UTAH VOTER INFORMATION PAMPHLET

General Election
November 2, 2004

Prepared under the direction of
Gayle McKeachnie, Lieutenant Governor

In cooperation with the Utah State Legislature
Al Mansell, President of the Senate
Martin R. Stephens, Speaker of the House

Impartial Analysis by
Michael E. Christensen, Director
Office of Legislative Research and General Counsel

Information pertaining to Judicial retention provided by
the Judicial Council

Cover artwork by Linsey Steele, age 18 from Davis High School. Used by permission.
Pamphlet design by American Institute of Graphic Arts, Salt Lake City Chapter

STATE OF UTAH

OLENE S. WALKER
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

GAYLE F. MCKEACHNIE
LIEUTENANT GOVERNOR

FPO

September [illegible]4

Dear Fellow Utahn:

Once again on Nove[illegible] you will have the chance to [illegible]uence the direction of your community and state b[illegible]rcising your right to vote. Plea[illegible]e this Voter Information Pamphlet to pre[illegible] for this year's election by study[illegible]e candidates and issues.

This year in addition [illegible]oting for the candidates of your choice, y[illegible] have the opportunity to vote on the retention of judges, three amendments to the Utah State Constitution and one citizen's state initiative.

In a continuous effort to educate young, potential voters on the electoral process, we have conducted our fourth "Get Out the Vote" art contest. Junior High and High School students were invited to express their ideas on the importance of voting. We received many creative ideas, and are proud to display the winner, Linsey Steele from Davis High School, on the cover of the *2004 Voter Information Pamphlet.*

Thank you for your participation in the electoral process. Your informed vote on November 2 will help shape the future of Utah.

Sincerely,

Gayle McKeachnie

Gayle McKeachnie
Lieutenant Governor

POLITICAL PARTIES

There are six political parties registered in Utah.
If you would like to contact them or any of their candidates, they are listed below in alphabetical order.

CONSTITUTION PARTY
(801) 544-4056
www.cputah.org/home.html

DEMOCRATIC PARTY
(801) 328-1212
www.utdemocrats.org

GREEN PARTY
(801) 679-1220
www.greenpartyofutah.org

LIBERTARIAN PARTY
(801) 534-8872
www.lputah.org

PERSONAL CHOICE PARTY
(801) 533-8658
www.personalchoice.org

REPUBLICAN PARTY
(801) 533-9777
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/ALLPOLITICS
www.usatoday.com/politicselections/front.htm
www.pbs.org/elections
www.washingtonpost.com/wp-dyn/politics/elections/2004
Local
www.deseretnews.com/dn/elx
www.sltrib.com
www.utahpress.com /onlinpap.html
www.voteutah.org
www.utahpriorities.net

GOVERNMENT:
www.elections.utah.gov
www.fec.gov
www.eac.gov

YOUTH VOTING SITES:
www.youthvote.org
www.rockthevote.org
www.generationvote.com
www.declareyourself.com
www.pbs.org/democracy/kids

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CANDIDATES

The following pages list the candidates who are running for President, the U.S. Senate, U.S. House of Representatives, Governor, Attorney General, State Auditor, State Treasurer, Utah State Senate, Utah State House of Representatives and State School Board. The candidates for U.S. Senate and House and all state executive offices were given the opportunity to submit a 100-word statement and a photograph. The Lt. Governor's Office had 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 School Board are provided to give voters the opportunity to contact the candidates in their area. If a candidate provided an e-mail address and web site, it is also included. To find out which district you reside in, contact your county clerk (page 76).

U.S. President and Vice President

Michael Badnarik
PRESIDENT
Richard V. Campagna
VICE PRESIDENT
LIBERTARIAN PARTY

George W. Bush
PRESIDENT
Dick Cheney
VICE PRESIDENT
REPUBLICAN PARTY

James Harris
PRESIDENT
Margaret Trowe
VICE PRESIDENT
SOCIALIST WORKERS PARTY

Charles Jay
PRESIDENT
Marilyn Chambers Taylor
VICE PRESIDENT
PERSONAL CHOICE

John F. Kerry
PRESIDENT
John Edwards
VICE PRESIDENT
DEMOCRATIC PARTY

Ralph Nader
PRESIDENT
Peter Miguel Camejo
VICE PRESIDENT

Michael Anthony Peroutka
PRESIDENT
Chuck Baldwin
VICE PRESIDENT
CONSTITUTION PARTY

U.S. SENATE

Robert F. Bennett
REPUBLICAN

The next six years will be pivotal, filled with major decisions which will affect us for a generation. Growth in Utah is not slowing down, bringing challenges in transportation, education, housing, and land use. America's role in the world is being questioned at home and abroad. Still, I look to the future with optimism. America can and must lead the world toward freedom and we will rise to face our challenges. I pledge to use my experience, leadership positions, and network of contacts in both parties to continue to deliver - as I first pledged twelve years ago - solid positive change.

56 EXCHANGE PLACE
SALT LAKE CITY, UT 84111
(801) 575-6355
www.bobbennett2004.com

Joe LaBonte
PERSONAL CHOICE

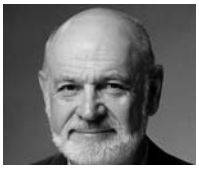
Joe LaBonte co-founder and Executive Director of the Being Human Party is a 55 year old truck driver with a passion for the truth and peaceful solutions to human problems in our democracy OF, FOR and BY the people.

Joe has discovered that each human being has a center of wisdom that is needed in today's world.

Borne witness to the power of community working through their differences.

Helped young people find their strengths through community helping them remain responsible for and accountable to our best values as a people and that only the people should "own" their government.

1002 W. 200 N.
PROVO, UT 84601
(801) 367-1761
justjoe@beinghumanparty.com
www.beinghumanparty.com



R. Paul Van Dam
DEMOCRAT

At this crossroads in our nation's history, bold new leadership is required to ensure that America remains a force for good and a voice for freedom. My record shows I am a strong, effective advocate for Utahns and Utah values. As Attorney General, I worked with Republicans and Democrats to keep Utah safe, and government accountable. I pledge that your needs will be my priorities in the U.S. Senate. Utahns deserve a Senator who will work to balance the budget, protect Social Security and Medicare, and provide affordable and available healthcare for all Americans. It's time to make things right.

1587 S. MAIN ST.
SALT LAKE CITY, UT 84115
(801) 879-3430
vandamussenate@mindspring.com

Gary R. Van Horn
CONSTITUTION

I believe:
In a return to Constitutional government, in honoring my oath of office, and in preserving, protecting, and defending our Constitution;

that America's military should protect American lives, liberty, and property;

that "nation building," "peace keeping," and enforcing UN resolutions is not worth one drop of our soldiers' blood;

that terrorism cannot be fought with the aid of states who sponsor terrorism;

that those who work for a living ought to live better than those who won't;

that children belong to their parents, not to the government; and

that free men have firearms but slaves do not.

P.O. BOX 650178
STERLING, UT 84655
(435) 835-1778
grvanhorn@manti.com

U.S. CONGRESSIONAL DISTRICT 1

BOX ELDER, CACHE, DAVIS, JUAB (PART), MORGAN, RICH, SALT LAKE (PART), SUMMIT, TOOELE, WEBER

Rob Bishop
REPUBLICAN

Rob Bishop is best positioned to defend Utah's interests. As Utah Speaker, Rob built coalitions to accomplish 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, cut taxes, and looked after our public lands. His committee assignments are critical to the District, including Armed Services where he helps defend Hill and our military installations.

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

P.O. BOX 2004
BRIGHAM CITY, UT 84302
(801) 292-5577
mail@votebishop.com
www.votebishop.com

Charles Johnston
CONSTITUTION

Utah needs a representative that will stand against the entrenched Socialism that has a stranglehold on American politics. We need someone who will not fall to the temptation of large sums of money from special interest groups and large corporations. Charles Johnston will fight to defend America against enemies domestic and foreign and return our federal government to within the boundaries the constitution has placed around it. A vote for Charles Johnston is a vote to end unconstitutional government.

