Washington is stalling the most urgent issue of our time, and we must engage and show leadership for the greater good. The time for action is now!

769 E. Harrison Ave.
Salt Lake City, UT 84105
801-699-5705
bill@barron2014.com
barron2014.com

U.S. CONGRESSIONAL DISTRICT 3

Carbon, Emery, Grand, Salt Lake (part), San Juan, Utah (part), and Wasatch Counties

BEN J. MATES
Unaffiliated

Ben Mates is a whole-systems thinker who draws inspiration from the elegant efficiencies of Nature. He is a Salt Lake City native and graduated from the University of Utah. He recently managed a small charitable foundation for seven years. He is currently launching a permaculture design consulting business. During recent years, he has been a community and climate activist, and an avid proponent of local food. He has served as co-chair for Salt Lake City's Food Policy Task Force, and as chair of the Community Outreach Committee for Wasatch Cooperative Market. He is an active member of Citizens Climate Lobby.

2879 Filmore Street
Salt Lake City, UT 84106
801-518-3266
benjmates@att.net
benjmates.com

BRIAN WONNACOTT
Democratic

I am an active, hard-working man with a creative bent, nearing retirement after a long career as a software engineer. I am married to my wife of nearly 40 years. I like to hike and bike, and have climbed Mt. Rainier and Kilimanjaro. I am known among my colleagues as someone who ensures each side understands the point of view of the other side, even if I disagree. I believe the political sides are not as far apart as they seem, and I would like to work at bridging that gap.

4531 S. Aspen Hollow Ln.
Holladay, UT 84117
801-278-8217
bwonna2468@hotmail.com

ZACK STRONG
Independent American

Visit my Facebook Page, facebook.com/strong1776. I strongly believe that the Constitution was inspired by the Almighty. My personal motto is: God, Freedom, and the Constitution. Consequently, I am running for office to give Utahans a new choice so that they are not forced to choose between Republican and Democratic candidates – both of which have failed to honor their oath to defend the Constitution and our Freedom which it so beautifully protects. I pledge my life in Liberty's defense of the Constitution's well-defined boundaries if favored with your vote and your trust. God bless. Vote4Zack.

261 S. 300 E. Apt. 3
Provo, UT 84606
209-814-8741
zastrong@hotmail.com
zack4utah.org

See more details about these candidates at **VOTE.UTAH.GOV**.

U.S. CONGRESSIONAL DISTRICT 3 (CONTINUED)

Carbon, Emery, Grand, Salt Lake (part), San Juan, Utah (part), and Wasatch Counties

JASON CHAFFETZ
Republican

Jason Chaffetz believes in Fiscal Discipline, Limited Government, Accountability, and a Strong National Defense. He has worked hard to represent Utah to Washington, D.C, not Washington D.C. to Utah. His success has come from working in a bi-partisan way to achieve results while always staying true to his principles. Congressman Chaffetz is a graduate of BYU. Previous to being elected to Congress, he spent 16 years in the local business community. Jason Chaffetz and his wife of 23 years have three children and they live in Alpine.

315 Westfield Circle
Alpine, UT 84004
801-404-1300
jason@chaffetz.com
jasonforcongress.com

STEPHEN P. TRYON
Unaffiliated

Stephen P. Tryon was a senior executive with Overstock.com from 2004 to 2014. He managed logistics, human resources, international business and facilities for this $1.5 billion, Utah-based internet retailer. From 1983 to 2004, Mr. Tryon was an army officer. He earned the Ranger Tab, Master Parachutist Badge, and Bronze Star Medal with V Device (for valor). He was a Senate Fellow in 2000 and the legislative aide to the Army's senior general in 2003. Mr. Tryon holds degrees from West Point (Bachelor of Science, 1983) and Stanford University (Master of Arts, 1992), and is the author of *Accountability Citizenship* (2012).

P.O. Box 711987
Salt Lake City, UT 84171
801-943-0688
stephenptryonforcongress@gmail.com
tryonforcongress.com

U.S. CONGRESSIONAL DISTRICT 4

Juab (part), Salt Lake (part), Sanpete (part), and Utah (part) Counties

TIM AALDERS
Independent American

The characteristics of a true leader are experience, dedication, and principled; all of which are exemplified by Tim Aalders U.S. Congress in the 4th District.

These qualities have guided him throughout his time as a public servant as he fights for the ideals that define the state and its people.

Tim has taken a stance for issues like balancing the budget, tax reform, and securing Americas borders. Tim recognizes that The Declaration of Independence and the Constitution are the principles this country was founded on and which all laws should be based on.

Let Tim continue to fight for you!

5306 West 10320 North
Highland, UT 84003
801-706-1484
tim@timforutah.org
tim4utah.org

MIA LOVE
Republican

The people of Utah deserve an honest, transparent government with experienced leaders who are committed to solving problems rather than pointing fingers. As a mayor, I saw firsthand the impact government has on our homes. I balanced the budget each year of my mayoral term and dealt with budgetary challenges by successfully stretching precious taxpayer dollars to only provide essential services. I plan on doing the same in Washington and am ready to make the tough but necessary decisions to move America forward. I pledge to run a positive, issues-oriented campaign because I am dedicated to attacking problems, not people.

26 West 7200 South
Midvale, UT 84047
801-890-4355
mia@love4utah.com
love4utah.com

COLLIN ROBERT SIMONSEN
Constitution

Collin Simonsen is an attorney practicing in Salt Lake City. He is a husband and father of four. He believes that the best solution to our political problems is to vote for third parties generally and the Constitution Party in particular. He believes that if you want to defend and promote constitutional government, then you should vote for the Constitution party. If elected, Mr. Simonsen would work to create an anti-corruption commission with standing authority to investigate and audit all federal programs, including the NSA, the IRS and even the Federal Reserve Bank to ensure honest government.

8823 S. 3715 W.
West Jordan, UT 84088
801-828-0263
collin@mountainwestlaw.com
facebook.com/collinforcongress

See more details about these candidates at **VOTE.UTAH.GOV**.

NO PICTURE SUBMITTED

DOUG OWENS
Democratic

Doug Owens is a sixth-generation Utahn, Salt Lake City native, and proud father of four. Doug is a successful corporate defense attorney who is running for Congress to help end dysfunction in Washington and find pragmatic, bipartisan solutions to revive the American middle class and strengthen Utah families.

As an expert in employment law, Doug will work to reduce government regulation on businesses, expand economic opportunities, and protect Medicare and Social Security for today's seniors and future generations. Doug's Utah roots run deep. He understands what's important to Utahns and he'll always put Utah values first.

339 E. 3900 S. Suite 150
Salt Lake City, UT 84107
801-405-7790
doug@votedougowens.com
votedougowens.com

JIM L VEIN
Libertarian

NO PROFILE SUBMITTED

P.O. Box 970893
Orem, UT 84097
801-687-6983
jskepp@hotmail.com

UTAH ATTORNEY GENERAL

NO PICTURE SUBMITTED

W. ANDREW MCCULLOUGH
Libertarian

W. Andrew McCullough for Utah Attorney General

Criminal defense and civil rights lawyer in Utah since 1973. Former Chair of Utah Libertarian Party and Board member of ACLU of Utah. Working to make Utah more free, and government less oppressive. Will work to end the "war" on marijuana users. We put too many people in jail and prison. We should find cheaper and more humane alternatives. The government should not be used to impose our morals on others - same sex marriage, birth control and alcohol. If you agree, vote for W. Andrew McCullough, Libertarian, for Attorney General.

6885 S. State St. Ste. 200
Midvale, UT 84047
801-565-0894
wandrew@prodigy.net
andrewmccullough.org

GREGORY G. HANSEN
Constitution

NO PROFILE SUBMITTED

1145 S. Canyon Meadow Drive #4
Provo, UT 84606
801-376-9643
gregoryghansen@gmail.com

CHARLES A. STORMONT
Democratic

Charles has served the public as an attorney for the state for the past six years. Before that, Charles worked on complex civil litigation in private practice.

Charles also has extensive business experience as a restaurant owner and managing his family's 6,000 acre farm.

Charles is committed to make reliable, professional legal services the bedrock from which the Attorney General's Office operates. He will not let politics dictate the practice of law.

He will create a State Ethics Office and implement real structural reforms so the Attorney General's Office serves all Utahns, not just special interests.

P.O. Box 3505
Salt Lake City, UT 84110
801-810-7049
charles@stormont4ag.com
stormont4ag.com

See more details about these candidates at **VOTE.UTAH.GOV**.

UTAH ATTORNEY GENERAL (CONTINUED)

SEAN D. REYES
Republican

Utah Attorney General Sean D. Reyes is recognized nationally for his superior legal skills, leadership and unparalleled commitment to ethical public service. He is restoring honor, integrity and trust to all facets of the AG office while combating violent crime, including human trafficking, sexual abuse, bullying and violence against women and children. A protector of businesses and consumers, he has expanded his white collar crime division and increased prosecutions of frauds and cybercrimes in Utah. He values smaller government, states' rights, more local control of education and public lands while still seeking sensible ways to preserve our environment and health.

10 West Broadway Suite 500
Salt Lake City, UT 84101
801-209-3688
info@seanreyes.com
seanreyes.com

LESLIE D. CURTIS
Independent American

Leslie D. Curtis, Attorney.
Born, Payson, Utah.
Married. Six children.
Persian Gulf Veteran.

My desires in serving you:

- Support/defend U.S. and Utah Constitution.
- Encourage laws that originate in the legislature and the people.
- Continue to stand for Utah's right to define marriage.
- Promote fiscal responsibility: Stay within budget; encourage those incarcerated to work; "…when men are employed they are best contented. For on the days they worked they were good-natured and cheerful." See, Benjamin Franklin, Autobiography.
- Respect religion and morality as one of the best ways to support political prosperity. See, George Washington's Farewell Address.

P.O. Box 183
Payson, UT 84651
801-400-5858
lescurtis@juno.com

UTAH STATE SENATE

Candidate information is provided by candidates and is written in the following format:

NAME
PARTY
MAILING ADDRESS
PHONE NUMBER
EMAIL ADDRESS
WEBSITE

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Salt Lake City, UT 84102
801-865-9970
sjacquie@live.com

Jim Dabakis
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3244 Imperial St.
Salt Lake City, UT 84106
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jim.dabakis@gmail.com

DISTRICT 3

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Democratic
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Salt Lake City, UT 84106
801-484-9428
wgdavis@msn.com

DISTRICT 4

Sabrina R Petersen
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801-859-9427
sabrina.r.petersen@gmail.com

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votejani.com

DISTRICT 5

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Skylar D. Burnside
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385-212-9301
demoge65@gmail.com

DISTRICT 9

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Republican
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Sandy, UT 84090-1136
801-742-1606
wniederhauser@gmail.com
wayneniederhauser.com

Kathryn C. Gustafson
Democratic
2975 E. Little Cottonwood Road
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801-631-2188
katgus1223@q.com

DISTRICT 11

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Democratic
1873 East New River Drive
Draper, UT 84020
801-501-7535
mweeksutah@gmail.com

Howard A. Stephenson
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1038 E. 13590 S.
Draper, UT 84020
801-815-6800
howard@howardstephenson.com
howardstephenson.com

DISTRICT 12

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danielwthatcher@gmail.com

DISTRICT 15

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158 North 920 West
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801-226-6316
ekepas@gmail.com

Margaret Dayton
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97 Westview Drive
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801-221-0623
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DISTRICT 17

Kirk D Pearson
Constitution
1316 E. Canyon Road
Lake Point, UT 84074
801-856-1471
kirk4congress@gmail.com
constitutionpartyofutah.com

Peter C. Knudson
Republican
1209 Michelle Drive
Brigham City, UT 84302
435-723-2035
knudortho@yahoo.com
voteknudson.com

See more details about these candidates at **VOTE.UTAH.GOV**.

Scott Totman
Democratic
25 Plaza Court
Stansbury Park, UT 84074
435-833-9933
scotttot@gmail.com

DISTRICT 18

Ann Millner
Republican
4287 Harrison Blvd. #313
Ogden, UT 84403
801-392-4405
ann@annmillner.com
annmillner.com

Mat Wenzel
Democratic
1021 24th Street
Ogden, UT 84401
801-859-8360
matwenzel@gmail.com

Dwight Steffner
Libertarian
724 24th Street #4
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DISTRICT 21

Jerry W. Stevenson
Republican
466 South 1700 West
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801-678-3147
jwstevenson@le.utah.gov
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1032 West 500 South
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sherritatton@yahoo.com

DISTRICT 22

J Stuart Adams
Republican
3271 East 1875 North
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jstuartadams.com

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Brent Zimmerman
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1617 North 350 East
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801-773-4162
brent@zimfam.org
bdz.zimfam.org

DISTRICT 26

Wayne Stevens
Democratic
P.O. Box 1404
Vernal, UT 84078
435-789-3923
stevensforutsenate@gmail.com
stevensforutsenate.com

Kevin T Van Tassell
Republican
3424 W. 1500 N.
Vernal, UT 84078
435-790-0675
vantassell4senate@gmail.com

DISTRICT 28

Evan J. Vickers
Republican
2166 N. Cobble Creek Dr.
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435-586-4399
evickers@le.utah.gov
evanvickers.com

UTAH STATE HOUSE OF REPRESENTATIVES

Candidate information is provided by candidates and is written in the following format:

NAME
PARTY
MAILING ADDRESS
PHONE NUMBER
EMAIL ADDRESS
WEBSITE

DISTRICT 1

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667 South 200 West
Brigham City, UT 84302
435-237-1294
phipps4utahhouse@gmail.com

Scott Sandall
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635 N. Hillcrest Circle
Tremonton, UT 84337
435-257-3401
sandallscott@gmail.com
electscottsandall.com

Dorene Schulze-Stever
Democratic
12285 W. 8000 N.
Penrose, UT 84337
435-854-3820
dschulze@frontiernet.net

DISTRICT 2

David E. Lifferth
Republican
8782 North Pinehurst Dr.
Eagle Mountain, UT 84005
801-358-9124
dlifferth@le.utah.gov
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Charles Christensen
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107 W. Cooper Ave.
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charlesahon@gmail.com

DISTRICT 3

Jack R. Draxler
Republican
1946 North 1650 East
North Logan, UT 84341
435-752-1488
jackdraxler@comcast.net

DISTRICT 4

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1675 E. 1460 N.
Logan, UT 84341
435-994-1388
eredd@le.utah.gov
edredd.com

DISTRICT 5

R Curt Webb
Republican
500 Hillsborough Dr.
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B

BALLOT ISSUES

INSTRUCTIONS FOR READING THE TEXT OF BALLOT ISSUES

(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: 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 on 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 on November, 1896, and biennially thereafter.

Proposed Language: 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 on November.

(S.J.R. 7)

CONSTITUTIONAL AMENDMENT A

JOINT RESOLUTION REGARDING QUALIFICATIONS OF STATE TAX COMMISSION MEMBERS

2014 GENERAL SESSION

SENATE VOTE: 26-2-1
HOUSE VOTE: 66-5-4

BALLOT TITLE

☐ FOR

☐ AGAINST

Shall the Utah Constitution be amended to modify qualifications for members of the State Tax Commission?

IMPARTIAL ANALYSIS

Current provisions of the Utah Constitution

The Utah Constitution directs the State Tax Commission to administer and supervise Utah's tax laws. The Constitution states that the State Tax Commission consists of four members, appointed by the governor with the consent of the Utah Senate. The Utah Constitution also states that no more than two of those four commission members may belong to the same political party. The Constitution does not provide any other qualifications for members of the State Tax Commission.

Effect of Constitutional Amendment A

Constitutional Amendment A removes the limitation that no more than two members of the State Tax Commission may be appointed from the same political party. The Amendment requires State Tax Commission members to meet qualifications as set in statute but allows the Governor to appoint a State Tax Commission member without considering the member's political party affiliation. Under the Amendment, it is possible for all or a majority of State Tax Commission members to be from the same political party.

Effective Date

If approved by voters, Constitutional Amendment A takes effect January 1, 2015.

Fiscal Impact

Constitutional Amendment A has no fiscal impact.

(CONSTITUTIONAL AMENDMENT A CONTINUES ON THE NEXT PAGE)

ARGUMENT IN FAVOR

Utah's four State Tax Commissioners administer and supervise the state's tax laws. With the assistance of the Executive Director, administrative law judges and other support staff, Tax Commissioners serve both adjudicative and administrative functions. The Commissioners have the authority to make administrative rules on tax matters and issue rulings on appeals that come before them. In other words, they are the court of original jurisdiction for tax matters and they perform as judges on people's tax issues.

The Utah Constitution currently requires the governor to appoint Tax Commissioners based on their political party affiliation.

Voting YES on this Constitutional Amendment will ensure that the governor is able to appoint the most qualified people available as Tax Commissioners. The Amendment eliminates the provision in the Utah Constitution which limits membership on the Commission to no more than two members from the same political party.

Functioning as a judge is difficult to reconcile with a partisan appointment; Utah's Tax Commissioners should be selected based on academic qualification and relevant experience.

Vote yes on Amendment A to allow for a non-partisan and professional administration of the tax laws.

Val Oveson
Utah State Tax Commissioner, 1993-1998

Marc Johnson
Utah State Tax Commissioner, 2000-2012

Mark Buchi
Utah State Tax Commissioner, 1983-1986

REBUTTAL TO ARGUMENT IN FAVOR

The argument for SJR7 offers no evidence that the current balanced approach to placing people on the State Tax Commission is not working for Utah and should be changed.

Unless you believe that one political party has a monopoly on qualified individuals. The facts are that Utahns with the necessary academic qualifications and relevant experience can be found in multiple political parties.

Make no mistake, the stakes are high for every Utahn. Millions of dollars are on the line when the Tax Commission hears cases from large corporations protesting their tax assessments, and the decisions made by Tax Commissioners on those cases affect your property taxes, whether you know it or not.

With so much on the line, balancing Tax Commissioner's politics is the best way to make sure that Tax Commission decisions don't favor powerful groups alone. Ensuring that no one party dominates the makeup of the commission helps keep politics out of tax policy.

Don't abandon constitutional checks and balances that are working to protect average Utah taxpayers. Vote NO on this constitutional amendment.

Representative Joel K. Briscoe
Utah House of Representatives

(CONSTITUTIONAL AMENDMENT A CONTINUES ON THE NEXT PAGE)

ARGUMENT AGAINST

Constitutions are written to protect the people who create them. S.J.R. 7 removes an important check and balance in Utah's Constitution – a key provision that protects all Utahns.

There's a key historical reason as to why Utah's Tax Commission is enshrined in our State's Constitution: in the 1930s Utahns embraced a change to that document because they recognized the importance of protecting the Tax Commission from partisan politics and the power of big businesses.

The work of Tax Commission members is actually more interesting than it may sound. They spend most of their time acting as judges—reviewing cases brought by businesses and individuals who disagree with the amount of taxes that the government has told them they must pay. A quick look at those cases will show that the vast majority of Tax Commission members' time is spent on cases brought by some of the largest corporations in the state, not average Utahns.

The teams of private lawyers that present these cases make complex arguments about why their employers should pay lower taxes. They look for loopholes so that big businesses can pay less. Who do you think picks up the slack when this side wins cases at the Tax Commission?

That's right—all the rest of us.

We wouldn't trust opinions coming from a U.S. Supreme Court in which one political party appointed all the justices. What if all the Tax Commissioners belonged to the same party? The people might not see their opinions as being balanced.

Guaranteeing that people from more than one political party sit on the Tax Commission is a constitutional check on power. It prevents this powerful government agency from being dominated by a single ideology. When one party dominates most of the state's elected offices, this provision has kept and will help keep the Tax Commission politically neutral, which will benefit and protect the citizens of Utah.

Thomas Jefferson admonished us to "Let the eye of vigilance never be closed." Let us apply our vigilant eye to this proposed amendment.

'If it ain't broke, don't fix it,' is a good general rule when it comes to voting on changes to the Constitution and should be applied to this proposed amendment. There is nothing wrong with the current system created by our Constitution. The balanced membership of today's Tax Commission is a constitutional check and balance that should remain in place. Please vote against this misguided constitutional amendment.

Representative Joel K. Briscoe
Utah House of Representatives

REBUTTAL TO ARGUMENT AGAINST

As former Tax Commissioners, we believe that a review of historical documents will prove the naysayer's statement about 'big business' to be inaccurate. Such a review clearly proves that the existing language was intended to combat partisan politics from being practiced at the local government level. Tax Commissioners serve in an adjudicative role. In other words, they serve as judges in a People's Court for tax issues. If a judge in another Utah court were labeled as 'Republican' or 'Democrat', the people they exist to serve would have reason to question the impartiality of their judgment. Judges should not be branded with a label that puts a political party above their duty to properly interpret the law.

(CONSTITUTIONAL AMENDMENT A CONTINUES ON THE NEXT PAGE)

REBUTTAL TO ARGUMENT AGAINST (CONTINUED)

The author of the anti-Amendment A argument makes a logical fallacy in stating that the purpose of the present structure is to create ideological balance, which will in turn help ensure proper assessments. To the contrary, and in our experience as former Tax Commissioners, ideological balance has nothing to do with correct assessments.

The critical requirements of an effective, successful Tax Commissioner are expertise in law, accounting, administration, valuation, and finance. Ideological "balance" does not ensure understanding of the issues. The Commission should be based in expertise, not party affiliation.

Val Oveson
Utah State Tax Commissioner, 1993-1998

Marc Johnson
Utah State Tax Commissioner, 2000-2012

Mark Buchi
Utah State Tax Commissioner, 1983-1986

COMPLETE TEXT OF CONSTITUTIONAL AMENDMENT A

Joint Resolution Regarding Qualifications of State Tax Commission Members
2014 General Session

Utah Constitution Sections Affected:
Amends:
Article XIII, 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 XIII, Section 6, to read:
Article XIII, Section 6. [State Tax Commission.
(1) There shall be a State Tax Commission consisting of four members, [~~not more than two of whom may belong to the same political party~~] *with qualifications as provided by statute*.
(2) With the consent of the Senate, the Governor shall appoint the members of the State Tax Commission for such terms as may be provided by statute.
(3) The State Tax Commission shall:
(a) administer and supervise the State's tax laws;
(b) assess mines and public utilities and have such other powers of original assessment as the Legislature may provide by statute;
(c) adjust and equalize the valuation and assessment of property among the counties;
(d) as the Legislature provides by statute, review proposed bond issues, revise local tax levies, and equalize the assessment and valuation of property within the counties; and
(e) have other powers as may be provided by statute.
(4) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may by statute authorize any court established under Article VIII
to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission relating to revenue and taxation.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2015.

(S.J.R. 8)

CONSTITUTIONAL AMENDMENT B

JOINT RESOLUTION ON TERM OF APPOINTED LIEUTENANT GOVERNOR

2014 GENERAL SESSION

SENATE VOTE: 24-0-5
HOUSE VOTE: 68-1-6

BALLOT TITLE

☐ FOR

☐ AGAINST

Shall the Utah Constitution be amended to modify the term of office of a person appointed to fill a vacancy in the office of the Lieutenant Governor?

IMPARTIAL ANALYSIS

Constitutional Amendment B modifies a provision of the Utah Constitution relating to the term of office of a person appointed to fill a vacancy in the office of the Lieutenant Governor. The Amendment changes the term of an appointed Lieutenant Governor to avoid a potential situation where the term of an appointed Lieutenant Governor would be different from the term of the Governor.

Background and current provisions of the Utah Constitution

Since 1984, the Utah Constitution has required the candidates for Governor and Lieutenant Governor from each political party to appear together on the same ballot and be voted on together. In 2009, the Utah Constitution was amended to specify what happens in the case of a vacancy in the office of Governor or Lieutenant Governor. Because of the 2009 amendment, it is possible, under certain circumstances, for an appointed Lieutenant Governor to serve to the end of a full four-year term even though the office of Governor is subject to a mid-term election. Likewise, it is possible for a Governor to serve to the end of a full four-year term even though a mid-term election is required for the office of the Lieutenant Governor. Electing a Governor at a mid-term election when the Lieutenant Governor's office is not subject to election, or electing a Lieutenant Governor at a mid-term election when the Governor's office is not subject to election, would be inconsistent with the state's practice and policy since 1984 of electing the Governor and Lieutenant Governor together. Electing a Governor and Lieutenant Governor at different times also creates the possibility that a Governor and Lieutenant Governor would be from different political parties.

Effect of Constitutional Amendment B

Constitutional Amendment B modifies the term of office of a person appointed as Lieutenant Governor so that the term is the same as the term of Governor. The Amendment eliminates the potential that the Governor and Lieutenant Governor might be elected at different times and from different political parties.

Effective Date

If approved by voters, Constitutional Amendment B takes effect January 1, 2015.

Fiscal Impact

Constitutional Amendment B has no fiscal impact.

(CONSTITUTIONAL AMENDMENT B CONTINUES ON THE NEXT PAGE)

ARGUMENT IN FAVOR

In 2008, the Utah Constitution was amended to address the possibility of a Governor vacating office soon after being elected, or very early in a term. In such situations, the 2008 amendment established (1) that the Lieutenant Governor would assume the role of Governor, (2) that the newly appointed Governor would pick someone to fill the Lieutenant Governor position, (3) that the people would revote the Governor position at the next general election (which would be two years into the original term instead of four), and (4) that the person elected in that general election would serve a two-year term, at which time Utah would return to its normal 4-year cycle.

That amendment was not clear regarding the status of the newly-appointed Lieutenant Governor. Rather than allow uncertainty to exist, this amendment specifies that candidates for Lieutenant Governor would continue to run in tandem with a candidate for Governor, not as a stand-alone candidate.

Senator Urquhart
Utah State Senate

REBUTTAL TO ARGUMENT IN FAVOR

As often happens with legislation, the first version adopted doesn't address every circumstance. Year after year, lawmakers fix laws that don't work as intended. Amendment B is like that. If we pass it, we'll be fixing it before long. What it doesn't address is the special interest voters have in voting on an appointed Lt. Governor as soon as possible.

Our constitution makes it clear that the Lt. Governor takes the Governor place if he steps down. Voters normally will have voted for that Lt. Governor previously.

After such a transition (or when a Lt. Governor steps down) a new Lt. Governor is appointed, one that has not been elected to that position. Our constitution provides that the Lt. Governor stand for election at the next general election after being appointed. That would often be less than a year. It would always be less than two. Amendment B, on the other hand, postpones voter input for up to three years from the Lt. Governor's appointment.

It is a distinct possibility that an appointed Lt. Governor could rise to become Governor without ever having faced the voters. The prospect of an appointed Lt. Governor becoming an un-elected Governor is certainly not what the framers of our Constitution intended. Voters have far too much at stake to wait an extra two years to provide their input on who may one day guide our State.

Support increased voter involvement. Oppose amendment B.

Representative Jim Nielson
Utah State House of Representatives

(CONSTITUTIONAL AMENDMENT B CONTINUES ON THE NEXT PAGE)

ARGUMENT AGAINST

Amendment B lessens voter involvement in choosing our leaders. Join me in voting no on Amendment B.

Our current rules for replacing the Lt. Governor preserve a principle that is fundamental to our elected Republic: we use elections to choose our political leaders. Indeed, never having weighed in on a newly appointed Lt. Governor (who could well become Governor one day) citizens have a compelling interest in voting to accept or reject this new statewide official at the next reasonably available opportunity—at the first succeeding general election.

Proposed Amendment B might have impacted three of Utah's five most recent Lt. Governors. When two were appointed Governor and another stepped down, replacements were appointed. By constitution, voters weigh in on the Governor's choice at the next general election—within two years or less. Amendment B, however, means an appointed Lt. Governor could go almost four years before facing voters. If we also had to replace the Governor during this same period, Utah could end up with a Chief Executive that had never been elected.

By constitution, if the Governor must be replaced at any time, the Lt. Governor—elected together with the governor—is appointed to fill the vacancy. If the vacancy happens during the first year of a governor's term, the replacement—the Lt. Governor—must stand for election again at the next general election, or less than two years after being appointed Governor. This was the case with Governor Herbert, who was appointed in the summer of 2009, elected for the remaining two-years of that term in 2010, and then elected to a full four-year term in 2012.

Similarly, when a new Lt. Governor must be appointed, our constitution requires that voters have a say in the matter sooner rather than later. Regardless of timing, the new Lt. Governor stands for election at the next general election, even if the governor isn't running that year. This provision is built on the premise that voters have an even greater interest in ratifying the appointment of a new Lt. Governor than they do a replacement Governor. The reason is obvious: A vacancy in the Governor's mansion is, of course, filled by the sitting Lt. Governor, an official that usually will have already been subject to election by voters. But a vacancy at Lt. Governor will always be filled by appointment rather than by a previously elected running mate.

Proposed Amendment B postpones voter input until the next time the Governor is up for election. That could be close to four years down the road. In comparison to what's our constitution requires today, the constitutional tinkering of Amendment B could double the chances of the Governor's office becoming vacant and an unelected Lt. Governor filling the vacancy. Why on earth would we want to increase the chances of having a Governor we never elected?

Please join me in opposing Amendment B.

Representative Jim Nielson
Utah State House of Representatives

(CONSTITUTIONAL AMENDMENT B CONTINUES ON THE NEXT PAGE)

REBUTTAL TO ARGUMENT AGAINST

Rep. Nielson incorrectly believes that the Utah Constitution requires an appointed Lieutenant Governor ("Lt. Gov.") to stand for election in the next general election. If that were the case, the Lt. Gov.'s office would be on this ballot—whereas Spencer Cox was appointed LG after the 2012 election. Rep. Nielson's arguments based on that misunderstanding are equally misguided.

Since 1984, candidates for Governor and LG have always run together. (Utah Constitution, Article VII, section 2). This amendment clarifies that Governor/LG candidates will continue to run together. It's that simple.

In 2008, Utah voters amended the Constitution, to require a mid-term election for Governor/LG, when the office of Governor is vacated in the first year of a 4-year term. (In 2009, Jon Huntsman, Jr. vacated the office of Governor to serve as Ambassador to China. Gary Herbert moved from LG to Governor and picked his LG replacement. Utah held another Governor/LG election in 2010 to decide the next 2 years.)

Without the clarifying language of this amendment, someone could argue that the language of the 2008 amendment allows an appointed LG to serve 4 years when a mid-term election is required for Governor. This amendment simply clarifies that the offices of Governor AND Lieutenant Governor are voted in tandem. When a special mid-term election is held for the Governor's office, the LG's office also will be on the ballot. That's why every other House and Senate vote was cast in favor of this simple amendment.

Please vote for Amendment B.

