



# UTAH VOTER INFORMATION PAMPHLET



Salt Lake • Summit • Tooele

GENERAL ELECTION • NOVEMBER 2, 2010

POLLS OPEN 7 AM TO 8 PM

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EARLY VOTING • OCTOBER 19-29, 2010



STATE OF UTAH  
OFFICE OF THE LIEUTENANT GOVERNOR



GREG BELL  
LIEUTENANT GOVERNOR

September 8, 2010

Dear Utah Voters:

Thank you for taking the time to read the enclosed material as you learn more about the 2010 General Election in Utah.

The Lieutenant Governor's Office is pleased to present the 2010 Voter Information Pamphlet along with many new features available online at [www.vote.utah.gov](http://www.vote.utah.gov).

In addition to the information provided in these pages, you can visit [www.vote.utah.gov](http://www.vote.utah.gov) and find more information about candidates and issues than ever before. It is our goal to make [www.vote.utah.gov](http://www.vote.utah.gov) your destination for answers to any election-related question you might have.

For instance, at [www.vote.utah.gov](http://www.vote.utah.gov) you can find out who is running for office in your district or who your current elected officials are and a little bit of information about them. You can also find a list of Early Voting locations in your county and where to vote on Election Day. Our website also provides an interactive voting machine demonstration to help you become familiar with the state's voting equipment.

As always, if you need assistance of any kind, my office stands ready to serve. You can call us at 1.800.995.VOTE (8683), email me at [elections@utah.gov](mailto:elections@utah.gov) or stop by our office in the State Capitol.

I hope this information helps you become a more informed and involved voter.

Sincerely,

A handwritten signature in black ink that reads "Greg Bell".

Greg Bell  
Lieutenant Governor



# POLITICAL PARTIES

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## **Constitution Party**

P.O. Box 1215  
Bountiful, Utah 84010  
801-544-4056  
Website: <http://www.utah-constitution-party.org/>



## **Democratic Party**

455 S. 300 E. Ste. #301  
Salt Lake City, UT 84111  
801-328-1212  
Fax: 801-328-1238  
Website: <http://www.utdemocrats.org/>



## **Libertarian Party**

P.O. Box 526025  
Salt Lake City, UT 84152  
801-565-1988  
Website: <http://www.lputah.org/>



## **Republican Party**

117 E. South Temple  
Salt Lake City, UT 84111  
801-533-9777  
Fax: 801-533-0327  
Website: <http://www.utgop.org/>

## FOR MORE INFORMATION

The following list of web sites, although not comprehensive, is provided to give voters the opportunity to become better informed.

### **NEWS MEDIA:**

#### National

[www.cnn.com](http://www.cnn.com)  
[www.usatoday.com](http://www.usatoday.com)  
[www.foxnews.com](http://www.foxnews.com)

#### Local

[www.deseretnews.com](http://www.deseretnews.com)  
[www.sltrib.com](http://www.sltrib.com)  
[www.voteutah.org](http://www.voteutah.org)  
[www.kutv.com](http://www.kutv.com)  
[www.ksl.com](http://www.ksl.com)  
[www.abc4.com](http://www.abc4.com)  
[www.myfoxutah.com](http://www.myfoxutah.com)  
[www.heraldextra.com](http://www.heraldextra.com)

### **GOVERNMENT:**

[www.elections.utah.gov](http://www.elections.utah.gov)  
[www.fec.gov](http://www.fec.gov)  
[www.eac.gov](http://www.eac.gov)  
[www.vote.utah.gov](http://www.vote.utah.gov)

### **YOUTH VOTING SITES:**

[www.youthvote.org](http://www.youthvote.org)  
[www.rockthevote.org](http://www.rockthevote.org)  
[www.declareyourself.com](http://www.declareyourself.com)  
[pbskids.org/democracy](http://pbskids.org/democracy)

### **REGISTER TO VOTE:**

[www.voter.utah.gov](http://www.voter.utah.gov)

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# A.

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## CANDIDATES

The following pages list the candidates who are running for U.S. Senate, U.S. House of Representatives, Governor, Lieutenant Governor, Utah State Senate, Utah State House of Representatives, and State Board of Education.

The candidates for U.S. Senate, U.S. House of Representatives, Governor, and Lieutenant Governor 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. All candidates appear in alphabetical order.

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. If a candidate provided an e-mail address or website, it is also included. To find out which district you reside in, contact your county clerk's office, or, if you are registered to vote, visit [vote.utah.gov](http://vote.utah.gov).

# U.S. SENATE

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**Scott N. Bradley**  
CONSTITUTION

A Utah native and business owner, Scott's past work experience includes management at AT&T, and university administration. He holds a Bachelor of Science, a Masters in Public Administration, and a PhD in Constitutional Law. Scott is the Founder and Chairman of the Constitution Commemoration Foundation, which seeks to foster increased understanding and application of the original intent of the Founders of our Constitution. He is the author of the book and DVD/CD lecture series "To Preserve the Nation."

Scott is running for the Senate to champion the Constitution and secure the Blessings of Liberty for ourselves and our posterity.

[ScottBradleyForSenate.com](http://ScottBradleyForSenate.com)

1496 East 2700 North  
North Logan, UT 84341  
(435) 753-8844  
[liberty1787@comcast.net](mailto:liberty1787@comcast.net)  
[www.scottbradleyforsenate.com](http://www.scottbradleyforsenate.com)



**Sam F. Granato**  
DEMOCRATIC

Sam Granato is a native Utahn and successful small business owner. Sam is concerned America is going in the wrong direction and – like a car that's trying to get back on the road – keeps overcorrecting by making extreme lurches from left to right. It's time for a steady, moderate hand at the wheel that will take Utahns safely down the road and into a brighter future.

Throughout his more than 20 years of public service, Sam has proven he can bring people together to find sensible solutions. Sam has the experience and integrity needed to serve the people of Utah.

1463 Brookshire  
Salt Lake City, UT 84106  
(801) 433-0940  
[info@voteforgranato.com](mailto:info@voteforgranato.com)  
[www.voteforgranato.com](http://www.voteforgranato.com)



**Mike Lee**  
REPUBLICAN

Mike Lee is an across-the-board conservative and Constitutional law expert. Mike served as a law clerk to Supreme Court Justice Samuel Alito and was legal counsel to Governor John Huntsman.

Mike believes the federal government has become too big and too expensive. He will fight to reduce the size, cost and reach of government by balancing the budget, cutting taxes and lowering spending. He will also work to repeal President Obama's unconstitutional health care bill and replace it with common sense reform.

Mike Lee lives in Alpine with his wife Sharon and their three children, John, James and Eliza.

917 Quail Hollow Circle  
Alpine, UT 84004  
(801) 350-7814  
[mlee@mikelee2010.com](mailto:mlee@mikelee2010.com)  
[www.mikelee2010.com](http://www.mikelee2010.com)



# U.S. CONGRESSIONAL DISTRICT 1



**Rob Bishop**  
REPUBLICAN

Rob Bishop has consistently defended Utah's interests. As Utah House Speaker, Rob promoted a conservative agenda. As a teacher for 28 years, Rob knows about education and making a difference in people's lives.

In Congress, Rob has strengthened our national security, defended our military installations, cut taxes, and looked after our public lands. He has backed lean budgets and is a leader in the fight for a comprehensive national energy strategy.

Born in Kaysville, Rob Bishop attended Davis High and the University of Utah, and served a mission for his church. He and his wife, Jeralynn, have five children.

PO Box 2010  
Brigham City, UT 84302  
(801) 292-5577  
votebishop@gmail.com  
www.votebishop.com



**Morgan Bowen**  
DEMOCRATIC

Like many of you, I am frustrated with career politicians who have stood by while the American economy has been recklessly driven off a cliff. We must take our country back from the Washington power brokers. We must move quickly to restore America's entrepreneurial spirit and get America working again. The way forward is through innovation, hard work, and frugality. Let's get America working again!

For 15 years Morgan was CEO of an international sustainable agricultural company. Today, Morgan teaches Seminary for the LDS Church. He and his wife Kristen Matheson Bowen, have six children and live in Hyde Park.

345 North 48 West  
Hyde Park, UT 84318  
(435) 760-4812  
votebowen@gmail.com  
www.votebowen.com



**Kirk D. Pearson**  
CONSTITUTION

As I have served in the political process for the past few years, I have fought and defeated tax increases. America became the greatest nation in the world because of the governing principles established in our Constitution. The two major parties continue to ignore these principles. We do not need to change America. What we need is a Restoration of those Constitutional principles that made this nation great. My commitment will continue to be to the Constitution in the tradition of the Founding Fathers. visit [www.kirk4congress.com](http://www.kirk4congress.com)

1316 East Canyon Rd  
Lake Point, UT 84074  
(801) 856-1471  
kirk4congress@gmail.com



**Jared Paul Stratton**  
LIBERTARIAN

Congress has no shortage of anger and partisanship but they are lacking what we need right now are good solutions. And we cannot expect any different from them if we don't start voting differently.

There are choices beyond picking a side and making an all-or-nothing gamble with our rights, solutions that don't dictate what is right but instead preserve liberty, uphold justice, and let us choose our values. We need a voice that favors reason over rhetoric and represents all voters in our district.

The first solution I already have for you--vote Jared Paul Stratton.  
Thank you.

[Stratton2010.com](http://Stratton2010.com)

120 South 300 East  
Apt 409  
Salt Lake City, UT 84111  
strattonshrugged@gmail.com

# U.S. CONGRESSIONAL DISTRICT 2



**Dave Glissmeyer**  
UNAFFILIATED

Utah voters have a choice. We need independent, unbiased and unbought ideas to surface and heard. Utahns have a viable, valid 3<sup>rd</sup> choice this year.

As a local small business owner; I understand living on budget, understand the sacrifice and creativity required to keep the boat afloat during troubled times without tossing people overboard.

I have no large donors; big money never will have my ear. If you want to elect someone different, to speak for you against the status quo; I am your guy. If not, check the R or D and live with 2 years of broken promises.

250 North Alta Street  
Salt Lake City, UT 84103  
(801) 330-3078  
dave@congressmandave.org  
www.congressmandave.org



**Wayne L. Hill**  
UNAFFILIATED

Wayne Hill is running as an unaffiliated independent candidate. Wayne is not tied to a party platform or agenda. He will be your voice and your vote. Wayne believes the parties have been stolen out from under us. WE, the decent, hard working, freedom loving Americans have not approved 44 czars, unions, or executive orders and appointments which have circumvented the Constitution and our rights.

The Obama and Bush administrations have overthrown our constitutional rights, with bailouts and unfunded liabilities. Honesty, love for this Country, desire to defend and preserve the God given Constitution, commitment to serve are Wayne's qualifications.

1450 North Dixie Downs Rd  
#154  
St. George, UT 84770  
(435) 680-0200  
whillhearing@gmail.com



**Randall Hinton**  
CONSTITUTION

It's Time To Reclaim Our Children's Future!

We all make mistakes, but with a Federal Debt topping \$13 Trillion Dollars and Unfunded Liabilities estimated to be higher than \$109 Trillion we have reached a point where this mistake is too great to be passed along to future generations. Leadership in Washington must be willing to tackle the most Toxic and Radioactive of all issues, We cannot condemn our children to be slaves to our past excesses.

I am running to reclaim the future for my 5 beautiful children, and the future for those whom you love and care for.

P.O. Box 2472  
St. George, UT 84771  
(435) 258-6339  
randall@randallhinton.com  
www.hinton2010.com



**Jim Matheson**  
DEMOCRATIC

Congressman Jim Matheson is a sixth-generation Utahn. Before his election to Congress in November 2000, Jim worked in the energy business for 13 years. Matheson's approach as a Congressman has been to put Utah first, ahead of politics or partisanship.

The initiatives he has pursued, such as removing radioactive waste adjacent to the Colorado River, preventing the resumption of nuclear weapons testing, and providing full education benefits to returning Utah Guard and Reservists came from listening to Utahns. Other priorities include banning the importation of radioactive waste from foreign countries and promoting job growth and investment in retraining and education.

1400 South Foothill Blvd  
Suite 32  
Salt Lake City, UT 84108  
(801) 359-5474  
jim@mathesonforcongress.com  
www.mathesonforcongress.com

# U.S. CONGRESSIONAL DISTRICT 2

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## **Morgan Philpot** REPUBLICAN

In the Utah State Legislature, Morgan Philpot worked to balance Utah's budget and pass spending caps. In the U.S. House, he will work to balance the budget, lower taxes, and repeal the unconstitutional Obama-Pelosi health care law.

By comparison, Jim Matheson:

Voted to pass the Obama-Pelosi 's \$789 billion stimulus bill; pushing America further into debt,

Stated he will "certainly oppose any efforts to repeal the [Obama-Pelosi healthcare] law," and

Voted for Nancy Pelosi to be Speaker of the House four times.

A vote for Morgan Philpot is a vote to put America's economy back on track.

792 West 450 North  
American Fork, UT 84003  
(801) 870-6493  
morgan@jmphilpot.com  
www.philpotforcongress.com

# U.S. CONGRESSIONAL DISTRICT 3



**Jason Chaffetz**  
REPUBLICAN

We have to change the way we do business in Washington, DC. The federal government is completely out of control. Massive spending, soaring deficits and crippling taxes are putting our country in serious jeopardy. I have always maintained that the best hope for Utah - and the United States of America - is to return to the core principles of fiscal discipline, limited government, accountability and a strong national defense.

I was elected to fight for conservative principles, and that's exactly what I've done. Big government is on the attack, and we need to fight back.

315 Westfield Circle  
Alpine, UT 84004  
jason@chaffetz.com  
www.jasonforcongress.com



**Karen Hyer**  
DEMOCRATIC

Karen Hyer lives in the Third District. She's a wife, mother and grandmother who offers unsurpassed real-life experience: she's been a teacher, researcher, author, businesswoman, farmer, rancher, and BYU professor of business ethics, public administration and law. She's also done substantial international service.

"My core values are conservative, but I'm an American first, not a professional politician. I'll have the political courage to fight government corruption, think outside the box, and work with others to find real solutions to our nation's challenges."

We need Karen to help grow our economy, ensure fiscal responsibility and bring ethics to government!

PO Box 1876  
Provo, UT 84603  
(801) 373-9636  
info@hyerforcongress.com  
<http://www.hyerforcongress.com>



**Joseph L. Puente**  
UNAFFILIATED

The party system has failed this nation, betrayed the people of Utah and has become corrupted by special interests that manipulate laws so that a few people can benefit at the expense of average Americans. Joseph Puente is committed to finding solutions to problems by addressing their underlying causes instead of tackling their symptoms and advocates Citizen Funded Elections, a voluntary system in which candidates can demonstrate their commitment to the public by refusing to accept money from special interests in favor of small contributions from individuals with matching funds to enable effective campaigning without corporate sponsorship.

3739 South 645 East  
South Salt Lake, UT 84106  
(435) 262-0941  
joepuente@live.com  
<http://www.joepuente.org>



**Jake Shannon**  
LIBERTARIAN

Jake Shannon is uniquely qualified to help end the onerous tax and monetary system strangling our economy.

With proven successes as an entrepreneur in startup venture formation and a quantitative background including experience as a Derivatives Specialist Manager at Financial Engineering Associates, Manager of Technical Oversight for Complex Instruments at Indymac Bank, and Metrics Modeling Manager for Financial Freedom Senior Funding, Mr. Shannon now seeks to bring his financial expertise to the U.S. Congress to defend the interests of Utah's families and small-business owners.

Legalize freedom and protect the Bill of Rights by electing Jake Shannon on November 2nd.