1160 N. 1500 W.
LAYTON, UT 84041
(801) 604-2897
cjohnston@networld.com

NO PHOTO PROVIDED

Richard W. Soderberg
PERSONAL CHOICE

NO STATEMENT PROVIDED

3000 POLK, #202
OGDEN, UT 84403
(801) 686-3640
ramadude11@yahoo.com
www.personalchoice.org

Steve Thompson
DEMOCRAT

I'm Steve Thompson and I want to be your Congressman! I'm concerned about the well being of families here in Utah. Retaining living wage jobs, like those at Hill Airforce Base, and creating high paying jobs that provide economic security; that promote home buying; that allow us to invest in our future are critical. However, it doesn't make sense to create a better life for our citizens only to impose hazard on their well being. I will fight to keep radioactive waste and nuclear fallout off the roads and rails that run through our hometowns. You either care about the citizens of Utah … or you don't.

46 E. 200 S., #3
LOGAN, UT 84321
(435) 753-3979
vote@stevethompsonforutah.com
www.stevethompsonforutah.com

U.S. CONGRESSIONAL DISTRICT 2

CARBON, DAGGETT, DUCHESNE, EMERY, GARFIELD, GRAND, IRON, KANE, PIUTE, SALT LAKE (PART), SAN JUAN, UINTAH, UTAH (PART), WASATCH, WASHINGTON, WAYNE

NO PHOTO PROVIDED

Ronald R. Amos
PERSONAL CHOICE

NO STATEMENT PROVIDED

846 E. 500 S. #2
SALT LAKE CITY, UT 84102
(801) 363-4695
ronamos@personalchoice.org
http://paradigm-shifters.net

Patrick S. Diehl
GREEN

I stand for:
· Universal national healthcare;
· Halving the military budget and fully funding social needs, infrastructure, and alternative energy development;
· Taxing the rich the most, and the poor the least;
· A living wage and equal rights and pay for all, regardless of race, gender, or sexual orientation;
· Replacing existing federal land management agencies with a single Department of Conservation.

If you've had enough of Republican selfishness and Democratic subservience (including Matheson's support of the Iraq debacle, the detestable "Federal Marriage Amendment," and most of the rest of the Bush agenda). Vote your conscience and your hope by voting green!

P.O. BOX 652
ESCALANTE, UT 84726
(435) 826-4778
toripat@scinternet.net
www.greenpartyofutah.org

Jim Matheson
DEMOCRAT

As a Congressman, I put Utah first. I look for the best ideas and solutions to the issues that touch Utahns' daily lives. I pledge to be an independent voice and to work in a bipartisan way to move Utah's agenda forward. My record in Congress clearly demonstrates that I have kept that promise. I take the title of representative literally-listening to people makes me a better member of congress. I believe we must focus on expanding jobs, supporting excellent public schools and keeping Americans safe at home and strong overseas.

677 S. 200 W., STE. A
SALT LAKE CITY, UT 84101
(801) 359-5474
jim@mathesonforcongress.com
www.mathesonforcongress.com

U.S. CONGRESSIONAL DISTRICT 2

CARBON, DAGGETT, DUCHESNE, EMERY, GARFIELD, GRAND, IRON, KANE, PIUTE, SALT LAKE (PART), SAN JUAN, UINTAH, UTAH (PART), WASATCH, WASHINGTON, WAYNE

Jeremy Paul Petersen

CONSTITUTION

Born in Utah, Jeremy Petersen has spent the majority of his life in this great state. His experience spans the state, having lived in both Sandy and St. George. He currently lives in Draper with his lovely wife and two children. Jeremy is honored to represent both the Independent American and the Constitution Parties in their quest to bring conservative, Constitutional values and accountability back into politics.

Jeremy is running under the slogan: God, Family, and Republic.

Winning is not everything! You are only "throwing away" your vote if you are not voting for your principles!

Find out more:
www.shoutliberty.com

791 E. MEADOW WOOD DR.
DRAPER, UT 84020
(801) 571-6535
jeremy@petersenfam.com
www.shoutliberty.com

John Swallow

REPUBLICAN

John Swallow attended BYU where he received his BS degree and later his Juris Doctor. John is married to his wife, Suzanne, and they are raising their five children in Sandy. Currently John is co-founder of On International - a start-up technology company. John spent 6 years in the Utah State Legislature where he was a leader and go-to guy on key issues. John fought for lower taxes and in 2000 he was recognized as the "Taxpayer Advocate of the Year" by the Utah Taxpayers' Association. In Washington, DC, John will use his experience to protect the opportunities all Utahns cherish.

P.O. BOX 1823
SANDY, UT 84091-1823
(801) 466-8865
tim@johnswallow.com
www.johnswallow.com

U.S. CONGRESSIONAL DISTRICT 3

BEAVER, JUAB (PART), MILLARD, SALT LAKE (PART), SANPETE, SEVIER, UTAH (PART)

Beau Babka
DEMOCRAT

As a public servant, Beau Babka has worked diligently for the people who call Utah home. His experience as a 12-year police officer in South Salt Lake, as a professor, and as a father of six has provided Beau with the leadership skills, the empathy, and the stamina to stand up for the needs of the Third Congressional District. If elected, he will dedicate his service to these families, listening to their needs by opening his doors.
With the help of his community, Beau will strive to make Utah a safer and stronger place to live.

P.O. BOX 1435
RIVERTON, UT 84065
(801) 688-6261
www.beaubabka.com

Chris Cannon
REPUBLICAN

There are many important issues facing our nation today; the changing economy, war on terror, threats to our fundamental institutions of marriage and family, and decisions about the basic role government plays in our daily lives. Experienced leadership is important when it comes to providing the kind of representation the Third District needs, as is the willingness to take on the tough battles that will shape the future of our United States, Utah, and families. Serving Utah in Congress has given me the opportunity to provide real leadership and I'll continue to fight for the values important to Utahns.

P.O. BOX 711
PROVO, UT 84603
(801) 362-8300
cannon.utd3@mail.house.gov
www.chriscannon.com

Jim Dexter
LIBERTARIAN

Qualifications: Significant executive leadership experience in profession, community service, and Utah politics.
Planks: Obey the Constitution; No draft; Cut waste and spending; Return rights and powers to the states and the people; Gun control never curbs crime; Defend our borders from all invaders; The USA PATRIOT Act is domestic terrorism; Parents and children need educational choices; Term limits are essential; Incumbent protection laws are illegal; The national debt is a scandal; Tax cuts spur the economy; Social Security needs drastic reform; The “War on Drugs” is a disaster; Marriage is not a federal issue; Get out of Iraq ASAP.

5718 S. DYNASTY OAKS
TAYLORSVILLE, UT 84118
(801) 963-1028
jimdex@xmission.com
www.lputah.org

U.S. CONGRESSIONAL DISTRICT 3

BEAVER, JUAB (PART), MILLARD, SALT LAKE (PART), SANPETE, SEVIER, UTAH (PART)

NO PHOTO PROVIDED

Curtis Darrell James
PERSONAL CHOICE

NO STATEMENT PROVIDED

8400 S. 4000 W., #90
WEST JORDAN UT 84088
(801) 577-2000
cjames@personalchoice.org
www.personalchoice.org

Ronald Winfield
CONSTITUTION

My qualifications are 1) A knowledge of history so vivid that very few politicians could match. This is important because many proposed policies have already been tried. Historians can often predict the outcome of policies that have been implemented two or more times. 2) A noble character that has been achieved and maintained at great personal sacrifice. 3) A pure, pristine and moral political agenda.
My Associate Degree in Political Science was earned at Ricks College. My Bachelor in History was earned at Utah State University.

P.O. BOX 764
PLEASANT GROVE, UT 84062
(801) 785-0414

UTAH GOVERNOR AND LT. GOVERNOR

Jon M. Huntsman, Jr.

GOVERNOR
REPUBLICAN

A businessman, public servant and community leader, former U.S. Ambassador Jon M. Huntsman, Jr. recognizes the legacy left by our forbearers and what it will take to move us successfully into the future.