Senator Urquhart
Utah State Senate

COMPLETE TEXT OF CONSTITUTIONAL AMENDMENT B

Joint Resolution on Term of Appointed Lieutenant Governor
2014 General Session

Utah Constitution Sections Affected:
Amends:
Article VII, Section 10

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 VII, Section 10, to read:
Article VII, Section 10. [Governor's appointive power -- Governor to appoint to fill vacancy in other state offices -- Vacancy in the office of the Lieutenant Governor.]
(1) (a) The Governor shall nominate, and by and with consent of the Senate, appoint all State and district officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for.
(b) If, during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some qualified person to discharge the duties thereof until the next meeting of the Senate, when the Governor shall nominate some person to fill such office.
(2) If the office of State Auditor, State Treasurer, or Attorney General be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, from the same political party as the removed person; and the appointee shall hold office until a successor shall be elected and qualified, as provided by law.
(3) (a) A vacancy in the office of Lieutenant Governor occurs when:
(i) the Lieutenant Governor dies, resigns, is removed from office following impeachment, becomes Governor under Article VII, Section 11, ceases to reside within the State, or is determined, as provided in Subsection (3)(b), to have a disability that renders the Lieutenant Governor unable

(CONSTITUTIONAL AMENDMENT B CONTINUES ON THE NEXT PAGE)

COMPLETE TEXT OF CONSTITUTIONAL AMENDMENT B (CONTINUED)

to discharge the duties of office for the remainder of the Lieutenant Governor's term of office; or
(ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (3)(b), that renders the Lieutenant Governor-elect unable to discharge the duties of office for the Lieutenant Governor-elect's full term of office.
(b) (i) Except when the disability of a Lieutenant Governor is determined under Article VII, Section 11, Subsection (6) because the Lieutenant Governor is acting as Governor under Article VII, Section 11, Subsection (5), the disability of a Lieutenant Governor or Lieutenant Governor-elect shall be determined by a written declaration stating that the Lieutenant Governor or Lieutenant Governor-elect is unable to discharge the powers and duties of the office.
(ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the Supreme Court and shall be signed by:
(A) the Governor; or
(B) (I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the declaration; or
(II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the subject of the declaration.
(iii) If the Lieutenant Governor or Lieutenant Governor-
elect, as the case may be, disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the Lieutenant Governor or Lieutenant Governor-elect may, within ten days after the declaration is transmitted to the Supreme Court, file a petition requesting the Supreme Court to determine whether a disability exists as stated in the Governor's declaration.
(iv) In determining whether a disability exists, the Supreme Court shall follow procedures that the Court establishes, unless the Legislature by statute establishes procedures for the Supreme Court to follow in determining whether a disability exists.
(v) A determination of disability under this Subsection (3)(b) is final and conclusive.
(c) (i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall, with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:
(A) except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired term; or
(B) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if [~~the vacancy occurs because the Lieutenant Governor becomes Governor~~] *an election is held for Governor and Lieutenant Governor* under Article VII, Section 11, Subsection [~~(2)~~] *(4)*.
(ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be from the same political party as the Governor.
(iii) Neither the President of the Senate nor the Speaker of the House of Representatives may, while acting as Governor under Article VII, Section 11, Subsection [~~(4)~~]
(5), appoint a person as Lieutenant Governor to fill a vacancy in that office.
Section 2. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 3. **Effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2015

(H.J.R. 12)

CONSTITUTIONAL AMENDMENT C

JOINT RESOLUTION ON APPOINTMENT OF LEGAL COUNSEL FOR EXECUTIVE OFFICERS

2014 GENERAL SESSION

SENATE VOTE: 24-1-4
HOUSE VOTE: 68-0-7

BALLOT TITLE

☐ FOR

☐ AGAINST

Shall the Utah Constitution be amended to authorize the Lieutenant Governor, State Auditor, and State Treasurer each to appoint legal counsel?

IMPARTIAL ANALYSIS

Current Provisions of the Utah Constitution

The Utah Constitution states that, unless otherwise provided in the Constitution, the Attorney General shall be the legal advisor of the Governor, Lieutenant Governor, State Auditor, and State Treasurer. In the case of the Governor, the Constitution provides otherwise by authorizing the Governor to appoint legal counsel to advise the Governor. Under current practice, the Governor's appointed legal counsel provides the Governor day-to-day legal advice, and the Attorney General continues to represent the Governor in lawsuits involving the Governor. The Constitution does not similarily authorize the Lieutenant Governor, State Auditor, or State Treasurer to appoint legal counsel to advise each of these state offices. Accordingly, the Attorney General is the legal advisor for each of these state officers for all purposes.

Effect of Constitutional Amendment C

Constitutional Amendment C authorizes the Lieutenant Governor, State Auditor, and State Treasurer each to appoint legal counsel.

Effective Date

If approved by voters, Constitutional Amendment C takes effect January 1, 2015.

Fiscal Impact

The enactment of Constitional Amendment C will not alone have any fiscal impact. Depending on how the Lieutenant Governor, State Auditor, and State Treasurer choose to implement the Amendment, there may be an increase in costs to state government. If the Lieutenant Governor, State Auditor, or State Treasurer appoints legal counsel, as the Amendment allows, the increased annual costs to the state will be approximately $120,000 for each new position. The costs may vary depending on a number of factors, including whether the position is full-time or part-time, whether the attorney is hired for a permanent position or on a contract basis, and the level of experience of the attorney hired.

(CONSTITUTIONAL AMENDMENT C CONTINUES ON THE NEXT PAGE)

ARGUMENT IN FAVOR

The Lieutenant Governor, State Auditor and State Treasurer do not currently have their own legal counsel. They rely on the Attorney General for legal advice. Recent events have also made it clear that there might be times when a conflict of interest could arise between the Attorney General and another constitutional officer. Also, there are times when these officers need more immediate access to legal counsel without having to wait for an official opinion from the Attorney General's office.

The Lieutenant Governor, State Auditor and State Treasurer need the ability to appoint their own legal counsel to advise in legal matters. Events of the past year highlighted the risks and concerns associated with one constitutional officer, whether the Lieutenant Governor or State Auditor, relying exclusively on the legal advice of the Attorney General's office when that constitutional officer investigates either the Attorney General or activities within that office. As such, it is important that these constitutional officers have the ability to rely on independent legal advice.

Also, each of these officers encounters critical legal issues on a daily basis. While the Attorney General has the constitutional role of serving as the preeminent legal advisor for each of these officers, there is no constitutional provision that provides for the hiring of legal counsel in the event of a conflict between the various offices.

The constitution currently authorizes the Governor to hire legal counsel, but the same right for these other constitutional officers needs to be specifically expressed in the Constitution. This amendment would put the rights of each executive branch constitutional officer in parity with each other. This amendment would not require the hiring of legal counsel, but would allow the option should the need arise. This amendment would not empower the legal counsel to supersede the Attorney General's legal advice and the Attorney General would still represent all executive branch officers in judicial proceedings.

Senator Todd Weiler
Utah State Senate

Representative Mike McKell
Utah State House of Representatives

REBUTTAL TO ARGUMENT IN FAVOR

Amendment C sponsors' best argument seems to be that there may be situations where an attorney beholden to an executive branch office could be helpful to the state. If that is true, we should narrowly tailor a constitutional exemption to fit.

Amendment C would throw the doors wide for each executive branch officer to hire teams of legal staff - temporary or permanent - for any reason. This overreach would damage the checks and balances in our constitution.

* There is genius in the constitutional division of executive branch power.

* The AGs Office is capable, available and tends to apply a wider legal perspective. The constitution directs that they provide legal advice to state officers.

* In cases of conflict our system already allows for independent representation, including appointment of independent counsel.

* Amendment C would create a system of legal advisors who are beholden to individual politicians.

* History tells us that government, no matter how frugal or conservative it declares itself to be, is not good at limiting itself. Only vigilant citizens do that effectively.

* We should not give government everything it wants.

(CONSTITUTIONAL AMENDMENT C CONTINUES ON THE NEXT PAGE)

REBUTTAL TO ARGUMENT IN FAVOR (CONTINUED)

Listen to the audio records archived at le.utah.gov, and you may be concerned by the lack of substantive constitutional consideration that attended this particular debate.

Voting no would direct the legislature to write language that more carefully solves the problem, then bring it back to a vote of the people in 2016.

Senator Wayne Niederhauser
President of the Utah State Senate

ARGUMENT AGAINST

Fractured Executive Power

The founders of Utah thought it was important to break executive power into small pieces. Where there was formerly one executive – a governor, for example – Utah's founders divided the authority into five offices and charged that each be independently elected. There is genius in this separation. A divided team, working together, anchored separately in the voice of the people, provides more independent thought, fewer mistakes, and more citizen control.

Regardless of this wisdom, we've whittled away at our system over the years. Some of the historic changes may have been needed, but they are indicative of a subtle departure from the architecture our founders envisioned. I don't believe we should continue down this road.

The founders intended that the Attorney General's Office provide legal advice to our state officers.

Proposed Change Too Broad

In our discussions, proponents could not enunciate the need for this constitutional change without pointing to rare or hypothetical cases of conflict, such as a hostile audit. In those cases, I believe our officials do need separate and independent counsel. The Utah Supreme Court agrees and has already set forth a process to ensure that governmental officers and entities have appropriate counsel where there is an actual or potential conflict. Hypothetical exceptions don't make this broad constitutional shift necessary.

It's easy to understand why officials want their own attorney. However, the preferences of executive power should not be a citizen's first priority when constitutional architecture is concerned. Even conservative administrations do a poor job limiting themselves.

There has been some assertion that no one intends to hire permanent full time attorneys or extra staff, but this proposal is written broadly to allow such expansion. It opens the door to increase the size and cost of government offices. The language needs to be narrowed so that hiring separate attorneys is only allowed in rare conflict of interest situations.

Value of Independent Counsel

Employees of the Utah State Attorney General's Office are diligent and professional. They are independent. Their legal work is sound. Their advice must be based on the law, not the political desires or motivations of individuals.

In contrast, the primary obligation of any attorney hired under Amendment C would be to the political office who hired them.

(CONSTITUTIONAL AMENDMENT C CONTINUES ON THE NEXT PAGE)

ARGUMENT AGAINST (CONTINUED)

Under this proposal, the state would not have better attorneys or better legal advice. It would – for good or ill – have attorneys who are beholden to the personality and agenda of individual politicians.

Citizens Are The Final Check and Balance

Power tends to overreach. I don't believe the proponents of this amendment mean to do harm, but it is an overreach nonetheless. In this case, you can prevent it.

Citizens shouldn't give government everything it wants. I hope you'll reject this overly broad amendment to our Constitution and let the legislature bring you a more narrowly crafted amendment in 2016.

Senator Wayne Niederhauser
President of the Utah Senate

REBUTTAL TO ARGUMENT AGAINST

The drafters of the state constitution had the wisdom and foresight to provide a mechanism for its amendment. They envisioned a changing world and understood the necessity for constitutional changes in certain circumstances.

Amendment C is a prime example of a necessary change to the constitution. All state constitutional officers face an array of legal issues each day, yet only two of the five constitutional officers have the authority to hire legal advisors to ensure timely legal advice, free from any conflict of interest.

If the Lieutenant Governor conducts an investigation against the Attorney General or if the Auditor audits the Attorney General's Office, they need the ability to hire legal counsel to advise on legal matters, and should not be required to rely on the advice given by the office under investigation.

Any constitutional amendment must go through a careful and deliberate review process before going before voters for their consideration. Amendment C went through that rigorous process and passed unanimously through the legislative standing committee, unanimously through the House of Representatives, and all but unanimously through the Senate, with only one no vote but without any Senator speaking against passage of the Amendment.

This Amendment mirrors that approved for the Governor in 1992. It has been well-tested and is recognized as a vital tool for the Governor.

Please vote to provide this necessary tool for each constitutional officer to do the best job they can in serving the citizens of Utah, and vote FOR Amendment C.

Senator Todd Weiler
Utah State Senate

Representative Mike McKell
Utah State House of Representatives

(CONSTITUTIONAL AMENDMENT C CONTINUES ON THE NEXT PAGE)

COMPLETE TEXT OF CONSTITUTIONAL AMENDMENT C

Joint Resolution on Appointment of Legal Counsel for Executive Officers
2014 General Session

Utah Constitution Sections Affected:
Amends:
Article VII, Section 14
Article VII, Section 15

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 VII, Section 14, to read:
Article VII, Section 14. [Duties of Lieutenant Governor -- Appointment of legal counsel.]
(1) The Lieutenant Governor shall:
[~~(1)~~] *(a)* serve on all boards and commissions in lieu of the Governor whenever so designated by the Governor;
[~~(2)~~] *(b)* perform such duties as may be delegated by the Governor; and
[~~(3)~~] *(c)* perform other duties as may be provided by
statute.
(2) The Lieutenant Governor may appoint legal counsel to advise the Lieutenant Governor.
Section 2. It is proposed to amend Utah Constitution, Article VII, Section 15, to read:
Article VII, Section 15. [Duties of State Auditor and State Treasurer --Appointment of legal counsel.]
(1) The State Auditor shall perform financial post audits of public accounts except as otherwise provided by this Constitution.
(2) The State Treasurer shall be the custodian of public moneys.
(3) Each shall perform other duties as provided by statute.
(4) The State Auditor may appoint legal counsel to advise the State Auditor, and the State Treasurer may appoint legal counsel to advise the State Treasurer.
Section 3. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.
Section 4. **Contingent effective date.**
If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2015.

C

JUDGES

How does Utah choose its judges?

The Utah Constitution states: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration." To fulfill this mandate, Utah selects its state court judges through a process called Merit Selection.

Merit Selection involves four steps: 1) nomination; 2) appointment; 3) confirmation; and 4) retention election. A committee of lawyers and non-lawyers selected by the Governor reviews judicial applications, conducts interviews, and then nominates the five best-qualified applicants for each trial court judgeship and the seven best-qualified applicants for each appellate court judgeship. The Governor then interviews all nominees and appoints one, who must then be confirmed by a majority of the Utah State Senate.

After confirmation, the new judge's name appears on the ballot for a "yes" or "no" retention vote by the public in the first general election held more than 3 years after the appointment is complete. A simple majority of "yes" votes earns the judge another term in office. Supreme Court justices serve 10 year terms; all other judges serve six-year terms.

Why does Utah use Merit Selection? This method of selecting judges is widely considered the best way to balance the need for judges to be accountable to the public with the equally important need for the judiciary to function independently. Judges serve the public and should answer to the public. That's why Utah has retention elections – to give every citizen the right to weigh in on judges. Of equal importance, though, every judge must resolve disputes impartially and make decisions based only on the facts and the law. To do so, judges must be insulated from public pressure and politics. That's why all judicial candidates are non-partisan and why Utah does not have contested elections for judgeships.

What exactly are judicial retention elections?

The Utah Constitution requires that all judges run in a retention election at the end of each term of office. In that election, the public votes "yes" or "no" on whether each judge should be retained for another term of office. A simple majority carries the day.

The retention election helps keep judges independent by insulating them from partisan politics. At the same time, by allowing every voter to weigh in, the election process ensures that judges remain accountable to the public. To cast an informed vote, the public can first read about the judges either in the Voter Information Pamphlet or online at www.judges.utah.gov or www.vote.utah.gov.

How does Utah evaluate its judges?

The Judicial Performance Evaluation Commission is an independent, 13-member group of lawyers and non-lawyers. Each of the three branches of government appoints an equal number of its members.

The Commission must by law evaluate all judges twice during their terms of office. The first evaluation gives the judges the opportunity for self-improvement. The second evaluation gives the public information to use in casting their votes. As part of the second evaluation, the Commission votes on whether or not to recommend the judge for another term in office. Sometimes, the votes will not total 13. This happens when a commissioner does not vote because of personal or professional relationships with a judge that could affect an unbiased evaluation or when a commissioner is absent from the meeting at which the vote is taken.

The evaluation includes several elements. Online surveys are sent to attorneys, court staff, and jurors. In addition, trained courtroom observers spend a minimum of two hours in each judge's courtroom and submit written narrative reports of their observations on each judge. Each judge must also meet ethical standards as well as court standards for judicial education, timeliness, and fitness to serve. Finally, the commission considers comments submitted to www.judges.utah.gov from members of the public who have first-hand experience with a judge. The commission considers all this information, and then each commissioner casts a vote either for or against recommending the judge for another term of office.

What are the criteria for evaluating the judges?

The statute governing judicial surveys requires questions about:

1. Legal Ability, including:
   a. demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;
   b. attentiveness to factual and legal issues before the court;
   c. adherence to precedent and ability to clearly explain departures from precedent; and
   d. grasp of the practical impact on the parties of the judge's rulings, including the effect of delay and increased litigation expense;
   e. ability to write clear judicial opinions; and
   f. ability to clearly explain the legal basis for judicial opinions;

2. Judicial Temperament & Integrity, including:
   a. demonstration of courtesy toward attorneys, court staff, and others in the judge's court;
   b. maintenance of decorum in the courtroom;
   c. demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;
   d. preparedness for oral argument;
   e. avoidance of impropriety or the appearance of impropriety;
   f. display of fairness and impartiality toward all parties; and
   g. ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions; and

3. Administrative Performance, including:
   a. management of workload;
   b. sharing proportionally the workload within the court or district; and
   c. issuance of opinions and orders without unnecessary delay.

What does it take to "pass" a judicial evaluation?

1. The judge must earn an average score of no less than 65% on each survey category (Legal Ability, Judicial Temperament & Integrity, and Administrative Skills);

2. The judge must demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, that the judge's conduct in court promotes procedural fairness for court participants;

3. The judge must have no more than one public reprimand issued by the Judicial Conduct Commission or the Utah Supreme Court during the judge's current term; and

4. The judge must meet all performance standards established by the Judicial Council, including:
   a. annual judicial education hourly requirement;
   b. case-under-advisement standard; and
   c. physical and mental competence to hold office.

If a judge meets all of these standards, it is presumed that the Commission will recommend that the voters retain the judge for another term of office. If the judge fails to meet all standards, it is presumed that the Commission will not recommend retention. If the Commission does not go along with a presumption or chooses to make no retention recommendation at all, it must explain in detail the reasons for its action

Chief Justice Matthew B. Durrant – Supreme Court Justice

Serving the State of Utah

Commission Recommendation: **RETAIN**

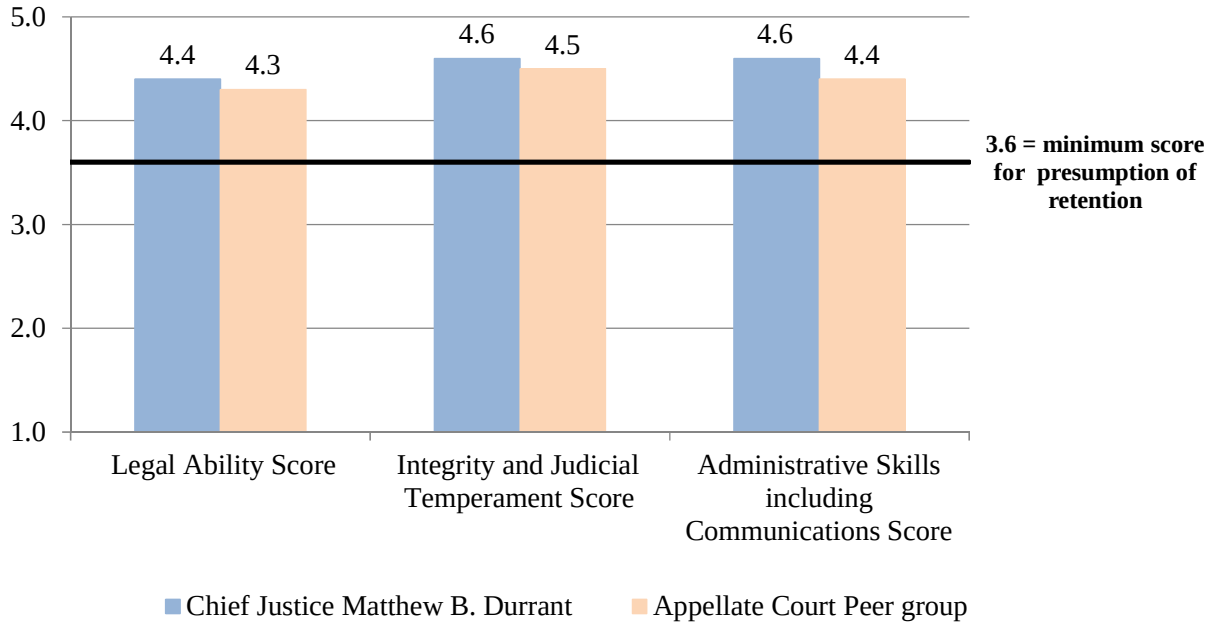
(vote count: 11-0 for retention)

Appointed to the Utah Supreme Court in 2000 and elected Chief Justice in 2012, Chief Justice Matthew Durrant is a well-respected judge, characterized by survey respondents as intelligent and calm. Respondents cited with approval his polite demeanor and civility in the courtroom. Of adjectives selected by respondents to describe Chief Justice Durrant, 99% were positive. Respondents characterized him as humble and noted his respectful behavior towards courtroom participants. Respondents also gave Chief Justice Durrant a perfect score for the diligence of his work habits. Of survey respondents who answered the retention question, 92% recommended that Chief Justice Durrant be retained.

The commission reviewed surveys in addition to verifying that Chief Justice Durrant has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Chief Justice Matthew B. Durrant was appointed to the Supreme Court in January 2000 after serving as a trial judge. His Supreme Court colleagues unanimously elected him Chief Justice and Chair of the Judicial Council in March 2012. Chief Justice Durrant graduated from Harvard Law School in 1984, served a federal appellate clerkship, and then joined the Parr, Brown law firm, where he practiced law and was a shareholder when appointed to the bench. He has served on various committees within the judiciary and was chair of both the Code of Judicial Conduct Committee and the Technology Committee. He was founding chair of the Professionalism Committee. Chief Justice Durrant has also taught as an adjunct law professor at the J. Reuben Clark Law School.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Christine M. Durham – Supreme Court Justice

Serving the State of Utah

Commission Recommendation: **RETAIN**

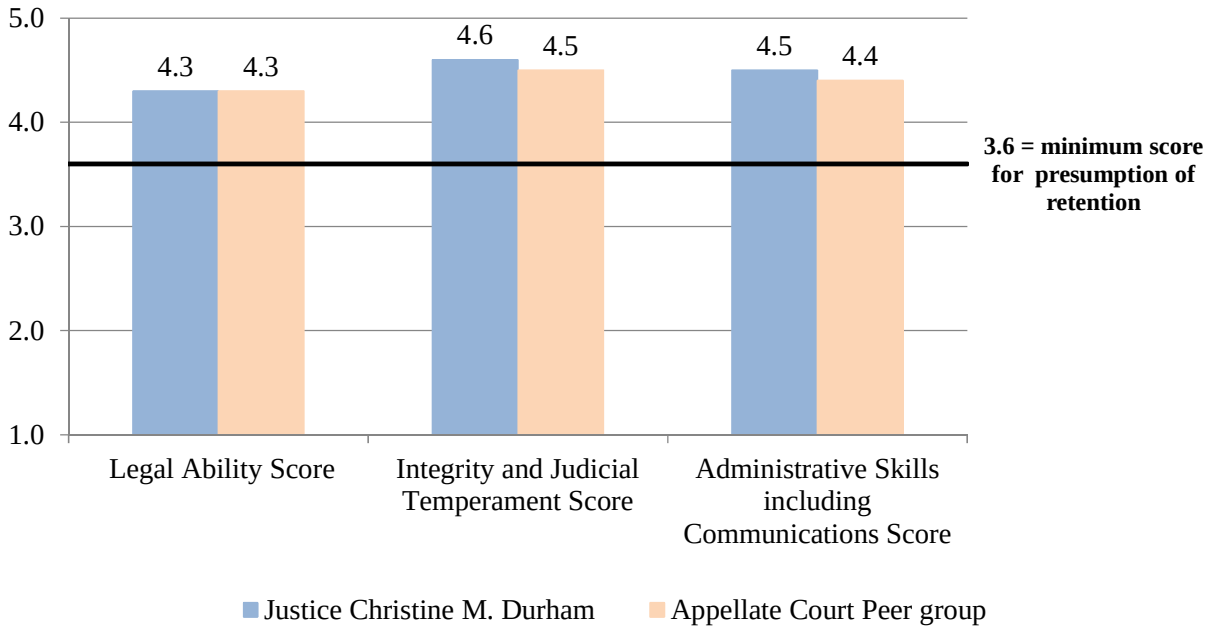
(vote count: 12-0 for retention)

Appointed to the Utah Supreme Court in 1982, Justice Christine Durham served as Chief Justice from 2002 to 2012, and is highly respected by attorneys and court staff. Survey respondents overwhelmingly characterized Justice Durham as intelligent and knowledgeable. They also gave her a perfect score for the diligence of her work habits, noting her excellent preparation for court proceedings and her attentiveness. Some expressed concern that her opinions seem to be based on desired results rather than prior decisions. Of survey respondents who answered the retention question, 86% recommended that Justice Durham be retained.

The commission reviewed surveys in addition to verifying that Justice Durham has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Justice Christine Durham was appointed to the Utah Supreme Court in 1982, and served as Chief Justice from 2002 to 2012. Previously she served on the District Court and in private practice. She earned an A.B. from Wellesley College and a J.D. from Duke University. Justice Durham has been active in judicial education and civic education, serving on the Utah Coalition for Civic, Character, and Service Education and the Utah Commission on Civic Education. She taught state constitutional law for many years, and spent 12 years on the Utah Constitutional Revision Commission. She has received honorary degrees from four Utah colleges and universities, and has been recognized nationally for her work in judicial education and efforts to improve the administration of justice.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Thomas R. Lee – Supreme Court Justice

Serving the State of Utah

Commission Recommendation: **RETAIN**

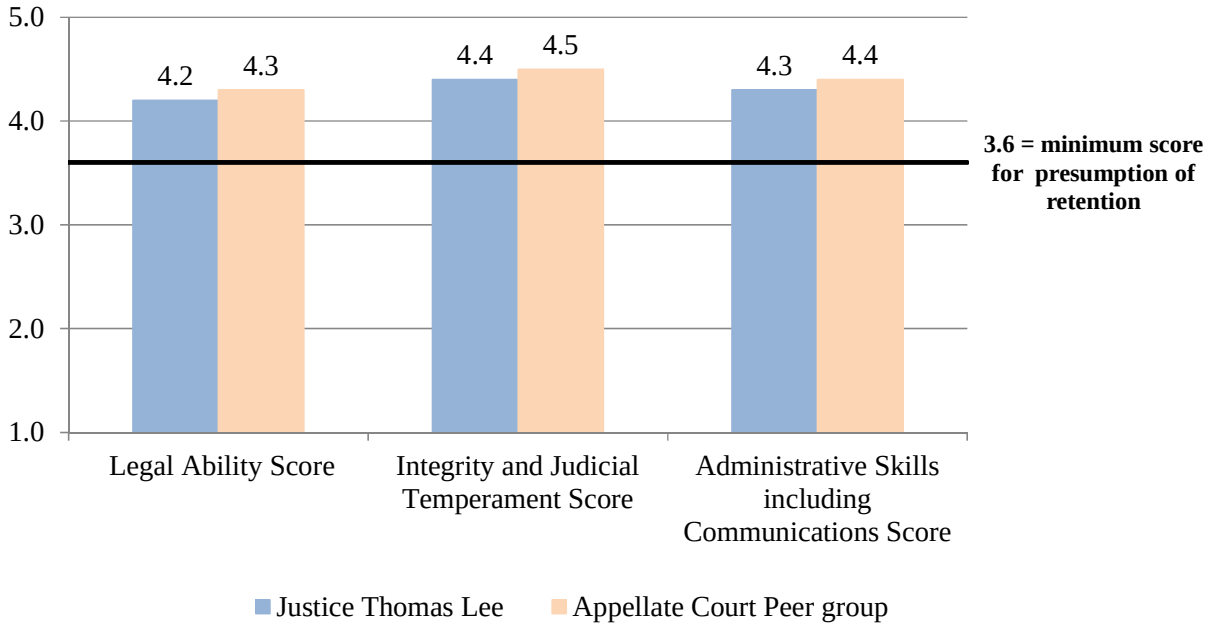
(vote count: 11-0 for retention)

Appointed in 2010, Justice Thomas Lee was described by a majority of survey respondents as vigorous in his preparations, confident in his rulings, and thoroughly knowledgeable about legal principles and procedures. He earned a perfect score for his diligent work habits. Most survey respondents characterized Justice Lee as extremely intelligent and particularly thoughtful in his application of the law. Some noted an arrogant demeanor and a style that was sometimes dismissive. Of those who answered the retention question, 89% recommended that Justice Lee be retained.

The commission reviewed surveys in addition to verifying that Justice Lee has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Thomas R. Lee was appointed to the Utah Supreme Court by Governor Gary Herbert in 2010. Justice Lee graduated with high honors from the University of Chicago Law School in 1991. After law school, he served as a law clerk at the United States Court of Appeals for the Fourth Circuit and then at the United States Supreme Court. Justice Lee then joined the Salt Lake City law firm now known as Parr, Brown, Gee & Loveless, where he was a partner. From 1997-2010, Justice Lee was a professor on the law faculty at Brigham Young University. During that time he also maintained a part-time law practice, arguing cases in federal courts throughout the country and in the United States Supreme Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Michele M. Christiansen – Utah Court of Appeals

Serving the State of Utah

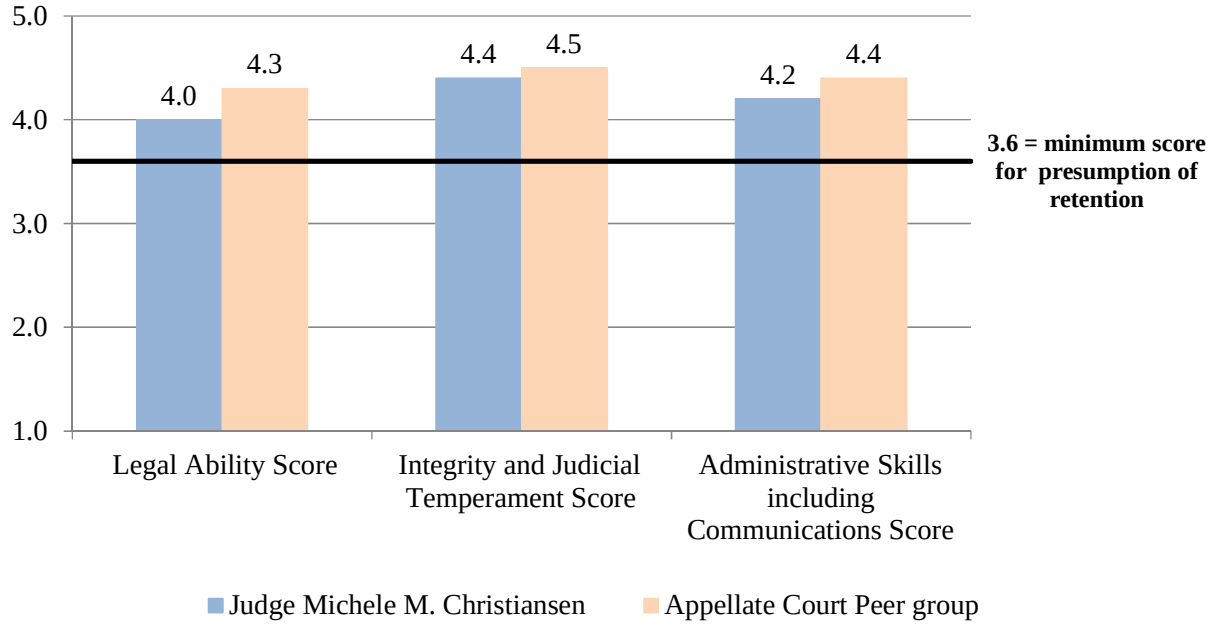
Commission Recommendation: **RETAIN**

(vote count: 12-0 for retention)

Appointed to the court of appeals in 2010 after three years as a trial court judge, Judge Michele Christiansen scored consistent with the average of her appellate court peers in all survey categories. Survey respondents characterized Judge Christiansen as attentive, polite, and intelligent, scoring her most favorably for the equal respect she shows all courtroom participants. Of the adjectives chosen to describe her, 90% were positive. Of respondents who answered the retention question, 86% recommended that Judge Christiansen be retained. Despite these commendable survey results, Judge Christiansen was slow in writing opinions and thus did not meet the judiciary's minimum performance standard governing timeliness of opinions. The commission has some concern about a pattern of lateness; however, because the conditions affecting Judge Christiansen's performance appear to be temporary and her survey results are solidly acceptable, the commission recommends that Judge Christiansen be retained.