419 4th Avenue  
Salt Lake City, UT 84103  
(801) 635-4488  
info@jakeshannon.com  
<http://www.JakeShannonforCongress.com>

# U.S. CONGRESSIONAL DISTRICT 3

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## **Douglas Sligting** CONSTITUTION

As stated in the Declaration of Independence: "That to secure these rights (unalienable rights endowed by our Creator), governments are instituted among men, deriving their just powers from the consent of the governed."

This means the only reason our government exists is to secure our God-given rights. Anything the government tries to do beyond securing our God-given rights is beyond its proper scope and unconstitutional. I understand that I don't represent your will and wishes. I represent your God-given rights under our Constitution, and will not deviate from these principles if elected.

13179 South 2420 West  
Riverton, UT 84065  
(801) 253-7379  
douglas@dentalbranding.com

# UTAH GOVERNOR AND LIEUTENANT GOVERNOR



**Farley M. Anderson**  
GOVERNOR  
UNAFFILIATED

As an unaffiliated candidate not part of the good old boy network, my only party is the People of Utah. I have not and will not accept corporate contributions.

As your Governor,

- Laws will be enforced equally for everyone, including elected officials;
- Size and cost of government will be reduced;
- Utah will cease being a "sanctuary state" for illegal immigration;
- Individual and state sovereignty will be protected.

I am an entrepreneur, inventor, author, publisher, teacher, lecturer, husband and father of 11— I know how to do more with less.

[www.independencemovement.org](http://www.independencemovement.org)

Give party politics a needed time out. Vote unaffiliated!

417 East 8788 South  
Paradise, UT 84328  
(435) 245-0159  
andersontribe10@yahoo.com  
[www.independencemovement.org](http://www.independencemovement.org)



**Steve Maxfield**  
LT. GOVERNOR  
UNAFFILIATED

**I am the best candidate for Lt. Governor.**

Here's why:  
In recent Supreme Court Cases, Lt. Governor Greg Bell and I represented opposite sides of citizen's rights:

**Sevier Power v Hansen: "Initiatives"**  
Ruling: The Legislature cannot take away fundamental rights protected by the Constitution.

**Anderson v Bell: "Ballot Access"**  
Ruling: Bell exceeded his authority in not accepting E-Signatures for Ballot access.

I'm a Husband and Father, entrepreneur, inventor, and citizen's advocate.

*"With a 20-year track record of defending fundamental rights of Utah citizens, Steve has done more to protect first amendment rights than anyone I know."* Farley Anderson

[www.SteveMaxfield.com](http://www.SteveMaxfield.com)

P.O. Box 179  
Kanosh, UT 84637  
(801) 803-3289  
steve@stevemaxfield.com



**Peter Corroon**  
GOVERNOR  
DEMOCRATIC

As leader of Utah's second largest government, I have a proven track-record of being a fiscal conservative, who focuses on running an open, honest and ethical government. As Governor, I will work hard to create well-paying jobs for our citizens, support local businesses, ensure every child has a quality education and preserve Utah's great quality of life.

My engineering background taught me to be a practical problem-solver. I focus on people and policies, not politics. Representative Sheryl Allen, a Republican, and I have decided to run together this year to represent all Utahns in a bi-partisan way.

770 East South Temple  
Suite 100  
Salt Lake City, UT 84102  
(801) 953-0752  
donald@votecorroon.com  
[www.votecorroon.com](http://www.votecorroon.com)



**Sheryl Allen**  
LT. GOVERNOR  
DEMOCRATIC

I have represented Davis County residents in the Utah Legislature since 1994. My priorities include a strong focus on education, business, ethics reform and transparency in government.

I have a background in education and have served as Special Projects Director for the Davis School District, Co-Chair of the Utah International Trade Commission, Co-Chair of the Economic Development and Revenue Appropriations Committee.

I believe Peter Corroon is the best person for the job of governor and that's why I'm proud to be running as his Lt. governor. It's a bipartisan approach to government in our great state of Utah.

770 East South Temple  
Suite 100  
Salt Lake City, UT 84102  
(801) 295-8576  
donald@votecorroon.com  
[www.votecorroon.com](http://www.votecorroon.com)



# UTAH GOVERNOR AND LIEUTENANT GOVERNOR



**Gary R. Herbert**  
GOVERNOR  
REPUBLICAN

I am honored to serve as Utah's 17<sup>th</sup> Governor.

My priorities for our great State include:

Continuing our successful Economic Development initiatives, attracting new business to Utah and helping our existing businesses to grow and prosper; Leading the state in the Responsible Development of our Energy Resources - Utah is uniquely positioned to play a critical role in helping the nation attain energy independence; Ensuring that the majority of the State's budget continues to be used for Education; Engendering Government Efficiency to make certain Utah taxpayers are well and properly served.

55 East 300 South  
Salt Lake City, UT 84111  
(801) 328-2010  
Gary@GaryHerbert.com  
www.GaryHerbert.com  
Facebook & Twitter:  
HerbertForUtah



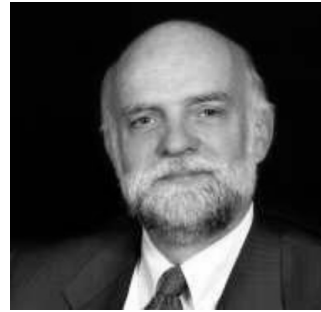
**Greg Bell**  
LT. GOVERNOR  
REPUBLICAN

It has been a pleasure to serve as your Lt. Governor and to serve with Governor Herbert. Together we are working hard to:

1. Help businesses create jobs,
2. Improve public education, and
3. Responsibly develop Utah's natural resources for traditional & alternative energy.

Utah is a great place. We hope for your support as we work to make it even better.

55 East 300 South  
Salt Lake City, UT 84111  
(801) 328-2010  
Greg@GaryHerbert.com  
www.GaryHerbert.com  
Facebook & Twitter:  
HerbertForUtah



**W. Andrew McCullough**  
GOVERNOR  
LIBERTARIAN

As Governor, I will work for smaller government, lower taxes and more freedom in the functions of all government agencies. Utah suffers from diminished tax collections. We must make do with less.

I envision fewer children taken from their families, fewer people going to jail for possession of drugs, less censorship and less misuse of government power. Utah needs more freedom, and fewer "message bills".

I am an attorney with a practice concentrating on individual freedom issues. I know what needs to be done, and I can make a difference.

We need a real change.  
[www.andy4gov.org](http://www.andy4gov.org)

6885 South State #200  
Midvale, UT 84047  
(801) 565-0894  
wandrew@prodigy.net  
[www.andrewmccullough.org](http://www.andrewmccullough.org)



**Aric M. Cramer, Sr.**  
LT. GOVERNOR  
LIBERTARIAN

I took the oath to support, obey and defend the Utah and U.S. constitutions more than two decades ago, and since then have championed Utahns' dignity, rights, progress, and liberties.

The Lieutenant Governor supervises elections. I advocate opening electoral processes to all Utahns; replacing the two-party system protecting the incumbent political cartel from meaningful competition with spoiler-free ranked choice voting and gerrymander-proof proportional representation. These reforms have improved voter engagement and elected official accountability where adopted in America's cities.

Study alternatives to the false choices presented to you by the establishment media. Please vote with courage, integrity, and your conscience.

150 North 200 East  
Suite 101  
St. George, UT 84770  
(435) 627-1565  
ariccramer@gmail.com  
[www.cramerlathamlawyers.com](http://www.cramerlathamlawyers.com)

# UTAH STATE SENATE

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UTAH STATE SENATE 2  
**Democratic**  
**Ben McAdams**  
847 E 17th Avenue  
Salt Lake City, UT 84103  
(801) 618-1946  
benmcadams@gmail.com  
www.benmcadams.com

UTAH STATE SENATE 2  
**Republican**  
**Melvin Dean Nimer**  
464 Edith Avenue  
Salt Lake City, UT 84111  
(801) 657-9611  
mdnimer@comcast.net

UTAH STATE SENATE 3  
**Republican**  
**Lee Brinton**  
4765 Meadowview Road  
Murray, UT 84107  
(801) 599-9382  
brinton417@gmail.com

UTAH STATE SENATE 3  
**Democratic**  
**Gene Davis**  
865 E Parkway Avenue  
Salt Lake City, UT 84106  
(801) 484-9428  
wgDavis@msn.com

UTAH STATE SENATE 4  
**Republican**  
**Doug Greer**  
2380 Summerspring Lane  
Salt Lake City, UT 84124  
(801) 921-6907  
info@votegreer.com  
www.votegreer.com

UTAH STATE SENATE 4  
**Democratic**  
**Patricia W. Jones**  
4571 Sycamore Drive  
Holladay, UT 84117  
(801) 322-5722  
patjones@djasurvey.com  
www.votePatJones.com

UTAH STATE SENATE 5  
**Republican**  
**Samuel Fidler**  
3309 Lamancha Way  
Taylorsville, UT 84118  
(801) 916-4272  
sam@votefidler.org  
www.votefidler.org

UTAH STATE SENATE 5  
**Democratic**  
**Karen Mayne**  
5044 Bannock Circle  
West Valley City, UT 84120  
(801) 968-7756  
karenmayne@gmail.com  
www.karenmayne.com

UTAH STATE SENATE 5  
**Constitution**  
**Jim Peverelle Jr.**  
4164 W Midway Drive  
West Valley City, UT 84120  
(801) 849-1199  
wodan@comcast.net

UTAH STATE SENATE 7  
**Republican**  
**Eric K. Johnson**  
2084 Crystal Avenue  
Salt Lake City, UT 84109  
(801) 484-8873

UTAH STATE SENATE 7  
**Democratic**  
**Ross I. Romero**  
1150 S 1400 E  
Salt Lake City, UT 84105  
(801) 364-2451  
www.rossromero.net

UTAH STATE SENATE 9  
**Democratic**  
**Tyler Ayres**  
2148 E Wasatch Blvd.  
Sandy, UT 84092  
(801) 918-9506  
tyler@ayreslawfirm.com  
www.ayreslawfirm.com

UTAH STATE SENATE 9  
**Republican**  
**Wayne Niederhauser**  
PO Box 901136  
Sandy, UT 84090  
(801) 742-1606  
wniederhauser@gmail.com  
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# B.

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## BALLOT ISSUES

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

Present Language: (1) The members of the House of Representatives, after the first election, shall be chosen by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter.

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

(H.J.R. 8)

# CONSTITUTIONAL AMENDMENT A

## JOINT RESOLUTION REGARDING SECRET BALLOT

2009 GENERAL SESSION

SENATE: 21-8-0

HOUSE: 53-22-0

### BALLOT TITLE

FOR

AGAINST

Shall the Utah Constitution be amended to specify that elections currently required to be by secret ballot include elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee or individual representation?

### IMPARTIAL ANALYSIS

#### Current provisions of the Utah Constitution

The Utah Constitution currently requires all elections to be by secret ballot. That requirement probably already applies to elections to select public officers and elections under state law on initiatives or referenda. However, because the scope of the requirement that "all elections" be by secret ballot is not defined in case law, it is unclear exactly which elections are included within the scope of the requirement.

#### Effect of Constitutional Amendment A

Constitutional Amendment A modifies the scope of the secret ballot requirement. Unless preempted by federal law, the Amendment requires specific types of elections to be by secret ballot.

The Amendment specifies that elections required to be held by secret ballot include elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee or individual representation. An election to designate or authorize employee representation would probably include an election to determine whether or not to form a union or to determine union representation.

#### Effective Date

If approved by voters, Constitutional Amendment A takes effect January 1, 2011.

#### Fiscal Impact

Constitutional Amendment A will have no direct, measurable impact on state or local government costs or revenues.

### ARGUMENT FOR

The secret ballot is a voting method in which your voting choices are confidential. The key aim is to ensure you can cast your vote free from intimidation or bribery.

America first used secret ballots to protect the rights of recently freed slaves after the Civil War. Voter intimidation during southern reconstruction was rampant; African American first-time voters being threatened with physical violence, even lynching, based on how they cast their publicly known ballots.

The secret ballot guarantees that your private opinion counts, not the person peering into your private voting booth. Open ballots are not truly free for people who disagree with the powerful.

## ARGUMENT FOR (CONTINUED)

From the lynching of freed American slaves who dared to vote, to the purple-stained thumbs of voters in newly freed countries, the right to a secret ballot has been won through the spilled blood of freedom-loving patriots. It is the hallmark of a free society that must never be abridged.

Unfortunately the secret ballot is under attack right here in America. President Barack Obama and big labor union bosses are on the verge of passing legislation called the "Employee Free Choice Act," also known as "card check: If they succeed, card check will deny employees the right to cast a secret ballot in union organizing elections.

Rather than holding a monitored workplace election using secret ballots (as has been the case for decades) under Big Labor's card check proposal the union would automatically be created in businesses (with more than ten employees) once the union collects "authorization cards" signed by a majority of the employees. Importantly, under card check, employees wouldn't be able to sign an authorization card privately. Friends, co-workers and union bosses would know exactly who has signed and who hasn't, and could use pressure and intimidation to coerce hold-outs to sign an authorization card.

No questions. No debate. No secret ballot. You're unionized.

The right to vote in private, free from coercion or intimidation, is one of the pillars of our nation and transcends partisanship.

This amendment to the Utah Constitution is simple and straight forward. It simply says that all elections, including elections for employee representation, shall be by secret ballot. By locking this right of secret ballots into the Utah Constitution, Utah will have taken strong and decisive action to guarantee that your right to a secret ballot shall not be infringed. Utah voters cast their votes free from fear of retribution from their government. You deserve the same right to be free of fear of retaliation from their union, their employer and their fellow employees.

If we do not stand up for the secret ballot today, what rights will we be fighting to hold onto tomorrow?

Vote FOR Constitutional Amendment A.

- Representative Carl Wimmer

- Senator Howard Stephenson

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## ARGUMENT AGAINST

Utah's Founding Fathers carefully crafted the Utah Constitution. We believe they got it right the first time. Amending our state Constitution should be undertaken cautiously and only when absolutely necessary and after sound deliberation. It should not be amended cavalierly or for cynical political purposes.

Since its ratification in 1896 the Utah Constitution has guaranteed that "All elections shall be by secret ballot." Amendment A attempts to change the guarantee of election by secret ballot. There is no good reason to meddle with this established tradition now.

Amendment A is a classic example of a solution in search of a problem. The proponents of Amendment A argue that this proposed amendment is necessary to guarantee that our elections are conducted by secret ballot. This is simply not true and ignores the fact that the Utah Constitution as drafted by our state Founding Fathers included in Article IV, Section 8 the guarantee that "All elections shall be by secret ballot." This simple and unambiguous rule has been the law of our land for more than a century. There is no doubt that our elections are conducted by secret ballot. Our secret ballot does not need saving. This right is secure under our current Constitution. In other words, if it isn't broken, don't fix it.

Sadly, Amendment A is nothing more than a "message" bill, imported to Utah from out-of-state. Amendment A is a misguided and cynical attempt to nullify a legislative proposal pending in Congress that seeks to modernize and reform one aspect of our labor laws. Amendment A's proponents will suggest that the Employee Free Choice Act will do away with elections by secret ballot, but this is nonsense. In reality, Amendment A's proponents know that federal law will likely

## ARGUMENT AGAINST (CONTINUED)

supersede this proposed amendment but they are more interested in using our Constitution to provoke a costly lawsuit than in maintaining the sanctity and integrity of the Utah Constitution. We should not let outsiders manipulate us and our state Constitution for their own political agenda.