Our state is at a crossroads. We cannot simply maintain the status quo and expect to meet the challenges before us. Economic revitalization is the key to Utah's future. Without quality, high paying jobs and a strong economy, we will be unable to afford a world-class education for our children, fund our growth needs, or preserve our unparalleled quality of life.

P.O. BOX 27124
SALT LAKE CITY, UT 84127
(801) 532-5200
jon@votehuntsman.com
www.votehuntsman.com

Gary Herbert

LT. GOVERNOR
REPUBLICAN

With 14 years of public service as a county commissioner, Gary R. Herbert has earned a reputation as a strong leader and consensus builder. A conservative, he governs based on principles of limited government, fiscal responsibility and localized control.

Under Gary's leadership Utah County achieved the distinction of having the second lowest property tax rate and lowest cost county government per capita in Utah. One of the best-managed counties in the nation, it is recognized as one of the best places to live and start a new business.

P.O. BOX 27124
SALT LAKE CITY, UT 84127
(801) 225-0191
www.votehuntsman.com

Ken Larsen

GOVERNOR
PERSONAL CHOICE

In the Personal Choice Party each candidate interprets Personal Choice for their campaign. Personally, I believe Personal Choice means our Founders intended for our government to recognize your inalienable right to choose your own personal pursuit of happiness, proved you are not harming an unwilling victim. I want to maximize your right to choose how you spend your time, your money, your life and your honor. Specifically, I oppose gun control, drug control, entertainment control and marriage control, including the anti-gay, anti-polygamy, anti-Muslim Marriage Amendment. I support the separation of state from church, school, marriage and private enterprise. Thank you.

856 E, 100 S., #2
SALT LAKE CITY, UT 84102
(801) 533-8658
kencan@personalchoice.org
www.personalchoice.org

NO PHOTO PROVIDED

Talea Shadowind

LT. GOVERNOR
PERSONAL CHOICE

NO STATEMENT PROVIDED

350 E. 700 S., APT K102
SALT LAKE CITY, UT 84111
(801) 906-8612
talea@personalchoice.org
www.personalchoice.org

UTAH GOVERNOR AND LT. GOVERNOR

Scott M. Matheson, Jr.

GOVERNOR
DEMOCRAT

Utah is a magnificent state with boundless potential. We must plan effectively and wisely to address education, jobs, water, transportation, growth, health care, and the environment. My top priority will be improving education. I pledge to represent all areas and all people of Utah and to provide balanced, problem-solving leadership.

A sixth generation Utahn, I have been married to Robyn for 26 years and have two children. I have served as Dean of the University of Utah law school, as U.S. Attorney for Utah, and in a private law firm.

I would be honored to serve as your Governor.

P.O. BOX 58168
SALT LAKE CITY, UT 84158
(801) 485-6890
scott@mathesonforgovernor.com
www.mathesonforgovernor.com

Karen Hale

LT. GOVERNOR
DEMOCRAT

As a state senator since 1999, I have been involved with the challenging issues affecting Utah - education, health care, growth, transportation, and jobs. I see extraordinary opportunities for our state to meet its great potential.

A native Utahn, and a graduate of the University of Utah, I have been actively involved in public schools, church, and community affairs and have served as publisher and editor of Parent Express, a news and resource magazine for Utah families. My husband Jon and I are the parents of five children.

To serve as Utah's Lt. Governor would be an honor.

P.O. BOX 58168
SALT LAKE CITY, UT 84158
(801) 485-6890
karen@mathesonforgovernor.com
www.mathesonforgovernor.com

UTAH ATTORNEY GENERAL

W. Andrew McCullough

LIBERTARIAN

For 30 years I have fought for more freedom and smaller government in my law practice. Now we have the chance to work together to bring this American philosophy to Utah's government.

We the people voted to curb civil forfeiture. The current Attorney General urged the legislature to overrule us. I will fight to curb State power to interfere with our families and invade our privacy.

The Attorney General should represent the interests of the people, and not State officials.

I ask for your vote to bring real change for the better to State government. For more information, see www.Andy4AG.org.

P.O. BOX 651147
SALT LAKE CITY, UT 84165
(801) 565-0894
andy4ag@yahoo.com
www.andy4ag.org

Mark Shurtleff

REPUBLICAN

I am truly honored to serve as your Utah Attorney General. I take very seriously my charge to protect every Utahn and my duty to fully prosecute criminals and ensure justice for victims.

During my tenure, Utah has:
-arrested over 150 child internet predators and pornographers
-instructed over 20,000 children on how to protect themselves online
-become the national model for combating identity theft
-cut methamphetamine labs by two-thirds
-established a national model Amber Alert system
-assisted counties in prosecuting child abusers

Please help me continue my fight against crime!

P.O. BOX 18085
SALT LAKE CITY, UT 84118
(801) 746-3030
info@markshurtleff.com
www.markshurtleff.com

Gregory G. Skordas

DEMOCRAT

Born and raised in Utah, Greg Skordas is committed to making Utah a safer place for our children and families. As Chief Criminal Prosecutor in Salt Lake County, Greg started the state's Gang Task Force and the Drug Court. He has a proven record of fighting crime and strong relationships with law enforcement officials throughout the state. In his successful private practice, Greg continues to fight for victims, serving as an attorney for the Rape Crisis Center and on the board of the Children's Justice Center. As Attorney General, Greg will lead the fight to protect and preserve Utah.

9 EXCHANGE PLACE, STE 1104
BOSTON BUILDING
SALT LAKE CITY, UT 84111
(801) 519-2004
info@skordasforag.com
www.skordasforag.com

UTAH AUDITOR

Auston G. Johnson
REPUBLICAN

Statement of Qualifications: Certified Public Accountant; Elected State Auditor in 1996 and 2000; 27 years experience in governmental accounting and auditing; Member Auditing Standards Board of the American Institute of CPAs; Named 2002 Outstanding CPA in Business and Management by the Utah Association of CPAs; President-Elect of the National State Auditor's Association; Member Utah State University School of Accountancy Advisory Board; Initiated web site which contains the financial reports and budgets of every local government in Utah; Created Fraud special projects group; Issued Risk Alerts to State Government Agencies on subjects of Credit Card Use, Audit Committee Responsibilities, and Fraud Awareness;Veteran U.S. Navy.

10470 S. REDWOOD RD., #209
SOUTH JORDAN, UT 84095
(801) 558-1750
austonjohnson@utah.gov

NO PHOTO PROVIDED

Valerie S. Larsen
PERSONAL CHOICE

NO STATEMENT PROVIDED

6546 CLEMATIS WAY
WEST JORDAN, UT 84084
(801) 965-6100
valerie_larsen@hotmail.com
www.personalchoice.org

NO PHOTO PROVIDED

Mike Stoddard
LIBERTARIAN

NO STATEMENT PROVIDED

1017 W. 1770 N.
OREM, UT 84057
(801) 225-6894

Carlos Vasquez
DEMOCRAT

I was born and raised in Utah. I love Utah, and my wife and I feel fortunate to raise our five children here. I have had the opportunity to be a leader in the community, at church, and in the workplace. Like the majority of Utahns, I know what it is like to feel the burden of taxation. Because of this, I am running for state auditor. I will provide frequent, independent, innovative, and honest auditing of all appropriate entities. I want to restore integrity to government and make it accountable to the people. I appreciate your vote.

593 S. MOUNTAIN RD.
FRUIT HEIGHTS, UT 84037
(801) 593-6719
carlosavasquez@aol.com

UTAH TREASURER

Edward T. Alter
REPUBLICAN

Ed Alter has the professional training to qualify for reelection as State Treasurer with degrees in Banking and Finance and Masters in Business Administration. His experience includes public accounting as a CPA and a record of excellence as a public treasurer. Ed has been recognized for Utah's top ranking in financial management by Financial World and Governing magazines. He has maintained Utah's AAA bond rating which has saved the state millions of dollars of borrowing cost. His efficient investment program invests money for most cities, counties and school districts. Ed earned over $100 million for Utah taxpayers last year alone.