The commission reviewed surveys in addition to verifying that Judge Christiansen has met all judicial education requirements and discipline standards established by the judicial branch.

Judge Michele M. Christiansen was appointed to the Utah Court of Appeals in June 2010 after serving for three years as a Third District Court judge. After graduating from the University of Utah College of Law, she clerked for U.S. District Court Judge Tena Campbell. She then worked in private practice at Parsons Behle & Latimer, as a federal prosecutor, and as General Counsel for Governor Jon Huntsman. Judge Christiansen currently serves as co-chair of the Utah State Bar's Pro Bono Commission, serves on the Utah Supreme Court Advisory Committee on the Rules of Criminal Procedure, the Judicial Council's Ethics Advisory Committee, is chair of the Judicial Council's Commissioner Conduct Committee, and is an adjunct professor at the U of U College of Law.



For more information about this judge, go to www.judges.utah.gov

Honorable James Z. Davis – Utah Court of Appeals

Serving the State of Utah

Commission Recommendation: **RETAIN**

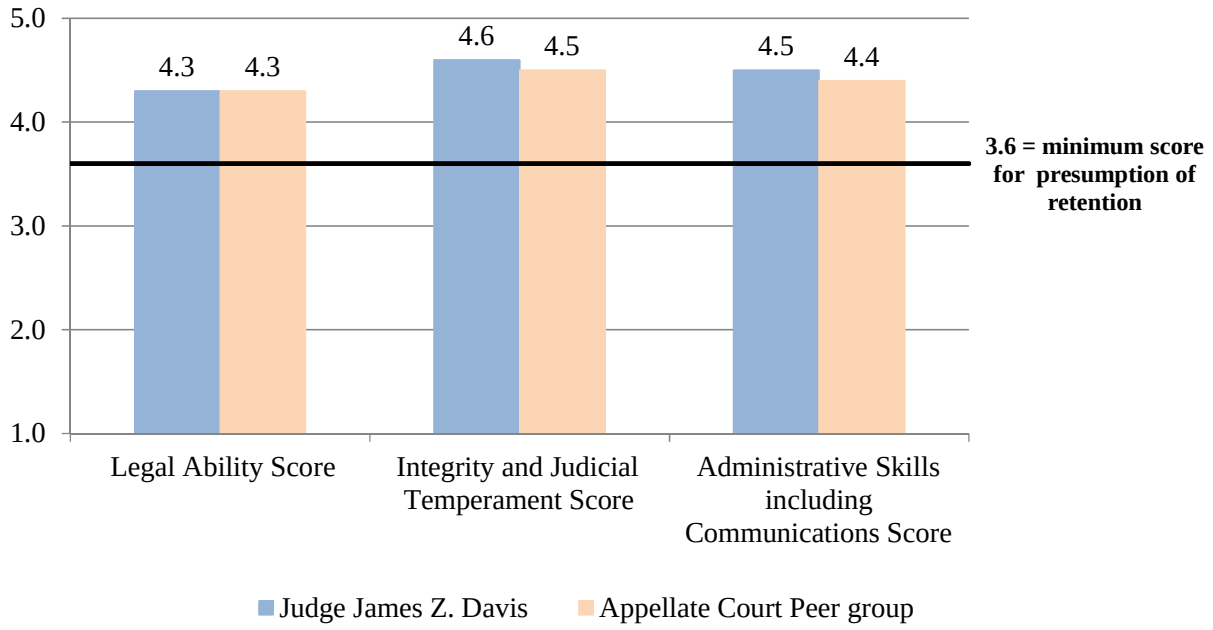
(vote count: 11-0 for retention)

Judge James Davis is an experienced and well-regarded judge who has served on the Utah Court of Appeals since 1993. Survey respondents frequently characterized him as knowledgeable and polite. In selecting adjectives from a list to describe Judge Davis, respondents chose 97% positive words. They also noted his diligent work habits and commented favorably on his integrity and his timely decisions. Of survey respondents who answered the retention question, 90% recommended that Judge Davis be retained.

The commission reviewed surveys in addition to verifying that Judge Davis has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge James Z. Davis was appointed to the Utah Court of Appeals by Gov. Michael O. Leavitt in November 1993. After earning a law degree from the University of Utah College of Law in 1968, he served in U.S. Army military intelligence until 1970. Prior to his appointment to the bench, Judge Davis worked in private practice, served as Deputy Weber County Attorney and Weber County Police Legal Advisor, worked as a partner at Thatcher, Glasmann & Davis, and was a shareholder and director at Ray, Quinney & Nebeker. Judge Davis served as president of the Utah State Bar from 1991 to 1992. He also served two terms as presiding judge of the Utah Court of Appeals.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Gregory K. Orme – Utah Court of Appeals

Serving the State of Utah

Commission Recommendation: **RETAIN**

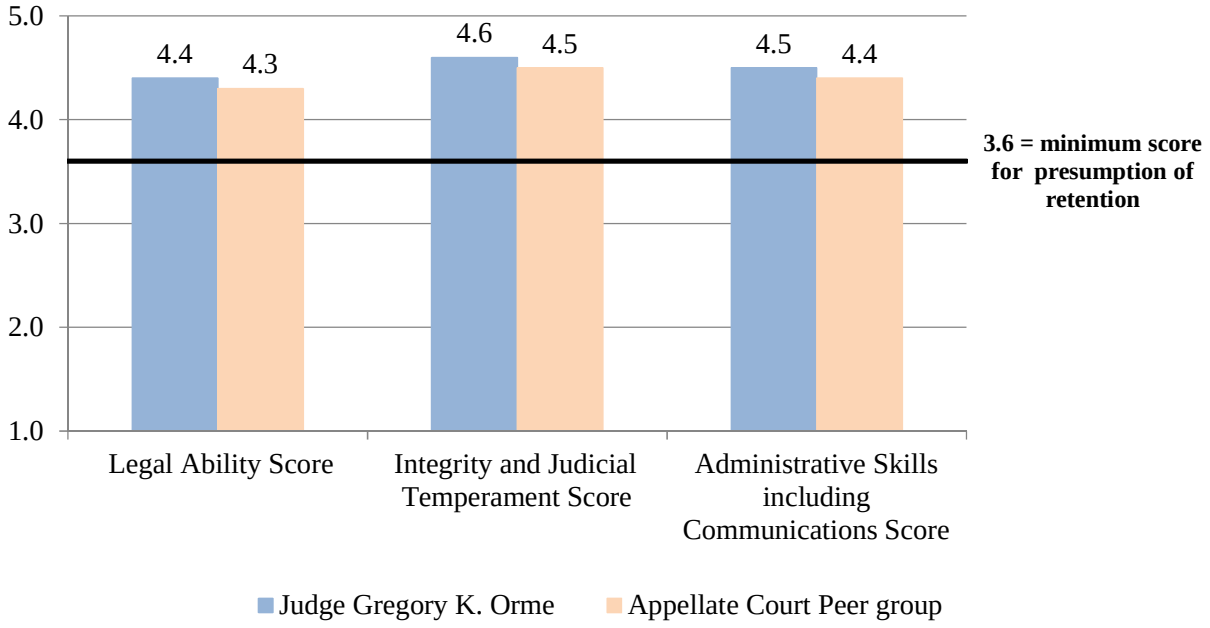
(vote count: 11-0 for retention)

Appointed to the Utah Court of Appeals in 1987, Judge Gregory Orme is an experienced judge whom survey respondents describe as intelligent and congenial, with a few noting his clever and humorous style. The majority of survey respondents characterized Judge Orme as thoughtful in his questioning, kind in his demeanor, and careful and thorough in his approach. Many valued his years of experience and the wealth of knowledge he brings to the court of appeals. Of those survey respondents who answered the retention question, 92% recommended that Judge Orme be retained.

The commission reviewed surveys in addition to verifying that Judge Orme has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Gregory K. Orme, who grew up in Ogden, graduated from the University of Utah in 1975. Three years later, he received his law degree with high honors from George Washington University. In 1987, after several years in private law practice in Salt Lake City, he was appointed to the Utah Court of Appeals by Gov. Norman Bangerter. He has continuously served on the court since then, including a term as the court's presiding judge and four terms as the court's representative on the Utah Judicial Council. He has also served for many years on the Utah Sentencing Commission. Judge Orme received the Utah State Bar's award for Young Lawyer of the Year in 1986 and its award for Judge of the Year in 2007.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Stephen L. Roth – Utah Court of Appeals

Serving the State of Utah

Commission Recommendation: **RETAIN**

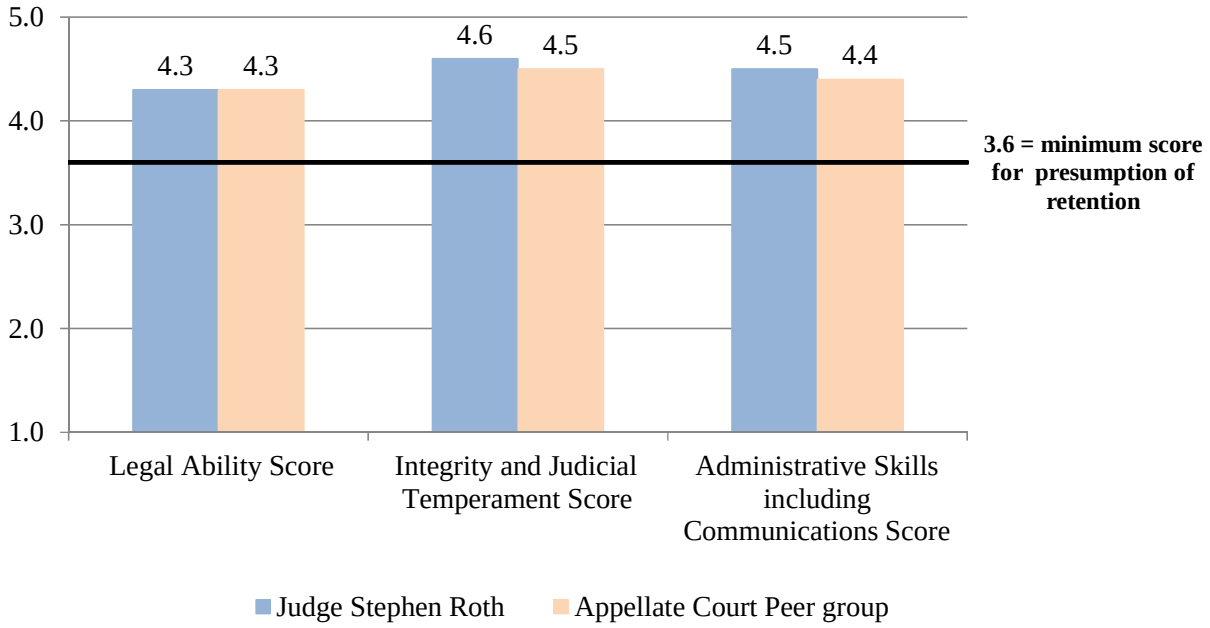
(vote count: 12-0 for retention)

Appointed to the court of appeals in 2010 after serving eight years as a trial court judge, Judge Stephen Roth is known for his hard work and respectful demeanor. Survey respondents gave him a perfect score for the diligence of his work habits and recognized his impartial manner and respect for all. Most respondents characterized Judge Roth's decisions as objective, reasoned and thoughtful. Adjectives used to describe Judge Roth include intelligent, attentive and knowledgeable, and the majority of survey respondents characterized him as conscientious, polite and dedicated to fairness. Of those who answered the retention question, 93% recommended that Judge Roth be retained.

The commission reviewed surveys in addition to verifying that Judge Roth has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Stephen L. Roth was appointed to the Utah Court of Appeals in March 2010, after eight years as a Third District Court judge. He graduated with honors from Brigham Young University Law School in 1977. Judge Roth worked in private practice until 1991, and then served as an Assistant United States Attorney until his appointment to the bench in 2002. He chairs the Committee on Representation of Indigent Criminal Defendants and is a member of the Alternative Dispute Resolution Committee, the state bar Litigation Section's Executive Committee, and the Aldon Anderson Inn of Court. Judge Roth served in the United States Marine Corps from 1970 to 1974 and has worked as a farmhand in Idaho and a steelworker in Arizona.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable J. Frederic Voros Jr. – Utah Court of Appeals

Serving the State of Utah

Commission Recommendation: **RETAIN**

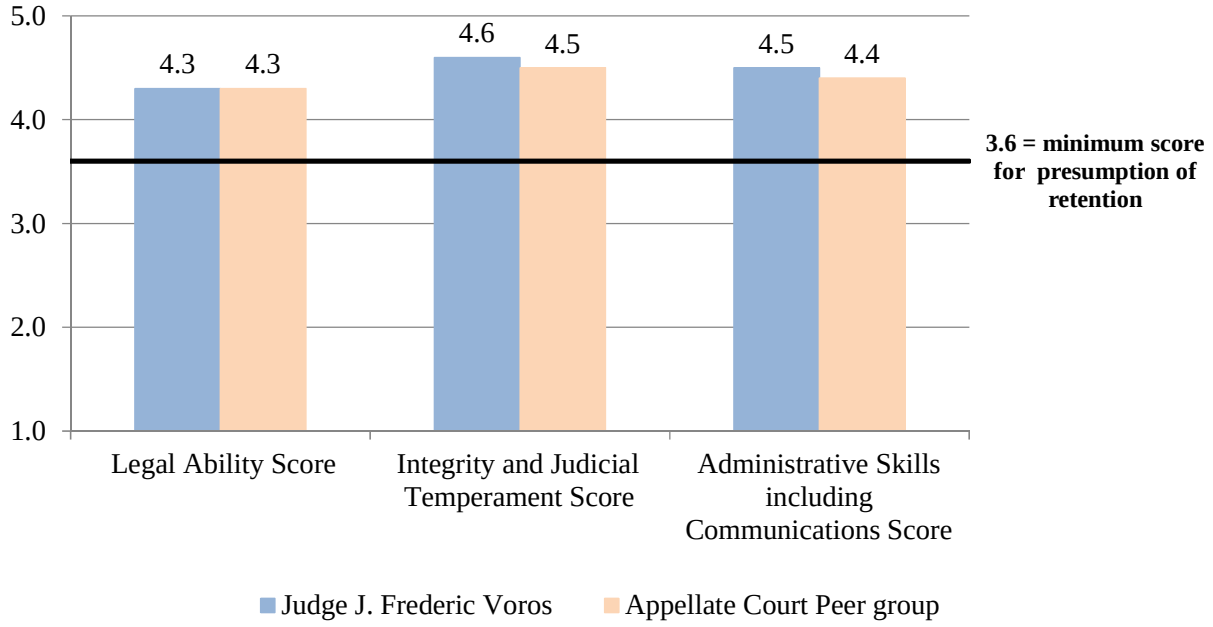
(vote count: 12-0 for retention)

Appointed to the Utah Court of Appeals in 2009, Judge Frederic Voros is characterized by survey respondents as a hard worker who is diligent in his preparations and fair in his opinions. Adjectives most often used to describe him include intelligent, attentive and knowledgeable. Most respondents praised Judge Voros, noting his confident manner and commitment to excellence. Of survey respondents who answered the retention question, 92% recommended that Justice Voros be retained.

The commission reviewed surveys in addition to verifying that Judge Voros has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge J. Frederic Voros Jr. was appointed to the Utah Court of Appeals by Gov. Gary R. Herbert in 2009 and currently serves as presiding judge. After earning his bachelor's and law degrees from Brigham Young University, he clerked for Justice Dallin H. Oaks on the Utah Supreme Court. Judge Voros practiced law with Prince, Yeates & Geldzahler and Poole & Associates before joining the Criminal Appeals Division of the Utah Attorney General's Office in 1991, where he served for 18 years, the last ten as division chief. He was named 2005 Adjunct Professor of the Year at the S.J. Quinney College of Law, University of Utah. He has served on the Utah Supreme Court Advisory Committee on the Rules of Appellate Practice since 1995.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Thomas L. Willmore – District Court Judge

Serving Box Elder, Cache and Rich counties

Commission Recommendation: **RETAIN**

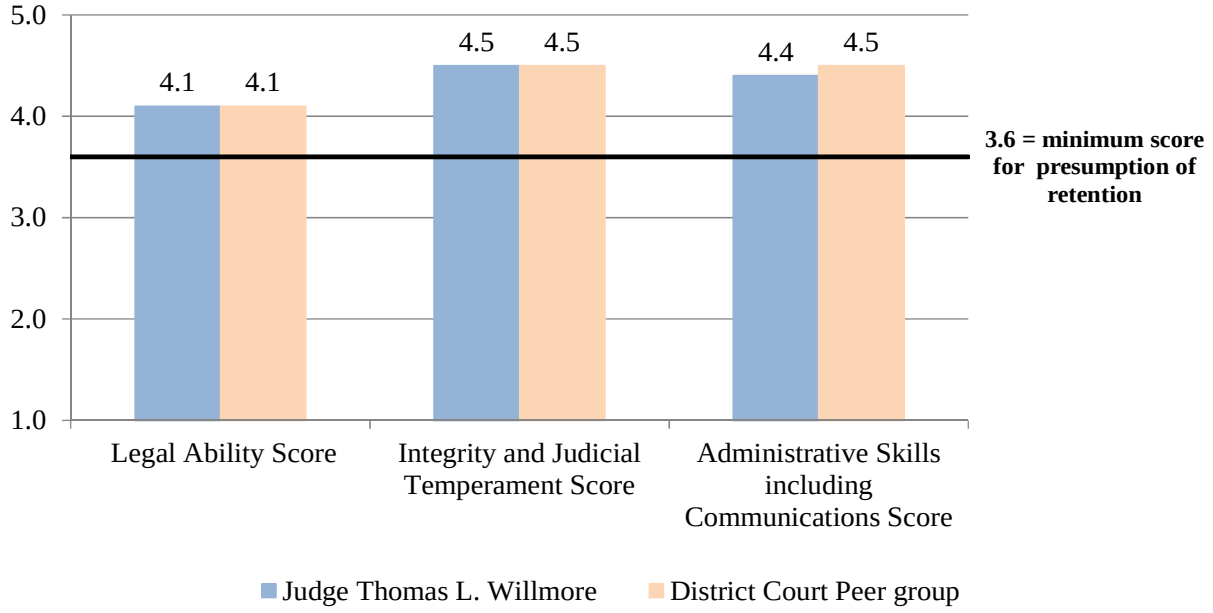
(vote count: 12-0 for retention)

Judge Thomas Willmore is an experienced judge whom survey respondents most often described as knowledgeable, attentive, and intelligent. Many characterized him as diligent and well-prepared. A minority of respondents cited a tendency towards impatience and gruffness. Of adjectives selected by respondents from a list to describe Judge Willmore, 84% were positive. Courtroom observers noted Judge Willmore's professional demeanor, his clear communication skills, and the efficiency of his courtroom. Most reported they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 91% recommended that Judge Willmore be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Willmore has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Thomas L. Willmore was appointed to the First District Court in 1999 by Governor Michael O. Leavitt. After graduating from Utah State University and University of the Pacific, McGeorge School of Law, Judge Willmore worked as a partner with the law firm of Olson & Hoggan. He was involved in many community and service organizations. Judge Willmore established the Cache County Drug Court in 2000 and continues to preside over it. He also established and presided over the Box Elder County Drug Court. Judge Willmore served as the Presiding Judge of First District Court from 2006-2009; chair and member of the Board of District Court Judges from 2001-2006; and member of the Utah Judicial Council from 2009-2012.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Robert J. Dale – District Court Judge

Serving Davis, Weber and Morgan counties

Commission Recommendation: **RETAIN**

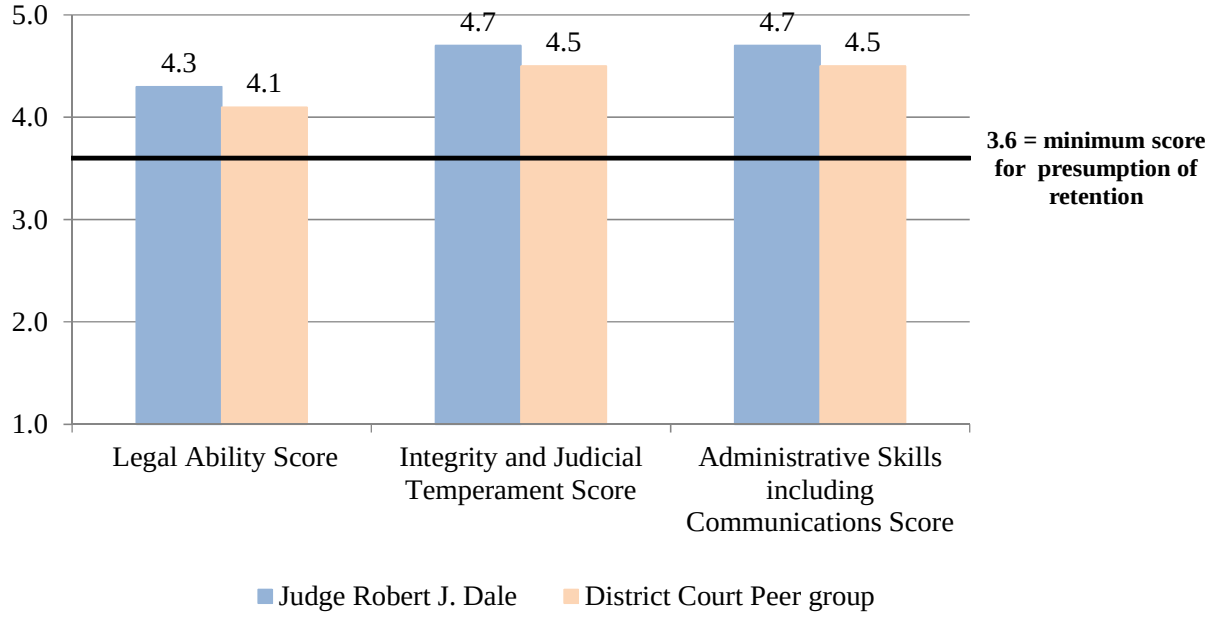
(vote count: 12-0 for retention)

Appointed in 2010, Judge Robert Dale has earned a reputation as a hardworking and fair judge. Attorneys responding to the survey described him as intelligent and well-prepared, noting his excellent work ethic and decisive demeanor. Survey respondents characterized him as conscientious and composed, giving him high marks for his efficiently-run courtroom. Courtroom observers echoed the sentiments of survey respondents, noting Judge Dale's firm but gentle manner and his consideration of all points of view. Observers also emphasized Judge Dale's professionalism and focus, and were impressed with his consistent and respectful tone. Of survey respondents who answered the retention question, 93% recommended that Judge Dale be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Dale has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Robert J. Dale was appointed to the Second District Court by Governor Herbert in 2010. Judge Dale earned his Bachelor of Arts degree in 1972 from the University of Utah, graduating Magna Cum Laude and Phi Beta Kappa, and his law degree in 1976, having served on the Law Review and graduating Order of the Coif (top 10%). He litigated in private practice law firms, serving on their boards, for over thirty years. He also served on, among others, the Layton City Planning Commission, the Utah Real Estate Division Committee for drafting state-approved real estate forms, and the Utah Wildlife Federation Board of Directors.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Sherene T. Dillon – Juvenile Court Judge

Serving Davis, Weber and Morgan counties

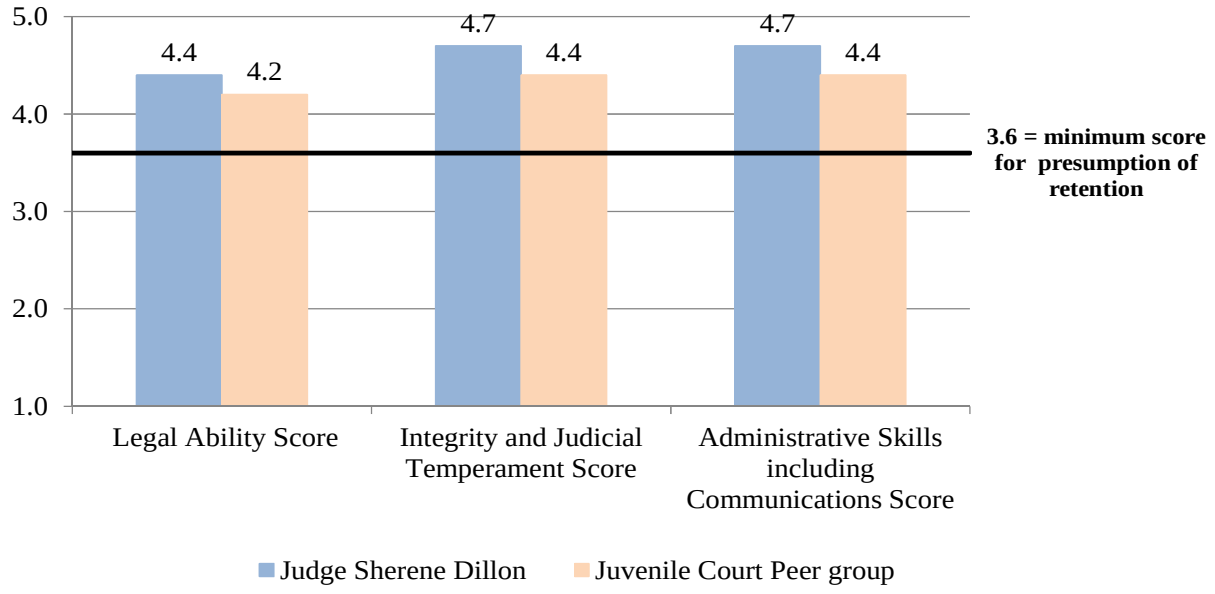
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2011, Judge Sherene Dillon has quickly become an effective and capable juvenile court judge. Survey respondents characterized Judge Dillon as knowledgeable, attentive, and consistent, and specifically cited her warmth and encouragement to juveniles attending court. Several survey respondents commented on Judge Dillon's efficiency as well as her respect for the time and expenses of courtroom attendees. All courtroom observers reported they would feel comfortable appearing before Judge Dillon, with several noting her admirable preparation and patience as well as her excellent listening skills. Among survey respondents who answered the retention question, 97% recommended that Judge Dillon be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Dillon has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Sherene Terry Dillon was appointed to the Second District Juvenile Court by Governor Gary R. Herbert in January 2011. She is a 1986 Cum Laude graduate of the J. Reuben Clark Law School. Following graduation, she specialized in family law and adoption matters at Kirton, McConkie and Poelman and in private practice. In 1994 Judge Dillon began working in the newly-created Office of the Guardian ad Litem, representing children in Second District Juvenile Court. In 2010 she was certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. She presides over a Juvenile Delinquency Drug Court and an Adult Dependency Drug Court, focusing on children and parents experiencing drug addictions.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable David R. Hamilton – District Court Judge

Serving Davis, Weber and Morgan counties

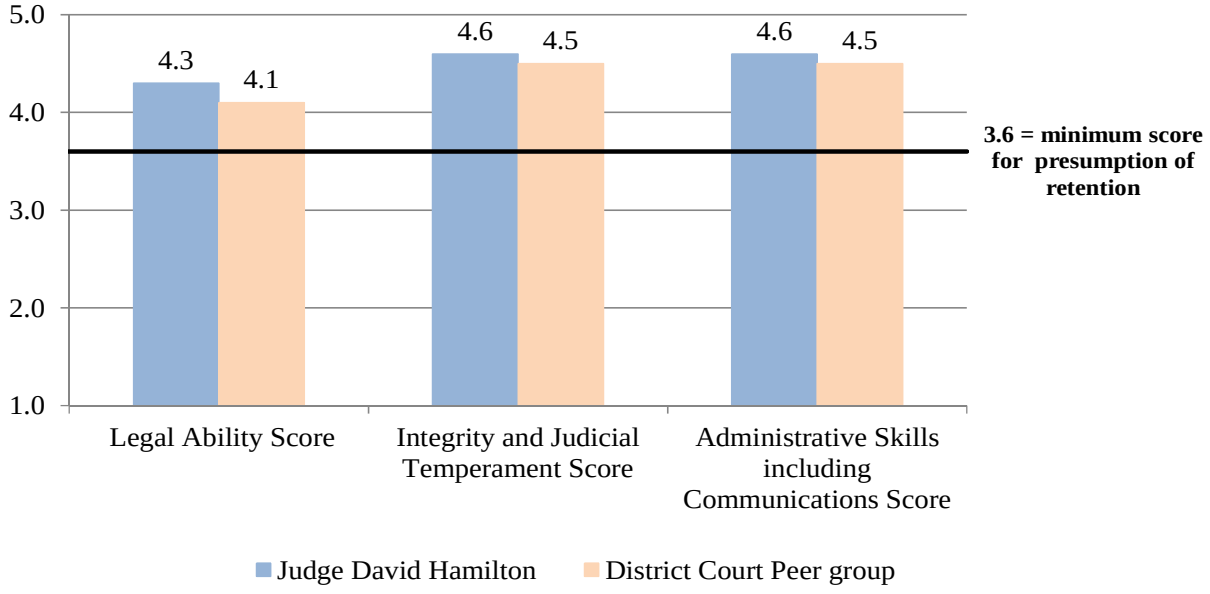
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2010, Judge David Hamilton has quickly become a highly-respected judge, characterized by survey respondents as decisive and hardworking. Respondents praised Judge Hamilton's excellent judicial temperament, highlighting his impartial and evenhanded handling of cases and his attentive, professional manner towards all courtroom participants. When choosing from a list of adjectives to describe Judge Hamilton, respondents chose 98% positive words. Courtroom observers noted Judge Hamilton's efficiently-run courtroom as well as his consistently respectful tone and were unanimous in their enthusiasm for his caring, confident demeanor. Of survey respondents who answered the retention question, 95% recommended Judge Hamilton be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Hamilton has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge David R. Hamilton was appointed to the Second District Court in 2010 by Governor Gary R. Herbert. He earned his bachelor's degree in 1975 and his law degree in 1978, both from the University of Utah. Prior to taking the bench, Judge Hamilton worked in private practice for 32 years, most recently as a solo practitioner at David R. Hamilton, P.C. His practice concentrated in insurance defense, collections, family law, and mediation. For more than 10 years, Judge Hamilton has served as the chair of the Utah State Bar's Fund for Client Protection (Client Security Fund). He is past president of the Weber County Bar Association.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Michelle E. Heward – Juvenile Court Judge