Amendment A is also flawed in that the Utah Constitutional Revision Commission ("CRC") did not approve the amendment and Amendment A was rushed through the Utah Legislature without proper debate and deliberation. The CRC is the bipartisan body composed of citizens and legislators that is tasked with the responsibility of carefully studying and reviewing proposed constitutional amendments to ensure they are necessary and sound. The CRC was only given half an hour to review Amendment A and ultimately did not approve the amendment. In addition, Amendment A was not considered by the Utah Senate under the regular rules for debating and voting. Instead, Amendment A was rushed through after the rules were suspended. Amendment A was not given the appropriate deliberation and consideration that should be given to a proposal to amend our most important governing document. The Utah Constitution deserves a better process and more consideration.

### **We should all vote NO on Amendment A.**

- Representative David Litvack  
Minority Leader, Utah House of Representatives

- Senator Ben McAdams  
Senator, Utah State Senate

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## REBUTTAL TO ARGUMENT FOR

Rest assured, our fundamental right to a secret election ballot is safe and secure. We all support our right to vote in secret - a right already guaranteed to us by the U.S. Constitution. The special interests behind this well-funded campaign to amend our Utah constitution claim to protect our secret ballot. In reality, their campaign is not about protecting voting rights, but rather, is about squelching signature petitions.

You are being asked to forever close the door on the democratic right of employees to collect signatures as a means of organizing and choosing a representative to be their voice in negotiations with their employer. If the Utah Constitution is rewritten to make signature gathering illegal, the only way left for employees to select representation is through a lengthy, red-tape laden process leading to a labor/management election.

In some cases, the labor/management process works. However, unlike most elections with which we are familiar, labor/management elections are easily manipulated. For example, current laws give employers the right to secretly monitor their employees' email accounts and phone conversations in order to know which employees support and intend to vote for organized representation. Corporations often even fire employees who they think may vote against the corporation's interests in a labor/management election.

Signature petitions are an important tool employee's need when the labor/management election process isn't working. Constitutional Amendment A will permanently revoke this right to employees' signature petitions. Vote NO on Constitutional Amendment A.

- Representative David Litvack  
House Minority Leader

- Senator Ben McAdams  
Utah State Senate

# COMPLETE TEXT CONSTITUTIONAL AMENDMENT A

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## Utah Constitution Sections Affected:

AMENDS:

### ARTICLE IV, SECTION 8

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

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

#### **Article IV, Section 8. [Election to be by secret ballot.]**

(1) All elections, including elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee representation or individual representation, shall be by secret ballot.

(2) Nothing in this section [shall] may be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election[: Provided, That], as long as secrecy in voting [be] is preserved.

#### **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, 2011.

(S.J.R. 8)

# CONSTITUTIONAL AMENDMENT B

## RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE

2009 GENERAL SESSION

SENATE: 28-0-1  
HOUSE: 72-0-3

### BALLOT TITLE

FOR

AGAINST

Shall the Utah Constitution be amended to:

- specify the residency requirements for a person appointed to fill a vacancy in the office of state senator or state representative; and
- prohibit a person appointed to the office of state senator or state representative from continuing to serve in that office if the person ceases to be a resident of the district for which the person was appointed?

### IMPARTIAL ANALYSIS

Constitutional Amendment B modifies a provision of the Utah Constitution regarding eligibility requirements for the office of state senator or state representative. The Amendment requires a person appointed to fill a mid-term vacancy in one of those offices to be a resident of the state for three consecutive years immediately before appointment and a resident of the legislative district for six consecutive months immediately before appointment.

The Amendment also prohibits a person appointed to fill a vacancy in a legislative office from continuing to serve in office after ceasing to be a resident of the district for which the person was appointed.

#### Current provisions of the Utah Constitution

The Utah Constitution currently states that a person is not eligible for the office of state senator or representative unless the person meets certain requirements, including residency requirements. The residency requirements are that a person must be a resident of the state for three consecutive years immediately before the deadline for filing for office and a resident of the district from which the person is elected for six consecutive months immediately before the filing deadline. The requirement to be a resident of the state for three years is phrased in terms that may apply to both a person who is elected to office and a person who is appointed to fill a mid-term vacancy. The requirement to be a resident of the legislative district for six months is phrased in terms that apply only to a person who is elected to office.

The Utah Constitution also prohibits a person who is elected to a legislative office from continuing to serve in that office after ceasing to be a resident of the district from which the person was elected. This provision is phrased in terms that apply only to a person who is elected to office and not to a person who is appointed to fill a mid-term vacancy.

#### Effect of Constitutional Amendment B

Constitutional Amendment B specifically addresses residency requirements for a person who is appointed to fill a mid-term vacancy in a legislative office. The Amendment requires a person appointed to fill a vacancy to be a resident of the state for three consecutive years immediately before the person's appointment and a resident of the legislative district for six consecutive months immediately before the person's appointment.

The Amendment also prohibits a person appointed to fill a vacant legislative office from continuing to serve in that office if the person ceases to be a resident of the district for which the person was appointed.

#### Effective Date

If approved by voters, Constitutional Amendment B takes effect January 1, 2011.

#### Fiscal Impact

Constitutional Amendment B will have no direct, measurable impact on state or local government costs or revenues.

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## ARGUMENT FOR

Amendment "B" is designed to apply the same eligibility requirements, whether a person is *elected* or *appointed* to serve in a legislative office.

The current constitutional provision applies only to persons who are *elected* to the legislature. A person seeking election must meet two residency requirements. **First**, the person must have been a resident of Utah for at least three consecutive years immediately before the deadline for filing a declaration of candidacy. **Second**, also immediately before that deadline, the person must have been a resident of the legislative district for at least six consecutive months.

Amendment "B" simply imposes the same residency requirements on persons *appointed* to fill the unexpired term of a legislator who leaves office in mid-term. However, the crucial date is the date of *appointment* rather than the date of *filing* for election. A person appointed to fill a vacancy must have been a resident of Utah for at least three consecutive years immediately prior to the date of *appointment*. The person must also have been a resident of the legislative district that will be represented for at least six consecutive months immediately prior to the date of *appointment*.

Amendment "B" goes on to clarify that the *continuing residency requirement* within the district applies not only to a person *elected* but also to a person *appointed*. In either case, if a legislator ceases to reside in the legislative district, the eligibility to represent that district also ends.

CITIZENS SHOULD VOTE YES FOR THIS AMENDMENT. It is a common sense clarification required to make certain that state representatives and state senators live among the people whom they represent. The Utah Constitutional Revision Commission favorably recommended this amendment and adoption of this amendment was unanimously endorsed by both the Utah House of Representatives and the Utah State Senate.

- Former Senator Scott McCoy
- Representative Kay McIff

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## ARGUMENT AGAINST

No argument submitted.

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## COMPLETE TEXT CONSTITUTIONAL AMENDMENT B

### Utah Constitution Sections Affected:

AMENDS:

#### ARTICLE VI, SECTION 5

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

Section 1. It is proposed to amend Utah Constitution Article VI, Section 5, to read:

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

~~[No]~~ *(1) A person ~~[shall be]~~ is not eligible to the office of senator or representative ~~[who]~~ unless the person is ~~[not]~~:*

*(a) a citizen of the United States;*

*(b) at least twenty-five years of age;*

*(c) a qualified voter in the district from which the person is chosen;*

*(d) a resident of the state for three consecutive years immediately prior to:*

*(i) the last date provided by statute for filing for the office, for a person seeking election to the office; or*

*(ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and*

*(e) (i) a resident of the district from which the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office~~[-No]~~; or*

*(ii) a resident of the district for which the person is appointed to fill a mid-term vacancy for six consecutive months immediately prior to the person's appointment.*

## COMPLETE TEXT CONSTITUTIONAL AMENDMENT B (CONTINUED)

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*(2) A person elected or appointed to the office of senator or representative [~~shall~~] may not continue to serve in that office after ceasing to be a resident of the district from which elected or for which appointed.*

**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, 2011.*



(H.J.R. 2)

# CONSTITUTIONAL AMENDMENT C

## RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES

2010 GENERAL SESSION

SENATE: 24-0-5

HOUSE: 70-0-5

### BALLOT TITLE

FOR

AGAINST

Shall the Utah Constitution be amended to provide a property tax exemption to nonprofit entities for their:

- water rights and specified facilities used within the state to irrigate land, provide domestic water, or provide water to a public water supplier; and
- land occupied by and, under certain conditions, immediately adjacent to some of those facilities?

### IMPARTIAL ANALYSIS

Constitutional Amendment C provides a property tax exemption for certain property owned by nonprofit entities if the property is used to irrigate land, provide domestic water, or provide water to a public water supplier. It also provides an exemption for land occupied by or adjacent to some of that exempt property, under certain circumstances.

#### Current provisions of the Utah Constitution

The Utah Constitution currently provides a property tax exemption for all government owned and some privately owned water rights and facilities used to produce, treat, store, and distribute water in the state. Privately owned water rights and facilities are exempt only if the owner of the water rights and facilities uses them to irrigate the owner's own land within the state. The Utah Constitution does not presently provide a property tax exemption for privately owned water rights and facilities used to provide water for purposes other than the irrigation of land owned by the owner of the water rights and facilities.

#### Effect of Constitutional Amendment C

Constitutional Amendment C makes water rights and certain facilities owned by nonprofit entities exempt from property taxes if the water rights and facilities are used within the state to irrigate land, provide domestic water, or provide water to a public water supplier. Under a bill that becomes effective if Constitutional Amendment C is approved by voters, domestic water is defined as water used for a residential or commercial use, including the outdoor watering of vegetation.

Constitutional Amendment C also provides an exemption for land that is occupied by an exempt reservoir, ditch, canal, or pipe if that land is owned by the same nonprofit entity that owns the reservoir, ditch, canal, or pipe. The Amendment also makes land exempt from property taxes if the land: is adjacent to an exempt reservoir, ditch, canal, or pipe; is owned by the same nonprofit entity that owns the reservoir, ditch, canal, or pipe; and is reasonably necessary for the maintenance of the reservoir, ditch, canal, or pipe or is reasonably necessary for supporting their operation.

#### Effective date

If approved by voters, Constitutional Amendment C takes effect January 1, 2011.

#### Fiscal impact

Constitutional Amendment C will reduce the property tax liability of certain water-providing nonprofit entities by an estimated cumulative amount of \$400,000 per year. These tax savings could potentially translate into a cost saving for local water authorities that use water provided by the nonprofit entities. The reduction of the nonprofit entities' tax liability will not decrease local government revenue because the \$400,000 tax burden will shift from the nonprofit entities to other taxpayers. The Amendment will have no direct, measurable impact on state government costs or revenues.

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## ARGUMENT FOR

Water is Utah's most important and precious public resource. The framers of our Utah Constitution appropriately exempted from property tax, the physical facilities needed to capture, store, treat and deliver water to cities, special districts, and farmers. The drafters of our Constitution correctly reasoned that an additional tax on these water facilities would only hinder the orderly development of Utah.

Recently the question has arisen regarding the taxation of water facilities of non-profit water companies that deliver culinary and irrigation water to their members. Many of these companies have been in existence for over a hundred years and are the only source of drinking water in their community.

Constitutional Amendment C exempts water facilities of non-profit companies from property tax. This exemption is appropriate and fair for two reasons. First, nearly all similar water facilities are already exempt from property taxes. Second, those served by non-profit water companies already pay property taxes on the increased value of their property due to the availability of the water service provided by the non-profit water company. Without this exemption the members of these non-profit companies are subject to unfair double taxation that other culinary, domestic and agricultural users are not subject to.

This proposed amendment had six public hearings before being unanimously passed by both the Utah House and Senate. The Constitutional Revision Commission, the State Water Development Commission, and the Executive Water Task Force all voted unanimously to support this fair and equitable change to our Constitution.

We encourage you to vote For Constitutional Amendment C.

Respectfully,  
-Representative Patrick Painter  
House Chairman, State Water Development Commission  
-Steve Urquhart  
State Senator, District 29

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## ARGUMENT AGAINST

No argument submitted.

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## COMPLETE TEXT CONSTITUTIONAL AMENDMENT C

### Utah Constitution Sections Affected:

AMENDS:

#### ARTICLE XIII, SECTION 3

*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 3, to read:

#### **Article XIII, Section 3. [Property tax exemptions.]**

- (1) The following are exempt from property tax:
- (a) property owned by the State;
  - (b) property owned by a public library;
  - (c) property owned by a school district;
  - (d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
  - (e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
  - (f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
  - (g) places of burial not held or used for private or corporate benefit;
  - (h) farm equipment and farm machinery as defined by statute; ~~and~~

## COMPLETE TEXT CONSTITUTIONAL AMENDMENT C (CONTINUED)

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(i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:

(i) within the State; and

(ii) owned by the individual or corporation, or by an individual member of the corporation[-]; and

(j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, as defined by statute, or provide water to a public water supplier:

(A) water rights; and

(B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by statute, other water infrastructure;

(ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection

(1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or pipe; and

(iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is:

(A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or pipe; and

(B) reasonably necessary for the maintenance or for otherwise supporting the operation of the reservoir, ditch, canal, or pipe.

(2) (a) The Legislature may by statute exempt the following from property tax:

(i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;

(ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;

(iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;

(iv) up to 45% of the fair market value of residential property, as defined by statute;

(v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home; and

(vi) tangible personal property that, if subject to property tax, would generate an inconsequential amount of revenue.

(b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.

(3) The following may be exempted from property tax as provided by statute:

(a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State; and

(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:

(i) is described in Subsection (3)(a); or

(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State.

(4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.

### Section 2. **Submission 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, 2011.

(H.J.R. 15)

# CONSTITUTIONAL AMENDMENT D

## RESOLUTION ON LEGISLATIVE ETHICS COMMISSION

2010 GENERAL SESSION

SENATE: 25-4-0

HOUSE: 70-3-2

### BALLOT TITLE

FOR

AGAINST

Shall the Utah Constitution be amended to:

- establish a five-member legislative ethics commission whose members may not include sitting legislators or registered lobbyists;
- authorize the commission to conduct an independent review of complaints alleging unethical legislative behavior; and
- authorize the Legislature to provide for:
  - procedures and requirements for filing a complaint;
  - the qualifications, appointment, and terms of commission members; and
  - commission duties, powers, operations, and procedures?

### IMPARTIAL ANALYSIS

Constitutional Amendment D establishes a five-member legislative ethics commission with authority to conduct an independent review of complaints alleging unethical legislative behavior.

#### Current provisions of the Utah Constitution

The Utah Constitution currently authorizes the Utah House of Representatives to punish a member of the House, and the Utah Senate to punish a member of the Senate, for "disorderly conduct." Although "disorderly conduct" is not defined in the Utah Constitution, the Legislature has interpreted that term to refer to a violation of the Legislature's Code of Official Conduct or to a legislator's improper conduct while acting as a legislator that would reflect discredit upon the House or Senate. The Utah Constitution also authorizes the House and Senate, with a two-thirds vote, to expel a member of its respective house for cause. The Utah Constitution does not specify the process that the House or Senate must use to decide whether to punish or expel a member but leaves it to each house to define that process.

#### Effect of Constitutional Amendment D

Constitutional Amendment D establishes a legislative ethics commission to participate in the process of evaluating complaints alleging unethical legislative behavior. Under the Amendment, the legislative ethics commission has authority to conduct an independent review to determine whether a complaint merits further consideration by the house of the member against whom the complaint is made. The decision whether to punish or expel a member of the Utah House of Representatives would remain with the House, and the decision whether to punish or expel a member of the Utah Senate would remain with the Senate.

The Amendment requires the legislative ethics commission to have five members. It prohibits a sitting legislator or registered lobbyist from being a member of the commission.

The Amendment also authorizes the Legislature to provide in its internal rules for:

- 1) the procedures and requirements for filing a complaint alleging unethical legislative behavior;
- 2) the qualifications, appointment, and terms of commission members; and
- 3) the duties, powers, operations, and procedures of the commission.