3411 EASTWOOD DR.
SALT LAKE CITY, UT 84109
(801) 272-7496

Jim Elwell
LIBERTARIAN

Raised in Brigham City, Utah, I graduated from Box Elder High School, and earned a B.S. in Electrical Engineering from Utah State University. I co-founded and have run a successful manufacturing business in Salt Lake City, growing it from one to 54 employees in the last 20 years. I have worked extensively with Utah business regulations, local, state and federal tax laws, and numerous lawyers, accountants and auditors. As your State Treasurer I will work hard to provide careful oversight, independent of the two major parties, into the financial affairs of the State of Utah.

3359 S. MAIN, #314
SALT LAKE CITY, UT 84115
(801) 733-0632
jimelwelltreasurer@yahoo.com
www.jimelwell.org

Debbie Hansen
DEMOCRAT

The current State Treasurer has been in office for almost a quarter of a century and I believe it's time for a fresh, new perspective. My good, sound decision-making skills and experience in providing oversight to a multi-million dollar budget qualify me as a candidate to ensure that your tax dollars are effectively managed and wisely invested.
I'd also like to establish a new precedent to become the first woman Treasurer for the State of Utah. A vote for Debbie Hansen is your best choice for your voice. Change is good!

1031 CAPITOL
OGDEN, UT 84401
(801) 393-1514
dhansen@weber.edu

NO PHOTO PROVIDED

Mary A. Petersen
PERSONAL CHOICE

NO STATEMENT PROVIDED

1053 E. 300 S.
SALT LAKE CITY, UT 84102
(801) 364-9900

UTAH STATE SENATE

DISTRICT 1

James Evans
REPUBLICAN
1552 N. NEWTON PARK ST.
SALT LAKE CITY, UT 84116
(801) 322-3452
evansjme@sisna.com
www.votejamesevans.com

Fred J. Fife, III
DEMOCRAT
842 W. 900 S.
SALT LAKE CITY, UT 84104
(801) 521-7383
ffifeiii@aol.com

Elaine Jenkins
CONSTITUTION
1074 N. REDWOOD RD.
SALT LAKE CITY, UT 84116
(801) 347-8209
hopeandlite@yahoo.com

Daniel Dean McGuire
PERSONAL CHOICE
934 W. 700 S.
SALT LAKE CITY, UT 84104
(801) 359-8059
mindmesh@yahoo.com

DISTRICT 6

Cora Lee Jckowski
DEMOCRAT
7137 S. 2370 W.
WEST JORDAN, UT 84084
(801) 566-1856
corajckowski@comcast.net

Lori M. Newby
CONSTITUTION
1379 W. APPOMATTOX WAY
TAYLORSVILLE, UT 84123
(801) 281-2670
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B.

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.

(SJR 6)

CONSTITUTIONAL AMENDMENT NUMBER 1

Resolution on Impeachment Authority

Shall the Utah Constitution be amended to:

(1) explicitly authorize the Utah House of Representatives to convene for the purpose of impeachment if two-thirds of the representatives are in favor of convening;

(2) require the Utah Senate to convene for a trial of impeachment if the House of Representatives has voted to impeach;

(3) allow the same amount of legislative compensation per day during an impeachment session as is allowed during an annual general session; and

(4) delete an outdated reference to justices of the peace in an impeachment provision?

☐ **YES**

☐ **NO**

Senate: 25-0-4
House: 69-0-6

IMPARTIAL ANALYSIS

Constitutional Amendment Number 1 amends impeachment provisions of the Utah Constitution in four ways. First, it explicitly authorizes the Utah House of Representatives to convene for the purpose of impeachment if two-thirds of the representatives are in favor of convening. Second, the Amendment requires the Utah Senate to convene for a trial regarding removal of the state or judicial officer whom the House of Representatives has voted to impeach. Third, the Amendment allows the same amount of legislative compensation per day during an impeachment session as is allowed during an annual general session. Finally, it deletes an outdated reference to justices of the peace.

Authority to Convene Into Session

Present Utah Constitution

Like the federal constitution and the constitutions of 48 other states, the Utah Constitution presently provides for impeachment as a method of removing from office state or judicial officers who engage in misconduct that may justify impeachment and removal from office. Like the impeachment process under the federal constitution, the impeachment process under the Utah Constitution consists of two parts: a vote to impeach and a trial to determine if the officer should be removed from office. The Utah Constitution gives the Utah House of Representatives the sole power of impeachment and requires the Utah Senate to conduct a trial to determine if the officer should be removed from office once the House has voted to impeach.

In order for the House of Representatives to vote to impeach or the Senate to hold an impeachment trial, each must convene into session. Presently the Utah Constitution explicitly provides two ways for the House of Representatives and the Senate to convene into session. First, the Legislature is required to convene annually in a 45-day general session. Second, under the Utah Constitution the Governor may, on "extraordinary occasions," convene the Legislature into session, commonly referred to as a special session, to transact legislative business specified by the Governor.

If the Governor is the subject of the intended impeachment proceeding or sympathizes with the officer who is the subject of the intended impeachment, the Governor may choose not to convene the Legislature into session for the purpose of impeachment. The Utah Constitution does not explicitly authorize the House of Representatives or the Senate to convene for impeachment purposes outside an annual general session or a session convened by the Governor. The authority to convene for impeachment purposes may be implied from the House of Representatives' authority to impeach and the Senate's duty to hold a trial after an impeachment vote. However, there has never been an impeachment proceeding in Utah that has tested whether the authority exists.

Effect of Constitutional Amendment Number 1

Constitutional Amendment Number 1 explicitly authorizes the Utah House of Representatives to convene in order to consider an impeachment if a poll of House members, conducted by the Speaker of the House, indicates that two-thirds of all House members are in favor of convening. The Amendment also requires the Utah Senate to convene in order to conduct a trial regarding removal of the officer from office if the House of Representatives has voted to impeach.

Constitutional Amendment Number 1 either establishes an authority to convene that presently does not exist or makes explicit an authority to convene that exists only by implication. If the authority already exists by implication, the Amendment imposes a requirement that is not contained in the present Utah Constitution. The Amendment requires two-thirds of House members to agree to convene for impeachment purposes, while under the implied authority of the present Utah Constitution, the House could be convened without meeting the two-thirds requirement.

Legislative Compensation

The Utah Constitution presently places a limit on compensation paid to legislators for legislative sessions involving an impeachment proceeding. If an annual general session or a session convened by the Governor exceeds the time limits of the Utah Constitution because the

Legislature is conducting an impeachment proceeding, members of the Legislature receive compensation only for expenses and mileage and do not receive their regular daily salary.

Constitutional Amendment Number 1 removes that limitation. Under the Amendment, legislators will receive their regular daily salary while convened in any session that includes an impeachment proceeding, even if the session exceeds the traditional time limit for the session established in the Utah Constitution.

Justices of the Peace

The Judicial Article of the original 1896 Utah Constitution listed justices of the peace among the judicial officers making up the judicial branch. Because of a 1985 amendment to the Utah Constitution and subsequent statutory changes, the office of justice of the peace was eliminated and replaced with the office of justice court judge. Justice court judges have essentially the same judicial authority and function as the predecessor justices of the peace.

While the office of justice of the peace was eliminated, all references to justices of the peace in the Utah Constitution were not. The Utah Constitution continues to provide that all judicial officers, except justices of the peace, are subject to impeachment.

Constitutional Amendment Number 1 deletes that outdated exception for justices of the peace. The effect of the Amendment is to make justice court judges, who replaced justices of the peace, clearly subject to impeachment.

Effective date

If approved by voters, Constitutional Amendment Number 1 takes effect January 1, 2005.

Fiscal impact

There has never been an impeachment proceeding in Utah, but if the Utah House of Representatives conducted an impeachment proceeding outside an annual general session or at a time when the Legislature were not otherwise meeting, the estimated cost per day for the House to meet is $21,400. If the Utah Senate were to convene for an impeachment trial outside an annual general session or at a time when the Legislature were not otherwise meeting, the estimated cost per day for the Senate to meet is $8,300.