Serving Davis, Weber and Morgan Counties

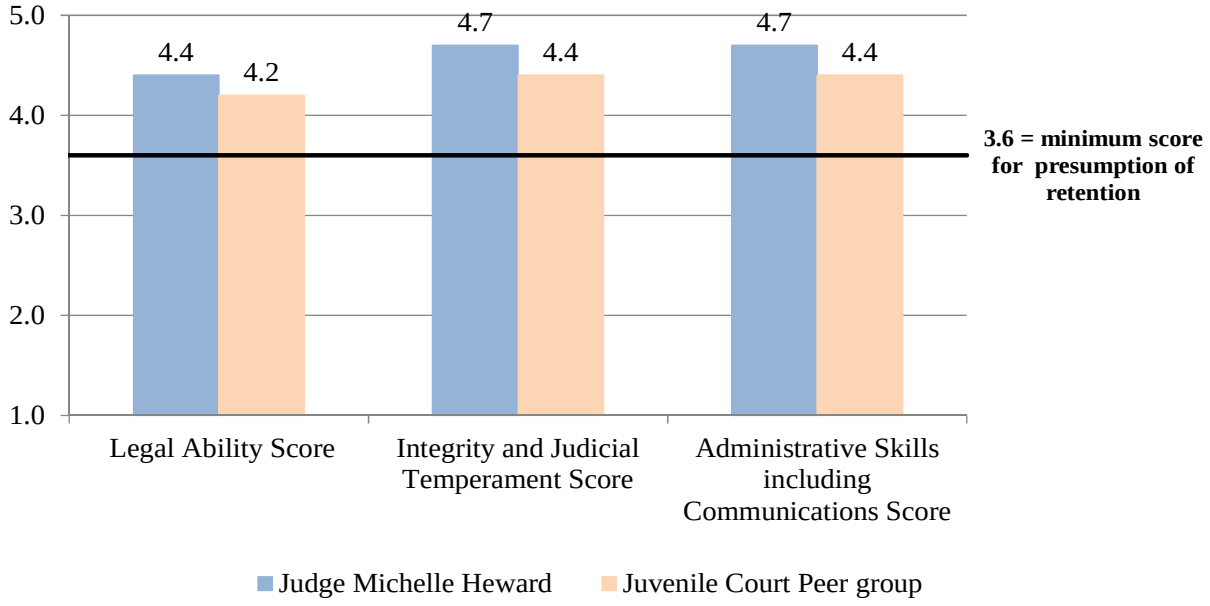
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

In her relatively short time on the bench, Judge Michelle Heward has built a reputation as an effective, fair, and consistent judge who is thoughtful both in her treatment of courtroom participants and in her rulings. Survey respondents most frequently described her as polite, considerate, knowledgeable, and attentive. Courtroom observers praised her professionalism, her excellent judicial demeanor, and her skillful communication with courtroom participants. Although some survey respondents raised concerns over delays in her courtroom, they overwhelmingly supported her retention, with 97% of those who answered the retention question recommending that Judge Heward be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Heward has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Michelle E. Heward was appointed to the Second District Juvenile Court by Gov. Gary Herbert in July, 2010. She presides over delinquency and child welfare cases primarily in Weber County, including an adult Family Drug Court. She earned her J.D. from the University of Utah in 1987 and a B.A. from Weber State University in 1982. Judge Heward started her legal career in private practice in Ogden, then worked as a deputy Weber County attorney. She subsequently taught criminal justice at Weber State as a full professor for 15 years. During a portion of that time, she also served as a justice court judge in Riverdale and South Ogden cities. Judge Heward is active on numerous boards and committees in the community.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Noel S. Hyde – District Court Judge

Serving Davis, Weber and Morgan counties

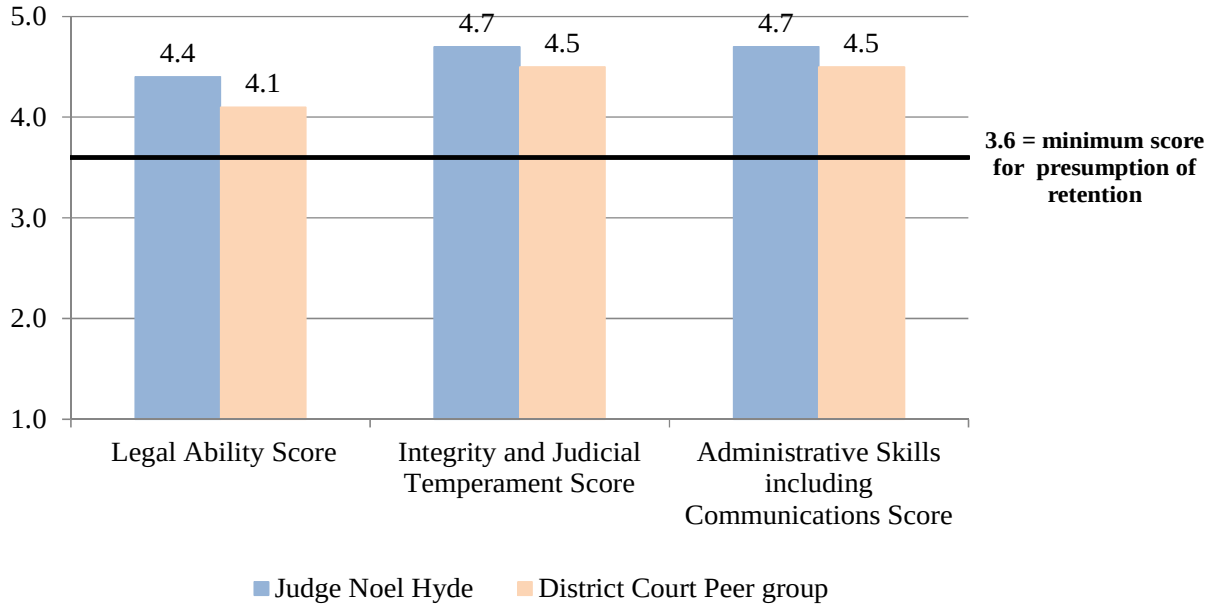
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2010, Judge Noel Hyde earned strong survey scores, rating higher than the average of his district court peers in all survey categories. Survey respondents described Judge Hyde as intelligent and attentive, and highlighted his professionalism. Respondents praised Judge Hyde for his superior communication skills and clear decisions. Courtroom observers agreed with survey respondents, emphasizing Judge Hyde's willingness to thoroughly explain courtroom procedures and rulings. Observers also noted Judge Hyde's genuine interest in each case, his warm yet authoritative demeanor, and his sincere concern for each participant's well-being. Of survey respondents who answered the retention question, 95% recommended that Judge Hyde be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Hyde has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Noel S. Hyde was appointed to the Second District Court in 2010 by Gov. Gary R. Herbert. Judge Hyde received his law degree from Brigham Young University. Prior to his appointment, Judge Hyde worked as a sole practitioner for nine years in South Ogden, emphasizing business bankruptcy and complex commercial litigation. He had also previously handled domestic cases and business reorganization matters for 19 years with the firm of Nielsen & Senior in Salt Lake City and Ogden. Judge Hyde is a member of the American Bankruptcy Institute and the Commercial Law League of America. He presides over the Weber County Mental Health Court and serves on the Board of District Court Judges.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Thomas L. Kay – District Court Judge

Serving Davis, Weber and Morgan counties

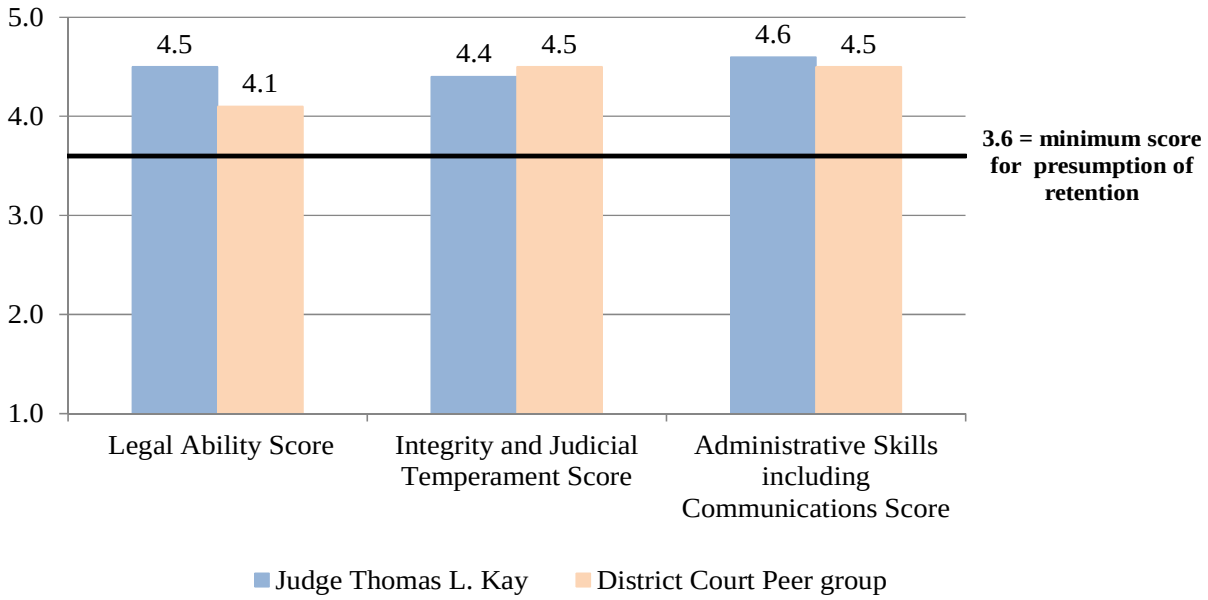
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Judge Thomas Kay, appointed in 1998, is an experienced, no-nonsense judge, characterized by attorneys as intelligent and knowledgeable. Attorneys appreciated his clear and logical decisions. Survey respondents, including attorneys, jurors, and court staff, described him as attentive, well-prepared and diligent. Some respondents noted that Judge Kay has a tendency towards impatience. Courtroom observers gave Judge Kay favorable reviews, emphasizing his calm and professional demeanor, his efficiently-run courtroom, and his consistent composure with argumentative courtroom participants. All observers agreed they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 91% recommended that Judge Kay be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Kay has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Thomas L. Kay was appointed by Governor Michael Leavitt in 1998. He received his law degree from BYU in 1979, where he served as a Note and Comment Editor for the BYU Law Review. Following a clerkship with U.S. District Judge David K. Winder, he worked as a trial attorney at Ray, Quinney & Nebeker and Snell & Wilmer. Judge Kay has served as the Presiding Judge of the Second District, Chair of the Board of District Judges, and President of the Rex E. Lee Inn of Court. He is the Chair of Bountiful Communities That Care, a frequent presenter to school and youth groups, and a member of the Rules of Evidence Committee. He also implemented the first paperless Utah state court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable John R. Morris – District Court Judge

Serving Davis, Weber and Morgan counties

Commission Recommendation: **RETAIN**

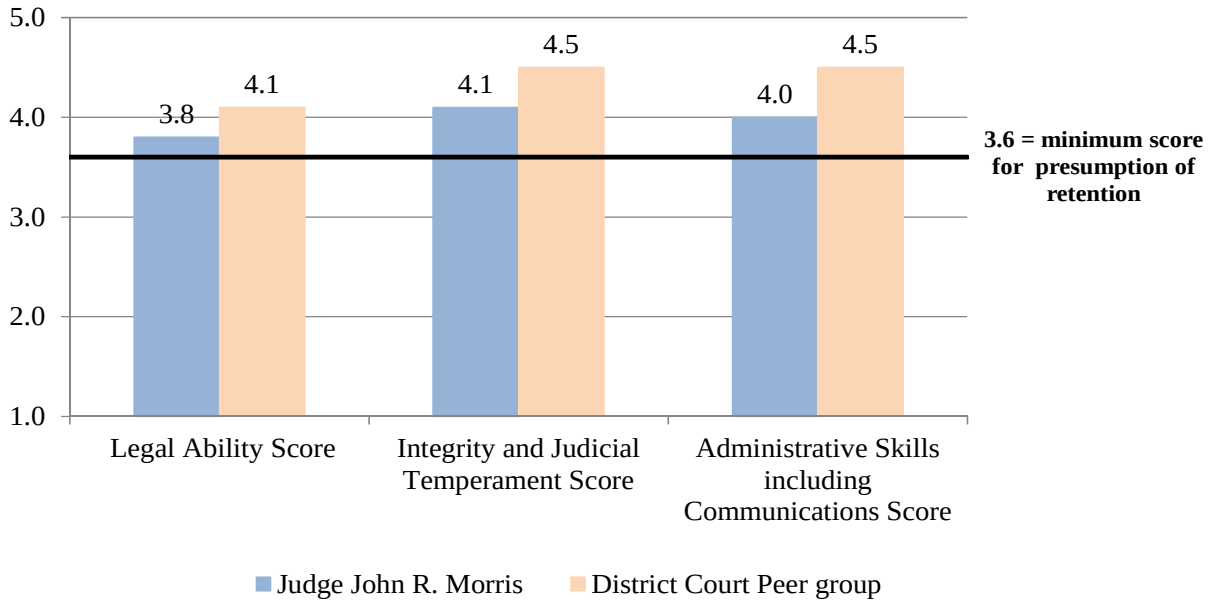
(vote count: 12-0 for retention)

Judge John Morris is an experienced judge who received mixed evaluations of his performance from survey respondents. Judge Morris' scores in all survey categories exceeded the required minimum standard but were somewhat lower than the average scores of his district court peers. Most survey respondents described Judge Morris as intelligent and knowledgeable. Although courtroom observers and many respondents described him as polite and courteous, other survey respondents characterized him as arrogant and dismissive. Respondents also reported that he sometimes takes too long to issue rulings and begin court sessions. Courtroom observers were generally positive about Judge Morris, praising his preparation and the efficiency of his courtroom. Of the survey participants who answered the retention question, 79% recommended that Judge Morris be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Morris has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

John R. Morris was appointed to the Second District Court in 2004 by Gov. Olene S. Walker. Judge Morris received a bachelor's degree in astrophysics from Princeton University, an M.B.A. degree from Brigham Young University, and a law degree magna cum laude from Brigham Young University. He is admitted to practice law in Utah, California, and with the U.S. Patent Office. Judge Morris is chair of the online Court Assistance Program Policy Board and a former member of the court's Standing Committee on Technology. He also serves as Associate Presiding Judge for the Second District Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Jeffrey J. Noland –Juvenile Court Judge

Serving Davis, Weber and Morgan counties

Commission Recommendation: **RETAIN**

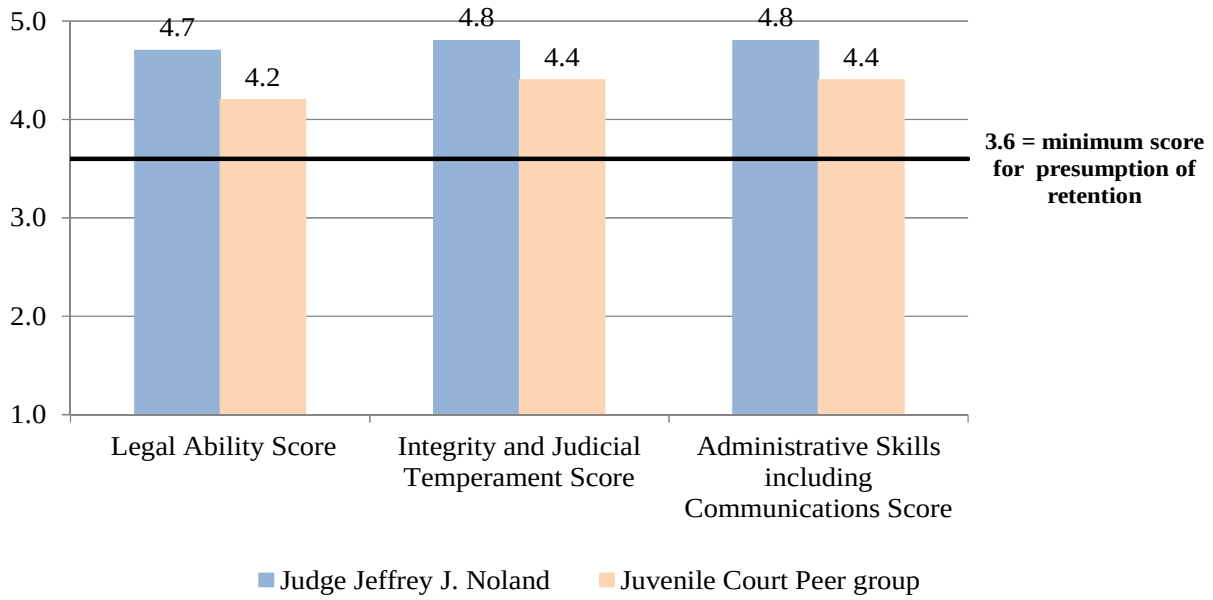
(vote count: 12-0 for retention)

Judge Jeffrey Noland scored higher than the average of his juvenile court peer group in all survey categories. Judge Noland is unique among judges standing for retention this year in that 100% of survey respondents agreed that he should be retained, and 100% of survey respondents characterized him only in positive terms. Describing Judge Noland as a knowledgeable, considerate, patient and attentive judge, attorneys and staff alike praised him for his model professional demeanor, his ability to work well with everyone and create a team feeling, and his reasoned legal decisions. All courtroom observers reported they would feel comfortable appearing before Judge Noland.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Noland has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Jeffrey J. Noland was appointed to the Second District Juvenile Court by Gov. Gary R. Herbert in July of 2010. He received his education at Weber State College and the University of Utah College of Law. Before his appointment to the bench, Judge Noland served as a deputy county prosecutor, as a parental defender in child welfare matters, and as a Guardian ad Litem for children. Judge Noland currently serves on the state Youth Court Advisory Board, on the Advisory Board for the Department of Child & Family Studies at Weber State University, and as a member of the Electronic Conversion Committee (Efile) for the state's juvenile courts. He also serves as the Associate Presiding Judge for the Second District Juvenile Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Robert W. Adkins – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

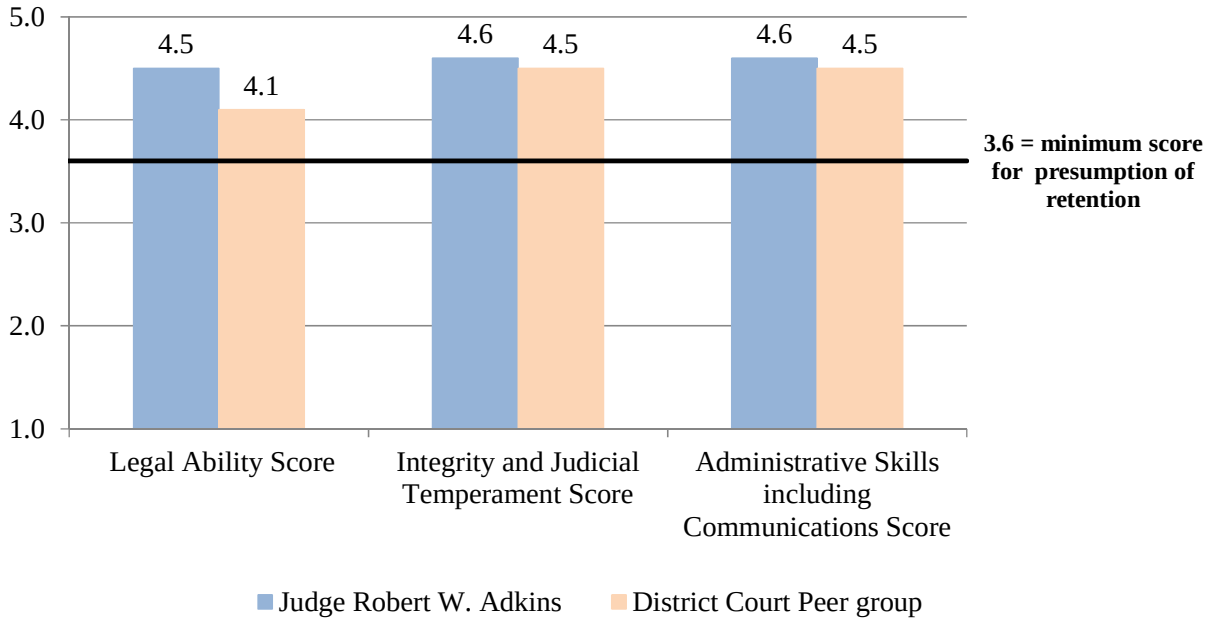
(vote count: 12-0 for retention)

Appointed in 2005, Judge Robert Adkins received consistent praise from survey respondents for his fairness, thoughtfulness, and judicial demeanor. Participants most often described Judge Adkins as knowledgeable, considerate and attentive. The vast majority of respondents used only positive terms to describe their experiences with Judge Adkins. Courtroom observers were likewise impressed with Judge Adkins, noting his impartial, respectful, and unhurried interactions with litigants and his demonstrated concern for each individual appearing before him. Of survey respondents who answered the retention question, 95% recommended that Judge Adkins be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Adkins has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Robert W. Adkins was appointed to the Third District Court in 2005 by Gov. Olene Walker. He volunteered as a law clerk for Third District Court Judge D. Frank Wilkins prior to receiving his law degree from the University of Utah College of Law in 1972. Judge Adkins worked at the Salt Lake County Attorney's Office, and the law offices of Roe & Fowler and, later, Adkins and Christiansen. He served as Summit County Attorney from 1975 until his appointment to the bench. Judge Adkins served 10 years as a small claims court judge in Summit County. In addition, he served on the Salt Lake County Children's Justice Center Advisory Board and currently serves as judge of the Tooele County Felony Drug Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Charlene Barlow – District Court Judge

Serving Salt Lake, Summit and Tooele Counties

Commission Recommendation: **RETAIN**

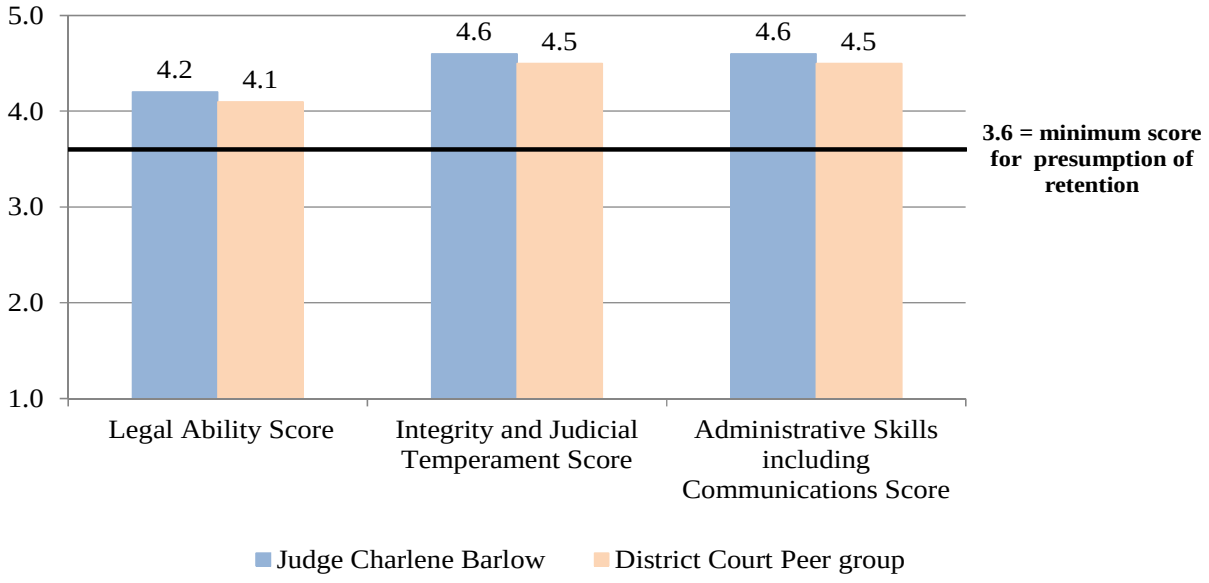
(vote count: 12-0 for retention)

Appointed in 2010, Judge Charlene Barlow is a capable judge, most often described by survey respondents as polite, attentive and composed. Respondents noted Judge Barlow's courteous and fair demeanor, characterizing her as intelligent, calm, and extremely considerate of courtroom participants. Courtroom observers agreed with survey respondents, describing her as innately respectful and patient, while still projecting a firm and professional demeanor. Observers also noted that she managed her demanding courtroom effectively and efficiently. All observers reported that they would feel comfortable appearing before her. Of survey respondents who answered the retention question, 94% recommended that Judge Barlow be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Barlow has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Charlene Barlow was appointed to the Third District Court in October 2010 by Governor Gary Herbert. She graduated with a Bachelor of Arts in English from Brigham Young University and taught high school before entering law school. Judge Barlow earned a juris doctorate from the J. Reuben Clark Law School at Brigham Young University in 1981. She served as a criminal prosecutor for Orem City, Provo City, and Utah County before joining the Utah Attorney General's Office in August 1988. During 22 years in the Attorney General's Office, she represented the State in criminal appeals and prosecuted fraud cases. Judge Barlow is currently assigned to the West Jordan district court, where she handles criminal, domestic, civil, landlord/tenant, and debt collection cases.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Katherine Bernards-Goodman – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

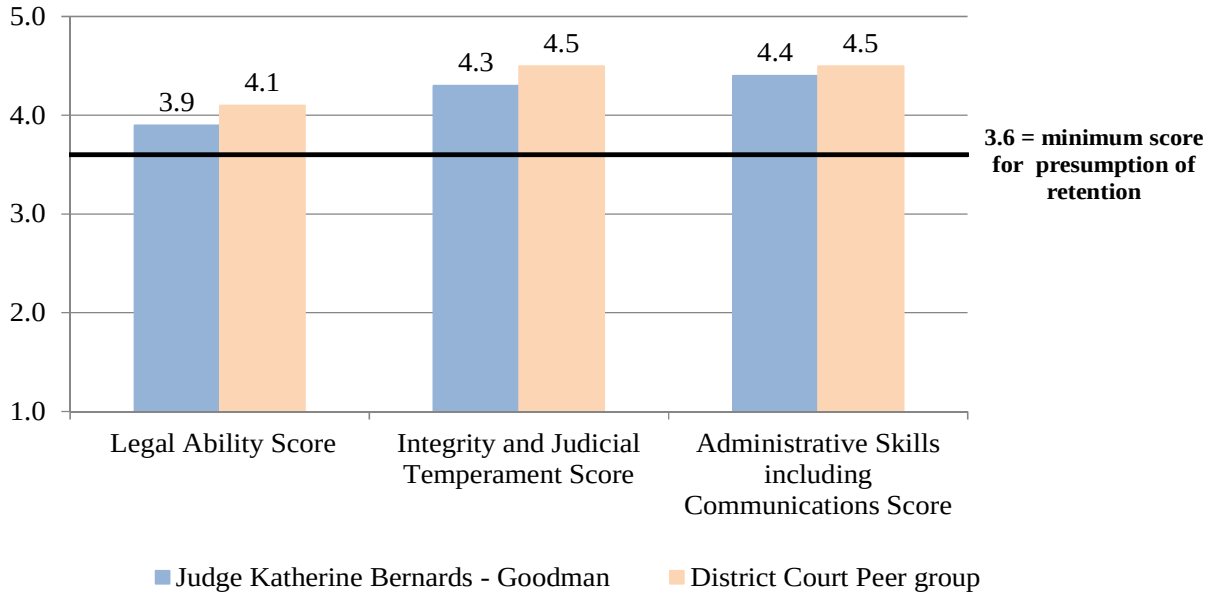
(vote count: 12-0 for retention)

Appointed to the Third District Court in 2010, Judge Katherine Bernards-Goodman was described by survey respondents as attentive, confident and intelligent. Of adjectives chosen to describe her, 78% were positive. She received positive reviews for her fairness. Most courtroom observers noted her professional and respectful treatment of all courtroom participants. Observers also reported that Judge Bernards-Goodman ran an efficient courtroom and embarked upon each case in a well-prepared and consistent manner. Of survey respondents who answered the retention question, 83% recommended that Judge Bernards-Goodman be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Bernards-Goodman has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Katherine Bernards-Goodman was appointed to the Third District Court in 2010 by Gov. Gary R. Herbert. Judge Bernards-Goodman graduated cum laude in Psychology from the University of Utah and earned a law degree in 1989 from the University of Utah College of Law. Prior to her appointment to the bench, Judge Bernards-Goodman worked as an Assistant Division Chief for the Salt Lake District Attorney's Office, supervising 15 attorneys and prosecuting drug and homicide cases. She has served on the Salt Lake County Commission on Youth Committee, the Utah State Bar's Courts and Judges Committee, Primary Children's Hospital Multi-discipline Screening Committee, and the Interstate Compact Commission Committee. She was also a Board Member of the Statewide Association of Prosecutors.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Christine S. Decker – Juvenile Court Judge

Serving Salt Lake, Summit and Tooele Counties

Commission Recommendation: **RETAIN**

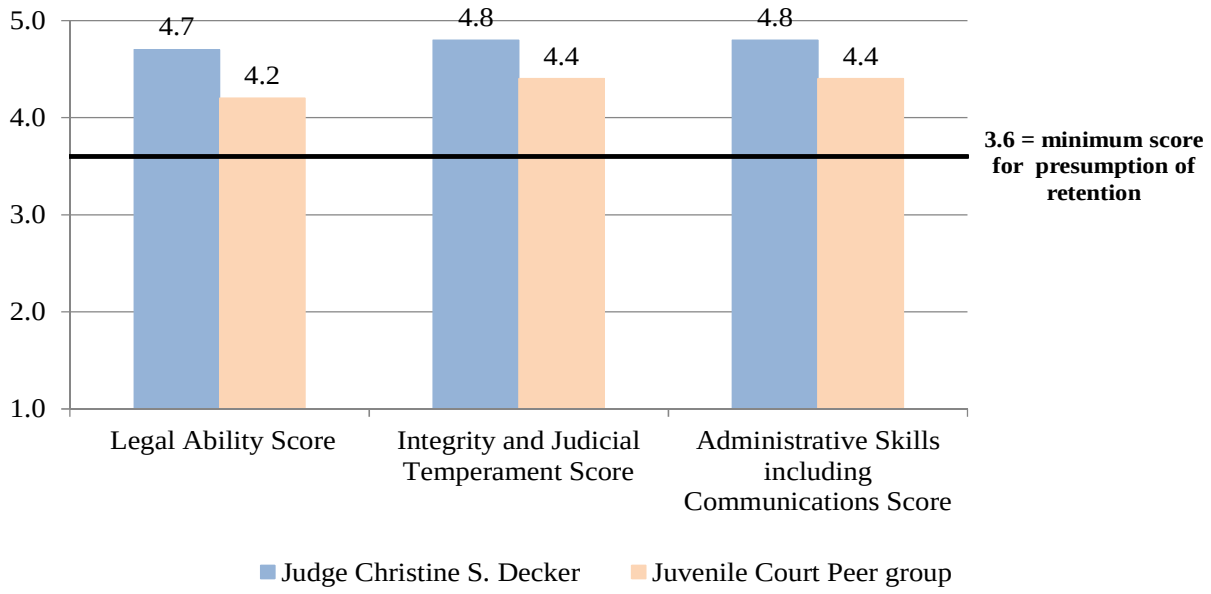
(vote count: 12-0 for retention)