Constitutional Amendment D does not affect the authority of the House or Senate to establish internal rules to govern other aspects of the process of determining whether to punish or expel a member.

#### Effective date

If approved by voters, Constitutional Amendment D takes effect January 1, 2011.

## IMPARTIAL ANALYSIS (CONTINUED)

### **Fiscal impact**

Costs to the state associated with Constitutional Amendment D will depend on the content of legislative rules allowed under the Amendment. Based on current legislative rules, costs could range from \$700 per year to significantly higher, depending on the number of complaints filed and the nature of those complaints. Constitutional Amendment D will have no direct, measurable impact on state revenues or on local government costs or revenues.

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## ARGUMENT FOR

The Constitution of the State of Utah requires that, “Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct.” This provision, which can also be found in our inspired U.S. Constitution, is critical to maintaining a healthy government and ensuring appropriate checks and balances between each branch of government.

Constitutional Amendment D preserves that power and creates a Legislative Ethics Commission with the authority to independently review alleged unethical behavior in the Legislative Branch of government. This provision is patterned after the Judicial Conduct Commission, which has been well-tested and effective in the Judicial Branch.

Unfortunately, trust in government throughout the world is low. We have been fortunate in Utah to have honest, ethical government that is responsive to citizens. The leaders of this State, of both parties, have helped create a foundation of good management and fiscal discipline. It is important that we maintain principled, ethical institutions so that our economy can be strong and so that Utah remains the best place in the nation to raise a family, to work and to play.

Creation of this Ethics Commission will strengthen our legislative branch and see that breaches of ethics are properly handled. It allows for independent reviews of ethics complaints, but also provides a process to ensure that complaints have merit and are not submitted only for partisan political purposes.

Constitutional Amendment D ensures that legislative ethics complaints will be considered by an independent panel of distinguished Utahns. It does not allow sitting legislators or lobbyists to participate in this process.

Most Utahns clearly want their legislators to work cooperatively with one another to accomplish the work of the state. Although there have been, and always will be, disagreements over important policy matters, we are in full accord, as Republicans and Democrats, that ethics is not an issue over which we should fight. We have worked cooperatively with legislators of both parties to develop and submit this Ethics Commission amendment. It passed both the Senate and House in the 2010 legislative session with near-unanimous support.

This constitutional amendment will forever enshrine an Ethics Commission in the Constitution, helping ensure honorable behavior and good government in our state.

### **PLEASE VOTE FOR CONSTITUTIONAL AMENDMENT D.**

--Representative David Clark

Speaker, Utah House of Representatives

--Representative David Litvack – Minority Leader, Utah House of Representatives

--Senator John Valentine – Former President, Utah State Senate

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## ARGUMENT AGAINST

Last session, I voted against the constitutional amendment regarding ethics reform and here are a couple of reasons why I believe the public should also vote AGAINST this ballot initiative.

1. First, the only reason this measure is on the ballot is because it was a political reaction to the Ethics Reform petition that was being circulated. This amendment was proposed to counter this initiative, so it would appear the legislature was addressing the voters' concerns, using "let's show them we're doing something" tactics.
2. Passing this initiative will not guarantee your elected official will truly represent you and be honest in their dealings with others and do what's best for the people.
3. Because a person's integrity is born from within, we as voters need to do a better job of knowing our candidates before we elect them, so we know we can trust them before they are sworn into an office of public trust.
4. Voting for this ballot initiative will not guarantee checks and balances, accountability, responsibility, or whether or not someone has integrity. Voting for this initiative will not guarantee that those we elect to office of public trust will be ethical and have moral integrity.

This proposal is not in the best interest of the voters of the State of Utah. As you cast your vote regarding this ballot initiative, please remember, ethics and integrity come from within. Use your integrity. Do the right thing and vote NO on this proposal.

Signed Rep. Neil Hansen

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Only citizens who are serious about their responsibilities of discernment and election can ensure their legislature is moral. "Ethics" legislation, topped off by this proposed Independent Commission will not make angels of us all. This will do very little to stop the truly ambitious and evil among us.

Only your vote can do that.

Ever-tightening ethics regulations will set up a convoluted system where groups who fail at the ballot box can promote their political agenda under the guise of ethics complaints. Your elected representatives could have their reputations destroyed on technicalities that are not morally wrong.

Consider, for a moment, the many opportunities citizens have to screen and scrutinize public officials:

- The moment an individual registers as a candidate for political office, he or she enters a glass house for all to inspect;
- Public and media scrutiny during the campaign, driven by public interest;
- Elections;
- Performance in office; and
- Re-Elections.

The current process places you, the citizen, in full control of ethics violations. In fact, you ARE the ethics committee, because YOU decide whether a candidate is allowed to serve.

Do not use ethics legislation as a feel-good crutch when the real problem is that too many citizens fail to properly scrutinize candidates before they vote.

There are no short cuts to running a proper democratic republic.

Don't be fooled. Ethics cannot be legislated. Please vote no on Amendment D.

Chris Buttars  
Utah State Senator

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## REBUTTAL TO ARGUMENT FOR

Creation of this Ethics Commission will do nothing. The power of the ethics committee is now in the hands of the party leaders of the legislature on both sides. The way to get appointed to this committee is to show favoritism to those party leaders. There are no checks and balances in place. The only real way to have a good ethics committee is to allow all members of the legislature pick the members of the ethics committee by secret vote, This would take away, fear or favoritism, from the party leaders and would cure the problem. This would ensure the necessary checks and balances in the ethics committee. There's too much power given to the party leaders and this is what needs to change.

Therefore you should vote NO on Constitutional amendment D.

Representative Neil Hansen  
House District # 09

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Changing the core structure of our government to add another layer of bureaucracy is wrong.

The legislature is supposed to handle her own problems and regulate her own affairs. This element was put into the constitution for a reason.

The voters ARE the Independent Ethics Committee. There should be no bureaucratic buffer zone between the People and their elected representatives.

We should be about the business of limiting layers of bureaucracy, not adding more.

We can dream bright ideas up all day, but we need to be very cautious about changing the fundamental founding document of our state.

Amendment D is wrong. Please vote against it.

D. Chris Buttars  
Utah State Senator, District 10

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## REBUTTAL TO ARGUMENT AGAINST

Our colleagues are correct when they say rules cannot force anyone to act with integrity. That comes from inside. They are right when they say voters are the final 'ethics committee'. In a democratic republic there is no workable substitute for educated, engaged citizens.

However, we firmly believe citizens should have a reasonable expectation that

- 1) Legislators will act honorably while representing them in office,
- 2) Ethical breaches will be dealt with appropriately, and
- 3) Citizens will be fully informed of credible accusations of wrongdoing.

We have worked hard to form a new system that will do just that, and the Independent Ethics Commission plays an essential role. It is charged with investigating complaints in a manner that is fair to the innocent and uncompromising to the guilty. When wrongdoing is found the information will be made public and the issue will move to a very public hearing. This idea precedes the UEG initiative. It was extensively reworked in public meetings throughout the summer of 2009 and approved in 2010.

## REBUTTAL TO ARGUMENT AGAINST (CONTINUED)

Utahns are ethical people, and the makeup of the legislature tends to reflect that. Last year the Center for Competitive Politics rated government corruption in Utah seventh lowest out of 50 states. However, no state is perfect and no human infallible. We believe the Independent Ethics Commission is essential as we move forward, and we believe it should be given a permanent place in government by including it in the Utah Constitution.

Please vote yes on Amendment D. Thank you.

David Clark  
Speaker of the House

John Valentine  
State Senator

David Litvack  
House Minority Leader

## COMPLETE TEXT CONSTITUTIONAL AMENDMENT D

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### Utah Constitution Sections Affected:

AMENDS:

#### ARTICLE VI, 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 VI, Section 10, to read:

#### **Article VI, Section 10. [Each house to be judge of election and qualifications of its members -- Expulsion -- Legislative ethics commission.]**

*(1) Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.*

*(2) (a) There is established a legislative ethics commission with authority to conduct an independent review of each complaint alleging unethical legislative behavior, to determine whether the complaint merits further consideration by the house of the member against whom the complaint is made.*

*(b) (i) The commission shall consist of five members.*

*(ii) A commission member may not be a sitting legislator or a person who is registered as a lobbyist.*

*(c) The Legislature may by rule provide for:*

*(i) procedures and requirements for filing a complaint alleging unethical legislative behavior;*

*(ii) the qualifications, appointment, and terms of commission members; and*

*(iii) commission duties, powers, operations, and procedures.*

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, 2011.*



# C.

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## JUDGES

### **Notice of Change:**

Municipal judges are now voted on by voters in the entire county. Your ballot may contain judges from municipalities you do not reside in.

# INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOT

## Merit Selection of Judges

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

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

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

## Judicial Retention Elections

Under the Utah Constitution, judges must stand for retention election at the end of each term of office. The public has the opportunity to vote whether to retain the judge for another term. Before a judge stands for retention election, he or she is evaluated by the Judicial Council. The Judicial Council is established by the Utah Constitution as the policy making body for the judicial branch of government and is required by its own rules and by statute to evaluate the performance of all judges. As a result of the evaluation, the Judicial Council certifies whether the judge is qualified for retention election. The results of individual evaluations are published in the voter information pamphlet.

## Performance Evaluation Program

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

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

The evaluation of each judge's performance is conducted every two to four years depending on when the judge is standing for retention election. An independent surveyor conducts a poll of lawyers appearing before each judge and asks the lawyer to anonymously evaluate the judge based on several criteria. In addition, a similar survey of jurors is conducted for district court judges. Before the close of a judge's term of office, the Judicial Council reviews the results of the attorney and juror polls and other standards of performance and determines whether the judge is qualified for retention.

## Criteria for Performance Evaluation

### (A) Integrity:

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

### (B) Knowledge and understanding of the law:

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

### (C) Ability to communicate:

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

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

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

### (E) Skills as a manager:

- (1) devoting appropriate time to all pending matters;
- (2) discharging administrative responsibilities diligently;

# INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOT

(3) where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases.

## **(F) Punctuality:**

- (1) the prompt disposition of pending matters;
- (2) meeting commitments on time and according to rules of the court; and
- (3) compliance with the case processing time standard established by the Council.

## **(G) Service to the profession and the public:**

- (1) attendance at and participation in judicial and continuing legal education programs;
- (2) consistent with the Code of Judicial Conduct, participation in organizations devoted to improving the justice system;
- (3) consistent with the highest principles of the law, ensuring that the court is serving the public and the justice system to the best of its ability and in such a manner as to instill confidence in the court system; and
- (4) service within the organizations of the judicial branch of government and in leadership positions within the judicial branch of government, such as presiding judge, Judicial Council, Boards of Judges, and standing and ad hoc committees.

## **(H) Effectiveness in working with other judges, commissioners and court personnel:**

- (1) when part of a multi-judge panel, exchanging ideas and opinions with other judges during the decision-making process;
- (2) critiquing the work of colleagues;
- (3) facilitating the administrative responsibilities of other judges and commissioners; and
- (4) effectively working with court staff.

## **Minimum Standards for Performance**

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

- ◇ A minimum score of 70% on at least 75% of the questions on the attorney survey.
- ◇ A minimum score of 70% on at least 75% of the questions on the juror survey.
- ◇ For justices of the Supreme Court, circulating no more than six principal opinions more than 6 months after submission.
- ◇ For judges of the Court of Appeals, circulating no more than six principal opinions more than 6 months after submission and achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.

- ◇ For judges of the trial courts, no cases under advisement for more than 6 months and not more than an average of three cases per calendar year under advisement more than two months with no more than half of the maximum exceptional cases in any one calendar year.
- ◇ At least 30 hours of judicial education per year.
- ◇ Substantial compliance with the Code of Judicial Conduct.
- ◇ Physical and mental fitness for office.

If the Council finds the judge met the performance standards, it is presumed the Council will certify the judge for election. If the Council finds the judge did not meet the performance standards, it is presumed the Council will not certify the judge for election. A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

- (a) reliable information showing non-compliance with a performance standard; or
- (b) formal or informal sanctions by the Supreme Court of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

## **Attorney Survey Questions**

A random sample of attorneys appearing before each judge was asked to rate the judge as “excellent,” “more than adequate,” “adequate,” “less than adequate,” and “inadequate” on the following questions. A favorable response is “excellent,” “more than adequate,” or “adequate.” To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%. There are no surveys for justice court judges.

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

- 1) Behavior is free from impropriety and the appearance of impropriety.
- 2) Behavior is free from bias and favoritism.
- 3) Avoids ex parte communications.
- 4) Understands the rules of procedure and evidence.
- 5) Understands the substantive law.
- 6) Perceives legal and factual issues.
- 7) Maintains the quality of questions and comments during oral argument.
- 8) Demonstrates appropriate demeanor.
- 9) Opinions are scholarly and well written.
- 10) Overall, the performance of this justice or judge is:

# INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOT

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## Questions of Attorneys About District and Juvenile Court Judges

- 1) Behavior is free from impropriety and the appearance of impropriety.
- 2) Behavior is free from bias and favoritism.
- 3) Avoids ex parte communications (contact with one party without the other parties present).
- 4) Understands the rules of procedure and evidence.
- 5) Perceives legal and factual issues.
- 6) Is prepared for hearings and trials.
- 7) Demonstrates appropriate demeanor.
- 8) Maintains order in the courtroom.
- 9) Gives parties a fair opportunity to present the case.
- 10) Oral and written decisions and orders are clear and well reasoned.
- 11) Issues orders and opinions without unnecessary delay.
- 12) Effectively uses pretrial procedures to narrow and define the issues.
- 13) Overall, the performance of this judge or commissioner is:

## Juror Survey Questions

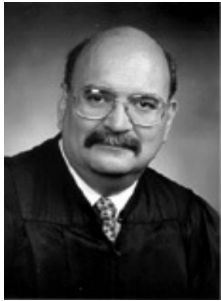
All jurors trying a case before a district court judge were asked to answer “yes” or “no” to each of the following questions. To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%. There are no jurors in the Supreme Court, Court of Appeals, or juvenile court, and some district court judges are assigned only cases for which there are no jury trials.

## Questions of Jurors About District Court Judges

- 1) Did the judge conduct the trial in a fair and impartial manner?
- 2) Did the judge clearly explain court procedures?
- 3) Did the judge clearly explain the jury's responsibilities?
- 4) Did the judge treat people with patience, courtesy and respect?
- 5) Did the judge pay attention?
- 6) Did the judge, to the extent possible, conduct the trial without unexplained delays?
- 7) Did the judge allow sufficient recesses to attend to your personal needs?
- 8) Overall, is the judge a good judge?

Justices of the Supreme Court and judges of the Court of Appeals are statewide offices and appear on the ballots of every county. Judges of the district court and juvenile court appear on the ballots of the counties within their respective judicial districts. Judges of the justice court appear on the ballots of the counties or precincts of their court. All judges were certified by the Utah Judicial Council for retention in the 2010 General Election. The judges standing for this election are as follows:

# COURT OF APPEALS



**Judge William A. Thorne, Jr.**  
Court of Appeals  
(All Counties)

Judge William Thorne, Jr. was appointed to the Utah Court of Appeals in May 2000 by Gov. Michael Leavitt. He was a judge in the Third Circuit Court for eight years and served in the Third District Court for six years. Judge Thorne received a B.A. from the University of Santa Clara in 1974 and a J.D. from Stanford Law School in 1977. Judge Thorne has served on numerous national organizations related to children, including among others the Board of Directors for National CASA, the ABA Committee on the Unmet Legal Needs of Children, the PEW Commission on Children in Foster Care and is currently serving on the Board of Directors for the Evan B. Donaldson Adoption Institute. He is a former member of the Utah Judicial Council, the Board of Circuit Court Judges, and the Board of Directors for the National Indian Court Judges Association.