Argument For:

Vote YES on Constitutional Amendment Number 1. The Amendment closes a long-standing gap in the Utah Constitution relating to the Legislature's impeachment authority and modernizes other minor provisions relating to impeachment.

Ever since 1896, the Utah Constitution has provided that the Utah House of Representatives has the sole power of impeachment and that all impeachments are to be tried by the Utah Senate. The state's history does not appear to contain a single impeachment of a state or judicial officer. However, if the Legislature ever were to exercise its impeachment authority, it is likely that the circumstances requiring the Legislature to act would occur outside the period of the Legislature's 45-day annual general session. Although it makes perfect sense to assume that the House and Senate have the authority to convene for impeachment purposes even when not convened in an annual general session, the Constitution is silent on that point.

Constitutional Amendment Number 1 seeks to close that gap in the Utah Constitution. It simply states that if the Utah House of Representatives is not already convened in an annual general session, it may convene for the purpose of impeachment if two-thirds of the members are in favor of convening. The Amendment also provides that upon the House's vote to impeach, the Utah Senate must convene for the purpose of trying the impeachment.

It is important to correct this oversight now when no impeachment proceeding is pending or anticipated. An impeachment is a politically charged proceeding that would not be a suitable setting for resolving an issue relating to the Legislature's authority to convene for impeachment purposes. The current neutral setting, without a pending or anticipated impeachment, is the time to resolve the issue.

Constitutional Amendment Number 1 also removes two outdated provisions. One relates to compensation for expenses and mileage during an impeachment proceeding. The other relates to justices of the peace who are now referred to in statute as justice court judges. The Amendment eliminates the outdated constitutional language referring to justices of the peace, making justice court judges subject to impeachment..

Constitutional Amendment Number 1 is a timely measure needed to fill a gap in the Utah Constitution and to avoid a potential problem in a future impeachment proceeding. The Utah Constitutional Revision Commission unanimously recommended the Amendment, and both the Utah House of Representatives and the Utah Senate passed it without a single negative vote. The Amendment also deserves your vote.

Vote YES on Constitutional Amendment Number 1.

SENATOR JOHN VALENTINE

Argument Against:
(No statement submitted.)

Rebuttal To Argument for
(No statement submitted.)

Rebuttal To Argument Against
(No statement submitted.)

CONSTITUTIONAL AMENDMENT 1

This joint resolution of the Legislature proposes to amend the Utah Constitution to
modify provisions relating to impeachment.

This resolution proposes to change the law as follows:
AMENDS:

ARTICLE VI, SECTION 16
ARTICLE VI, SECTION 17
ARTICLE VI, SECTION 18
ARTICLE VI, SECTION 19

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 16, to read:
Article VI, Section 16. [Duration of sessions.]
(1) No annual general session of the Legislature [~~shall~~] may exceed 45 calendar days,
except in cases of impeachment.
(2) No [~~special~~] session [~~shall~~] of the Legislature convened by the Governor under
Article VII, Section 6 may exceed 30 calendar days, except in cases of impeachment. [~~When any session of the Legislature trying cases of impeachment exceeds the number of days it may remain in session as provided in this section, the members shall receive compensation only for expenses and mileage for those days in excess of 30.~~]
Section 2. It is proposed to amend Utah Constitution Article VI, Section 17, to read:
Article VI, Section 17. [Impeachment by House.]
(1) The House of Representatives shall have the sole power of impeachment, but in order
to impeach, two-thirds of all the members elected must vote therefor.
(2) If not already convened in an annual general session, the House of Representatives
may convene for the purpose of impeachment if a poll of members conducted by the Speaker of
the House indicates that two-thirds of the members of the House of Representatives are in favor
of convening.
Section 3. It is proposed to amend Utah Constitution Article VI, Section 18, to read:
Article VI, Section 18. [Trial of impeachment by Senate.]
(1) All impeachments shall be tried by the Senate, and senators, when sitting for that
purpose, shall take oath or make affirmation to do justice according to the law and the evidence.
(2) Upon an impeachment by the House of Representatives, the Senate shall, if not already convened in an annual general session, convene for the purpose of trying the impeachment.
(3) When the Governor is on trial, the Chief Justice of the Supreme Court shall preside.
(4) No person shall be convicted without the concurrence of two-thirds of the senators
elected.
Section 4. It is proposed to amend Utah Constitution Article VI, Section 19, to read:
Article VI, Section 19. [Officers liable for impeachment -- Judgment -- Prosecution by law.]
The Governor and other State and Judicial officers[~~, except justices of the peace,~~] shall be
liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in
such cases shall extend only to removal from office and disqualification to hold any office of
honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless,
be liable to prosecution, trial, and punishment according to law.
Section 5. **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 6. **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,
2005.

(HJR 12 3RD SUBSTITUTION)

CONSTITUTIONAL AMENDMENT NUMBER 2

Resolution-Exception to Subscribing to Stock Prohibition

Shall the Utah Constitution be amended to authorize the state or a public institution of higher education to acquire an ownership interest in a private business in exchange for rights to intellectual property developed by the state or public institution of higher education?

☐ **YES**
☐ **NO**

Senate: 23-0-6
House: 68-2-5

IMPARTIAL ANALYSIS

Constitutional Amendment Number 2 amends the Utah Constitution to create a narrow exception to a provision prohibiting the state or a local government from purchasing newly issued stock from a private corporation. The Amendment authorizes the state or a public institution of higher education to acquire an ownership interest in a private business in exchange for the sale, license, or other transfer to the private business of intellectual property developed by the state or public institution of higher education.

Background

The original 1896 Utah Constitution contained a provision that prohibited state and local governments from subscribing to the stock of any private corporation. Subscribing to stock means to buy or to agree to buy stock of a corporation that is newly issuing stock. The purposes of the provision prohibiting government from subscribing to stock generally include preventing government from using public resources to benefit a single private company and preventing government from risking its resources on a startup company.

In recent years, at least one of the state's public universities has developed new technologies and has at times sold to private companies the right to put those technologies to commercial use. In exchange for those technology rights, the university has received an ownership interest in those companies. A Utah Supreme Court case dealing with a related issue has raised a question whether that practice is consistent with the Utah Constitution prohibition against subscribing to stock.

Constitutional Amendment Number 2

Constitutional Amendment Number 2 resolves that issue by making a narrow exception to the general prohibition against state and local governments buying newly issued stock of a private corporation. Under the Amendment, the state or a public institution of higher education may acquire an ownership interest in a private business if the acquisition is in exchange for rights to intellectual property, such as a patent or copyright, that was developed by the state or the public institution of higher education.

Effective date

If approved by voters, Constitutional Amendment Number 2 takes effect January 1, 2005.

Fiscal impact

Constitutional Amendment Number 2 has no fiscal impact on state or local government.

Argument For:

Vote YES on Constitutional Amendment Number 2. It will protect the ability of the state's universities to capitalize on new technologies they produce and allow them to continue to provide a significant economic benefit for the universities and the state.

Much of today's technologies come from university research. In fact, universities are the leading source of new patents. Currently the state's two public research universities generate more than $500 million in research activity and produce many new inventions each year. University research led to the development of such successful businesses as Myriad Genetics and HyClone Industries. Businesses that result from university research provide a significant economic benefit to the state.

Those businesses can also provide a direct financial benefit to the universities. Research universities that generate new technology routinely sell the rights to that new technology to private companies which then turn that technology into marketable products. Sometimes a university receives stock in the business that purchases the new technology. If the business is successful, the university benefits as the value of the stock increases.

The state's research universities have for many years been engaged in the practice of receiving stock in exchange for new technology developed by the university. This practice has produced a significant benefit to the universities and the state. However, some have questioned the constitutionality of this practice under an obscure, century-old provision intended to prevent the state from using tax dollars to invest in speculative ventures such as railroads. Constitutional Amendment Number 2 makes clear that the established and beneficial practice of research universities receiving a company's stock in exchange for new technology developed by the university is consistent with the Utah Constitution.