Appointed in 2004, Judge Christine Decker received exceptionally high scores in all survey categories and on all individual questions. Attorney respondents highlighted her strong legal abilities. Survey respondents overwhelmingly described Judge Decker in positive terms such as knowledgeable, attentive, consistent and considerate. Respondents found her compassionate yet impartial, and able to give equal treatment to all. Courtroom observers characterized Judge Decker as well-prepared, insightful, consistent and patient. They described feeling uplifted by the positive manner in which she conducted her courtroom. Survey respondents agreed with the courtroom observers, with 96% of survey respondents who answered the retention question recommending Judge Decker for retention.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Decker has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Christine S. Decker was appointed to the Third District Juvenile Court in 2004 by Governor Olene Walker. After graduating cum laude from Georgetown University, she earned a law degree from the University of Utah College of Law. Judge Decker has worked as a deputy Salt Lake County attorney, a SLC bail commissioner, an attorney in private practice, and a guardian ad litem in Third District Juvenile Court. Prior to her appointment to the bench, Judge Decker worked as an assistant attorney general in the child protection division. From 2009-2011, she served as presiding judge in the Third District Juvenile Court and currently presides over a Family Dependency Drug Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Ryan M. Harris – District Court Judge

Serving Salt Lake, Summit and Tooele Counties

Commission Recommendation: **RETAIN**

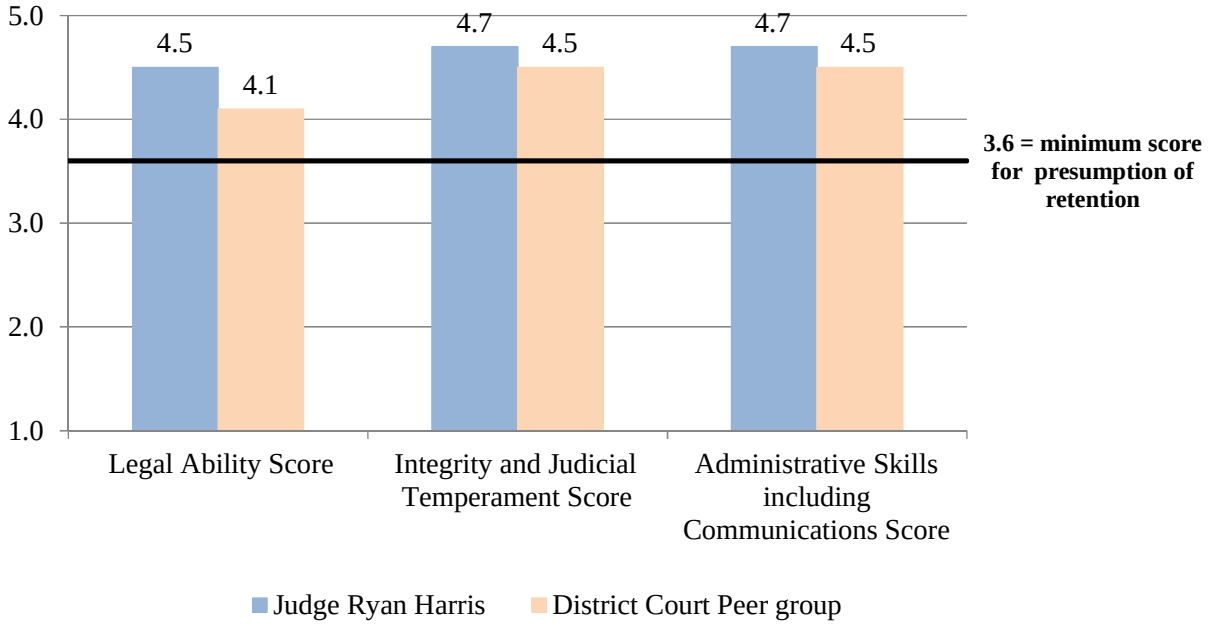
(vote count: 11-0 for retention)

Appointed in August 2011, Judge Ryan Harris scored higher than the average of his district court peers in all survey categories. Respondents described him as intelligent, attentive, and polite; in fact, 97% of adjectives they selected from a list to describe Judge Harris were positive. Several survey respondents complimented Judge Harris' courtroom management and cited with approval his preparation, thoughtful demeanor, and legal knowledge. All courtroom observers agreed they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 97% recommended that Judge Harris be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Harris has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Ryan M. Harris was appointed to the Third District Court in 2011 by Governor Gary Herbert. Judge Harris received an undergraduate degree from Brigham Young University, and a law degree from Stanford Law School. After law school, Judge Harris served as a judicial clerk to Judge Stephen H. Anderson of the United States Court of Appeals for the Tenth Circuit. Following his clerkship, Judge Harris practiced law in Salt Lake City at the firm of Jones, Waldo, Holbrook & McDonough. Judge Harris also worked as an Adjunct Professor of Law at the University of Utah College of Law and is a past chair of the Utah State Bar's Litigation Section.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Constandinos (Deno) Himonas – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

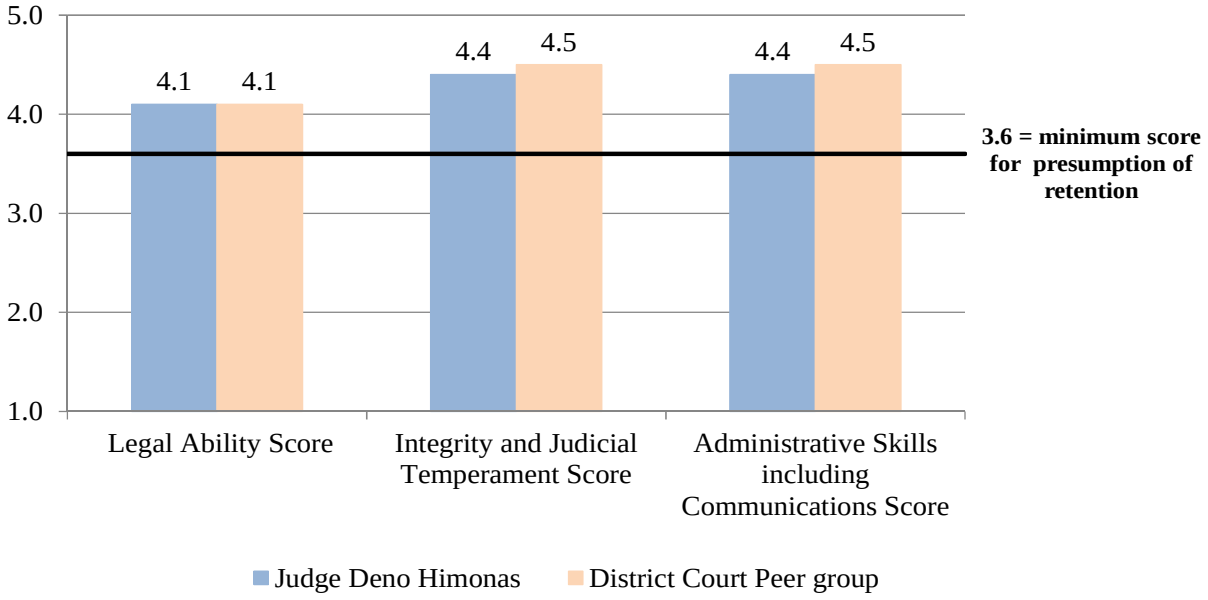
(vote count: 12-0 for retention)

With a decade of judicial experience, Judge Deno Himonas is widely viewed as a decisive, thorough, and extremely well-prepared judge. Survey respondents most frequently described him as intelligent, knowledgeable and attentive. Many also characterized him as respectful, both of all participants in his courtroom and of the legal process itself. Some perceived his demeanor as arrogant. Courtroom observers praised Judge Himonas, citing a gracious and patient demeanor and a thoughtful yet decisive approach to cases and decisions. Of survey respondents who answered the retention question, 82% recommended that Judge Himonas be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Himonas has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Governor Olene Walker appointed Judge Constandinos (Deno) Himonas to the Third District Court in 2004. Judge Himonas currently serves as the Associate Presiding Judge for the Third District, co-chairs the District's pro bono program and sits on the Judicial Conduct Commission. He has also served for a number of years as an Adjunct Professor at the University of Utah's S.J. Quinney School of Law. Prior to taking the bench, Judge Himonas practiced law with the firm of Jones, Waldo, Holbrook & McDonough; his emphasis was in complex commercial litigation. Judge Himonas graduated Magna Cum Laude from the University of Utah in 1986 with a degree in Economics and from the University of Chicago School of Law in 1989. He is married with two children.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Elizabeth A. Hruby-Mills – District Court Judge

Serving Salt Lake, Summit and Tooele Counties

Commission Recommendation: **RETAIN**

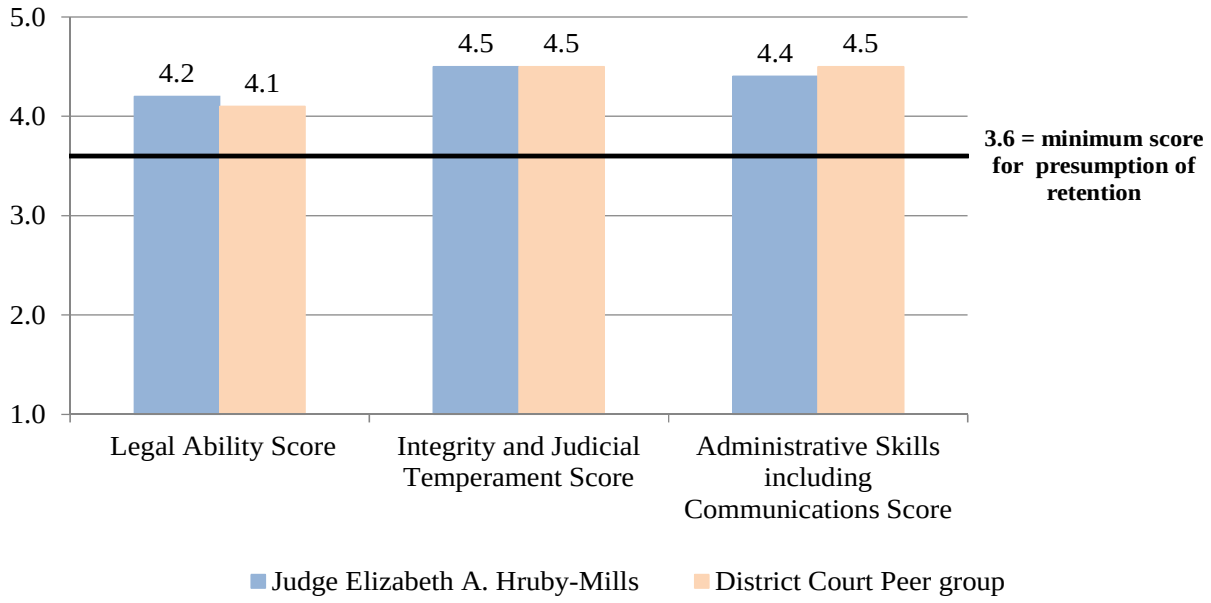
(vote count: 12-0 for retention)

Appointed in 2011, Judge Elizabeth Hruby-Mills has demonstrated promising growth in her judicial role. Attorneys characterized Judge Hruby-Mills as intelligent and conscientious and agree that with experience her confidence will increase. Survey respondents described her as attentive, calm, and polite. When choosing words from a list to describe her, respondents selected 94% positive adjectives. Courtroom observers viewed Judge Hruby-Mills as concerned and approachable and noted the sincere interest she demonstrated in each case. They characterized her as a professional, well–prepared, and efficient manager of her demanding courtroom. Of survey respondents who answered the retention question, 91% recommended that Judge Hruby-Mills be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Hruby-Mills has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Elizabeth A. Hruby-Mills was appointed to the bench in 2011 by Governor Gary Herbert. She received her law degree from the S.J. Quinney College of Law at the University of Utah in 1993, having graduated from Middlebury College in 1984 and earned a master's degree in counseling from the University of Vermont in 1986. Judge Hruby-Mills practiced law with the firm of Richards Brandt Miller Nelson in Salt Lake City for almost 20 years. She has served in numerous leadership roles in the legal community and local charities. Currently, Judge Hruby-Mills chairs the Divorce Education for Children program, and is a member of the Standing Committee on Judicial Outreach.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Keith A. Kelly – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

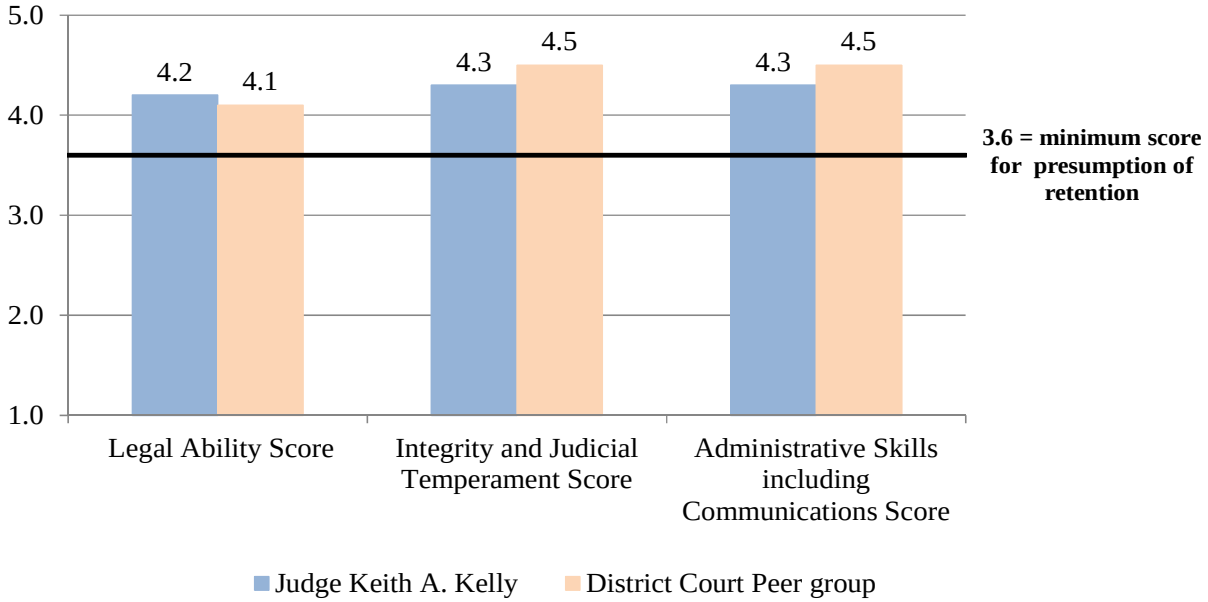
(vote count: 12-0 for retention)

Appointed in 2009, Judge Keith Kelly was most frequently described by survey respondents as intelligent, attentive, knowledgeable, polite, and patient. Many respondents commented on Judge Kelly's obvious preparation and hard work. Others were critical because the judge seemed reluctant to control hearings in his courtroom and appeared indecisive. They complained that hearings before Judge Kelly were unnecessarily long, increasing costs to participants. Courtroom observers, however, cited Judge Kelly's unhurried, deliberate, and careful process as positive attributes, with all observers reporting they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 86% percent recommended that Judge Kelly be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Kelly has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

In 2009, Judge Keith A. Kelly was appointed to the Third District Court. He graduated from Stanford Law School in 1985, where he was an editor of the Stanford Law Review. Before becoming a judge, he worked for 23 years as a civil attorney in Salt Lake. He has served as chair of the boards of trustees of the Utah Parent Center, "And Justice for All," and the Disability Law Center; as president of the Anderson Inn of Court; as a member of the Utah State Advisory Board on Children's Justice; as a member of the Utah Supreme Court's Evidence Advisory Committee; as chair of the Utah Judicial Council's Guardian ad Litem Oversight Committee; and as president of the Utah State Bar's Young Lawyers Division.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Julie V. Lund –Juvenile Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

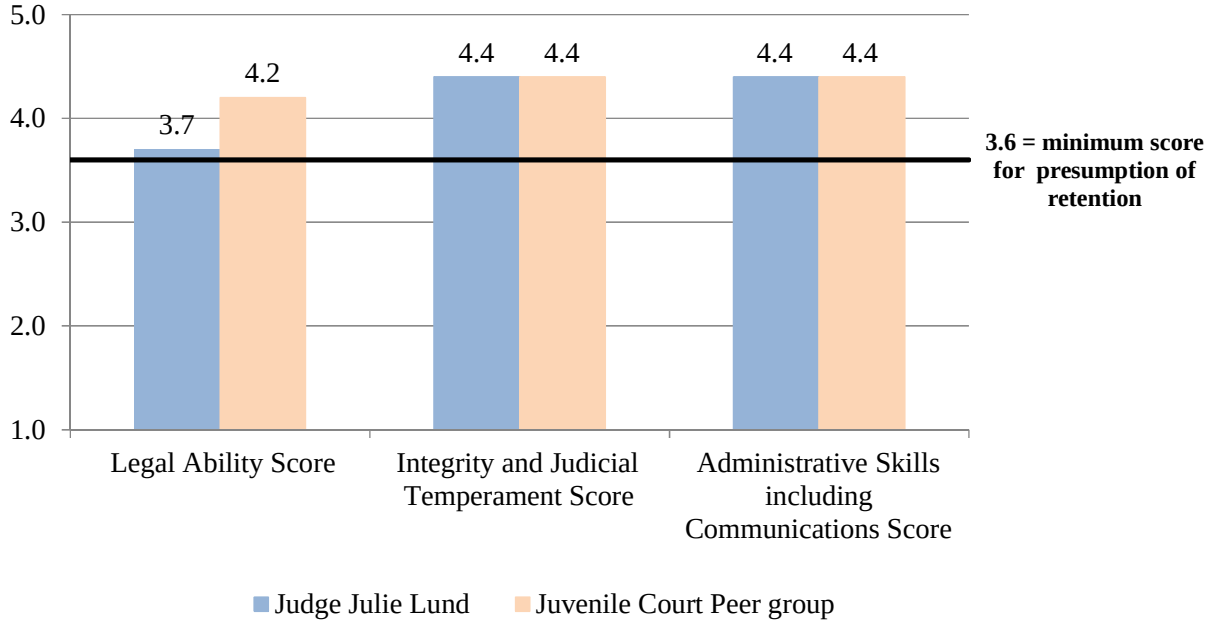
(vote count: 12-0 for retention)

Appointed in 2010, Judge Julie Lund is a diligent, hard-working judge who continues to grow in her professional role as a judge. She received strong reviews from survey respondents for her preparation and patience, and for promoting a respectful courtroom environment. Respondents most frequently described Judge Lund as calm, polite, patient, and considerate. Given a list of adjectives, respondents chose 94% positive words to describe her. Courtroom observers praised Judge Lund's engagement, compassion, and clear communication style. All reported they would feel comfortable appearing before her. Of survey respondents who answered the retention question, 93% recommended that Judge Lund be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Lund has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Appointed to the Third District Juvenile Court in November 2010 by Governor Gary R. Herbert, Judge Julie V. Lund graduated from the University of Colorado-Boulder and earned her law degree from the University of Utah College of Law in 1986. Employed in a civil litigation practice until 1995, she then joined the Child Protection Division of the Utah Attorney General's office, where she served as division chief for three years prior to her appointment to the bench. Judge Lund was named Attorney of the Year in 2003. She has served on the Salt Lake Children's Justice Center Advisory Board and the Judicial Outreach Committee and is a member of the executive committee of the Salt Lake County Bar Association.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Paul G. Maughan – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

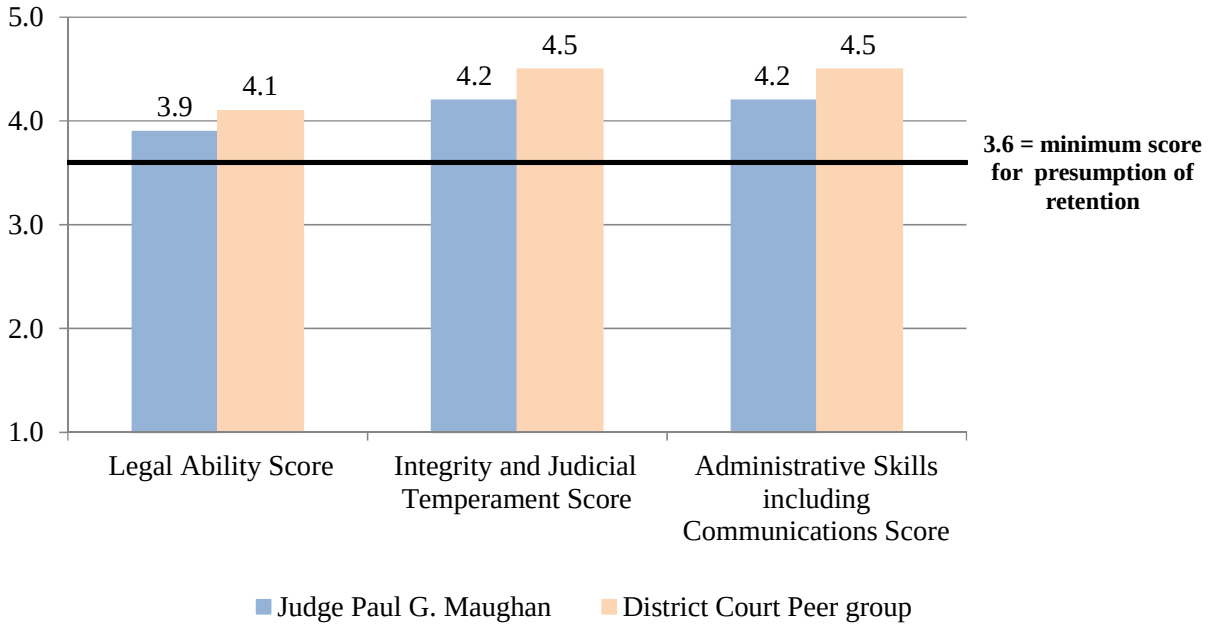
(vote count: 11-0 for retention)

Appointed in 1998, Judge Paul G. Maughan is an experienced judge whom survey respondents described as polite, calm, and attentive. Several noted his thorough preparation and his professionalism. A few characterized him as abrupt and gruff in his oral communication. Courtroom observers described Judge Maughan as competent, organized, and knowledgeable and reported they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 85% recommended that Judge Maughan be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Maughan has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Paul G. Maughan was appointed to the bench in 1998 by Governor Michael Leavitt. He graduated from Brigham Young University and obtained his law degree from the University of Utah. Judge Maughan has handled numerous cases involving complex civil litigation, tried many serious felony cases, and handled numerous domestic matters. He served for six years on the Utah Judicial Council and for five years on the Board of District Court Judges. He has also served as Associate Presiding Judge of the Third District Court and is currently a Master of the Bench in the Aldon Anderson Inn of Court. He is a member of the Utah State Bar, the Tenth Circuit, and the United States Supreme Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Todd M. Shaughnessy – District Court Judge

Serving Salt Lake, Summit and Tooele counties

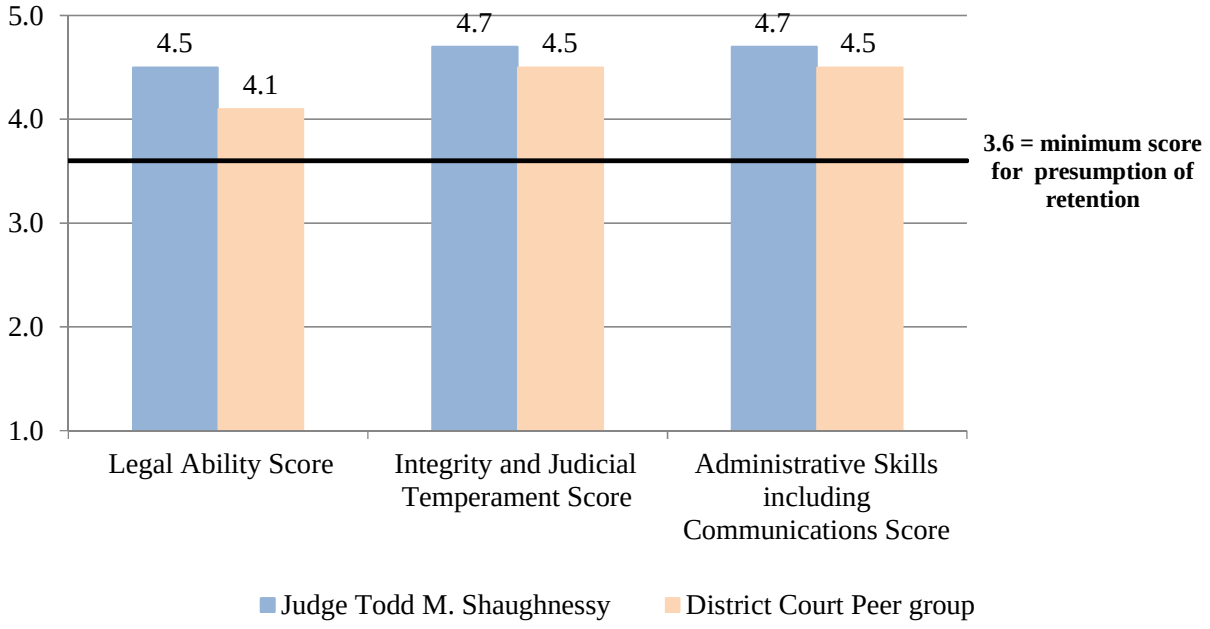
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2011, Judge Todd Shaughnessy scored higher than the average of his district court peers in all survey categories. Respondents described Judge Shaughnessy as professional, humble, careful, practical, thoughtful, and engaged. From a list of adjectives, they selected 98% positive words to describe him. Both survey respondents and courtroom observers characterized Judge Shaughnessy as intelligent, polite, and well-prepared. Courtroom observers also praised Judge Shaughnessy for his attentive listening skills, professional demeanor, and careful explanations of decisions. They noted that he demonstrated equal respect for attorneys and defendants and allowed all courtroom participants to have their say. Of those who answered the retention question, 97% recommended Judge Shaughnessy be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Shaughnessy has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Todd Shaughnessy was appointed to the Third District Court in May 2011 by Governor Gary Herbert. Judge Shaughnessy received his law degree from the University of Utah College of Law where he was managing editor of the Utah Law Review. Prior to his appointment, Judge Shaughnessy was a partner at Snell & Wilmer in Salt Lake City. He previously worked at Van Cott, Bagley, Cornwall & McCarthy. In addition to his membership in the American, Utah, and Salt Lake County Bar associations, Judge Shaughnessy is a member of the Utah Supreme Court Advisory on Rules of Civil Procedure.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Andrew H. Stone – District Court Judge

Serving Salt Lake, Summit and Tooele counties

Commission Recommendation: **RETAIN**

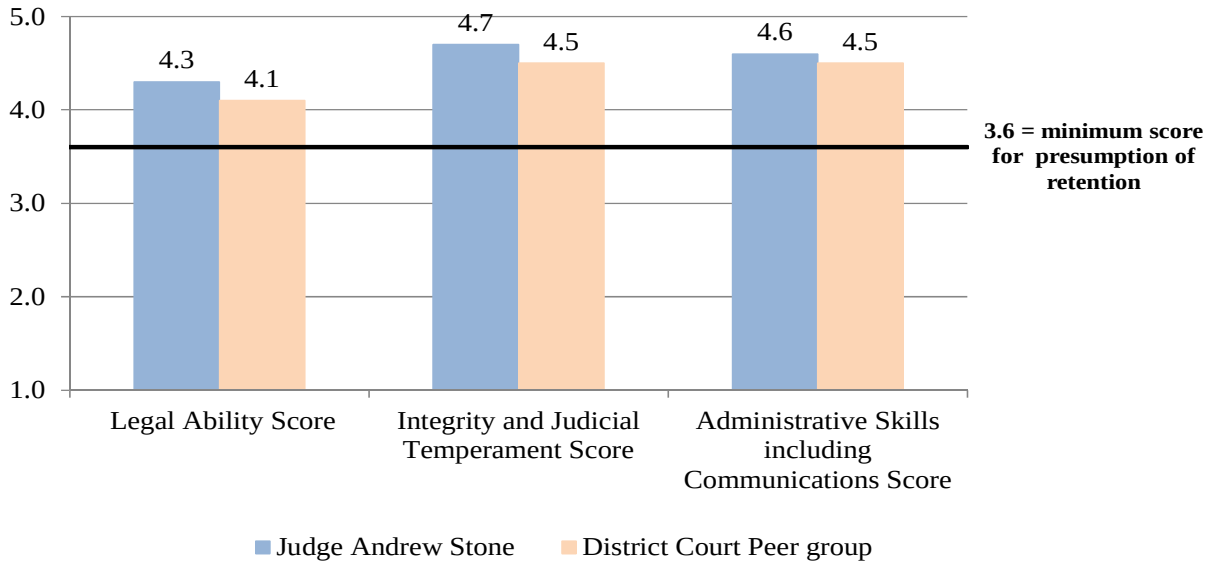
(vote count: 12-0 for retention)

Judge Andrew Stone is a smart, respectful judge whom survey respondents consistently described as intelligent, knowledgeable, and attentive. Respondents particularly highlighted Judge Stone's judicial temperament, noting not only the respect he shows to all courtroom participants, but also his fairness and impartiality to all. They also praised Judge Stone for his consistent preparation and the efficient way in which he runs his courtroom. Courtroom observers echoed these sentiments, emphasizing Judge Stone's engagement, his gracious and professional manner, and his focused yet unhurried style. All observers reported they would feel comfortable appearing before Judge Stone. Of survey respondents who answered the retention question, 96% recommended Judge Stone for retention.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Stone has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Andrew Stone was appointed to the bench in 2010 by Governor Gary Herbert. He graduated magna cum laude from the University of Utah in 1982 with a Bachelor of Science, and from the University of Utah College of Law in 1986, where he was a member of the Utah Law Review. He served as a law clerk for Judge Bruce S. Jenkins of the U.S. District Court for the District of Utah. After his clerkship, he worked for the Department of Justice in Washington D.C. In 1990, he joined the law firm of Jones, Waldo, Holbrook, and McDonough, serving on its Board and Executive Committee. While practicing, Judge Stone received an AV rating from Martindale-Hubbell, and was recognized by Best Lawyers in America, Super Lawyers, and Utah's Legal Elite.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable M. James Brady – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties

Commission Recommendation: **RETAIN**

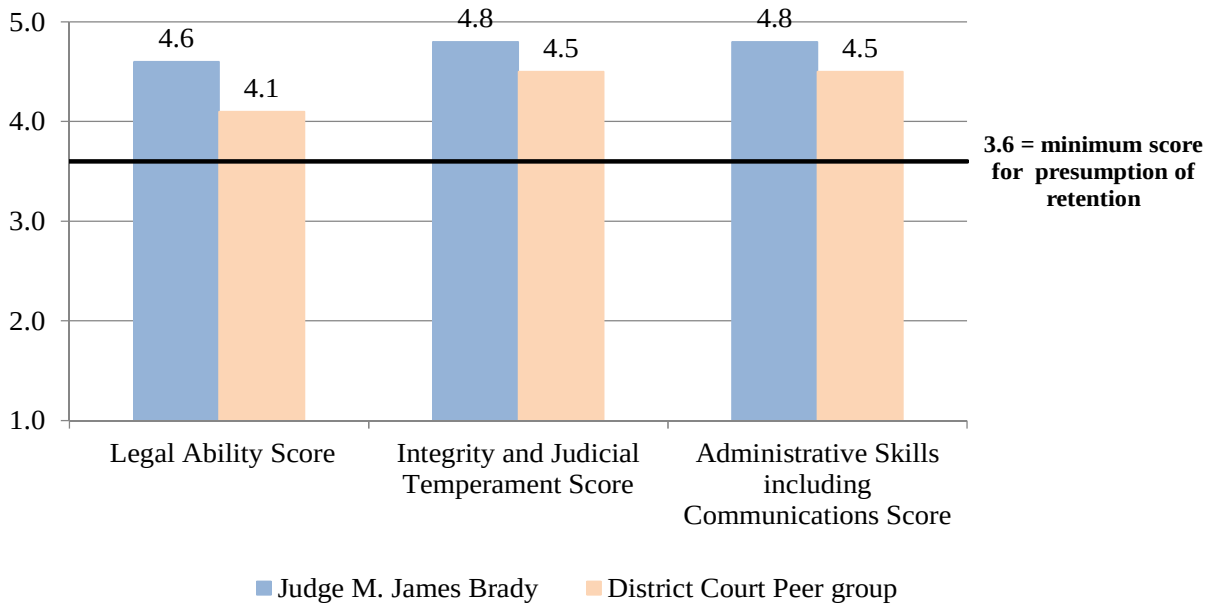
(vote count: 12-0 for retention)

Appointed in 2010, Judge James Brady scored above the average of his district court peers in all survey categories. Respondents commended Judge Brady for his respectful and helpful interactions with courtroom participants. Several respondents praised his preparedness and his thoughtful rulings. Judge Brady scored particularly high on questions about his legal ability, specifically his compliance with court rules, consistency with prior decisions, and focus on evidence in rulings. Of adjectives chosen by survey respondents to describe Judge Brady, 98% were positive. Courtroom observers also praised Judge Brady, characterizing him as approachable, attentive, and professional. All observers reported that they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 97% recommended that Judge Brady be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Brady has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge M. James Brady was appointed to the Fourth District Court in 2010 by Gov. Gary Herbert. Judge Brady graduated from the J. Reuben Clark Law School at Brigham Young University in 1982. Prior to his appointment to the bench, Judge Brady worked in private practice as a trial attorney with the firm of Bradford & Brady for 26 years. He served as a Deputy City Attorney for Provo (1982-1984), as City Attorney for Mapleton, and had the opportunity to later serve on the Mapleton City Council and as Mayor of Mapleton.