Judge Thorne's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) Had more than the maximum allowable cases held under advisement, but showed good cause why he should nevertheless be certified.
- 3) Had at least 30 hours of continuing judicial education annually during his term.
- 4) Mentally and physically fit for office.
- 5) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys                      There were 84 respondents for Judge Thorne.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10
Total Favorable	%	94	89	100	87	82	83	89	96	78	81
Excellent	%	59	55	67	41	37	35	43	57	32	42
More than Adequate	%	17	19	16	26	26	27	25	25	29	24
Adequate	%	18	15	17	20	19	22	21	14	17	15
Less than Adequate	%	2	5	0	5	6	10	6	2	13	13
Inadequate	%	4	6	0	8	12	7	5	1	9	6

# THIRD JUDICIAL DISTRICT



Judge Judith Atherton was appointed to the Third District Court in August 1995 by Gov. Michael Leavitt. Judge Atherton received a juris doctor from the University of Utah College of Law in 1983. She has served as counsel for the Legal Aid Society of Salt Lake and as an Assistant Attorney General in the Criminal Appeals Division. Judge Atherton has been co-chair of the Standing Committee on Children and Family Law, served on the Committee for Improvement of Jury Service, and the Board of District Court Judges. Currently, she is a member of the Commission on Criminal and Juvenile Justice and the Utah Judicial Council. Judge Atherton is assigned to the criminal division of the Third District Court and since 2004 has supervised the Third District Mental Health Court, a calendar that addresses the needs of mentally ill defendants in the criminal justice system.

Judge Atherton's compliance with performance standards is as follows:

**Judge  
Judith S. H. Atherton**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during her term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

## Survey of Attorneys

There were 108 respondents for Judge Atherton.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	87	82	95	86	86	96	90	98	90	90	92	96	90
Excellent	%	47	42	49	48	47	51	47	59	46	47	44	50	44
More than Adequate	%	28	28	33	29	27	31	22	23	27	31	33	28	25
Adequate	%	13	12	13	9	12	14	20	16	17	12	15	18	20
Less than Adequate	%	8	11	3	6	6	1	4	1	6	6	3	2	5
Inadequate	%	5	7	2	8	8	3	6	1	5	4	5	2	6

## Survey of Jurors

There were 133 respondents for Judge Atherton.

Yes	%	100	100	100	100	99	98	99	100
No	%	0	0	0	0	1	2	1	0

# THIRD JUDICIAL DISTRICT



Judge Terry Christiansen was appointed to the Third District Court in July 2000 by Gov. Michael Leavitt. He received his law degree from the University of Utah School of Law in 1975. Judge Christiansen was the chief deputy Summit County attorney, a Park City prosecutor, and was in private practice with the law firm of Adkins & Christiansen. Judge Christiansen started his legal career with the law firm of Roe & Fowler. Judge Christiansen has more than 20 years experience as a county attorney and city prosecutor. He also served 10 years as a small claims judge. Judge Christiansen serves on the Board of District Court Judges, the Court's Grand Jury Committee, the State Law Library Committee, and the Third District Administrative Committee. He served 8 years on the Utah Sentencing Commission and is a former member of the Utah Sexual Violence Council.

**Judge  
Terry L. Christiansen**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

Judge Christiansen's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 105 respondents for Judge Christiansen.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	95	90	99	96	93	99	99	100	97	93	97	95	94
Excellent	%	58	46	59	43	44	46	51	57	47	38	46	44	44
More than Adequate	%	20	24	24	35	34	34	27	29	32	36	34	33	30
Adequate	%	18	20	15	18	16	19	21	14	18	19	18	17	20
Less than Adequate	%	3	7	1	1	3	0	1	0	2	5	2	3	5
Inadequate	%	2	4	0	3	4	1	0	0	1	3	1	2	1

**Survey of Jurors**

There were 104 respondents for Judge Christiansen.

Yes	%	100	100	100	100	100	99	100	100
No	%	0	0	0	0	0	1	0	0



Judge James R. Michie, Jr. was appointed to the Third District Juvenile Court in October 2006 by Governor Jon M. Huntsman, Jr. Judge Michie serves Salt Lake, Summit and Tooele counties. Judge Michie graduated cum laude in 1986 from the University of Utah with an Honors Bachelor of Arts Degree in Political Science, and received a Juris Doctor Degree from the University of Utah College of Law in 1989. After graduating from law school, Judge Michie was an Associate Attorney with the law firm of Ballard, Spahr, Andrews & Ingersoll practicing in the area of public finance. He served as a Guardian ad Litem from September 1999 until his appointment to the bench. Judge Michie served on the Children's Justice Center Board for several years. He was appointed to the Utah Board of Juvenile Justice in August 2008. Judge Michie serves as the associate presiding judge.

**Judge  
James R. Michie, Jr.**  
Juvenile Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

Judge Michie's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) Had fewer than the maximum allowable cases held under advisement.
- 3) Had at least 30 hours of continuing judicial education annually during his term.
- 4) Mentally and physically fit for office.
- 5) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 72 respondents for Judge Michie.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	97	94	97	93	93	94	92	92	99	89	94	90	94
Excellent	%	59	57	53	40	43	52	58	50	65	47	50	44	54
More than Adequate	%	23	24	27	31	26	23	25	26	17	18	29	27	21
Adequate	%	15	14	17	22	24	20	8	15	17	24	15	19	19
Less than Adequate	%	1	4	1	6	6	1	7	4	0	10	5	6	4
Inadequate	%	1	1	1	1	1	4	1	4	1	2	2	3	1



# THIRD JUDICIAL DISTRICT



Judge L.A. Dever was appointed to the Third District Court in August 1995. He serves Salt Lake, Summit, and Tooele counties. Judge Dever received his B.S. degree from the University of Utah and graduated from the University of Houston Law School in 1975. His first position was with the firm of Stephens & Associates in Houston. After his move to Salt Lake, he worked as a prosecutor from 1978 to 1982 in the Salt Lake County Attorney's office. He was a partner in the Vernal law firm of McRae & DeLand from 1982 to 1987. Judge Dever accepted a position as Assistant Attorney General and for the next eight years served in several capacities in the Attorney General's Office, including that of Deputy Solicitor General. At the time of his appointment to the bench, Judge Dever was serving as Chief of the Public Affairs Division in the Attorney General's Office.

Judge Dever's compliance with performance standards is as follows:

## Judge

### L.A. Dever

District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 100 respondents for Judge Dever.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	87	89	98	88	85	93	76	98	85	84	88	89	84
Excellent	%	31	33	41	29	27	32	20	39	28	31	26	32	24
More than Adequate	%	30	26	33	37	35	28	25	33	28	19	30	28	32
Adequate	%	25	31	23	22	23	33	32	26	28	34	32	29	28
Less than Adequate	%	10	10	2	9	10	6	9	2	9	7	8	7	11
Inadequate	%	3	1	0	3	5	1	15	0	6	9	5	4	5

#### Survey of Jurors

There were 32 respondents for Judge Dever.

Yes	%	100	97	100	100	100	100	100	100	100
No	%	0	3	0	0	0	0	0	0	0



Judge Frederic Oddone was appointed to the Third District Juvenile Court in 1994 by Gov. Michael Leavitt. He received a law degree from the University of Utah in 1972. Before his appointment he was a Deputy Salt Lake County Attorney in the criminal division. Judge Oddone has served on the Advisory Committee on Juvenile Court Procedure, the Salt Lake City Gang Task Force On Violence, the Judicial Council's Task Force on Juvenile Court Organization, the Family Court Task Force, and chaired the Task Force on Court Security. He served on the Salt Lake Criminal Justice Advisory Council and is currently on the Sentencing Commission. Judge Oddone is chair of the Criminal Justice Program Advisory Committee at Salt Lake Community College where he teaches law. He has served two terms as presiding judge for Third District Juvenile Court and also serves on the court's management committee.

Judge Oddone's compliance with performance standards is as follows:

## Judge

### Frederic M. Oddone

Juvenile Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) Had fewer than the maximum allowable cases held under advisement.
- 3) Had at least 30 hours of continuing judicial education annually during his term.
- 4) Mentally and physically fit for office.
- 5) In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 69 respondents for Judge Oddone.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	93	91	80	91	92	92	93	100	90	91	98	94	94
Excellent	%	41	44	31	46	38	36	46	51	46	42	41	38	43
More than Adequate	%	34	26	23	28	39	35	36	30	31	28	35	34	36
Adequate	%	18	21	26	18	15	21	11	19	13	22	23	22	14
Less than Adequate	%	3	4	8	7	5	5	4	0	3	6	0	5	4
Inadequate	%	4	4	12	1	3	3	3	0	7	3	2	2	1



# THIRD JUDICIAL DISTRICT



Judge Robert Faust was appointed to the Third District Court in 2007 by Gov. Jon Huntsman, Jr. He received his law degree from Brigham Young University in 1982 and joined the law firm of Nielsen & Senior. In 1996 Judge Faust established a solo practice and became counsel for the United States Postal Service and a Special Assistant United States Attorney. Judge Faust was admitted to practice before the United States Supreme Court. He has served on the Utah Supreme Court Ethics & Discipline Committee and Task Force on Bar Governance. Judge Faust served as president of the Federal Bar Association for Utah and on the Federal Bar Association National Council and Federal Bar Foundation; American Trial Lawyers Association; ABA Litigation, Real Property and Estate Planning Sections, Utah State Bar Litigation Section, Courts and Judges Committee, Natural Resources Section, Real Property Section, Continuing Legal Education Committee and Mid-Year Meeting Committee.

**Judge Robert P. Faust**  
 District Court  
 Third Judicial District  
 (Salt Lake, Summit, Tooele)

Judge Faust's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 94 respondents for Judge Faust.

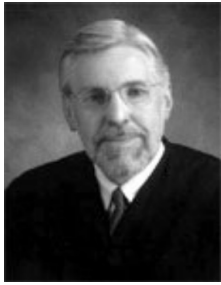
Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	96	93	97	93	88	93	100	99	97	85	91	93	93
Excellent	%	47	49	49	31	35	36	54	46	48	35	37	32	34
More than Adequate	%	35	27	31	31	32	36	27	33	28	28	30	28	36
Adequate	%	13	17	16	32	22	22	19	20	21	21	25	32	22
Less than Adequate	%	3	5	1	4	12	5	0	0	1	13	5	6	4
Inadequate	%	1	2	2	2	0	1	0	1	2	2	4	1	3

**Survey of Jurors**

There were 59 respondents for Judge Faust.

Yes	%	100	100	100	100	98	97	100	100
No	%	0	0	0	0	2	3	0	0

# THIRD JUDICIAL DISTRICT



Judge Robert Hilder was appointed to the Third District Court by Gov. Michael Leavitt in 1995. Judge Hilder emigrated from Australia in 1977, and has lived in Utah since that time. He received a bachelor's degree from the University of Utah (magna cum laude, Phi Beta Kappa) and a law degree from the University's College of Law in 1984, where he served on the Utah Law Review. After clerking with Christensen & Jensen, he joined the firm as an associate. Judge Hilder was the firm's managing director. Judge Hilder's service includes: the Judicial Performance Evaluation Committee (1998-2001); the Utah Judicial Council (2001-2007); Associate Presiding Judge, Third District (2005-2007), and Presiding Judge (2007- present); Executive Committee, Family Law Section of the Utah State Bar (2005-2007); and member of the Grand Jury Panel of Judges (1998-2007). He also teaches pre-trial practice at the S.J. Quinney College of Law.

**Judge  
Robert K. Hilder**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

Judge Hilder's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

## Survey of Attorneys

There were 117 respondents for Judge Hilder.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	97	97	99	99	97	100	100	99	98	98	97	99	98
Excellent	%	79	77	75	72	71	72	84	72	77	69	66	68	76
More than Adequate	%	14	15	19	21	21	22	9	24	19	23	22	25	17
Adequate	%	5	5	5	6	5	6	6	3	3	6	9	6	5
Less than Adequate	%	2	2	0	1	3	0	0	1	2	1	3	1	1
Inadequate	%	1	1	1	0	0	0	0	0	0	1	0	0	1

## Survey of Jurors

There were 50 respondents for Judge Hilder.

Yes	%	100	100	100	100	100	96	100	100
No	%	0	0	0	0	0	4	0	0

# THIRD JUDICIAL DISTRICT



Judge Kimberly Hornak was appointed to the Third District Juvenile Court in October 1994 by Gov. Michael Leavitt. She received a law degree from Gonzaga University in 1983. From 1984 to 1985, Judge Hornak was with Utah Legal Services and with the Legal Aid Society from 1985 to 1986. Judge Hornak was assistant attorney general from 1986 to 1988, and Deputy Salt Lake County Attorney from 1988 until her appointment. She has taught in the Trial Advocacy Program at the University of Utah and for the paralegal program at Westminster College. She has served on the Court Improvement Committee, the Committee on Judicial Education, the Judicial Ethics Committee, the Board of Juvenile Court Judges, the Committee on the Code of Judicial Conduct, and the Sentencing Commission. Judge Hornak served as presiding judge in Third District Juvenile Court from 2004 through 2007. She currently serves on the Judicial Council.

Judge Hornak's compliance with performance standards is as follows:

**Judge  
Kimberly K. Hornak**  
Juvenile Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) Had fewer than the maximum allowable cases held under advisement.
- 3) Had at least 30 hours of continuing judicial education annually during her term.
- 4) Mentally and physically fit for office.
- 5) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys

There were 73 respondents for Judge Hornak.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	91	86	94	85	92	93	93	95	92	90	94	91	92
Excellent	%	43	36	42	31	29	34	44	47	36	34	42	31	37
More than Adequate	%	28	29	30	32	36	32	36	30	38	32	33	30	34
Adequate	%	19	21	22	22	26	27	14	18	18	24	19	30	21
Less than Adequate	%	7	11	3	11	6	3	5	3	3	6	3	4	5
Inadequate	%	3	3	3	4	3	4	1	3	5	4	3	4	3



Judge Mark S. Kouris was appointed to the Third District Court in April 2006 by Gov. Jon M. Huntsman, Jr. Judge Kouris serves Salt Lake, Summit, and Tooele counties. Judge Kouris received his law degree from the University of Utah in 1993. Prior to attending law school, Judge Kouris received a Masters Degree in Business Administration. He worked in upper management for Procter & Gamble before starting and managing a packaging and shipping company. After selling the company, Judge Kouris worked as an Assistant Utah Attorney General before serving as a Deputy District Attorney for six years where he prosecuted gang felonies. Judge Kouris then joined the Utah Federal Defender's Office where he worked for the five years before being appointed to the bench.

Judge Kouris's compliance with performance standards is as follows:

**Judge  
Mark S. Kouris**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys

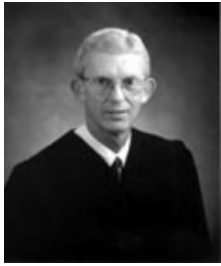
There were 83 respondents for Judge Kouris.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	96	94	99	95	96	96	98	100	94	92	95	89	96
Excellent	%	57	55	56	56	55	54	63	57	57	51	53	51	53
More than Adequate	%	27	28	28	20	23	28	18	27	27	24	21	21	27
Adequate	%	13	11	15	19	18	14	17	16	10	17	20	18	17
Less than Adequate	%	2	4	0	1	1	1	1	0	2	4	3	8	0
Inadequate	%	1	2	1	4	2	3	1	0	4	4	3	3	4

Survey of Jurors There were 84 respondents for Judge Kouris.