Passage of Constitutional Amendment Number 2 will send a strong signal to businesses interested in either staying or locating in Utah that the state has an environment that encourages economic development through the transfer and commercialization of new technologies developed in the state's universities. Most other states that compete with Utah in the area of economic development long ago expressly permitted their institutions of higher education to hold an equity interest in the companies they start. This Amendment must be passed to ensure the continued efforts to realize fully the capital gains associated with successful research. By passing this Amendment, Utah will significantly enhance its competitive edge in economic development.

Constitutional Amendment Number 2 was passed overwhelming in the Utah House of Representatives by a vote of 68 to 2 and in the Utah Senate by a vote of 23 to 0. That legislative backing is complemented by similar support from the Utah Constitutional Revision Commission, the state's two research universities (the University of Utah and Utah State University), the Utah State System of Higher Education, the Economic Development Corporation of Utah, and the Salt Lake City Chamber of Commerce.

For the sake of Utah's economic future, vote YES on Constitutional Amendment Number 2.

REPRESENTATIVE GREG J. CURTIS

Argument Against:
(No statement submitted.)

Rebuttal To Argument Against
(No statement submitted.)

Rebuttal To Argument for
(No statement submitted.)

This joint resolution proposes to amend the Utah Constitution to modify a provision
relating to a prohibition against subscribing to stock.
Utah Constitution Sections Affected:
AMENDS:
ARTICLE VI, SECTION 29
ARTICLE X, 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 29, to read:
Article VI, Section 29. [Lending public credit and subscribing to stock or bonds forbidden -- Exception.]
[~~The Legislature may not authorize the~~]
(1) Neither the State[~~, or~~] nor any county, city, town, school district, or other political
subdivision of the State [~~to~~] may lend its credit or, except as provided in Subsection (2), subscribe
to stock or bonds in aid of any [~~railroad, telegraph or other~~] private individual or corporate
enterprise or undertaking[~~, except as provided in Article X, Section 5~~].
(2) Except as otherwise provided by statute, the State or a public institution of
post-secondary education may acquire an equity interest in a private business entity as
consideration for the sale, license, or other transfer to the private business entity of intellectual
property developed in whole or in part by the State or the public institution of post-secondary
education, and may hold or dispose of the equity interest.
Section 2. It is proposed to amend Utah Constitution Article X, Section 5, to read:
Article X, Section 5. [State School Fund and Uniform School Fund --
Establishment and use -- Debt guaranty.]
(1) There is established a permanent State School Fund which shall consist of revenue from the following sources:
(a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;
(b) 5% of the net proceeds from the sales of United States public lands lying within this
state;
(c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;
(d) all revenues derived from the use of school trust lands;
(e) revenues appropriated by the Legislature; and
(f) other revenues and assets received by the fund under any other provision of law or by bequest or donation.
(2) (a) The State School Fund principal shall be safely invested and held by the state in perpetuity.
(b) Only the interest and dividends received from investment of the State School Fund
may be expended for the support of the public education system as defined in Article X, Section 2
of this constitution.
(c) The Legislature may make appropriations from school trust land revenues to provide
funding necessary for the proper administration and management of those lands consistent with
the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended
balances remaining from the appropriation at the end of each fiscal year shall be deposited in the
State School Fund.
(d) The State School Fund shall be guaranteed by the state against loss or diversion.
(3) There is established a Uniform School Fund which shall consist of revenue from the
following sources:
(a) interest and dividends from the State School Fund;
(b) revenues appropriated by the Legislature; and
(c) other revenues received by the fund under any other provision of law or by donation.
(4) The Uniform School Fund shall be maintained and used for the support of the state's
public education system as defined in Article X, Section 2 of this constitution and apportioned as
the Legislature shall provide.
(5) (a) [~~The~~] Notwithstanding Article VI, Section 29, the State may guarantee the debt of
school districts created in accordance with Article XIV, Section 3, and may guarantee debt
incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed
thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation
under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5%
limitation of Article XIV, Section 1.
(b) The Legislature may provide that reimbursement to the state shall be obtained from
monies which otherwise would be used for the support of the educational programs of the school
district which incurred the debt with respect to which a payment under the state's guaranty was
made.
Section 3. **Submittal to voters.**
The lieutenant governor is directed to submit this proposed amendment to the voters of
the state at the next regular general election in the manner provided by law.
Section 4. **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,
2005.

(HJR 25)

CONSTITUTIONAL AMENDMENT NUMBER 3

Joint Resolution on Marriage

Shall the Utah Constitution be amended to provide that:
(1) marriage consists only of the legal union between a man and a woman; and
(2) no other domestic union may be recognized as a marriage or given the same or substantially equal legal effect?

☐ **YES**
☐ **NO**

Senate: 20-7-2
House: 58-14-3

IMPARTIAL ANALYSIS

Constitutional Amendment Number 3 amends the Utah Constitution to add two provisions related to marriage. First, the Amendment states that marriage consists only of the legal union between a man and a woman. Second, it states that no other domestic union may be recognized as a marriage or given the same or substantially equal legal effect.

Present Utah Constitution

The only provision presently in the Utah Constitution relating to marriage is a provision that prohibits polygamous or plural marriages.

Present Utah statute

Utah statute presently provides that the state's policy is to recognize as marriage only the legal union of a man and a woman. Utah statute also provides that marriage between persons of the same sex is prohibited and void, and that the state will not give legal effect to any law creating any legal status, rights, benefits, or duties that are substantially the same as those provided under Utah law to a man and a woman because they are married.

There are presently two ways for a man and a woman to enter into a valid marriage. One is by having the marriage solemnized by a person authorized to perform a marriage. The other is by obtaining a court or administrative order establishing that a man and a woman have lived together, have held themselves out as being husband and wife, and have met other legal requirements. This second method is referred to as a common law marriage.

Constitutional Amendment Number 3 under the Utah and U.S. Constitutions

Similar to Utah statute, Constitutional Amendment Number 3 states that marriage consists only of the legal union between a man and a woman. The Amendment also prohibits any other domestic union, regardless of what it is called or where it is entered into, from being recognized as a marriage or given the same or substantially equal legal effect.

Other states have statutes that, similar to Utah's, recognize marriage as a union between a man and a woman. In some of those states, lawsuits have been brought challenging whether the statutory provision denies other couples their equal protection or similar rights under the state constitution. In at least one of those states, the state court has determined that the statute does not violate the state's constitution. In other states, however, the courts have determined that the state statute violates or may violate the state constitution. None of those states' constitutions contained a provision relating to marriage similar to Constitutional Amendment Number 3.

Constitutional Amendment Number 3 avoids a result in Utah similar to that of other states where state statute has been determined to be in conflict with the state constitution. The Amendment raises to constitutional status principles relating to marriage that are now expressed only in statute. Because the Amendment places those principles in the Utah Constitution, any potential conflict between the Utah Constitution and the statutory provision expressing the same principle is eliminated.

Although Constitutional Amendment Number 3 resolves any potential conflict between the similar statutory provisions and the Utah Constitution, it does not eliminate potential conflict with the United States Constitution. One potential conflict is with the Equal Protection Clause. The United States Supreme Court has stated that the right to marry "is of fundamental importance," requiring "critical examination" of the state's interest in creating a classification that interferes with that right. Because the Amendment, like its statutory counterpart, creates a classification of persons to whom the right to marry is not available, that classification may be subject to challenge under the Equal Protection Clause of the United States Constitution. To date, however, there appear to be no decided court cases involving a challenge to a provision similar to Constitutional Amendment Number 3 based on federal equal protection grounds. In

addition to a possible challenge based on federal equal protection, a challenge based on other federal constitutional provisions is possible. The likelihood that a court would conclude that the Amendment or the similar statutory provisions violate equal protection or other provisions of the U.S. Constitution is unknown.

Effects of Constitutional Amendment Number 3

Constitutional Amendment Number 3 does three things. First, it defines what a marriage is: only a legal union between a man and a woman. Second, it prevents any other domestic union from being recognized as a marriage, regardless of what the domestic union is called or where it was entered into.