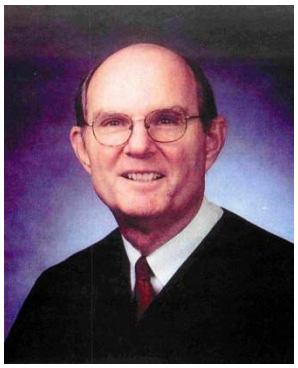
This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Lynn W. Davis – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties



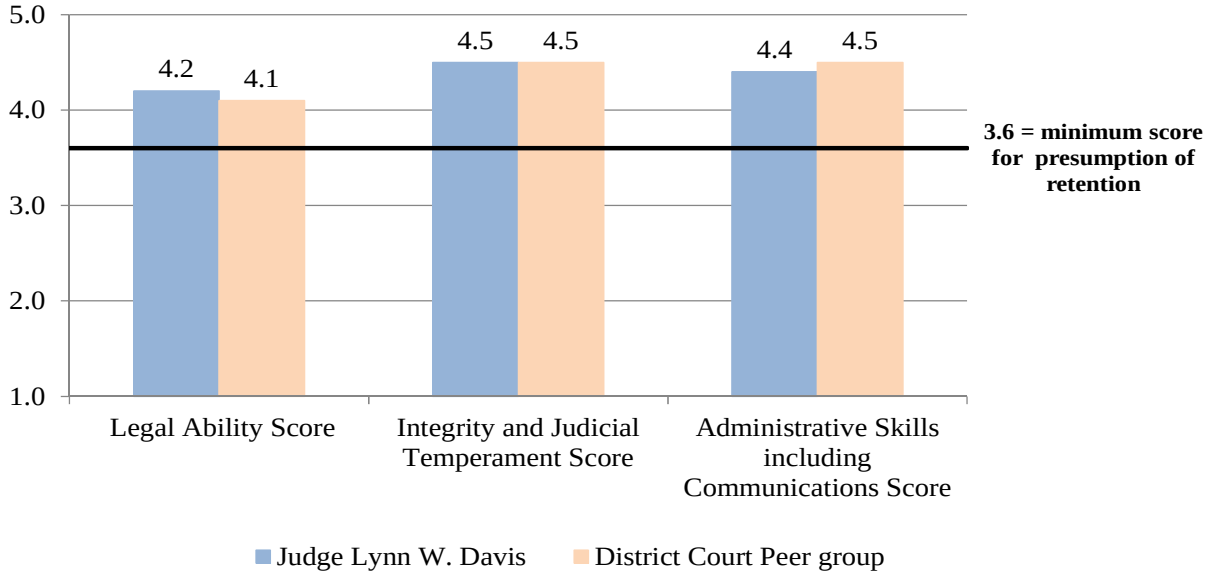
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Judge Lynn Davis is an experienced judge, described by attorneys as attentive, knowledgeable, and conscientious. Survey respondents appreciated his excellent preparation for court proceedings. Some survey respondents expressed concern about Judge Davis's in-court references to personal beliefs. They noted that Judge Davis is not always timely in his rulings, but they also praised him for his polite and considerate manner. Courtroom observers had positive views of Judge Davis, highlighting his focused and patient demeanor. Observers additionally praised Judge Davis's thoughtful rulings that carefully considered all perspectives. Of those who answered the retention question, 90% recommend Judge Davis be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Davis has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Lynn W. Davis has served as a judge for over 27 years, appointed originally to the Fourth Circuit Court in 1987 and then to the Fourth District Court in 1992. He earned a law degree from the J. Reuben Clark College of Law at Brigham Young University in 1976, worked in private practice until 1979, and then served as a deputy Utah County Attorney until his appointment to the bench. Judge Davis has twice chaired the Board of District Court Judges. He has received awards from the Utah State Bar as Judge of the Year and for Distinguished Service. He has received the Excellence in Public Service Award, the Freedom of Information Award, and also the Honored Alumnus Award at BYU.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Thomas L. Low – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties

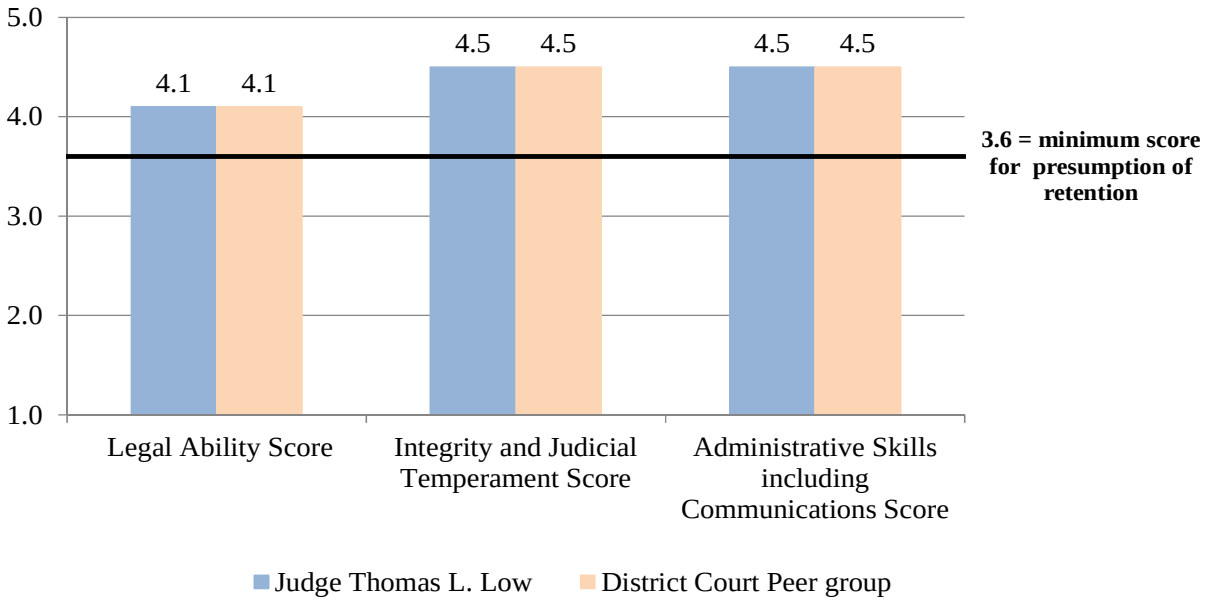
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2009, Judge Thomas Low received praise from survey respondents for his attentiveness to proceedings and the respect he shows for courtroom participants. Respondents commended his professional and constructive interactions with both staff and participants. They most frequently described Judge Low as polite, knowledgeable, and calm. Of adjectives that respondents chose from a list to describe Judge Low, 93% were positive. Courtroom observers noted Judge Low's thorough explanations and his equal treatment of all courtroom participants. All courtroom observers reported that they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 90% recommended that Judge Low be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Low has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Thomas Low was appointed to the Fourth District Court in 2009 by Gov. Gary R. Herbert. He earned a B.A. and a Juris Doctorate, with honors, from Brigham Young University. He then worked as an attorney in private practice in Provo and served as a deputy Wasatch County attorney, where he prosecuted felony cases. Prior to his appointment to the bench, Judge Low served six years as the Wasatch County Attorney. He was named County Attorney of the Year in November 2008 and one of the 2009 Utah Legal Elite by Utah Business magazine. Judge Low is a member of the Utah Sentencing Commission and the Utah Commission on Criminal and Juvenile Justice.

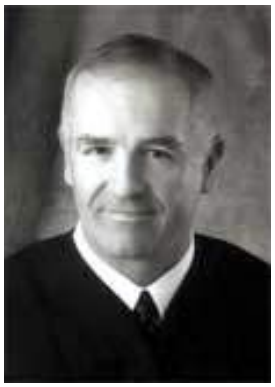
This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Samuel D. McVey – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties



Commission Recommendation: **RETAIN**

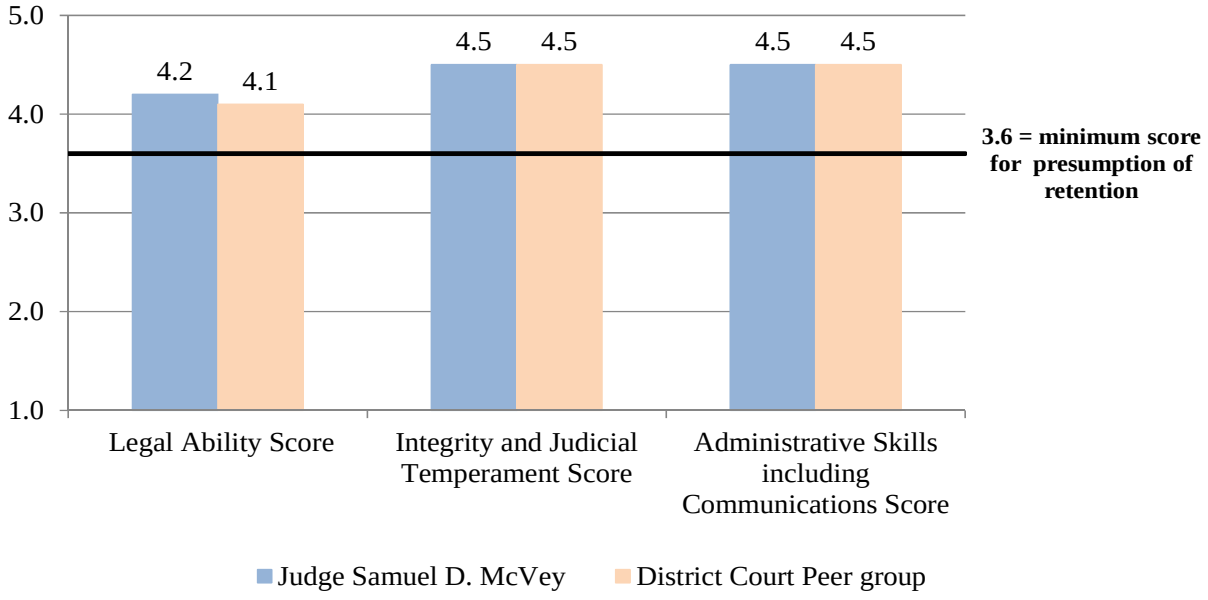
(vote count: 12-0 for retention)

Appointed in 2004, Judge Samuel D. McVey was recognized by survey respondents for his excellent preparation and thoroughness, as well as his patience and efficiency. Respondents most frequently characterized him as intelligent, knowledgeable and attentive, selecting 90% positive adjectives from a list to describe him. Courtroom observers described Judge McVey as highly competent and consistent, while at the same time voicing concern that some hearings felt rushed. Of survey respondents who answered the retention question, 87% recommended retention.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge McVey has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Appointed to the Fourth District Court by Gov. Olene Walker. Graduated "with distinction" from the U.S. Naval Academy, U.S. Naval War College and Brigham Young University Law School. Order of the Coif and law review note and comment editor. Past partner in Kirton McConkie law firm. Retired Marine Colonel. Received the Outstanding Young Military Lawyer Award from the American Bar Association and Legion of Merit from the Marines. Served on various Utah State Bar committees, including chair of the Section on Energy, Natural Resources and Environmental Law; 2006 Distinguished Service Award recipient. Was chair of the Standing Committee on Judicial Outreach and presiding judge of the Fourth District. Long time Boy Scout Volunteer. Married 37 years with nine children.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable James R. Taylor – District Court Judge

Serving Juab, Millard, Utah and Wasatch counties

Commission Recommendation: **RETAIN**

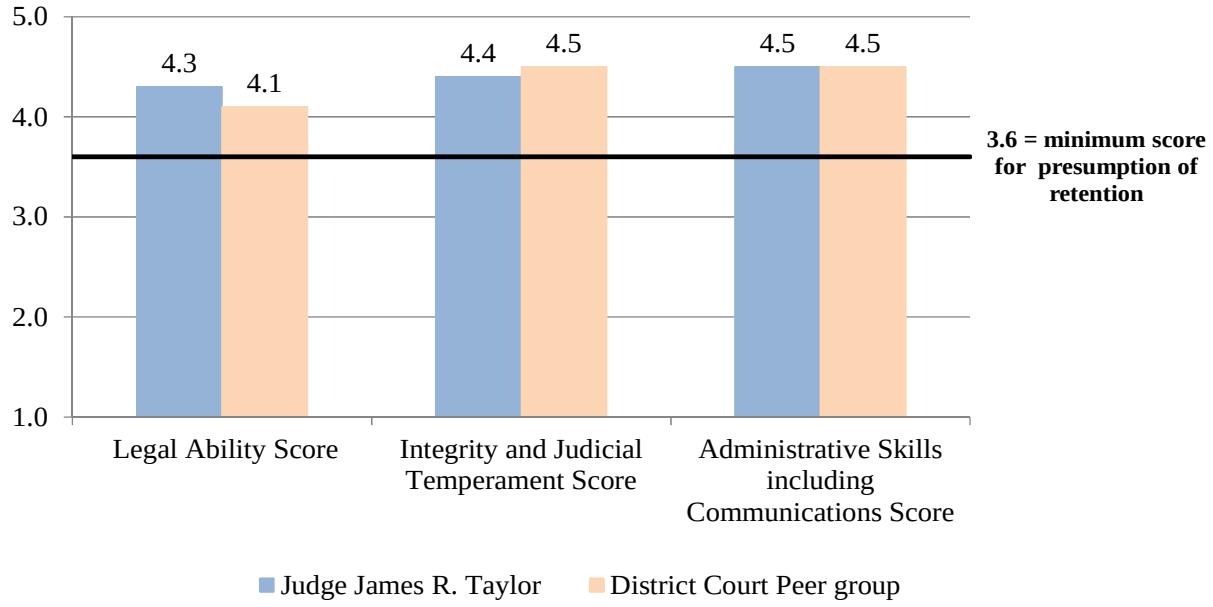
(vote count: 12-0 for retention)

Judge James Taylor is an experienced, smart, and hard-working judge who comes to the bench well-prepared and expects attorneys appearing before him to be equally prepared. According to survey respondents, Judge Taylor stays focused, gets to the point quickly, and keeps proceedings moving ahead efficiently. When choosing from a list of adjectives to describe Judge Taylor, respondents most often selected knowledgeable, confident, and attentive. Some respondents, however, viewed Judge Taylor as arrogant and impatient towards courtroom participants. Courtroom observers were positive about Judge Taylor, with all reporting they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 92% recommended that Judge Taylor be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Taylor has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge James R. Taylor was appointed to the Fourth District Court by Gov. Michael O. Leavitt in 1999. Named a Joseph Fielding Smith Scholar at Brigham Young University in 1973, Judge Taylor went on to earn his law degree from the University of Utah College of Law in 1980. He worked in general private practice and served as Spanish Fork City Attorney before becoming a deputy Utah County Attorney in 1987. In 2006, UVSC named Judge Taylor as Adjunct Professor of the Year for the School of Business. Judge Taylor has presided over an adult Drug Court in Utah County since 2002, previously served as the presiding judge for the Fourth District Court, and currently serves on the Board of District Judges.

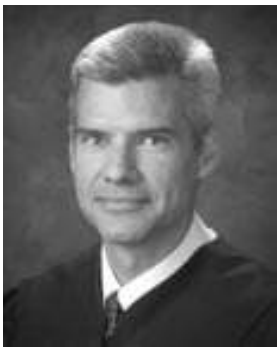
This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable John J. Walton – District Court Judge

Serving Beaver, Iron and Washington counties



Commission Recommendation: **RETAIN**

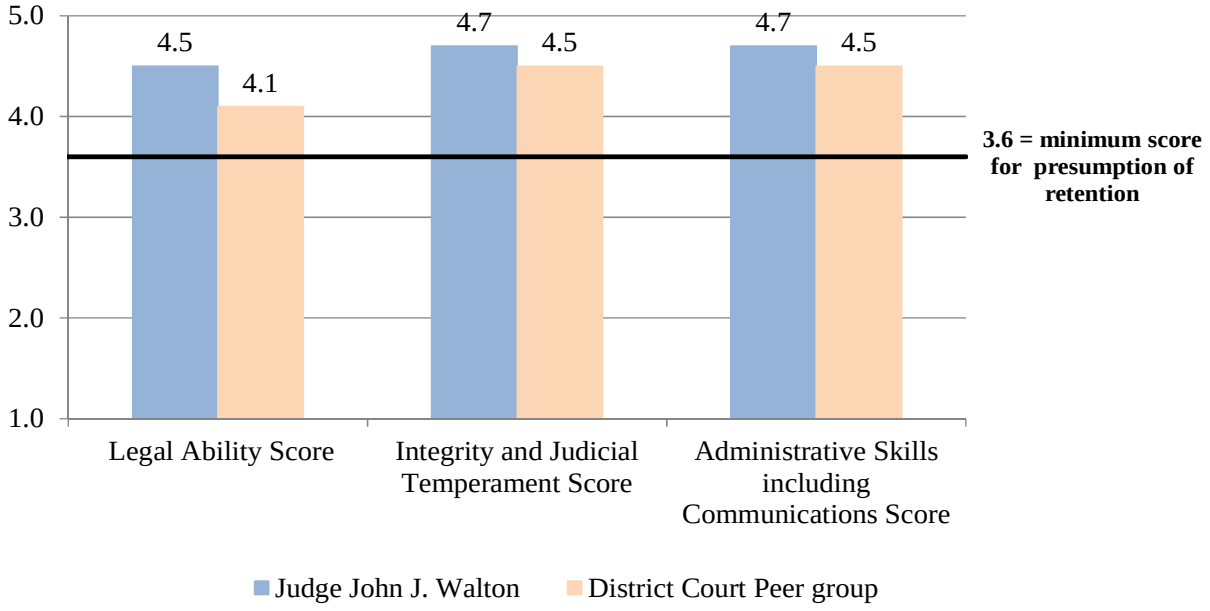
(vote count: 12-0 for retention)

Judge John Walton scored higher than the average of his district court peers in all survey categories. Attorneys gave Judge Walton especially high marks for his knowledge and application of the law, with several commenting on his thoughtful analysis and consummate professional demeanor. Survey respondents characterized him as intelligent, considerate and fair. Respondents also praised Judge Walton's excellent preparation and attentiveness. Courtroom observers described Judge Walton as impartial, consistent, and efficient. Observers also noted that he demonstrated patience and compassion while maintaining a focused and serious demeanor. Of survey respondents who answered the retention question, 99% recommended that Judge Walton be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Walton has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge John J. Walton was appointed to the Fifth District Court in 2005 by Gov. Jon M. Huntsman, Jr. Judge Walton graduated from Utah State University in 1990 and the J. Reuben Clark Law School at Brigham Young University in 1993. Before his appointment to the bench, Judge Walton served as a Deputy Washington County Attorney, where he prosecuted felony offenses. Prior to this, he was a shareholder with Jones Waldo Holbrook & McDonough, where his practice focused on civil litigation and representation of government entities. Currently, he is Presiding Judge of the Fifth District Court. In addition to his regular duties, Judge Walton oversees the Iron County Drug Court and the Washington County Mental Health Court.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Wallace A. Lee – District Court Judge

Serving Garfield, Kane, Piute, Sanpete, Sevier and Wayne Counties

Commission Recommendation: **RETAIN**

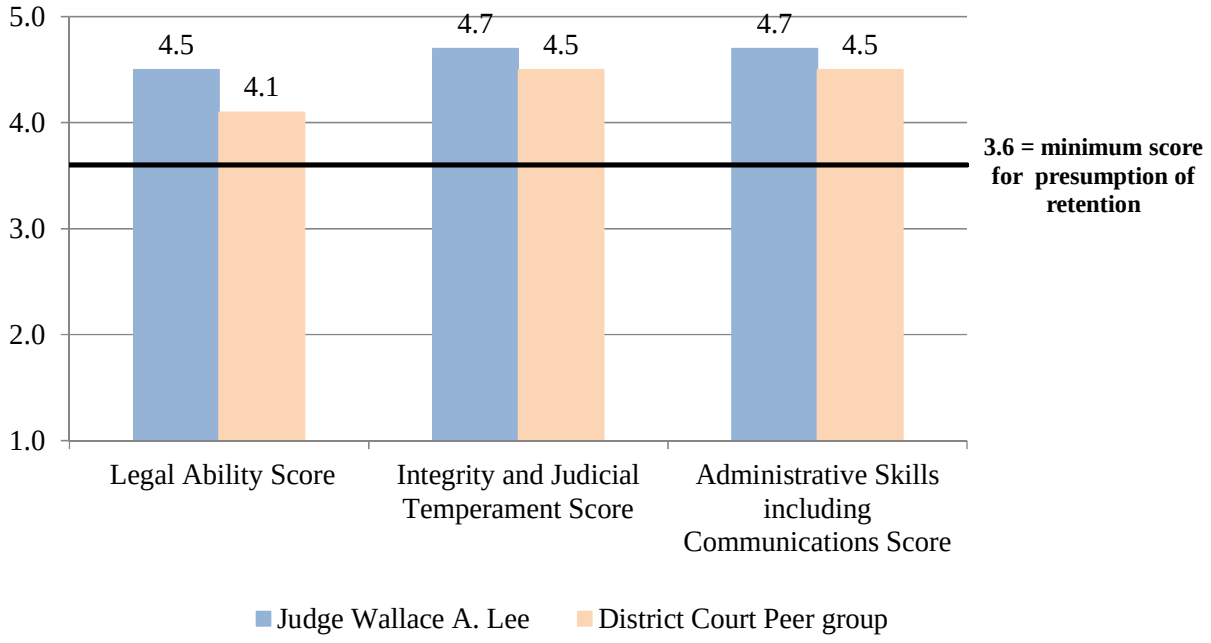
(vote count: 12-0 for retention)

Judge Wallace Lee earned survey scores well above the average of his district court peer group in all survey categories. Survey respondents described Judge Lee as fair, respectful, and consistently well-prepared. Respondents also noted his patient yet authoritative demeanor, his well-reasoned and decisive rulings, and his professionalism. Of adjectives that respondents selected from a list to describe Judge Lee, 100% were positive. Courtroom observers characterized Judge Lee as a highly effective courtroom manager who consistently remained courteous and considerate in his treatment of all individuals. Of survey respondents who answered the retention question, 98% recommended that Judge Wallace Lee be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Lee has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Wallace A. Lee was appointed to the Sixth District Court in 2005 by Gov. Jon M. Huntsman, Jr. Judge Lee received a law degree from the J. Reuben Clark Law School at Brigham Young University in 1988. After graduating from law school, he practiced with the St. George law firm of Thompson, Hughes & Reber. He later established a private practice in Panguitch and served as Garfield County Attorney and Panguitch City Attorney. Judge Lee has been a member of the Standing Committee on Judicial Branch Education and the Board of District Court Judges. He presently serves as a member of the Committee on Remote Services.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Lyle R. Anderson – District Court Judge

Serving Carbon, Emery, Grand and San Juan counties

Commission Recommendation: **RETAIN**

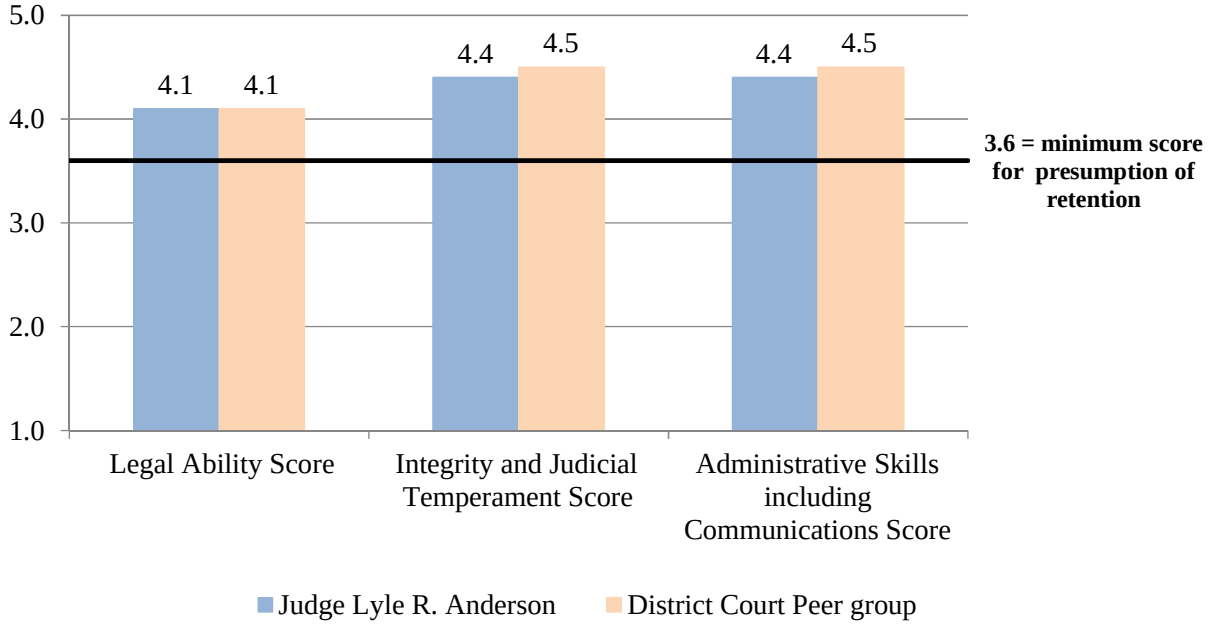
(vote count: 12-0 for retention)

With more than two decades on the bench, Judge Lyle Anderson is an experienced judge whom survey respondents most often described as intelligent, knowledgeable, and attentive. Given a list of adjectives, survey respondents chose 77% positive words to describe his judicial performance. Courtroom observers were positive in their comments, most frequently mentioning Judge Anderson's respectful behavior to all parties in his courtroom and the patience he shows to litigants. Observers all felt they would be treated fairly in his court. Of survey respondents who answered the retention question, 84% recommended Judge Anderson be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Anderson has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Anderson was appointed to the Seventh District Court in December 1992 by Gov. Norman H. Bangerter. He received a law degree from the University of Chicago Law School in 1982 with honors and Order of the Coif. Judge Anderson was affiliated with the firm of Anderson & Anderson from 1982 to 1992, and was Grand County Attorney from 1991 to 1993. Judge Anderson was elected to the Utah House of Representatives in 1992. He has served on the Judicial Council and currently serves on the Utah Supreme Court's Advisory Committee on Rules of Civil Procedure. Judge Anderson has been Seventh District Court presiding judge from 1997- 2001, 2005- 2009 and 2013 to the present.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Scott N. Johansen – Juvenile Court Judge