Yes	%	100	99	100	99	100	95	100	100
No	%	0	1	0	1	0	5	0	0

# THIRD JUDICIAL DISTRICT



Judge Bruce C. Lubeck was appointed to the Third District Court in May 2001 by Gov. Michael O. Leavitt. He serves Salt Lake, Summit, and Tooele counties. He received a law degree from the University of Utah College of Law in 1971. At the time of his appointment to the bench, Judge Lubeck was an Assistant U.S. Attorney having served in that capacity as a prosecutor since 1981. Prior to that he was in private practice and was also employed by the Salt Lake Legal Defender Association. He has been an adjunct faculty member at Salt Lake Community College and the University of Utah S.J. Quinney College of Law. He has served on several bar committees including the Lawyers Helping Lawyers Committee and the Utah Supreme Court Criminal Rules Advisory Committee.

Judge Lubeck's compliance with performance standards is as follows:

**Judge  
Bruce C. Lubeck**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys

There were 106 respondents for Judge Lubeck.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	93	87	99	92	86	95	93	99	89	81	95	85	89
Excellent	%	46	48	53	37	30	39	40	44	37	31	42	25	27
More than Adequate	%	31	28	35	37	33	35	35	36	35	26	29	33	39
Adequate	%	16	11	10	18	23	21	19	20	16	24	25	27	23
Less than Adequate	%	5	10	1	8	9	4	3	1	9	11	2	8	8
Inadequate	%	3	3	0	1	5	1	4	0	3	8	3	7	4

Survey of Jurors There were 33 respondents for Judge Lubeck.

Yes	%	100	100	100	100	100	100	100	100
No	%	0	0	0	0	0	0	0	0



Judge Mark W. May was appointed to the Third District Juvenile Court in July 2007 by Gov. Jon M. Huntsman, Jr. He serves Salt Lake, Summit and Tooele counties. Prior to his appointment to the bench, Judge May worked for the Utah Attorney General's Office where he was the division chief of the Child Protection Division. Judge May also worked for the Office of the Guardian ad Litem and the law firm of Moyle & Draper, P.C. Judge May earned a degree in Business Finance from Brigham Young University in 1984 and received his law degree from the University of Utah School of Law in 1989.

Judge May's compliance with performance standards is as follows:

**Judge  
Mark W. May**  
Juvenile Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) Had fewer than the maximum allowable cases held under advisement.
- 3) Had at least 30 hours of continuing judicial education annually during his term.
- 4) Mentally and physically fit for office.
- 5) In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys

There were 38 respondents for Judge May.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	97	95	94	97	97	97	97	97	97	97	97	97	97
Excellent	%	68	55	65	50	54	54	62	62	58	45	55	50	53
More than Adequate	%	21	32	29	37	28	36	28	31	32	42	30	28	37
Adequate	%	8	8	0	11	15	8	8	5	8	9	12	19	8
Less than Adequate	%	0	3	3	0	0	0	0	0	0	0	0	0	0
Inadequate	%	3	3	3	3	3	3	3	3	3	3	3	3	3

# THIRD JUDICIAL DISTRICT



Judge Sandra Peuler was appointed to the Third District Court in 1994 by Gov. Michael Leavitt. She received a law degree from the University of Baltimore in 1977. Before her appointment, she was a court commissioner in the Third District for 12 years. She served on the Children’s Justice Center Advisory Board, the Bar’s Ethics Advisory Opinion Committee, and the Board of District Judges. Judge Peuler served on the Commission on Criminal and Juvenile Justice from 1998 to 2006. She is a past-president of the David K. Watkiss Inn of Court, and was associate and presiding judge for the Third District Court from 2001 to 2007. She is a Fellow of the American Bar Foundation. She received special recognition from the Utah State Bar in 1992 for her work as court commissioner, and was honored as Woman Lawyer of the Year in 1999 and as Judge of the Year in 2007.

**Judge Sandra N. Peuler**  
 District Court  
 Third Judicial District  
 (Salt Lake, Summit, Tooele)

Judge Peuler’s compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during her term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 100 respondents for Judge Peuler.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	97	96	99	97	96	98	98	99	97	95	97	96	97
Excellent	%	70	66	64	60	59	57	70	65	64	55	55	52	62
More than Adequate	%	21	23	28	31	34	35	23	28	28	33	35	34	28
Adequate	%	6	7	7	5	3	6	5	6	5	8	7	9	7
Less than Adequate	%	1	1	0	1	1	1	1	1	2	0	1	2	2
Inadequate	%	2	3	1	2	3	1	1	0	1	5	2	2	1

**Survey of Jurors** There were 15 respondents for Judge Peuler.

Yes	%	100	100	100	100	100	100	100	100
No	%	0	0	0	0	0	0	0	0

# THIRD JUDICIAL DISTRICT



Judge Randall Skanchy was appointed to the Third District Court in 2001 by Gov. Michael Leavitt. He received a law degree from Brigham Young University in 1980. Judge Skanchy has 21 years of trial experience in civil and environmental matters in state and federal courts. He served as an arbitrator for the National Association of Securities Dealers and handled environmental superfund matters throughout the western United States. He served as chair of the Utah Food Bank from 1996 to 1999, and on the Community Services Council from 1996 to 2000. He serves as an adjunct professor for the Weber State University John B. Goddard School of Business and Economics. He is a member of the Judicial Council's Ethics Advisory Committee and the Board of District Court Judges. He is assigned to a criminal calendar and as a Drug Court judge.

Judge Skanchy's compliance with performance standards is as follows:

**Judge  
Randall N. Skanchy**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had more than the maximum allowable cases held under advisement, but showed good cause why he should nevertheless be certified.
- 4) Had at least 30 hours of continuing judicial education annually during his term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 107 respondents for Judge Skanchy.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	94	91	99	93	93	100	98	100	95	95	98	95	95
Excellent	%	53	52	57	50	50	58	54	62	55	45	52	48	51
More than Adequate	%	30	29	26	33	33	24	27	27	27	35	32	29	32
Adequate	%	11	9	16	10	9	18	17	11	13	15	14	18	12
Less than Adequate	%	4	7	0	3	6	0	2	0	4	2	0	2	4
Inadequate	%	2	3	1	4	2	0	0	0	1	3	2	3	1

**Survey of Jurors**

There were 181 respondents for Judge Skanchy.

Yes	%	100	100	100	100	98	98	100	100
No	%	0	0	0	0	2	2	0	0

# THIRD JUDICIAL DISTRICT



**Judge  
Mary Kate A. Toomey**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

Judge Kate Toomey was appointed to the Third District Court by Gov. Jon Huntsman, Jr. Judge Toomey received a law degree from the University of Maryland in 1991, then served as a law clerk with the Maryland Court of Special Appeals, after which she joined the Maryland Public Defender's Office. In 1993, Judge Toomey became an associate with Anderson & Karrenberg until 1996, when she joined the Bar's Office of Professional Conduct. Judge Toomey was the managing editor of the "University of Maryland Law Review," the managing editor, then editor-in-chief of "Voor Dire," and a member of the Executive Committee of the Utah Bar Journal. Judge Toomey serves on the Appellate Rules Advisory Committee, the Advisory Committee on Professionalism, the Board of District Court Judges, the Utah Foster Care Foundation, and on its Executive Committee. She is a member of the Committee on Rules of Civil Procedure.

Judge Toomey's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during her term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 109 respondents for Judge Toomey.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	97	96	99	83	85	93	97	99	95	87	92	95	89
Excellent	%	54	56	63	32	35	41	50	42	50	36	35	32	39
More than Adequate	%	32	27	27	31	32	33	30	34	30	33	35	40	32
Adequate	%	11	14	9	21	19	19	17	24	14	18	21	23	17
Less than Adequate	%	1	1	1	12	11	5	2	1	5	9	5	2	10
Inadequate	%	2	3	0	5	4	3	1	0	0	4	3	2	1

**Survey of Jurors** There were 81 respondents for Judge Toomey.

Yes	%	100	100	100	100	100	100	100	100	100
No	%	0	0	0	0	0	0	0	0	0

# THIRD JUDICIAL DISTRICT



**Judge  
Vernice S. Trease**  
District Court  
Third Judicial District  
(Salt Lake, Summit, Tooele)

Judge Vernice Trease was appointed to the Third District Court in 2006 by Gov. Jon Huntsman, Jr. Judge Trease received a law degree from the University of Utah College of Law. Judge Trease served as a trial attorney and assistant director with the Salt Lake Legal Defender Assoc. She is a recipient of the Utah Minority Bar Association Community Service Award. Judge Trease has served as a member of the Utah Commission on Racial and Ethnic Fairness in Criminal and Juvenile Justice System, and the Domestic and Sexual Violence Domestic Violence Justice Planning Group. Judge Trease currently serves on the Committee on the Rules of Criminal Procedure, the Fine/Bail Schedule Committee, and is the chairperson of the Court Interpreter Committee. She is a former District Director of the National Association of Women Judges and is a member of the David K. Watkiss-Sutherland II Inns of Court.

Judge Trease's compliance with performance standards is as follows:

- 1) A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- 2) A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- 3) Had fewer than the maximum allowable cases held under advisement.
- 4) Had at least 30 hours of continuing judicial education annually during her term.
- 5) Mentally and physically fit for office.
- 6) In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 121 respondents for Judge Trease.

Question (See page 40 for questions)		1	2	3	4	5	6	7	8	9	10	11	12	13
Total Favorable	%	98	98	99	98	97	100	98	98	100	96	98	97	97
Excellent	%	66	63	67	61	63	66	75	68	73	59	58	57	63
More than Adequate	%	24	25	25	24	24	24	19	20	19	26	31	26	27
Adequate	%	8	9	7	12	11	9	5	11	8	11	9	14	7
Less than Adequate	%	2	2	1	2	2	0	2	2	0	2	1	3	2
Inadequate	%	0	1	0	1	1	0	0	0	0	2	1	0	1

**Survey of Jurors**

There were 57 respondents for Judge Trease.

Yes	%	100	100	100	100	100	95	100	100
No	%	0	0	0	0	0	5	0	0



# JUSTICE COURT JUDGES

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**Judge  
Clinton Balmforth**  
Alta & South Jordan  
Municipal Justice Court  
(Salt Lake County)

Judge Clinton E. Balmforth was appointed as the South Jordan Justice Court Judge in January 1998 and also as the Alta Justice Court judge in November 2002. He received a Juris Doctorate degree from the University of Utah Law School in 1968 and is a current member of the Utah State Bar. Judge Balmforth has worked as a Prosecuting Attorney for Salt Lake City, Deputy County Attorney for Salt Lake County and as the City Attorney for South Salt Lake. Prior to his judicial appointments, Judge Balmforth worked as the part-time prosecuting attorney for the City of South Jordan. He also served as an instructor for Utah Peace Officer Standards and Training. In 2005 he was recognized and received an award from the South Jordan Chamber of Commerce for exemplary service and commitment to the community.

Judge Balmforth's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Holly M. Barringham**  
Salt Lake County Justice  
Court & Salt Lake City  
Municipal Justice Court  
(Salt Lake County)

Judge Holly Magi Barringham has served the Salt Lake City Justice Court since October 2005 and the Salt Lake County Justice Court since January 2006. She earned a bachelor's degree in Nursing at Loma Linda University in California and a J.D. from the University of Wyoming College of Law. Judge Barringham was an assistant Salt Lake City prosecutor from January 2003 until her appointment to the Justice Court in September 2005. Previously, she served as a school board member for a local private school. Judge Barringham presides over Salt Lake County's first offender and misdemeanor drug courts and currently serves on the court's Jury Subcommittee.

Judge Barringham's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
John L. Baxter**  
Salt Lake City Municipal  
Justice Court  
(Salt Lake County)

Judge Baxter is the domestic violence court and drug court judge for the Salt Lake City Justice Court. He presides over the Salt Lake City Justice Court Homeless Outreach Project, the Homeless Court. He chairs the Utah Judicial Council's Standing Committee on Access to Resources for Self-Represented Parties. He has served on the Utah Supreme Court's Committee on Privacy and Public Access to Records, and currently serves on the Advisory Committee on Professionalism, the Standing Committee on Judicial Outreach, the Salt Lake County Criminal Justice Advisory Council (CJAC) and the Utah Commission on Criminal and Juvenile Justice (CCJJ) Mental Health Initiative. He is a member of the Utah State Bar and the State Bar of California. He practiced law with the Salt Lake Legal Defender Association. He served for several years as a volunteer attorney at the Sunday morning homeless breakfast in Salt Lake City and served in the United States Marine Corps.

Judge Baxter's compliance with performance standards is as follows:

- 1) Had more than the maximum allowable cases held under advisement, but showed good cause why he should nevertheless be certified.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

# JUSTICE COURT JUDGES

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**Judge  
Daniel F. Bertch**  
Draper Municipal Justice Court  
(Salt Lake County)

Judge Daniel F. Bertch has served as the Draper City Justice Court Judge since 1992. He has been a practicing attorney since 1984 and is currently with Kevin K. Robson in the firm of Bertch Robson. Judge Bertch graduated from BYU Law School in 1984, cum laude, and was awarded the Order of the Coif. He currently serves on the Uniform Fine and Bail Committee.

Judge Bertch's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Gregory L. Bown**  
Riverton Municipal  
Justice Court  
(Salt Lake County)

Judge Gregory L. Bown received his education from University of Utah Law School, graduated in 1971 with a J.D Degree and was admitted to practice law in Utah in 1971. Prior to his appointment to the bench, Judge Bown practiced law for 31 years as Deputy District Attorney for Salt Lake County District Attorney's Office. He was a felony prosecutor with an emphasis on White Collar Crime, and retired from that office in 2005. He then began working part time prosecuting misdemeanors for the cities of Riverton, Holladay, Cottonwood Heights, Herriman, Bluffdale and Taylorsville. Judge Bown was appointed Riverton City Justice Court Judge on October 1, 2007. Judge Bown is currently the Education Director representing the Justice Court Judges in the Third District Court boundaries.

Judge Bown's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
L.G. Cutler**  
Salt Lake City Municipal  
Justice Court  
(Salt Lake County)

Judge L. G. Cutler was appointed to the Salt Lake City Justice Court in 2004. The majority of cases in Salt Lake City Justice Court are misdemeanor crimes plus a large volume of traffic offenses. Judge Cutler is one of five full time positions in the Salt Lake City Justice Court. He is assigned a pro rata share of the current caseload (2009) which includes 15,000 misdemeanor cases and 9,000 contested traffic filings yearly. Prior to serving on the Bench, he received his undergraduate degree in history from the University of Utah in 1975 and thereafter graduated from University's College of Law in 1979. Upon graduation, he served as a staff attorney with Utah Legal Services and provided legal representation to indigent children, parents and families in juvenile court. He continued with his solo practice with an emphasis in domestic law, guardian ad litem representation of children, and criminal defense. He also contracted with various smaller Salt Lake County communities to provide prosecution services for more than 20 years.

Judge Cutler's compliance with performance standards is as follows:

- 1) Had more than the maximum allowable cases held under advisement, but showed good cause why he should nevertheless be certified.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

## JUSTICE COURT JUDGES

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**Judge  
Daniel B. Gibbons**  
Holladay Municipal  
Justice Court  
(Salt Lake County)

Judge Daniel Bay Gibbons was appointed in 2001 and is a lifelong resident of Salt Lake County. A graduate of East High and the University of Utah, he received a Juris Doctor degree from Willamette University, where he was an editor of the law review. He clerked for the Utah Attorney General's Office, was admitted to the bar in 1986 and became a partner in the Salt Lake City firm of Kirton & McConkie. He is admitted to practice before the Utah Supreme Court, the U.S. Tenth Circuit Court of Appeals and the U.S. Supreme Court. Active in humanitarian and volunteer work, he sponsored several political refugees from the former Soviet Union as a volunteer with the Tolstoy Foundation's Refugee Resettlement Agency. He created and coached an elementary school chess team. Since 2007 Judge Gibbons has lectured on the American jury trial in over a dozen Ukrainian law schools under the auspices of the federally funded BUILD Initiative, which is dedicated to building Ukrainian judicial independence. Married for thirty years, Judge Gibbons has five children and one grandchild. He loves books, reads ancient Greek and speaks German and Russian. He is also a dedicated runner and has completed eight marathons.