Third, the Amendment prohibits any other domestic union from being given the same or substantially equal legal effect as is given to a marriage between a man and a woman. Presently when a man and a woman marry, they receive certain rights, benefits, and obligations provided in the law. A married man and woman receive those rights, benefits, and obligations automatically, by operation of law and solely by virtue of being married. The Amendment prohibits a domestic union from being given those same or similar rights, benefits, and obligations. The scope of that prohibition may be more precisely defined by Utah courts as they interpret the provision in the context of lawsuits that may arise.

Effective date

If approved by voters, Constitutional Amendment Number 3 takes effect January 1, 2005.

Fiscal Impact

Constitutional Amendment Number 3 has no fiscal impact on state or local government.

Argument For:

Vote Yes on this amendment to ensure that same sex marriage is not allowed in Utah and that the people of Utah retain the right under our constitution to decide how marriage is defined in this state.

Massachusetts recently turned its back on centuries of precedent and began issuing marriage licenses to same sex couples. Why did they do this? Because they were ordered to do so by four judges - barely a majority of its highest court - based on their "modern" interpretation of that state's constitution. Our own courts will likely now face such questions as (1) whether to follow Massachusetts in redefining the meaning of marriage and family and (2) whether to recognize same sex marriages performed in other states. Utah needs to amend our state constitution to specifically address and protect against these conditions.

This amendment will do three things. First, it ensures that no state court in Utah can ever make a ruling like the one in Massachusetts that overruled the people and redefined marriage against their will. Second, it prevents state courts from requiring that same sex marriages from other states be recognized in Utah. Third, it prevents the creation of marriage substitutes (like "civil unions" or "domestic partnerships") that sanction and give unmarried couples the same status as marriage under another name.

This amendment does not promote intolerance, hatred or bigotry. Earlier this year, the Federal Eleventh Circuit Court of Appeals upheld Florida's ban on homosexual adoptions. The Court unequivocally recognized government's strong interest in maintaining public morality, the justified preference for heterosexual marriage with its capacity to perpetuate the human race and the importance of raising children in that preferred relationship. This amendment preserves that same historic understanding of marriage and the ability of Utahns to govern themselves.

Social stability has always depended on strong marriages. Many families, of course, face difficult challenges, including divorce and the absence of a father or a mother. These challenges, however, are no reason to abandon the ideal relationship where men, women and children thrive best and that is an enduring natural marriage between a man and a woman.

Here in Utah, let us heed the warning of Lincoln and not allow others to "blow out the moral lights around us." The courts have long recognized that marriage and family law are domestic matters to be decided by state and not federal authority. Therefore, this matter will be decided by a majority of the voters in this election and that is as it should be. As Thomas Jefferson explained, "It is rare that the public sentiment decides immorally or unwisely."

We urge you to support this important measure for the good of our state and its families and children.

REPRESENTATIVE LAVAR CHRISTENSEN (ATTORNEY)
SENATOR D. CHRIS BUTTARS

Argument Against:

Reasonable and compassionate Utahns, including those opposed to "gay marriage," should vote "No" on this constitutional amendment. Utahns of all faiths-- single and married, straight and gay--need to take a closer look at this amendment and see that it goes far beyond defining marriage. It's really about making discrimination legal-- discrimination that hurts real people and takes basic rights away from real families.

Part 1 of the amendment is completely unnecessary

Part 1 defines marriage as "between a man and a woman." This definition has already been adopted three different places in Utah law. This language was first passed by the Legislature in 1977. In the last 25 years, we've never needed a constitutional amendment to stop gay marriage, and we don't need one now. Even those who worry about Utah being forced to accept gay marriages performed elsewhere acknowledge that an amendment to our constitution won't make any difference. Attorney General Mark Shurtleff has said, "This is going to be decided by the United States Supreme Court. It won't matter what state constitutions say."

Part 2 of the amendment is deeply hurtful

Part 2 prevents same-sex partners from being given any basic rights of "substantially equivalent legal effect" to those given married couples. This means that same-sex couples in committed, long-term relationships can never receive any of the more than 1,000 legal rights and protections provided to married couples. We're not just talking about tax benefits and inheritance rights. We're talking basic rights, such as the ability to visit one's partner in the hospital or make medical decisions in an emergency. The amendment would also deny same-sex couples health insurance benefits currently offered by many prominent Utah employers. Legal experts say that the vague language of Part 2 could even interfere with powers of attorney, wills, medical directives, property arrangements, and joint bank accounts used by same-sex couples. Polls show that more than 70% of Utahns have a family member or close friend who is gay. Denying our neighbors and our relatives basic rights, such as hospital visitation, is hurtful and discriminatory.

Part 2 harms children and families

Worst of all, this amendment is certain to have unintended consequences that will hurt real Utah families. You may not approve of same-sex couples having children, but they do. These children didn't choose their circumstances, yet this amendment would deny them rights and protections that provide stability and security for all other Utah children.

Our constitution is no place for discrimination

Our constitution was written to limit government and guarantee rights--not take them away. Yet part 2 of this amendment prevents same-sex couples from ever being granted many basic rights. We would never dream of enacting legal discrimination based on age, race, or religion. Our

constitution is no place for discrimination. Utahns can show their reasonableness, compassion, and fairness by voting "No" on this amendment.

REPRESENTATIVE JACKIE BISKUPSKI
DR. AND MRS. GARY WATTS
TERRY KOGAN, PROFESSOR OF LAW

Rebuttal To Argument Against:

The Founders of our nation believed that the majority of Americans would always remain moral and choose wisely. Now, in 2004, a small percentage of the population wants to radically alter the established meaning of marriage in ways never before contemplated. What new enlightenment or sudden discovery do they offer? Only counterfeit logic and unfounded talk of discrimination.

Same sex couples have previously claimed a right of privacy. Now, they demand official public sanction (marriage) as if the laws of nature somehow no longer exist and there is no higher standard than individual sexual preference. The Supreme Court stated, at such times, "a page of history is worth a volume of logic."

The Declaration of Independence specifically recognizes the "Creator," "the Laws of Nature and of Nature's God," "the Supreme Judge of the World" and our "firm reliance on the protection of divine providence." President Kennedy reminded us that "the rights of man come not from the generosity of the state, but from the hand of God."

This amendment does not deny any existing rights under Utah Law. Despite the opponents' contentions, "sexual orientation" is not comparable to race, religion and ethnicity. If needed, their concerns can be separately addressed without sanctioning and giving blanket marriage status to same sex couples.

Our current marriage laws could be weakened in the future if we do not specifically amend our constitution to prevent that from happening. VOTE YES TO STRENGTHEN OUR CONSTITUTION IN DEFENSE OF MARRIAGE.

REPRESENTATIVE LAVAR CHRISTENSEN (ATTORNEY)
SENATOR D. CHRIS BUTTARS
REPRESENTATIVE MARGARET DAYTON

Rebuttal To Argument For:

This amendment goes far beyond just defining marriage. It singles out one specific group – people who are our relatives, neighbors, and co-workers – to deny them hundreds of rights and protections that other Utahns enjoy. In so doing, it undermines their well-being, their financial security, and the stability of their families. Good, fair-minded Utahns should see this amendment for what it is – a hurtful, discriminatory, and unnecessary addition to our Constitution – and vote "NO."

The amendment's sponsors say we "need" it to stop activist judges and our legislature from forcing "gay marriage" or "marriage substitutes" upon our state. But Utah's judges and legislators are the most conservative in the country. We already have three different laws defining marriage. Instead of worrying about something that simply won't happen, voters should consider the unintended and hurtful consequences hidden in the second part of this amendment.

We should not hurt real families and innocent children to make an extreme and unnecessary political point. The amendment's supporters ask you to vote for it "for the good of this state and its families and children." We ask you to consider in your heart.