Serving Carbon, Emery, Grand and San Juan counties

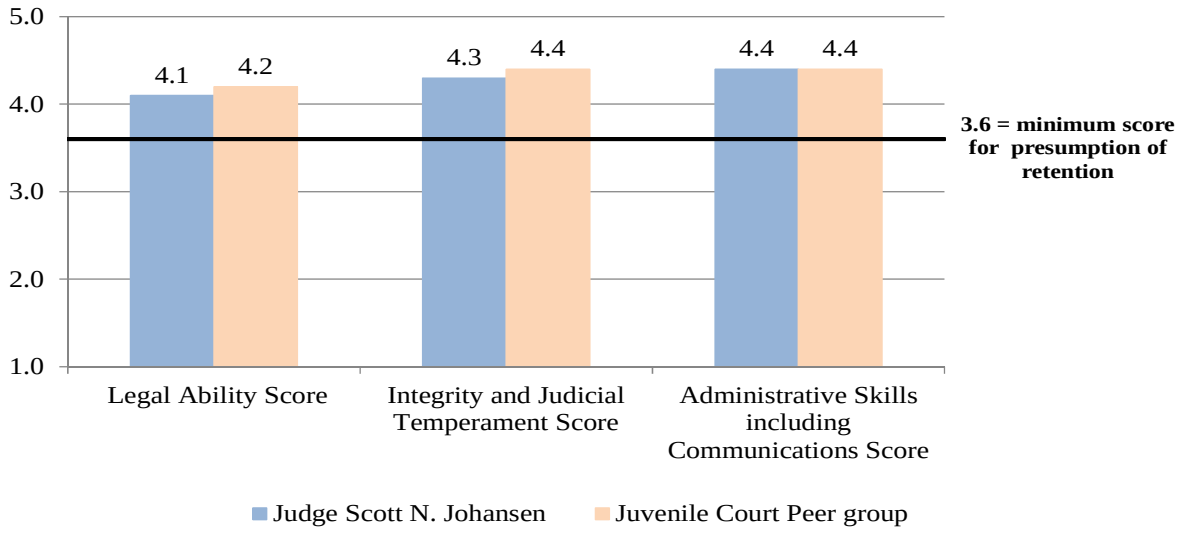
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

With more than two decades of judicial experience, Judge Scott Johansen has a bold, no-nonsense style that prompted mixed reviews from survey respondents. While respondents most frequently described Judge Johansen as knowledgeable, confident, and intelligent, a minority perceived him as arrogant and impatient. Judge Johansen received lower than average survey scores for procedural fairness, separation of his personal beliefs from his legal rulings, and fair and respectful treatment of courtroom participants. Respondents, however, also praised Judge Johansen for his understanding, helpfulness, preparedness, and punctuality. Courtroom observers expressed more consistency in their views of Judge Johansen, with all stating they would feel comfortable appearing before him. Observers cited Judge Johansen's personable, caring approach to courtroom participants and his serious but empathetic demeanor. Of survey respondents who answered the retention question, 88% recommended that Judge Johansen be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Johansen has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Scott N. Johansen was appointed to the Seventh District Juvenile Court in January 1992 by Gov. Norman H. Bangerter after serving as Emery County attorney since 1979. He earned a law degree in 1977 from the J. Reuben Clark College of Law at Brigham Young University and practiced with the Price law firm of Frandsen, Keller & Jensen from 1977 to 1979. He served as city attorney for several cities and towns in Carbon, Emery, and Sanpete counties and is a former president of the Utah Association of Counties. Judge Johansen is a past chair of the Board of Juvenile Court Judges, past chair of the Judicial Council's Policy and Planning Committee, and past member of the Sentencing Commission and the Judicial Council.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Mary L. Manley –Juvenile Court Judge

Serving Carbon, Emery, Grand and San Juan counties

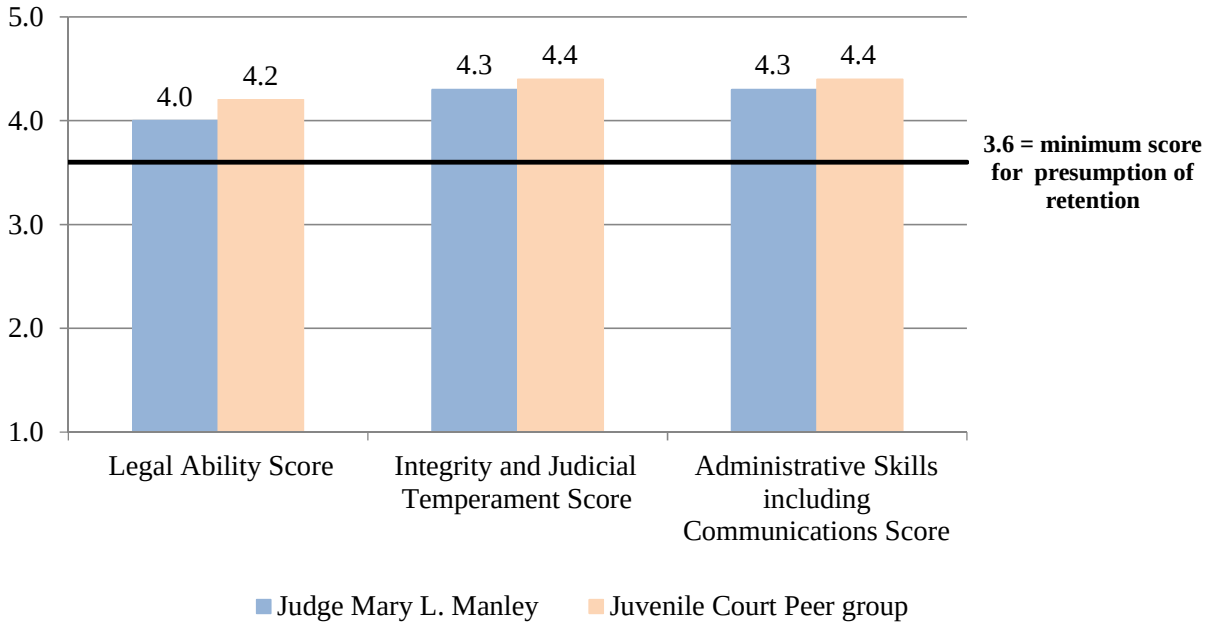
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 1999, Judge Mary L. Manley is an experienced and capable judge, most frequently described by survey respondents as knowledgeable, intelligent, and attentive. Some survey respondents characterized Judge Manley as fair, strong, and effective. Others, however, described her as disrespectful and noted a tense relationship between the judge and the service professionals who regularly work in her courtroom. Courtroom observers were consistently positive in their reviews of Judge Manley, with all reporting they would feel comfortable appearing before her. Of survey respondents who answered the retention question, 76% recommended that Judge Manley be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Manley has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Appointed in 1999, Judge Mary L. Manley received her law degree from the University of Idaho in 1988. At the time of her appointment, Judge Manley was Chief Deputy County Attorney in the Emery County Attorney's Office. Previously, she had served as Deputy County Attorney in the Washington County Attorney's Office and as Deputy City Attorney in the St. George City Attorney's Office. Judge Manley served as a child abuse team member in St. George and was a founding member of the Domestic Violence Coalition in Emery County. She also implemented a Family Drug Court and a Juvenile Drug and Felony Court in Grand County. From 2004 through 2007, Judge Manley served on the Board of Juvenile Court Judges.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

Honorable Clark A. McClellan – District Court Judge

Serving Daggett, Duchesne and Uintah counties

Commission Recommendation: **RETAIN**

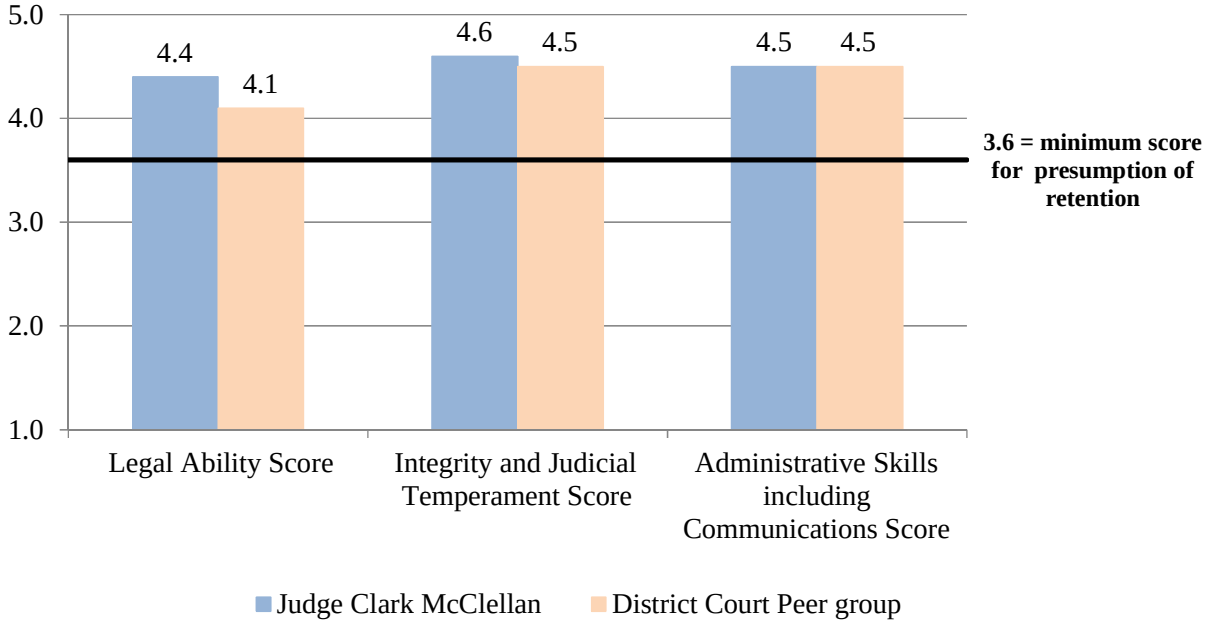
(vote count: 12-0 for retention)

Appointed in 2010, Judge Clark McClellan is viewed by survey respondents as an attentive, knowledgeable, and well-prepared judge. Respondents noted Judge McClellan's diligent work habits, his thoughtful address of courtroom participants, and his skillful management in the face of a heavy caseload. Courtroom observers noted Judge McClellan's engaged approach with each participant and praised his effective explanations of circumstances and decisions. All courtroom observers reported that they would feel comfortable appearing before him. Of survey respondents who answered the retention question, 96% percent recommended that Judge McClellan be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge McClellan has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Clark A. McClellan was appointed to the bench in 2010 by Governor Gary Herbert. Judge McClellan graduated from Brigham Young University, magna cum laude, and the University of Utah College of Law, where he was named a Leary Scholar and was a Utah Law Review editor. He clerked for the Utah Supreme Court and practiced law in Phoenix and Salt Lake. Judge McClellan's practice included criminal prosecution in Roosevelt, Vernal, and Duchesne County. He has represented numerous private and governmental entities in civil cases. He is a member of the Board of District Court Judges, Committee on Fines and Bails, and the New Lawyer Education Committee. Judge McClellan has served as a Drug Court Judge since 2011.

This judge has met all minimum performance standards established by law.



For more information about this judge, go to www.judges.utah.gov

JUSTICE COURT

Honorable Randy Birch – Justice Court Judge
Serving Heber Municipal Justice Court, Wasatch County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Birch met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Birch.

Judge Randy B. Birch was appointed to the Heber City Justice Court in September 2010. He received a B.A. from Utah State University and a J.D. from the University of Utah College of Law in 1984. Judge Birch previously practice law in Salt Lake City, served as in-house counsel with a federal contractor, and currently maintains a solo practice. Prior to his appointment to the bench, Judge Birch served for more than 25 years as a small claims judge pro tempore in Salt Lake and Summit counties and on the Board of the Utah Association of Criminal Defense Lawyers (UACDL)

For more information about judges, go to www.judges.utah.gov

Honorable John R. Cox., Jr. – Justice Court Judge
Serving Sanpete County Justice Court

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Cox met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Cox.

Judge John R. Cox, Jr., was appointed to the Sanpete County Justice Court in January 2010. He retired in 2009 after more than 40 years working in the executive and legislative branches of government and in private industry. Judge Cox earned a Bachelor of Arts degree in Economics and Business Administration from Rhodes College, a Master's Degree in Finance from American University, and a law degree from George Washington University.

For more information about judges, go to www.judges.utah.gov

Honorable Augustus G. Chin – Justice Court Judge

Serving Holladay Municipal Justice Court, Salt Lake County

Commission Recommendation: **RETAIN**

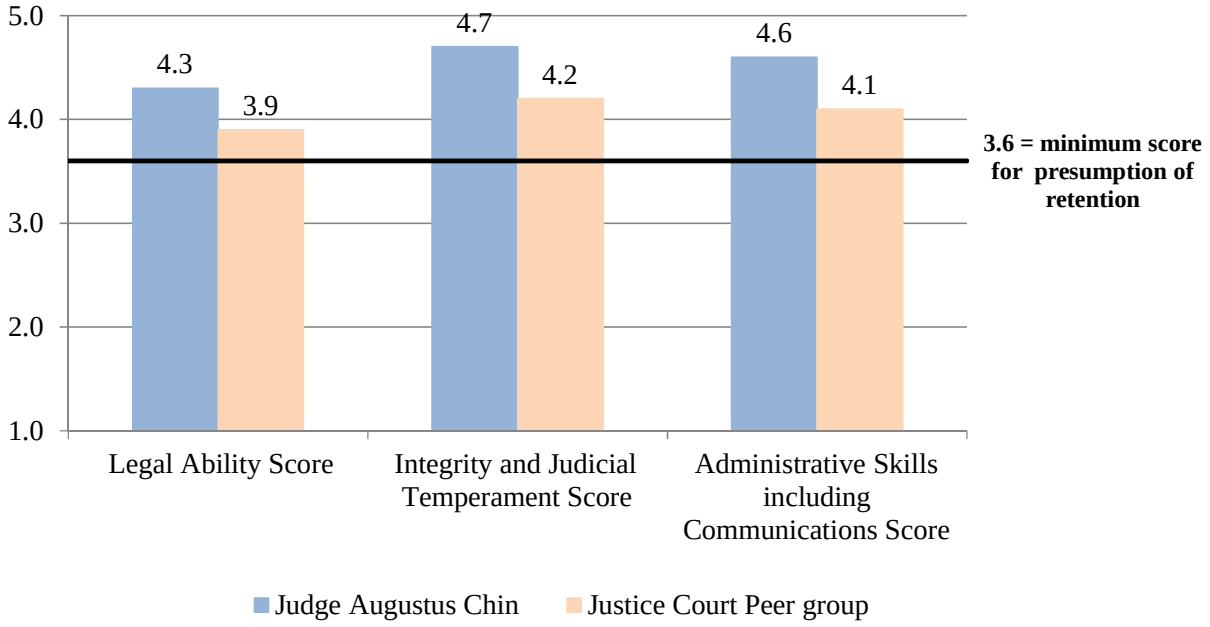
(vote count: 11-0 for retention)

Appointed in 2011, Judge Augustus Chin scored higher than the average of his justice court peer group in all survey categories. Attorneys, jurors and courtroom staff as well as courtroom observers described Judge Chin as calm, polite, knowledgeable, efficient and a respectful listener. When choosing from a list of adjectives to describe Judge Chin, survey respondents chose 98% positive words. Courtroom observers emphasized his compassion and concern for everyone in his courtroom. They described him as professional, organized, and meticulous in his attention to detail. Of the survey respondents who answered the retention question, 91% recommended that Judge Chin be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Chin has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Augustus G. Chin was appointed to the Holladay Justice Court, serving the cities of Holladay and Cottonwood Heights, in 2011. Judge Chin received his Juris Doctorate from the University of Utah College of Law in 1995. He has a Bachelor of Arts degree in Political Science and a minor in Spanish from the University of Utah. Judge Chin worked as a prosecutor for the Salt Lake City Prosecutor's Office and the Summit County Attorney's Office; and as a criminal defense attorney for Wasatch Advocates and Rasmussen and Miner. He currently serves as president of the Utah Bar Foundation and is a member of the Utah Supreme Court's Advisory Committee on Professionalism and Civility.

This judge has met all minimum performance standards established by law.



For more information about judges, go to www.judges.utah.gov

Honorable John M. Dow – Justice Court Judge

Serving Tooele County Justice Court

Commission Recommendation: **RETAIN**

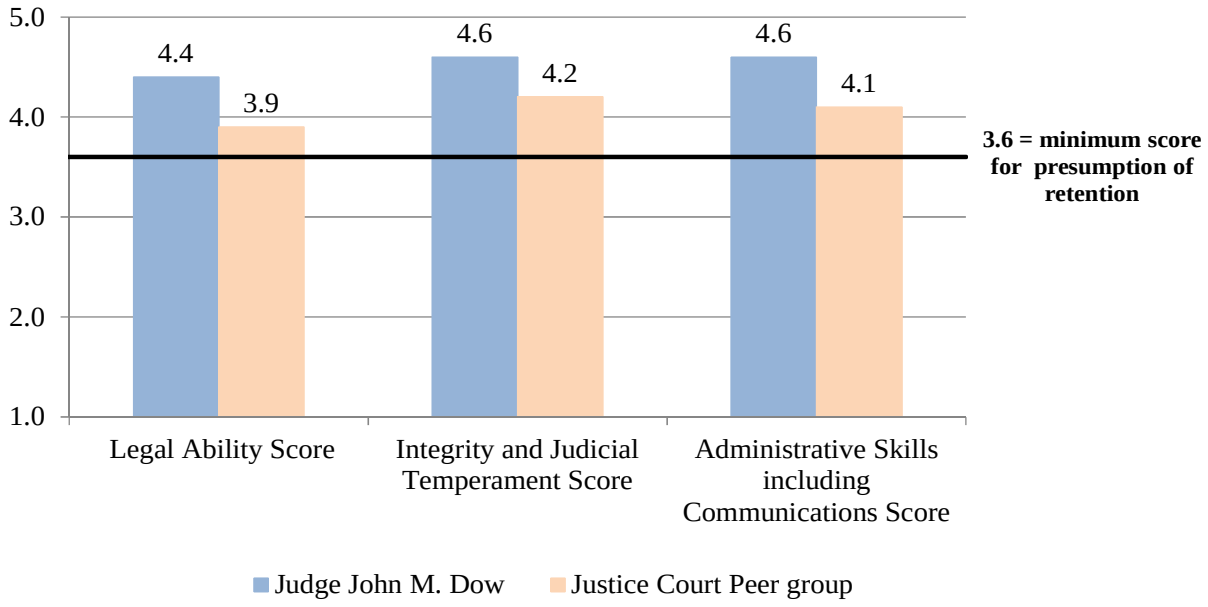
(vote count: 12-0 for retention)

Appointed in 2010, Judge John Dow earned survey scores higher than the average of his justice court peers in all categories. Survey respondents described him as calm, considerate, and consistent. Several respondents applauded his effective and efficient courtroom. Ninety-nine percent of the adjectives that survey respondents chose to describe Judge Dow were positive. Comments from courtroom participants were likewise positive. They reported that Judge Dow was organized and efficient, treated litigants fairly and with concern, and listened well. All observers reported they would feel comfortable appearing before Judge Dow. Of the survey respondents who answered the retention question, 97% recommended that Judge Dow be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Dow has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge John Mack Dow was appointed to the Tooele County Justice Court in May 2010. He graduated from the University of Utah and earned his Juris Doctorate degree from Pepperdine University School of Law in 1990. Prior to his appointment to the bench, Judge Dow worked for the Tooele County Attorney's Office, where he prosecuted felony, misdemeanor, and juvenile cases for 16 years. Judge Dow worked for the Tooele County Sheriff's Office while attending college, has been a volunteer firefighter, and served various positions including president of the Tooele County Bar Association, on the Citizen's Review Board for the Division of Child and Family Services, and on the Utah State Firefighter's Museum Board.

This judge has met all minimum performance standards established by law.



For more information about judges, go to www.judges.utah.gov

Honorable Paul Farr – Justice Court Judge

Serving Herriman Municpal Justice Court, Salt Lake County

Commission Recommendation: **RETAIN**

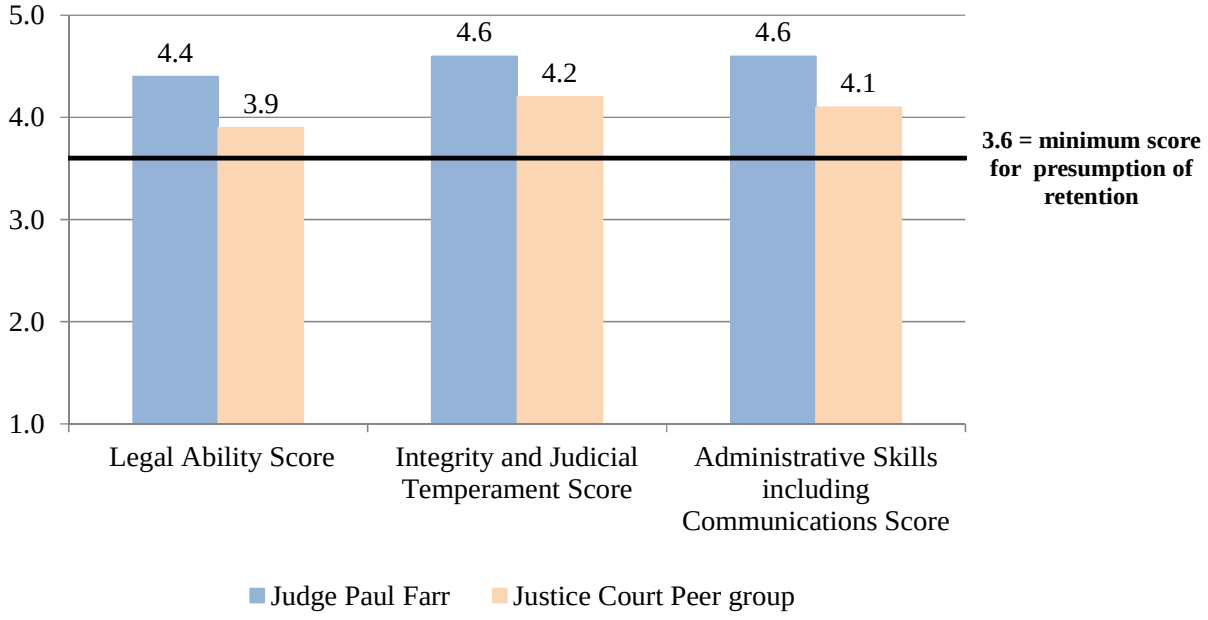
(vote count: 12-0 for retention)

Appointed in 2012, Judge Paul Farr scored higher than the average of his justice court peer group in all survey categories. Survey respondents praised his careful, clear explanations and his thoughtful, professional conduct in the courtroom. Many remarked that Judge Farr regularly offered meaningful analyses and always seemed well-prepared. Of adjectives that respondents chose from a list to describe Judge Farr, 100% were positive. Judge Farr also scored particularly high for his timeliness and efficient courtroom management. Courtroom observers cited with approval Judge Farr's courtroom demeanor, attentiveness, and obvious preparation. Of survey respondents who answered the retention question, 97% recommended that Judge Farr be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Farr has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Farr was appointed to the Herriman City Justice Court in 2010 and to the Sandy City Justice Court in 2012. Judge Farr received an A.S. in History from Dixie State College, a B.S. in Criminal Justice from Weber State University, and a J.D. from Brigham Young University. Judge Farr has been a member of the Utah State Bar since 2000. Prior to his appointment to the bench, Judge Farr was a partner in a Salt Lake City law firm. He has previously worked for the Utah Attorney General's Office, the U.S. Department of the Interior, and in private practice.

This judge has met all minimum performance standards established by law.



For more information about judges, go to www.judges.utah.gov

Honorable Matthew Funk – Justice Court Judge
Serving Providence Municipal Justice Court, Cache County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Funk met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Funk.

Judge Matthew Funk was appointed to the Richmond Justice Court in 2009 and to the Providence Justice Court in 2011. He received a Bachelor of Science degree in Accounting from Utah State University in 1996 and a Master's degree in Accounting from Utah State University.

For more information about judges, go to www.judges.utah.gov

Honorable Ivo Ray Peterson – Justice Court Judge
Serving Ephraim Municipal Justice Court, Sanpete County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Peterson met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Peterson.

Judge Ivo Ray Peterson was appointed to the Manti City Justice Court in January 2000. Since this time, he has been appointed to the Ephraim, Fairview, Fountain Green, Gunnison, Mt. Pleasant, Moroni, and Spring City justice Courts. Judge Peterson completed the Utah Legal Institute for Justice Court judges in April 2002. He currently is the assistant regional director for education, has served on the committee to create a Drug Court in Sanpete County, and is a member of the Domestic Violence Team in Sanpete County. Judge Peterson earned a Bachelor of Fine Arts and a Masters Degree in Fine Arts from the University of Utah. He is a Certified Vocational Rehabilitation Counselor through Utah State University. Judge Peterson regularly presents information on Utah law to high school driver's education classes, junior high civics classes, and fifth grade students.

For more information about judges, go to www.judges.utah.gov

Honorable David Marx – Justice Court Judge

Serving Logan Municipal Justice Court, Cache County

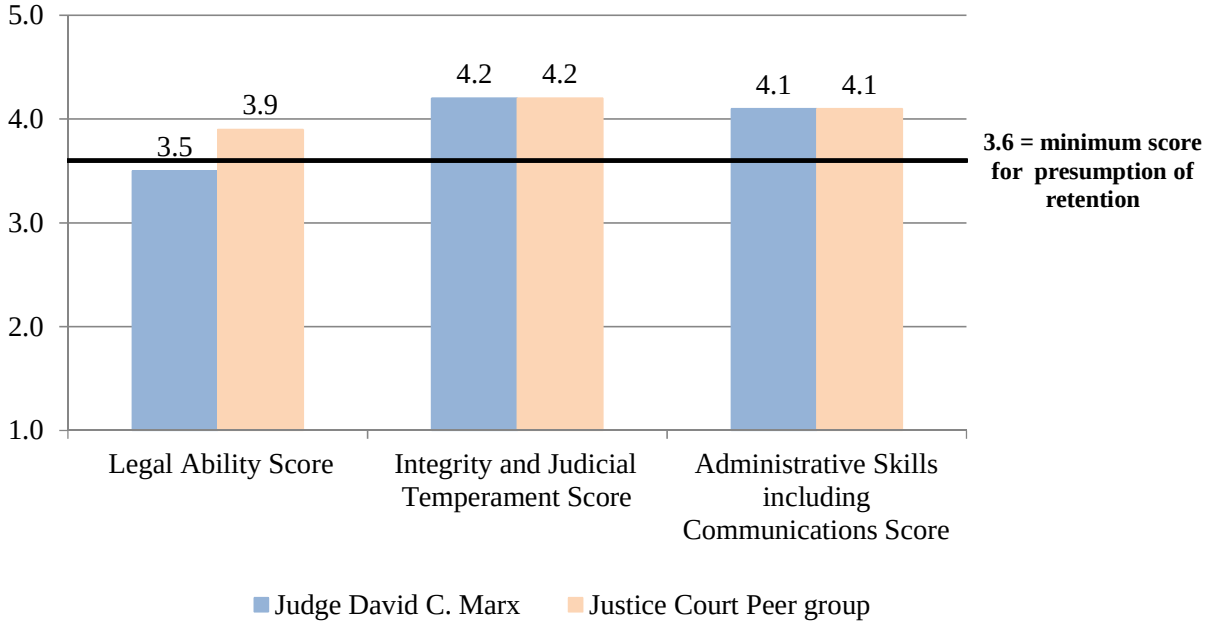
Commission Recommendation: **RETAIN**

(vote count: 10-3 for retention)

Judge David Marx is an experienced judge whom survey respondents scored equal to his peers in integrity and judicial temperament and in administrative skills, but just under the statutory minimum performance standard in legal ability. While this result troubles the commission, a majority of the commission nonetheless recommends Judge Marx for retention for the following reasons. First, Judge Marx was not surveyed at midterm and thus had no prior feedback about his performance. This gave him no chance to make necessary improvements. Second, his score was less than 1/10th of a point short of passing. Third, all courtroom observers were positive about Judge Marx, emphasizing his firm yet compassionate demeanor, his respectful consideration for each case, and the efficiency of his courtroom. Of survey respondents who answered the retention question, 78% recommended that Judge Marx be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Marx has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge David Marx was appointed to the bench in June 1997. He earned a Bachelor of Science degree from Utah State University, a law degree from Concord Law School, and is a graduate of the Utah Legal Institute. Judge Marx served three years as Education Director for the First Judicial District justice court judges and 11 years on the Board of Justice Court Judges. For three of those years, he served as Board Chair. He currently serves on the Judicial Council. Judge Marx received the Justice Court Service Award in 2007, the Quality of Justice Award in 2008, and the Justice Court Judge of the Year Award in 2013.



For more information about judges, go to www.judges.utah.gov

Honorable Reed S. Parkin – Justice Court Judge

Serving Orem Municipal Justice Court, Utah County

Commission Recommendation: **RETAIN**

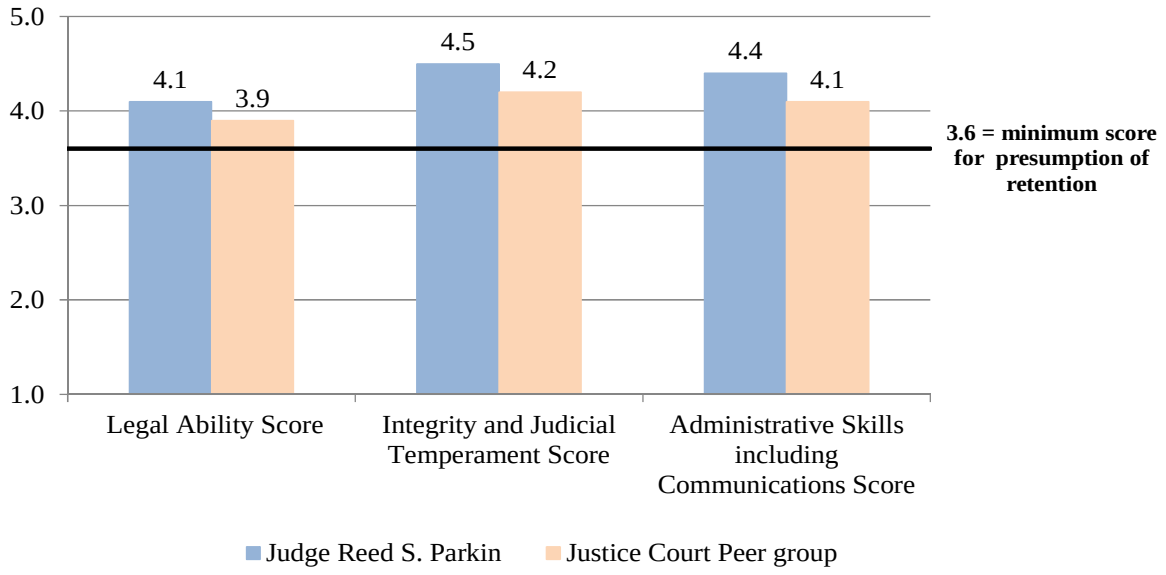
(vote count: 12-0 for retention)

Judge Reed Parkin is an experienced and respected judge whom survey respondents most frequently described as a skilled communicator with an excellent judicial temperament. Respondents also characterized Judge Parkin as calm in his demeanor, and consistently respectful and thoughtful in his decisions. Of adjectives selected from a list by survey respondents to describe Judge Parkin, 99% were positive. Courtroom observers noted Judge Parkin's polite and approachable manner and perceived him as fair and impartial. Observers also reported that Judge Parkin appeared well-prepared, ran an efficient courtroom, and showed compassion and patience. Of survey respondents who answered the retention question, 92% recommended that Judge Parkin be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Parkin has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Reed S. Parkin serves the Orem City Justice Court. His first appointment to the bench was in April 2005; he previously served the Bluffdale, Herriman, and Heber Justice Courts. Judge Parkin earned an Associate of Science in Criminal Justice from Salt Lake Community College, and a Bachelor of Science in Business Management and Master of Business Administration, both from the University of Phoenix. He serves on the Utah Judicial Council and has served on the Board of Justice Court Judges. As an adjunct professor at the University of Phoenix, Judge Parkin teaches in the school of business and in criminal justice programs. Judge Parkin also volunteers time in youth programs and enjoys sporting activities. He and his wife have raised four sons.