Judge Gibbons's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Shauna Graves-  
Robertson**  
Salt Lake County  
Justice Court  
(Salt Lake County)

Judge Shauna Graves-Robertson was appointed to the Salt Lake County Justice Court by the Salt Lake County Commission in January 1999. Judge Graves-Robertson is a Salt Lake City native and a graduate of West High School. She graduated from Arizona State University in 1980 with a Bachelor of Science degree in Criminal Justice. Judge Graves-Robertson received a Masters in Public Administration in 1987 and a law degree from the University of Utah in 1990. Prior to taking the bench, Judge Graves-Robertson worked for the Salt Lake Legal Defenders Association. She graduated from the National Judicial College with a certificate in judicial studies. She is a life member of Alpha Kappa Alpha Sorority, Inc., a member of the National Association of Women Judges, Women Lawyers of Utah, the Minority Bar Association, the National Bar Association, and the Supreme Court's Advisory Committee on Diversity. Judge Graves-Robertson is currently the presiding judge in Salt Lake County.

Judge Graves-Robertson's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Catherine M. Johnson**  
South Salt Lake  
Municipal Justice Court  
(Salt Lake County)

Judge Catherine Johnson was appointed a Justice Court Judge for the City of South Salt Lake in 2001. She graduated from the University of Utah with a bachelor's degree in communication, with minors in philosophy and anthropology. She received her Juris Doctorate from the University of Utah College Of Law in 1991. As a law student, she was a member of the Utah Law Review and served a judicial externship with the Utah Supreme Court. After receiving her law degree, Judge Johnson practiced law with the Utah Department of Commerce and later represented the State of Utah in the Criminal Appeals Division of the Utah Attorney General's Office. Prior to her appointment to the bench, she was employed as a staff attorney for the Utah Court of Appeals.

Judge Johnson's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

## JUSTICE COURT JUDGES

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**Judge  
Ronald E. Kunz**  
West Jordan Municipal  
Justice Court  
(Salt Lake County)

Judge Ronald E. Kunz was appointed as the West Jordan City Justice Court Judge in April 1990. As a resident of West Jordan, he has been actively involved in various civic and community service organizations, including serving as a trustee for the Utah Boys Ranch. Judge Kunz earned a Juris Doctorate degree from the University of Utah College of Law in 1979. Prior to his judicial appointment, he worked as a general law practitioner for 11 years handling a wide variety of cases before various levels of state and federal courts. Judge Kunz served as a contract legal defender for the Third Circuit Court and the City of West Jordan. He also served as the attorney for the towns of Woodruff and Kamas during the early years of his practice. Judge Kunz has served on two different Judicial Council Committees to help improve the state's trial by jury system. Under his direction, the West Jordan Justice Court has proactively implemented domestic violence programs that have resulted with Judge Kunz receiving the 2006 "Freedom Award" from the Salt Lake Area Domestic Violence Coalition and being named the 2008 "Advocate of the Year" by the Utah Domestic Violence Council.

Judge Kunz's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Michael W. Kwan**  
Taylorsville Municipal  
Justice Court  
(Salt Lake County)

Judge Michael Kwan has served the Taylorsville Justice Court since 1998. Judge Kwan received a law degree from Whittier College School of Law and was certified in Chinese law by the East China University of Politics and Law in 1993. Judge Kwan served as a pro tempore judge in Third District Court from 1996 -1998. He received the Quality of Justice Award in 2001. His Domestic Violence Program was awarded the Peace on Earth Award from the Salt Lake Area Domestic Violence Advisory Council in 2002. He started one of the first DUI/Drug Courts in the nation in 1998. This program received the Governor's Award for reducing drug and alcohol abuse and related crimes in 2008. He is currently serving on the Utah Substance Abuse and Anti-Violence Council and previously served on the Utah Rules of Evidence Committee. Judge Kwan was editor of the National Conference of Special Court Judges journal, was the chair of the Board of Justice Court Judges, and served on the Utah Judicial Council. Judge Kwan has taught judicial education courses across the country for the Utah Judicial Institute, ABA and National Drug Court Institute focusing on traffic, evidence, Constitutional law, and criminal procedure and law.

Judge Kwan's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

The Utah Supreme Court has ordered one public reprimand of Judge Kwan since February, 2004. On November 1, 2005, the Court publicly reprimanded Judge Kwan for making comments during an argument in a criminal case that violated Canon 3B(4) of the Code of Judicial Conduct, which requires a judge to be patient, dignified, and courteous.

Judge Kwan presided at a hearing on a motion to suppress. Defense counsel argued that the city prosecutor had failed to produce a document relevant to the motion. After argument, Judge Kwan ruled that the prosecutor had willfully failed to comply with the prior order of the court to produce the document. Defense counsel moved to dismiss the case. The prosecutor argued against the motion, again stating that the previous discovery order did not include the document. Judge Kwan told the prosecutor that he seemed to be raising the "Clinton defense." Judge Kwan then explained that the prosecutor's argument was similar to President Clinton claiming that he understood he was not supposed to have sex outside of marriage, but that "nobody told him he couldn't put his \_\_\_\_\_ in somebody else's mouth."

## JUSTICE COURT JUDGES

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**Judge  
Sydney Magid**  
Salt Lake City Municipal  
Justice Court  
(Salt Lake County)

Judge Sydney Magid was appointed to the Salt Lake City Justice Court in 2004. She received a Bachelor of Arts in Mass Communications from the University of Massachusetts at Amherst in 1990 and a Juris Doctorate from the University of Utah College of Law in 1993 where she was a William H. Leary Scholar. Prior to her appointment to the bench, she worked as an attorney in private practice. She currently serves on the Justice Court Judges Education Curriculum Subcommittee.

Judge Magid's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Brendan P. McCullagh**  
West Valley City  
Municipal Justice Court  
(Salt Lake County)

Judge Brendan P. McCullagh was appointed to the West Valley City Justice Court in July 2002. He previously served six years as the Deputy District Attorney for Salt Lake County. Judge McCullagh received a Juris Doctorate degree from the University of Utah College of Law in 1995. Judge McCullagh served three years on the Board of Justice Court Judges. He has served on the Utah Supreme Court's Advisory Committee on the Rules of Evidence and the Judicial Council's Standing Committee on Interpreters. Judge McCullagh currently serves on the Utah Supreme Court's Advisory Committees on the Criminal Rules of Procedure and Criminal Jury Instructions. In 2007, he was elected by his peers to serve a three-year term on the Judicial Council. Also in 2007, Judge McCullagh received the Utah Judicial Council's Quality of Justice award for performance of judicial responsibilities with outstanding dedication to the highest quality of justice. In 2008, Judge McCullagh was awarded the Scott M. Matheson Award by the Utah State Bar for outstanding service to law-related education.

Judge McCullagh's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Ronald E. Powell**  
Stockton Municipal  
Justice Court  
(Tooele County)

Judge Ronald E. Powell was appointed as a judge for the Stockton Justice Court in 2004. Judge Powell served his country with two tours of duty in Vietnam with the US Navy. Judge Powell has nine years of law enforcement experience in the State of California, where he studied the administration of justice. After retiring as a supervisor from the City of Los Angeles, Department of Water and Power, Judge Powell moved to Utah. Judge Powell has earned his certificate in legal studies by attending and completing the Legal Institute for Justice Court Judges.

Judge Powell's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



## JUSTICE COURT JUDGES

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**Judge  
Jeanne M. Robison**  
Salt Lake City Municipal  
Justice Court  
(Salt Lake County)

Judge Jeanne Robison was appointed to the Salt Lake City Justice Court in 2005. Prior to taking the bench, Judge Robison was an Assistant City Prosecutor for Salt Lake City from 1995 – 2005. She received a Bachelor of Arts in Political Science from Brigham Young University in 1986 and a Juris Doctorate from the University of Utah, College of Law in 1994. She has been an adjunct professor for the University of Utah and University of Phoenix. She is a former member of the Needs of Children Committee of the Utah State Bar and the Board of Directors of the Multi-Cultural Legal Center. Judge Robison currently serves as the chair of the Justice Court Education Curriculum Subcommittee. She also presides over cases referred to Passages, a collaborative restorative justice program.

Judge Robison's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Keith L. Stoney**  
Saratoga Springs & West  
Valley City Municipal  
Justice Court  
(Utah & Salt Lake Counties)

Judge Stoney was the first judge appointed to the West Valley City Justice Court on July 1, 2001 where he currently serves as presiding judge. He has a Bachelor of Arts degree in Interpersonal Communication from Brigham Young University and a Juris Doctorate from the J. Reuben Clark School of Law. Prior to taking the bench, he was an Administrative Law Judge, the Chief Prosecutor for West Valley City for 16 years, and has also managed a private law practice. He has taught at Brigham Young University and at the J. Reuben Clark School of Law as an adjunct professor. He has been an instructor for Utah Peace Officer Standards and Training, Salt Lake Community College, Utah Department of Corrections, and Western Community Policing Center. Judge Stoney is presently a justice court judge mentor to newly appointed judges and serves as a Justice Court representative on the Utah Judicial Council.

Judge Stoney's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Marsha C. Thomas**  
Taylorsville Municipal  
Justice Court  
(Salt Lake County)

Marsha C. Thomas is a Judge for the City of Taylorsville Municipal Justice Court. She received her law degree from the University of Utah S. J. Quinney College of Law and spent the first years of her legal career at the S. J. Quinney Law Library as a reference librarian where she helped the public access legal information and taught legal research to law students. She then opened a solo practice and later was a founding partner of Thomas Tax & Law, Inc. Judge Thomas currently serves as the Chair of the Utah Justice Court Education Committee and as a member of the Utah Judicial Council Standing Committee for Judicial Branch Education. Judge Thomas received the 2000 Amicus Curiae Award and the 2010 Justice Court Service Award from the Association and Board of Justice Court Judges for her service to Utah Justice Court Judges.

Judge Thomas's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

## JUSTICE COURT JUDGES

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**Judge  
W. Paul Thompson**  
Murray Municipal  
Justice Court  
(Salt Lake County)

Judge Paul Thompson was appointed judge of the Murray Municipal Justice Court in 2008. He served as judge in South Salt Lake from 1992 to 1997. He graduated from the J. Reuben Clark Law School at Brigham Young University in 1976 after receiving a co-major in European Studies and Political Science also from BYU. He served as Mayor of Sandy City from 1978 to 1982. His private legal practice emphasized local government and land use law, having represented numerous local governmental entities including South Salt Lake, South Jordan, and the Town of Alta. He is a former municipal prosecutor. He has taught planning administration law as an adjunct Professor at the University of Utah. He was the founding chairperson of the Victims' Rights Committee in the Third Judicial District and former Board Member of the Utah Industries for the Blind, Salt Lake Valley Health Department, Salt Lake Council of Governments (Chairman), National League of Cities Transportation Policy Steering Committee. He has received distinguished service awards from the J. Reuben Clark Law School and the Utah Chapter of the American Planning Association. He has been a member of the Utah State Bar since 1976.

Judge Thompson's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Virginia Ward**  
Salt Lake City Municipal  
Justice Court  
(Salt Lake County)

Judge Virginia Ward was appointed to the Salt Lake City Justice Court in July 2002. At the time of her appointment, Judge Ward was director of the Office of Administrative Hearings, Utah Department of Human Services, and served as an Administrative Law Judge for that office. Previously, she served as a Senior Assistant Salt Lake City Prosecutor, with service in that office from 1994 to 2000. Judge Ward received a Juris Doctorate degree from the University of Utah in 1993, and previously earned an Honors Bachelor of Arts degree in Political Science at the University of Utah in 1989, where she was elected to Phi Beta Kappa and Phi Kappa Phi. Judge Ward is the Presiding Judge in the Salt Lake City Justice Court, and is Chair of the Board of Directors for the Utah Law-Related Education Project. Judge Ward currently manages the Salt Lake City Justice Court's Focus Program, involving repeat DUI offenders, and she has given past service in various committee positions for the court system and the Utah State Bar.

Judge Ward's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.

## JUSTICE COURT JUDGES

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**Judge  
Susan Weidauer**  
Sandy Municipal  
Justice Court  
(Salt Lake County)

Judge Susan Weidauer was appointed to serve the Sandy Justice Court at its inception in 1991. She studied at LDS Business College, University of Utah, Westminster College and POST and was employed 20 years with various law firms and the Sandy City Attorneys Office prior to her appointment to the bench. Her studies have continued with the National Judicial College, the National Judges Association and she is a graduate of the AOC Legal Institute. Judge Weidauer has served on the Justice Court Board and is active in community service.

Judge Weidauer's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during her term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**Judge  
Ronald C. Wolthuis**  
Midvale Municipal  
Justice Court  
(Salt Lake County)

Judge Wolthuis was appointed to the Midvale City Justice Court in March, 2008. He graduated cum laude with a Bachelor of Science degree from Weber State College in June, 1978, with departmental honors in Zoology. Judge Wolthuis received his Juris Doctorate from the University of Utah College of Law in June, 1985. During law school, he was an editor on the Journal of Contemporary Law and the Journal of Energy Law & Policy. Judge Wolthuis was admitted to the Utah State Bar in 1985 and practiced law until his appointment to the bench in 2008. Judge Wolthuis served as the West Jordan City Prosecutor for nine years and as the South Jordan City Prosecutor for three years. Judge Wolthuis has lectured for the Utah Department of Corrections, Utah State Bar Association, various police agencies and community groups.

Judge Wolthuis's compliance with performance standards is as follows:

- 1) Had fewer than the maximum allowable cases held under advisement.
- 2) Had at least 30 hours of continuing judicial education annually during his term.
- 3) Mentally and physically fit for office.
- 4) In substantial compliance with the Code of Judicial Conduct.



**D.**

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**INSTRUCTIONS TO VOTERS**

# INSTRUCTIONS TO VOTERS

## How to obtain a ballot for voting

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.

## Learn how to use the electronic voting machine.

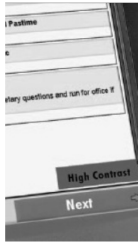
These step-by-step instructions will guide you through the voting process. For an electronic demonstration, please visit the website [vote.utah.gov](http://vote.utah.gov).

### 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



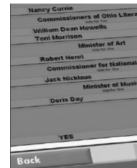
Touch the box next to your selection. An "X" will appear. To change or cancel your selection, touch the box again. The "X" will disappear. Touch "Next" to see the next page of the ballot or "Back" to see a previous page.

### 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



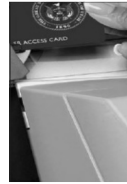
Touch "Print Ballot." Your ballot will print to the right of your screen for verification. To make changes, touch "Reject Ballot." Remember, any changes must be made before touching "Cast Ballot."

### 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 fill in the oval for the appropriate response.

## 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.

## GENERAL INFORMATION

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### How do I register to vote?

- **Online:** Register to vote online at [www.voter.utah.gov](http://www.voter.utah.gov). You need to have a Utah Driver's License or Identification number.
- **Mail In:** Download and print a Utah Voter Registration Form ([www.elections.utah.gov](http://www.elections.utah.gov)). Once completed, mail the form to your county clerk's office.
- **Phone Book:** There is also a voter registration form in The White Pages (located at the end of the blue section). This form can be photocopied. Once completed, it should be mailed to your county clerk's office.
- **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.