This judge has met all minimum performance standards established by law.



For more information about judges, go to www.judges.utah.gov

Honorable Reuben J. Renstrom – Justice Court Judge

Serving Harrisville and Riverdale Municipal Justice Courts, Weber County; and Woods Cross Municipal Justice Court, Davis County

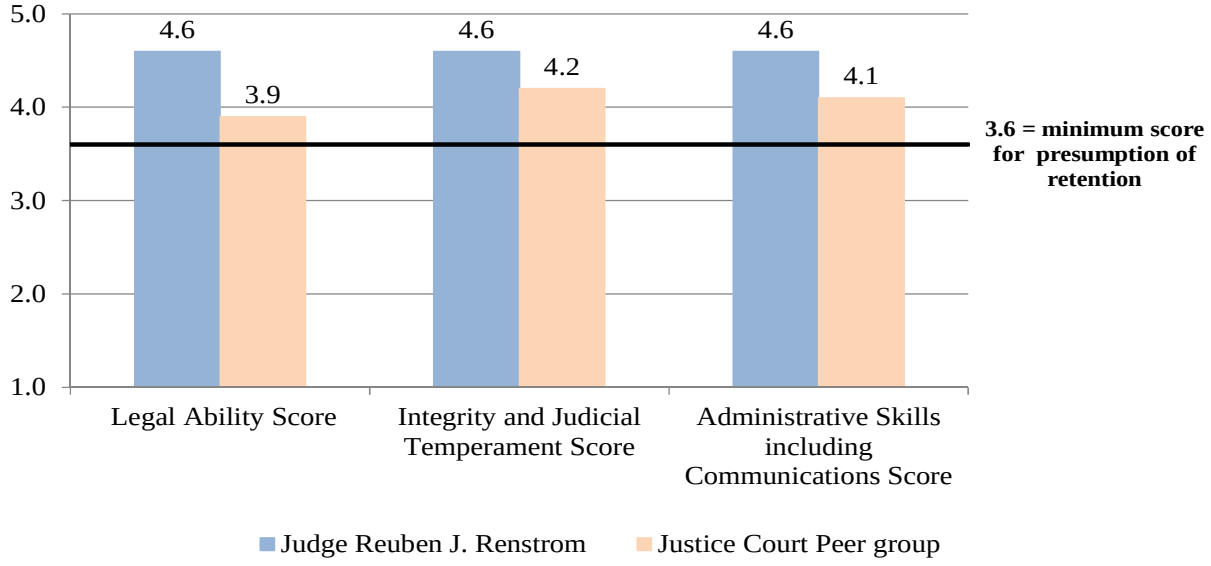
Commission Recommendation: **RETAIN**
(vote count: 12-0 for retention)

Appointed in 2006, Judge Reuben Renstrom scored higher than the average of his justice court peers in all survey categories. Survey respondents described him as consistently respectful and professional. They praised him for his knowledge of the law, even-tempered demeanor, and fair and judicious decisions. Courtroom observers characterized Judge Renstrom as impartial, prepared, and an efficient courtroom manager. They were unanimous in their enthusiasm for the respect and concern he showed for everyone in his courtroom and for his clear and transparent explanations. Of survey respondents who answered the retention question, 95% recommended that Judge Renstrom be retained.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Renstrom has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge Reuben J. Renstrom, appointed to the South Ogden Justice Court in February 2006, has since been appointed to four additional courts in Davis and Weber counties. After receiving a bachelor's degree from Weber State University, he earned a law degree from the University of Kansas. He maintained a general litigation practice prior to becoming a judge and has served as an adjunct professor in the Criminal Justice Department at Weber State University. Judge Renstrom served on the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure, the Technology Committee, and as education director for the Justice Courts in the Second Judicial District. His peers elected him to the Board of Justice Court Judges in 2011, where he currently serves as chair.

This judge has met all minimum performance standards established by law.



For more information about judges, go to www.judges.utah.gov

Honorable Catherine Roberts – Justice Court Judge
Serving Salt Lake City Municipal Justice Court, Salt Lake County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Roberts met these standards:

1. She participated annually in no less than 30 hours of continuing legal education for each year of her current term;
2. She held no cases under advisement for more than two months; and
3. She has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during her term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Roberts.

Judge Catherine E. Roberts was appointed to the Salt Lake City Justice Court in September 2011. Before her appointment, Judge Roberts was a trial attorney with the Salt Lake Legal Defender Association (LDA), representing indigent clients in felony and misdemeanor cases in Salt Lake County. She has served as the LDA attorney at the West Jordan Felony Drug Court. In addition, Roberts is an editor of the Utah Bar Journal, and has served as a small claims judge and as a mentor for the Utah State Bar's Lawyer Training Program. Judge Roberts received a Bachelor of Arts degree from Smith College in Northampton, Mass., and a Juris Doctorate from the University of Utah College of Law. She is the recipient of the Edward Spurgeon Public Service Fellowship, the David T. Lewis Clinical Award, and was a Leary scholar.

For more information about judges, go to www.judges.utah.gov

Honorable Stanley K. Robison – Justice Court Judge
Serving Fillmore Municipal Justice Court, Millard County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Robison met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Robison.

Judge Stan Robison was appointed to the Delta City Justice Court in July 1983 and has served in that position since. He was raised in Delta, graduated from B.Y.U. with a degree in Accounting, Business Education and Economics. He worked in the petroleum distribution business for 38 years in the Delta area. He served as a West Millard EMT for 13 years and as Secretary for the Millard County Jr. Livestock Show for a number of years. Judge Robison has served as Justice Court District Education Director and on the State Court Planning and Building Committee.

For more information about judges, go to www.judges.utah.gov

Honorable David Tubbs – Justice Court Judge
Serving Grand County Justice Court

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Tubbs met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Tubbs.

Judge David Tubbs was appointed to the Grand County Justice Court in December 2010. Judge Tubbs spent five years as a senior vice-president with a major U.S. corporation and 24 years in service to the FBI. After retiring, he was appointed as the executive director of the Utah Olympic Public Safety Command, where he coordinated efforts of state, local, and federal agencies during the 2002 Olympic Winter Games. Judge Tubbs graduated from the University of Illinois and earned a law degree from the DePaul University College of Law

For more information about judges, go to www.judges.utah.gov

Honorable Steven Wallace – Justice Court Judge
Serving Orderville Municipal Justice Court, Kane County

Commission Recommendation: **RETAIN**
(vote count: 13-0 for retention)

Part-time justice court judges standing for retention in 2014 are required to meet three minimum performance standards adopted by the judicial branch and enacted by the legislature. Judge Wallace met these standards:

1. He participated annually in no less than 30 hours of continuing legal education for each year of his current term;
2. He held no cases under advisement for more than two months; and
3. He has not been the subject of any public reprimands issued by the Judicial Conduct Commission or the Utah Supreme Court during his term of office.

Based solely on compliance with these standards, the commission recommends retention for Judge Wallace.

Judge Steven Wallace was appointed to the Orderville Justice Court in May 2010. He previously served as a county judge in Orlando, Florida, before retiring and moving to Utah in 2004. He holds a law degree from Florida State University. Judge Wallace served as chief assistant public defender in Florida's 20th Circuit, then served 11 years as a prosecutor in the 9th Circuit, the last seven years as chief assistant state attorney, before his appointment to the bench in 1988. Judge Wallace has authored many articles on the law and courts.

For more information about judges, go to www.judges.utah.gov

D

INSTRUCTIONS TO VOTERS

GENERAL VOTING INFORMATION

How do I register to vote?

- **Online:** Visit **www.voter.utah.gov** to register to vote online. To fully utilize the online registration system, your current Utah residence address must match the address on your Utah Driver License or Utah State Identification Card. If your address doesn't match or if you do not have a Utah Driver License or Utah State Identification Card, you may register by mail or in person.
- **Mail:** Download and print a Utah Voter Registration Form at **www.vote.utah.gov**. Once completed, mail the form to your county clerk's office (addresses listed on back of form and page 102. The Utah Voter Registration form is also available on page 100 of this Pamphlet.
- **In-Person:** You can register to vote in person at your county clerk's office. A list of clerks by county is listed on page 102.
- **Drivers License & State Agency Offices:** Registration forms are also available at State Agency Offices, including the Division of Driver Licenses, Division of Workforce Services, Utah State Department of Health, Women, Infant and Children (WIC) Offices, the Division of Services for People with Disabilities, the Department of Rehabilitation, and public colleges and universities.

Valid Voter Identification

- Utah law requires voters to present valid voter identification in order to vote at the polls. Voters who do not present valid voter identification at the polls may vote a provisional ballot at the polls. Voters who vote a provisional ballot may provide valid voter identification to their county clerk by the close of normal office hours on November 10, 2014.
- Valid voter identification is one form of identification that bears the name and photograph of the voter or two forms of identification that bear the name of the voter and provide evidence that the voter resides in the voting precinct.
- For more information on valid voter identification, please see page 99 of this pamphlet.

When do I register to vote?

- **Mail Deadline:** Voter registration forms sent by mail must be postmarked on or before October 6, 2014. To verify the status of your voter registration, please contact your county clerk's office.
- **In-Person Registration:** Individuals can register in-person at their county clerk's office up to 8 days before the general election, October 27, 2014.
- **Online Registration:** Individuals can register online at **www.vote.utah.gov** up to 7 days before the general election, October 28, 2014.

Updating Registration

Voter registration is valid for life, unless you move, change your name, or wish to affiliate with a different party. To change your voter registration status for any of these reasons, simply fill out and submit new voter registration form.

What are the requirements?

- **Age:** At least 18 years-old on or before the next election.
- **Citizenship:** A citizen of the United States.
- **Residency:** A resident of Utah for at least 30 days before the election. An applicant is considered a resident of Utah if he or she has their principal place of residence within Utah and intends to maintain their principal place of residence in Utah permanently or indefinitely.

Where do I vote?

To find your polling location visit **www.vote.utah.gov** or contact your county clerk's office (see page 102).

EMPLOYEE'S RIGHT TO TIME OFF FOR ELECTION

NOTE: This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.

Each employer shall allow any voter to be absent from service or employment on Election Day for not more than two hours between the time the polls open and close.

Remember:

- The voter shall apply for a leave of absence before Election Day.
- The employer may specify the hours during which the employee may be absent.
- If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.
- The employer may not deduct from an employee's usual salary or wages because of the absence.

EARLY VOTING

Any person who is registered to vote may vote before the election date as permitted by Utah Code 20A-3-601.

In order to vote during Early Voting, **voters must present valid voter identification** (see identification requirements on page 99 of this pamphlet for more information).

The Early Voting period will begin on October 21, 2014 and will continue through October 31, 2014.
The polls will be open for a minimum of four hours during each Early Voting day and will close at 5 PM on October 31, 2014. You can view wait times for Early Voting locations by visiting **www.vote.utah.gov**. Every registered voter who arrives at the polls before the time scheduled for closing of the polls will be allowed to vote.

Please note, a county conducting an election entirely by mail might not have early voting locations.

ABSENTEE/BY-MAIL VOTING

Voting Absentee/By-Mail
Any person who is registered to vote may request to receive their ballot by-mail.

Obtaining an Absentee/By-Mail Ballot
You may submit a by-mail ballot application online at **www.voter.utah.gov**, by mail, or in-person at your county clerk's office. The absentee/by-mail ballot application form is also available online at **www.vote.utah.gov** and on page 101 of this Pamphlet.

- The absentee/by-mail ballot application must be received no later than the Thursday before the election, October 30, 2014.

FOR MORE INFORMATION
- Visit **www.vote.utah.gov**
- Contact your county election official (page 102).
- Contact the Office of the Lieutenant Governor at (801) 538-1041 or (800) 995-VOTE (8683)

PROVISIONAL VOTING

Deadline for Applying for an Absentee/By-Mail Ballot

Provisional voting was mandated under the Help America Vote Act of 2002 (HAVA) to ensure that every eligible voter who is registered or who believes they are registered can cast a ballot in federal elections with the knowledge that a fair process will be followed to determine if the provisional ballot is eligible to be counted.

Voters previously registered in Utah who have moved within Utah, but have not re-registered at their new address, are allowed to vote at their new polling location. Provisional ballots also allow people who register through a Driver License Agency or other public agency and whose name does not appear on the Official Register (for whatever reason) to vote at their new polling location.

Remember, a provisional ballot could be used if the voter's name is not found on the Official Register, if the poll worker is not satisfied that the voter has provided valid voter identification, if the voter does not have residence in the voting precinct, or under any other circumstance described in the Utah Code 20A-3-202.

All provisional voters will be asked for photo identification AND for proof of current residence at the polling place. This information allows us to ensure that provisional voters were in fact previously registered to vote and to ensure that people are voting in their correct precinct. If both conditions are met, the vote will be counted. If either condition is not met, the vote will not be counted. **Voters may provide valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.**

You can find the status of your provisional ballot directly on our website **www.vote.utah.gov** or by contacting your county clerk's office. You will need the unique identification number (six digit) printed on the detachable stub of the provisional ballot. You can call the Lieutenant Governor's office at (801) 538-1041 or (800) 995-VOTE (8683) to inquire the status of your provisional ballot. Please allow for 10-14 days after each election for this information to be available.

INSTRUCTIONS TO VOTERS – ELECTRONIC VOTING

How to Obtain a Ballot
1. Give your name and address to an election judge. You may also be required to show proof of identification or proof of residency.

2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots. NOTE: If an election judge has reason to doubt your identity, the judge is required to request identification from you that establishes your identity and residence.

Learn How to Use the Electronic Voting Machine.
These step-by-step instructions will guide you through the voting process. For an electronic demonstration, please visit **www.vote.utah.gov**.

1. START

Insert voter access card. Push firmly until card clicks. Do not remove card until finished voting.

2. READ "INSTRUCTIONS" SCREEN

If needed, touch "Large Text" or "High Contrast" to improve readability.
Touch "Next" to continue.

3. VOTE FOR CANDIDATES/ISSUES

Touch the box next to your selection. An "X" will appear. To change or cancel your selection, touch the box again. The "X" will disappear. Touch "Next" to see the next page of the ballot or "Back" to see a previous page.

4. RECORD "WRITE-INS" (OPTIONAL)

Touching the box next to "Write-In" makes a keyboard appear. Type the name you wish to write-in. Touch "Record Write-In" to return to the ballot.

5. REVIEW YOUR BALLOT

A summary page will appear at the end of the ballot. Selections left blank or incomplete will be highlighted. Touch any selection to return to that page in the ballot and make changes.

6. PRINT YOUR BALLOT

Touch "Print Ballot." Your ballot will print to the right of your screen for verification. To make changes, touch "Reject Ballot." Remember, any changes must be made before touching "Cast Ballot."

7. CAST YOUR BALLOT

Touch "Cast Ballot". The printed ballot will scroll to hide your selections. No changes can be made after touching "Cast Ballot."

8. REMOVE YOUR CARD

Return the card to a poll worker.

Voting for Candidates of One Party
If you want to cast a "straight party" vote for all the candidates of one party, touch the box next to that party on the first page of the ballot. The box next to that party's candidates will be automatically marked on the other pages of the ballot.

You may change your vote in a particular race to the candidate from another party or to a write-in candidate. To make the change, first touch the box next to the "straight party" candidate. The X will disappear. Then, touch the box next to the candidate for whom you wish to vote. An X will appear in the box.

If you did not cast a "straight party" vote on the first page of the ballot, you will see the "straight party" selection highlighted on the summary page. If you return to this selection and mark a party, your previously marked votes will not change. However, in any partisan races where you have not already marked a candidate, the candidate of the party you chose will be automatically marked.

Constitutional Amendments/Propositions
Constitutional amendments and propositions appear on the ballot in the form of a question. A vote "FOR" an amendment or proposition means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or proposition means that you want to answer "no" to the question. To vote on constitutional amendments and/or propositions, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or proposition, and touch the box next to "FOR" or "AGAINST." An X will appear in the box.

Help Marking your Ballot
The voting machines have several features to help voters who are blind or visually impaired. These features include large text, high contrast display, and audio recordings. However, voters may still ask someone of their choice to help mark their ballots. The person helping must not be 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 – PAPER BALLOT

How to Obtain a Ballot

1. Give your name and address to an election judge. You will also be required to show proof of identification and/or proof of residency.

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.

How to Mark 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 on a ballot that has been previously 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 filled in an oval for candidate(s) of a different party.

Write-in Voting

You may also vote for a valid write-in candidate. Do this by legibly writing the name of the write-in candidate in the space provided on the ballot. You must also fill in the oval next to the write-in candidate's name.

Constitutional Amendments & Propositions

Constitutional amendments and ballot propositions appear on the ballot in the form of a question.

A vote "FOR" an amendment or proposition means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or proposition means that you want to answer "no" to the question. To vote on constitutional amendments and/or propositions, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or proposition, and fill in the oval for the appropriate response.

Help Marking Your Ballot

Voters who are blind, have a disability, or are unable to read or write English, may be helped by someone of their choice. The person helping must not be a candidate, the voter's employer, an agent of the voter's employer, nor 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 issues.

VALID VOTER IDENTIFICATION

Utah law requires voters to present “valid voter identification” in order to vote at the polls.

Voters who do not present valid voter identification may vote a provisional ballot at the polls. Voters who vote a provisional ballot may provide valid voter identification to the county clerk by the close of normal office hours on November 11, 2014.

“Valid voter identification” is defined by Utah Code 20A-1-102 as follows:

Present one (1) of the following forms of identification that bears the name and photograph of the voter:

- a currently valid Utah Driver License;
- a currently valid identification card that is issued by:
  - the state; or
  - a branch, department, or agency of the United States;
- a currently valid Utah permit to carry a concealed weapon;
- a currently valid United States passport; or
- a currently valid United States military identification card;
- one of the following identification cards, whether or not the card includes a photograph of the voter:
  - a valid tribal identification card;
  - a Bureau of Indian Affairs card; or
  - a tribal treaty card.

OR

Present two (2) of the following forms of identification that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

- a current utility bill or a legible copy thereof, dated within the 90 days before the election;
- a bank or other financial account statement, or legible copy thereof;
- a certified birth certificate;
- a valid Social Security card;
- a check issued by the state or the federal government or legible copy thereof;
- a paycheck from the voter’s employer, or a legible copy thereof;
- a currently valid Utah hunting or fishing license;
- certified naturalization documentation;
- a currently valid license issued by an authorized agency of the United States;
- a certified copy of court records showing the voter’s adoption or name change;
- a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- a currently valid identification card issued by:
  - a local government within the state;
  - an employer for an employee; or
  - a college, university, technical school, or professional school located within the state; or
- a current Utah vehicle registration.

State of Utah Mail-in Voter Registration Form

Voter Instructions - You can also register to vote online at voter.utah.gov

You may use this form to:
- Register to vote in Utah
- Change your name or address on your voter registration record
- Affiliate with a party or change your party affiliation

To register to vote in Utah, you must:
- Be a citizen of the United States
- Have resided in Utah at least 30 days immediately before the next election
- Be at least 18 years old on or before the next election

NOTICE: Voter registration records are considered public under Utah Code § 63G-2-301, excluding driver license or identification card numbers, Social Security numbers, and email addresses.

The portion of a voter registration form that lists a person's date of birth is a private record, the use of which is restricted to government officials, government employees, political parties or certain other persons.*

Mail-in registration instructions:
- Complete all required information; if not applicable write "N/A."
- If you have registered to vote with a different name or address, complete the change of information section.
- **One of the following is required: a Utah Driver License number, a Utah State Identification number, or the last four digits of your Social Security number. If you do not have a Utah Driver License or a Utah State Identification card, please write "None" in the space designated for a Utah Driver License or Utah State Identification and fill in the last four digits of your Social Security number.**
- Read the voter declaration and citizenship affidavit and sign and date below.

Deadline for submitting this form:
- By Mail: This form must be postmarked at least 30 days before an election to be eligible to vote in that election (see the back of this form)
- Walk In: This form must be delivered in person to your county clerk at least 8 days before the election to be eligible to vote in that election

Please note:
- If you are qualified and the information on your form is complete, your county clerk will mail confirmation of your registration to you.
- *If you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you or a member of your household's life or safety at risk, or to put you or a member of your household at risk of being stalked or harassed, you may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private.
- You must present valid voter identification to the poll worker before voting, which must be a valid form photo identification that shows your name and photograph, or (2) two different forms of identification that show your name and current address.
- For more information contact your county clerk (see the back of this form) or the Lieutenant Governor's Office at vote.utah.gov or 1-800-995-VOTE.

In accordance with Utah code section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to vote is up to one year in jail and a fine of up to $2,500.

Reason(s) for completing this form (optional) ☐ New Registration ☐ Party Affiliation Change ☐ Address Change ☐ Name Change	Are you a citizen of the United States? ☐ Yes ☐ No Will you be at least 18 years on or before election day? ☐ Yes ☐ No **Qualifications:** *If you check no in response to either of these questions do not complete this form*

Last Name	First Name	Middle Name

Name at Birth (if different than above)	Place of Naturalization (if applicable)	Date

Physical Address (required, principal place of residence, no P.O. Box)	County	City	State	Zip Code
Mailing Address (if different from physical)	County	City	State	Zip Code

Phone Number (optional)	Date of Birth (required, month/day/year)	Place of Birth (required, state or county)	Last Four Digits of Social Security #

Utah Driver License or Identification number	**Political Party Affiliation:** (optional) ☐ Constitution ☐ Democratic ☐ Independent American ☐ Libertarian ☐ Republican ☐ Unaffiliated (no party preference) ☐ Other _____ (specify)
Email address (optional)	
Would you like to be a permanent absentee voter and receive your ballot by mail on an on-going basis? (read declaration) ☐ Yes ☐ No	I am a person with a disability (optional) ☐ Yes ☐ No

If previously registered and/or changing personal information, also fill out this section. ☐ Never registered in State of Utah

Name on Previous Registration_____ Address on Previous Registration_____ City_____ State _____ Zip_____

Read and Sign below

Voter Declaration: I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true and that I am a citizen of the United States and a resident of the State of Utah, residing at the above address. I will be at least 18 years old on or before the next election and I will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.
Citizenship Affidavit: I hereby swear and affirm, under penalties for voting fraud set forth above in Utah Code Section 20A-2-401, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.
Vote By-Mail (only if requested): I am a qualified elector, residing at the address above and I am applying for an official absentee ballot to be sent to me and voted by me at each election in which I am eligible to vote.

Signature **Date (Month/Day/Year)**

OFFICE USE ONLY	Type of ID	Voting Precinct	Voting ID #	Type: By Mail Form Date: 03/12

State of Utah
Absentee Ballot Application

Who is eligible to vote by absentee ballot:
Any person who is registered to vote may vote by absentee ballot (See Utah Code 20A-3-301).

UOCAVA voters are:
UOCAVA stands for the Uniformed and Overseas Citizens Absentee Voting Act. UOCAVA voters are U.S. citizens or active and reserve components of all branches of the U.S. Military (See Utah Code 20A-16-102(6)(8)).

How to apply for an absentee ballot:
For absentee voting in statewide regular general election and regular primary election (held in even-numbered years), this application must be filed by mail or in person in the office of the voter's county clerk. For municipal general and primary elections (held in odd numbered years), the application should be filed by mail or in person in the office of the city clerk or recorder.*
*Salt Lake County voters should file their form with the Salt Lake County Clerk's Office.

Overseas and military voters (UOCAVA voters) may electronically request an absentee ballot, receive an absentee ballot electronically, and return a completed absentee ballot electronically. Forms may be submitted to elections@utah.gov or directly to your county clerk.

When to apply for an absentee ballot:
The following are the deadlines for submission of the absentee voter ballot application:

1. **For regular absentee voting**, the clerk should receive this application no later than the Thursday before the election.
2. **For persons voting an absentee ballot at the office of the clerk or recorder**, the clerk should receive this application no later than the Thursday before the election.

Do not write above the dotted line

_____ _____/_____/_____
Name (required) Last First Middle Date of Birth (month/day/year)

_____
Home Address City State Zip Code

I, a qualified elector (voter), residing in _____ County at the above address, apply for an official absentee ballot to be cast by me at the following election(s):

____ Municipal General Election ____ Regular General Election ____ Special Election
____ Municipal Primary Election ____ Regular Primary Election ____ Western States Presidential Primary

If you are requesting an absentee ballot for a *primary* election, please complete the following section:

I, a qualified elector (voter), residing in _____ County at the above address, apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

I would like my name placed on the permanent absentee voter list: ___ Yes ___ No

Please mail my absentee ballot to the following street address: _____

_____

I am an overseas citizen: ___Yes ___No I am an overseas military voter: ___Yes ___No I am a domestic military voter ___Yes __No

If yes, you may designate a fax no. or email where your ballot will be sent: _____
(if blank, ballot will be mailed to street address listed above)

Please sign here: _____ _____/_____/_____
Voter's Signature Month Day Year

Last Updated 09/2012

FOR OFFICE USE ONLY

Voter ID#_____**Voting Precinct**_____**Ballot Number** _____**Ballot Format** _____**Date Voted** _____

COUNTY CLERKS

Beaver
Clerk/Auditor: Brian Stephenson
bstephenson@beaver.utah.gov
P.O. Box 392
Beaver, UT 84713
435-438-6462

Box Elder
Clerk: Marla Young
myoung@boxeldercounty.org
01 S. Main St.
Brigham City, UT 84302
435-734-3355

Cache
Clerk: Jill Zollinger
jill.zollinger@cachecounty.org
179 North Main, Suite 102
Logan, UT 84321
435-755-1460

Carbon
Clerk/Auditor: Seth Oveson
seth.oveson@carbon.utah.gov
120 E. Main St.
Price, UT 84501
435-636-3224

Daggett
Clerk/Auditor: Vicky McKee
vmckee@daggettcounty.org
P.O. Box 400
Manila, UT 84046
435-784-3154

Davis
Clerk/Auditor: Steve Rawlings
rawlings@daviscountyutah.gov
28 E. State St.
Farmington, UT 84025
801-451-3421

Duchesne
Clerk: Diane Freston
dfreston@duchesne.utah.gov
P.O. Box 270
Duchesne, UT 84021
435-738-1228

Emery
Clerk/Auditor: Brenda Tuttle
brenda@co.emery.ut.us
P.O. Box 907
Castle Dale, UT 84513
435-381-5106

Garfield
Clerk/Auditor: Camille Moore
gcclerk@mountainwest.net
55 S. Main
Panguitch, UT 84759
435-676-8826

Grand
Clerk/Auditor: Diana Carroll
dcarroll@grand.utah.gov
125 E. Center
Moab, UT 84532
435-259-1321

Iron
Clerk: David Yardley
david@ironcounty.net
P.O. Box 429
Parowan, UT 84761
435-477-8340

Juab
Clerk/Auditor: Patricia Ingram
pati@co.juab.ut.us
160 North Main
Nephi, UT 84648
435-623-3410

Kane
Clerk/Auditor: Karla Johnson
elections@kane.utah.gov
76 N. Main St.
Kanab, UT 84741
435-644-2458

Millard
Clerk: Norma Brunson
normab@email.utcourts.gov
765 S. Highway 99, Suite 6
Fillmore, UT 84631
435-743-6223

Morgan
Clerk/Auditor: Stacy Lafitte
slafitte@hotmail.com
P.O. Box 886
Morgan, UT 84050
801-845-4011

Piute
Clerk/Auditor: Valeen Brown
valeenb@hotmail.com
P.O. Box 99
Junction, UT 84740
435-577-2840

Rich
Clerk/Auditor: Becky Peart
bpeart@email.utcourts.gov
P.O. Box 218
Randolph, UT 84064
435-793-2415

Salt Lake
Clerk: Sherrie Swensen
sswensen@slco.org
2001 South State St.
#S1100
Salt Lake City, UT 84190
385-468-7400

San Juan
Clerk/Auditor: Norm Johnson
njohnson@sanjuancounty.org
P.O. Box 338
Monticello, UT 84535
435-587-3223

Sanpete
Clerk: Sandy Neill
sneill@sanpetecounty-ut.gov
P.O. Box 100
Manti, UT 84642
435-835-2131

Sevier
Clerk/Auditor: Steven Wall
scwall@sevier.utah.gov
P.O. Box 607
Richfield, UT 84701
435-893-0401

Summit
Clerk: Kent Jones
kentjones@summitcounty.org
P.O. Box 128
Coalville, UT 84017
435-366-3204

Tooele
Clerk: Marilyn Gillette
mgillette@co.tooele.ut.us
47 S. Main
Tooele, UT 84074
435-843-3140

Uintah
Clerk/Auditor: Michael Wilkins
mwilkins@co.uintah.ut.us
147 East Main
Vernal, UT 84078
435-781-5361

Utah
Clerk/Auditor: Bryan Thompson
bryant.ucadm@utah.gov
100 E. Center, Room 3100
Provo, UT 84606
801-851-8128

Wasatch
Clerk/Auditor: Brent Titcomb
btitcomb@co.wasatch.ut.us
25 North Main
Heber City, UT 84032
435-654-3211

Washington
Clerk/Auditor: Kim Hafen
kim.hafen@washco.utah.gov
197 East Tabernacle
St. George, UT 84770
435-634-5712

Wayne
Clerk: Ryan Torgerson
ryan@wayne.utah.gov
P.O. Box 189
Loa, UT 84747
435-836-1300

Weber
Clerk/Auditor: Ricky Hatch
rhatch@co.weber.ut.us
2380 Washington Blvd #320
Ogden, UT 84401
801-399-8400

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

I, Spencer J. Cox, Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on November 4, 2014, and that this pamphlet is complete and correct according to law.

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this 15th day of September, 2014.

SPENCER J. COX
Lieutenant Governor

VOTE.UTAH.GOV

OFFICE OF THE UTAH LIEUTENANT GOVERNOR
350 N. STATE ST., STE. 220
SALT LAKE CITY, UT 84114-0002

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UTAH VOTER INFORMATION PAMPHLET
General Election - November 4, 2014

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