### When do I register to vote?

- **Postmark Deadline:** Voter registration forms must be postmarked or submitted online before October 4, 2010. To verify the status of your voter registration, please contact your county clerk's office.
- **Walk-in Registration:** If an individual misses the postmark deadline, they can walk in their application up to 15 days before the general election, October 18, 2010. The application must be turned into the county clerk's office. Registrations received after October 4<sup>th</sup> will not be eligible for Early Voting.

### If Registered

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 the mentioned reasons, simply fill out a 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 his principal place of residence within Utah and intends to continue to reside within Utah indefinitely.

### Where do I vote?

For polling locations contact your county clerk's office (page 69) or go to [vote.utah.gov](http://vote.utah.gov). Early voting locations are located on pages 66-67.

## EMPLOYEE'S RIGHT TO TIME OFF FOR ELECTION

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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.

## PROVISIONAL BALLOT

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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 reregistered at their new address, are allowed to vote at their new polling location. Provisional ballots also allow people who register through a Driver's 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 will have until the Monday after the election to present valid voter identification to the county clerk.

You can find the status of your provisional ballot directly on our website [vote.utah.gov](http://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 and we will provide you with the status of your provisional ballot. Please allow for 10-14 days after each election for this information to be available.

## EARLY VOTING

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Any person who is registered to vote may vote before the election date as permitted by Utah Code 20A-3-601. In order to be eligible to participate in early voting, voters must be registered to vote at least **30 days** prior to the election, October 4, 2010.

In order to vote during early voting, voters must present valid voter identification. This is either a 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 of the voter's residence.

The early voting period will begin on October 19 and will continue through October 29. The polls will be open for a minimum of four hours during each early voting day and will close at 5 p.m. on October 29. Every registered voter who arrives at the polls before the time scheduled for closing of the polls will be allowed to vote. Please view pages 66-67 for details on times, days, and locations or go to [vote.utah.gov](http://vote.utah.gov).

## ABSENTEE VOTING

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### Voting by Absentee

Any person who is registered to vote may vote by absentee ballot.

### Obtaining an absentee ballot

You may vote absentee by mail or in-person in the county clerk's office. This form is also available online at [vote.utah.gov](http://vote.utah.gov). All completed forms should be mailed to the following offices:

- Regular general and primary elections (held in even-numbered years). This application must be filed by mail or in-person in the office of the voter's county clerk.
- Municipal elections (held in odd-numbered years). This application should be filed by mail or in-person in the office of the voter's city clerk or recorder.

### Deadline for applying for an absentee ballot

- For regular absentee voting, the ballot application must be received no later than the Friday before the election, October 29, 2010.
- For overseas and military voters the clerk should receive the application no later than 20 days before the election, October 13, 2010.
- Military voters using an absentee ballot in the office of their clerk or recorder, must apply for the ballot no later than the day before the election, November 1, 2010.

**NOTE:** The ballot is only valid if it is clearly postmarked before (not on) election day, and received in the county clerk's office before noon on the day of the official canvass.

### FOR MORE INFORMATION

- Visit [vote.utah.gov](http://vote.utah.gov)
- Contact your county clerk (see page 69)
- Contact the Office of the Lieutenant Governor at (801) 538-1041 or (800) 995-VOTE

## EARLY VOTING LOCATIONS

Any person who is registered to vote may vote before the election date as permitted by Utah Code 20A-3-601. In order to be eligible to participate in early voting, voters must be registered to vote at least 30 days prior to the election, or October 4, 2010.

In order to vote during early voting, voters must present valid voter identification. This is either a 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 of voter's residence. The early voting period will begin on October 19 and will continue through October 29. The polls will be open for a minimum of four hours during each early voting day and will close at 5 p.m. on October 29.

County	Location	Date & Time
Salt Lake	Christ United Methodist Church 2375 E 3300 S Salt Lake City	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Cottonwood Heights City Hall 1265 E Fort Union Blvd (6900 W) Cottonwood Heights	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Draper City Hall 1020 E Pioneer Rd (12425 S) Draper	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Gale History Center 10300 S Beckstead Ln (1600 W) South Jordan	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Herriman City Hall 13011 S Pioneer St (6000 W) Herriman	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Holladay City Hall 4580 S 2300 E Holladay	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Magna Senior Center 9228 W 2700 S Magna	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Midvale City Hall 655 W Center St (7220 S) Midvale	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Mountain America 7181 S Campus View Dr (3830 W) (upper parking lot on W side of bldg.) West Jordan	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Murray City Hall 5025 S State #101 Murray	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	NW Multipurpose Center 1300 West 300 North Salt Lake City	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Riverton City Hall 12830 S 1700 W Riverton	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Salt Lake County Gov Complex 2001 S State St Salt Lake City	Monday-Friday (starting October 19-29) 8:00 am to 5:00 pm
	(Continued on next page)	Sandy City Hall 10000 S Centennial Pkwy (170 W) Sandy

## EARLY VOTING LOCATIONS (continued)

Salt Lake	Sandy Senior Center 9310 S 1300 E Sandy	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	SLC/County Building 451 S State #415 Salt Lake City	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	Taylorsville City Hall 2600 W Taylorsville Blvd (5330 S) Taylorsville	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	U of U Marriott Library 295 S 1500 E Salt Lake City	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	West Jordan City Hall 8000 S Redwood Rd (1700 W) West Jordan	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
	West Valley City Hall 3600 S Constitution Blvd (2700 W) West Valley City	Monday-Friday (starting October 19-28) 12:00 p.m. to 6:00 p.m. October 29, 12:00 p.m. to 5:00 p.m.
Summit	Summit County Courthouse 60 North Main Coalville	Monday-Friday (starting October 19-29) 1:00 p.m. to 5:00 p.m.
	Kamas City Hall 170 North Main Kamas	Monday-Friday (starting October 19-29) 1:00 p.m. to 5:00 p.m.
	Marsac Building 445 Marsac Ave Park City	Monday-Friday (starting October 19-29) 1:00 p.m. to 5:00 p.m.
	Sheldon Richins Building 6505 Landmark Drive Park City	Monday-Friday (starting October 19-29) 1:00 p.m. to 5:00 p.m.
Tooele	Grantsville Senior Citizens Center 120 So. Center Grantsville	October 27, 9:30 a.m. to 12:30 p.m.
	Tooele Senior Citizens Center 59 East Vine Tooele	October 22, 4:00 p.m. to 6:00 p.m.
	Grantsville Fire Station 26 N. Center Street Grantsville	October 20-22, 8:00 a.m. to 7:00 p.m. October 27-28, 8:00 a.m. to 7:00 p.m. October 29, 8:00 a.m. to 5:00 p.m.
	Stansbury High School 5300 N. Aberdeen Ln, Stansbury Park	October 20-22, 8:00 a.m. to 7:00 p.m. October 27-28, 8:00 a.m. to 7:00 p.m. October 29, 8:00 a.m. to 5:00 p.m.
	Tooele County Building 47 South Main, Room #310 Tooele	Monday-Friday (starting October 19-28) 8:00 a.m. to 7:00 p.m. October 29, 8:00 a.m. to 5:00 p.m.
	Dugway Proving Grounds Army Community Service Center Dugway	October 20, 4:00 p.m. to 6:00 p.m.



# State of Utah

## Mail-in Voter Registration Form

### Voter Instructions

**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

**Mail-in registration instructions:**

- Complete all required information
- 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 your Social Security number**
- Read the voter declaration and citizenship affidavit and sign and date below
- Mail the form to your county clerk's office (addresses are on the back of this form)

**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
- Walk In: This form must be delivered in person to your county clerk at least 15 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 voter registration to you

**For more information**

Contact your county clerk (see back of this form)  
Or the Lieutenant Governor's Office at  
Elections.utah.gov or 1-800-995-VOTE

**NOTICE: In order to be allowed to vote you must present valid voter identification to the poll worker before voting, which must be a valid form of photo identification that shows your name and photograph, or, (2) two different forms of identification that show your name and current address.**

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) <input type="checkbox"/> New Registration <input type="checkbox"/> Party Affiliation Change <input type="checkbox"/> Address Change <input type="checkbox"/> Name Change		Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be at least 18 years on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Qualifications:</b> <i>If you check no in response to either of these questions do not complete this form</i>			
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		<b>Political Party:</b> (optional) <input type="checkbox"/> Constitution <input type="checkbox"/> Democratic <input type="checkbox"/> Libertarian <input type="checkbox"/> Republican <input type="checkbox"/> Unaffiliated (no party preference) <input type="checkbox"/> Other (please specify) _____			
Would you like to be a permanent absentee and receive your ballot by mail on an on-going basis? (read declaration) <input type="checkbox"/> Yes <input type="checkbox"/> No		I am a person with a disability (optional) <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>If previously registered and/or changing personal information, also fill out this section.</b>					
Name on Previous Registration _____		Address on Previous Registration _____		City _____ State _____ Zip _____	
<b>Read and Sign below</b>					
<b>Voter Declaration:</b> 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. <b>Citizenship Affidavit:</b> I hereby swear and affirm, under penalties for voting fraud set forth below 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. <b>Vote By-Mail</b> (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 am eligible to vote.					
Signature _____				Date (Month/Day/Year) _____	
OFFICE USE ONLY	Type of ID	Voting Precinct	Voting ID #	Form Type: By Mail	



# COUNTY CLERKS

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Paul B. Barton  
**Beaver County Clerk**  
(435) 438-6463  
Fax (435) 438-6462  
P.O. Box 392  
Beaver, UT 84713-0392

LuAnn Adams  
**Box Elder County Clerk**  
(435) 734-3351  
Fax (435) 723-7562  
01 South Main Street  
Brigham City, UT 84302-2599

Jill Zollinger  
**Cache County Clerk**  
(435) 755-1460  
Fax (435) 755-1980  
179 No. Main Street  
Suite 102  
Logan, UT 84321

Robert P. Pero  
**Carbon County Clerk/Auditor**  
(435) 636-3224  
Fax (435) 636-3210  
120 East Main  
Price, UT 84501-3057

Vickie McKee  
**Daggett County Clerk/Treasurer**  
(435) 784-3154  
Fax (435) 784-3335  
P.O. Box 219  
Manila, UT 84046-0219

Steve Rawlings  
**Davis County Clerk/Auditor**  
(801) 451-3213  
Fax (801) 451-3421  
P.O. Box 618  
Farmington, UT 84025-0618

Diane Freston  
**Duchesne County Clerk**  
(435) 738-1228  
Fax (435) 738-5522  
P.O. Box 270  
Duchesne, UT 84021-0270

Brenda Tuttle  
**Emery County Clerk**  
(435) 381-5106  
Fax (435) 381-5183  
P.O. Box 907  
Castle Dale, UT 84513-0907

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

Diana Carroll  
**Grand County Clerk/Auditor**  
(435) 259-1321  
Fax (435) 259-2959  
125 East Center  
Moab, UT 84532-2492

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

Patricia Ingram  
**Juab County Clerk/Auditor**  
(435) 623-3410  
Fax (435) 623-5936  
160 North Main  
Nephi, UT 84648-1412

Karla Johnson  
**Kane County Clerk/Auditor**  
(435) 644-2458  
Fax (435) 644-2052  
76 North Main  
Kanab, UT 84741-0050

Norma Brunson  
**Millard County Clerk**  
(435) 743-6223  
Fax (435) 743-6923  
765 South Highway 99  
Fillmore, UT 84631-5002

Stacy Lafitte  
**Morgan County Clerk/Auditor**  
(801) 845-4011  
Fax (435) 829-6176  
P.O. Box 886  
Morgan, UT 84050-0886

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

Becky Peart  
**Rich County Clerk/Auditor**  
(435) 793-2415  
Fax (435) 793-2410  
20 South Main  
P.O. Box 218  
Randolph, UT 84064-0218

Sherrie Swensen  
**Salt Lake County Clerk**  
Elections Division  
(801) 468-8683  
Fax: (801) 468-3473  
2001 South State Street  
#S1100  
Salt Lake City, UT 84190

Norm Johnson  
**San Juan County Clerk/Auditor**  
(435) 587-3223  
Fax (435) 587-2425  
P.O. Box 338  
Monticello, UT 84535-0338

Sandy Neill  
**Sanpete County Clerk**  
(435) 835-2131  
Fax (435) 835-2135  
160 North Main  
P. O. Box 100  
Manti, UT 84642-0100

Steven C. Wall  
**Sevier County Clerk**  
(435) 893-04001  
Fax (435) 893-0496  
P.O. Box 607  
Richfield, UT 84701-0607

Kent H. Jones  
**Summit County Clerk**  
(435) 336-3204  
Fax (435) 336-3030  
P.O. Box 128  
Coalville, UT 84017-0128

Marilyn K. Gillette  
**Tooele County Clerk**  
(435) 843-3140  
Fax (435) 882-7317  
47 South Main  
Tooele, UT 84074-2194

Michael W. Wilkins  
**Uintah County Clerk**  
(435) 781-5361  
Fax (435) 781-6701  
147 East Main  
Vernal, UT 84078-2643

Bryan E. Thompson  
**Utah County Clerk/Auditor**  
(801) 851-8128  
Fax (801) 851-8122  
100 East Center, Rm. 3100  
Provo, UT 84606-3106

Brent R. Titcomb  
**Wasatch County Clerk**  
(435) 654-3211  
Fax (435) 657-3328  
25 North Main  
Heber City, UT 84032-1827

Kim Hafen  
**Washington County Clerk**  
(435) 634-5712  
Fax (435) 634-5763  
197 East Tabernacle  
St. George, UT 84770-3473

Ryan Torgerson  
**Wayne County Clerk**  
(435) 836-1300  
Fax (435) 836-2479  
P.O. Box 189  
Loa, UT 84747-0189

Alan D. McEwan  
**Weber County Clerk/Auditor**  
(801) 399-8400  
Fax (435) 399-8300  
2380 Washington Blvd  
Suite 320  
Ogden, UT 84401-1456



# VALID VOTER IDENTIFICATION

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Present **One** (1) of the following forms of ID that bears the name and photograph of the voter:

- Currently valid Utah Driver's License
- A currently valid identification card issued by:
  - The State of Utah
  - A branch, department, or agency of the United States
- A currently valid Utah permit to carry a concealed weapon
- A valid United States passport
- 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
  - A tribal treaty card

**OR**

Present **Two** (2) of the following forms of identification that bears the name of the voter and provides evidence that the voter resides within the voting precinct:

- Current utility bill or a legible copy (dated within 90 before the election)
- A bank or other financial account statement, or legible copy
- 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
- A valid Utah Hunting or Fishing license
- A currently valid United States military I.D. card
- Certified naturalization documentation
- A 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
- Valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card
- A currently valid identification card issued by:
  - A local government within the State of Utah
  - An employer for an employee
  - A college, university, technical school, or professional school located within the State of Utah
- A current Utah vehicle registration

**Note:** If a valid form of identification listed under Section A above does not contain a photograph of the voter, then one other form of identification listed in Section B must be included.

Voters who do not present proper identification at the polls, may vote using a provisional ballot, however the provisional ballot will not count unless they provide valid voter identification to the election official within 5 days after the election.

In the case that one's income falls below the federal poverty guideline issued by the U.S. department of Health and Human Services, he or she can receive a free identification card from the driver license division.

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## NOTES

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## NOTES

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STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

I, Greg Bell, Lieutenant Governor of the State of Utah, hereby 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 2, 2010, and that this pamphlet is complete and correct according to law.



In testimony whereof, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 8<sup>th</sup> day of September, 2010 at Salt Lake City, Utah.

A handwritten signature in cursive script that reads "Greg Bell".

GREG BELL  
Lieutenant Governor



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