REPRESENTATIVE JACKIE BISKUPSKI
DR. AND MRS. GARY WATTS
TERRY KOGAN, PROFESSOR OF LAW

CONSTITUTIONAL AMENDMENT 3

This joint resolution of the Legislature proposes to amend the Utah Constitution to add
a provision relating to marriage.
Utah Constitution Sections Affected:
ENACTS:
ARTICLE I, SECTION 29

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:
Section 1. It is proposed to enact Utah Constitution Article I, Section 29, to read:
Article I, Section 29. [Marriage.]
(1) Marriage consists only of the legal union between a man and a woman.
(2) No other domestic union, however denominated, may be recognized as a marriage
or given the same or substantially equivalent legal effect.
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,
2005.

CITIZEN'S STATE INITIATIVE NUMBER 1

Utah Clean Water, Quality Growth and Open Space Initiative

Shall a law be enacted to:

(1) authorize the state to borrow up to $150 million by issuing bonds to be repaid within 13 years from a statewide sales tax increase of 1/20th of one cent and, only if necessary, from general state sales tax revenues; and

(2) use bond proceeds for projects that, among other things:

(a) preserve or enhance lakes, rivers, and streams, wildlife habitat, farms and ranches, trails, historical sites, parks, open space, and water and air quality; facilitate growth management; and build park, wildlife, or trail facilities; and

(b) build local community facilities and improve natural history and cultural museums?

☐ **FOR**
☐ **AGAINST**

IMPARTIAL ANALYSIS

Citizen's State Initiative Number 1 authorizes the state to issue bonds to borrow up to $150 million to fund conservation projects and community projects, as defined in the Initiative and as explained below. The Initiative provides for payment of those bonds by a 1/20th of one cent increase in the statewide sales and use tax.

Bond proceeds must be spent on conservation projects

The Initiative requires that about $120 million of the bond proceeds be used for conservation projects to be undertaken by the state, by a county, city, town, or special district, or by a nonprofit conservation organization. A conservation project, as defined in the Initiative, is a project to preserve, protect, enhance, or obtain the benefits of the natural resources of the state, and may include a project to:

- acquire interests in land, or enhance or restore land, in order to preserve, enhance, or restore: lakes, rivers, and streams; watersheds; wildlife habitat; farms, ranches, and other agricultural lands; trails; historical and cultural sites; parks; and open space;
- enhance water and air quality; provide incentives to meet water and air quality standards; take an inventory of wildlife species; assist in eradicating or controlling invasive species; assist with wildlands fire management; implement programs for the transfer of development rights; and facilitate sound growth management and land use planning at the state, regional, or local level; and
- build, improve, or repair government-operated parks, natural history and visitor interpretive centers, wildlife management and enhancement structures, greenways, and trails.

The Quality Growth Commission, which consists of two state government persons, six elected local officials, and five persons from the private sector, must allocate the $120 million as follows:

- about $57 million to entities that complete a competitive application process and provide 25% in matching funds;
- about $20 million to the Division of Wildlife Resources;
- about $10.5 million to the Division of State Parks;
- about $16.25 million to the Department of Environmental Quality; and
- about $16.25 million to the Department of Agriculture and Food.

Some bond proceeds may be spent on community projects

The balance of the bond proceeds, approximately $30 million, may be used for community projects. A community project is defined as:

(1) a project that qualifies as a "conservation project;"

(2) a "quality of life and infrastructure" project at the county, city, or town level that is intended to enhance a local community, such as recreation facilities, trails, community parks, picnic and camp grounds, fairgrounds, convention centers, improvements to local government buildings, water treatment facilities, or the development of land use and community and economic development plans; or

(3) expenditures for structures, exhibit space, interpretive displays, collections and other facilities for the State Museum of Natural History and for nonprofit organizations that collect, care for, and exhibit natural or cultural history collections.

Of the approximately $30 million, the Initiative requires that the Quality Growth Commission allocate about $25 million to community projects submitted by the governor's office through a competitive application process developed in consultation with local government officials from throughout the state. The Initiative requires that the Quality Growth Commission allocate the remaining amount, approximately $5 million, to community projects submitted by the Director of the State Museum of Natural History.

Bond issuance requirements

The Initiative authorizes the state to borrow up to $150 million by issuing bonds, and requires that the bonds be issued within four years after the Initiative's effective date. The Initiative requires that all bonds be repaid no later than 13 years after they are issued. In order for the bonds to be issued, the legislature may need to pass further implementing legislation.

Repayment of bonds from sales and use taxes

The Initiative provides that the debt created by the bonds will be repaid by revenue from a statewide sales and use tax increase of 1/20th of one cent. If revenue from that sales and use tax increase is not sufficient to repay the bonds, the Initiative requires that revenue from the general statewide sales and use tax be used to make up the shortfall.

Fiscal impact

The Legislative Fiscal Analyst estimates that total principal and interest payments on the bonds will be about $192 million, with annual payments of about $14.8 million. These estimates are based on the assumption that the bonds are all issued in January 2005, that the bonds will be repaid in 13 years, and that the interest rate at the time of issuance is 3.83%. Based on fiscal year 2005 revenue estimates, the 1/20th of one cent statewide sales and use tax increase would generate about $15.8 million in revenue during the first year that the tax is in place.

The state will need to pay about $950,000 in costs associated with issuance of the bonds, either from bond proceeds, which would reduce the amount of money available for conservation projects and community projects, or from money appropriated by the legislature.

Related provisions

The Initiative prohibits government entities from using bond proceeds to acquire property by eminent domain.

If a government entity acquires private land using bond proceeds, the Initiative requires that the government entity make payments to offset some or all of the property taxes that would have been paid if the land had remained in private ownership. Depending on how this requirement is implemented, there may be some question as to whether it is consistent with the Utah constitutional provision exempting government-owned property from property tax.

The Initiative also contains other provisions relating to, among other things, the manner of issuing the bonds and the administration of bond proceeds.

Effective date

If approved by voters, the Initiative takes effect five days after issuance of the governor's proclamation certifying voter approval of the Initiative.

Argument For:

PROTECT WHAT MAKES UTAH SPECIAL - VOTE YES ON INITIATIVE 1

Utah offers all of us a unique quality of life-a home where we treasure our clean drinking water, parks, open spaces, and the stunning beauty of the recreational lands we all use. A YES vote on Initiative 1 will maintain this special quality of life for our children, by protecting Utah's drinking water, air quality, wildlife habitat, rivers and streams, family farms and ranches, and cultural and historic landmarks.

WHY INITIATIVE 1 IS NEEDED

By 2020, Utah's population is projected to grow by one million people. The consequences of not preparing for this growth will be serious: threatened water sources and polluted air, congestion on our roads and in our parks, and the permanent loss of our quality of life. We will risk losing jobs, business to other states and money from tourism-all of which are bolstered by Utah's clean air, clean water and unique natural beauty. And the longer we wait, the more expensive it will be to protect Utah's natural assets as property prices escalate.

HOW INITIATIVE 1 WILL HELP

Initiative 1 will fund essential land and water conservation projects throughout the state; maintaining Utah's quality of life by:

- Protecting and improving drinking water quality
- Preserving working family farms and ranches
- Protecting lakes, rivers, stream and watersheds
- Preserving fish and wildlife habitat
- Maintaining and improving state and local parks
- Providing incentives to improve air quality
- Conserving historical and cultural landmarks

Initiative 1 is a balanced proposal that respects Utah's customs and private property rights. All projects will be completed on a willing seller/willing buyer basis - and all lands will remain on the tax roles or will be subject to payments made in place of taxes. Local government and members of the public will be involved in setting priorities for Initiative 1, so the needs of Utah's communities will be met.

INITIATIVE 1 REQUIRES FISCAL ACCOUNTABILITY

Initiative 1 will cost the average Utah family about $14 per year-a small price to pay for protecting Utah's quality of life-and these costs will be in effect for no more than 13 years from the date the bonds are issued. Funds from Initiative 1 will be matched by federal and/or private dollars, ensuring that each dollar we spend will create more funding to protect land and water in Utah. And all funding will be subject to independent audits by the State.

VOTE YES ON INITIATIVE 1

Civic and business leaders, The Desert News, The Salt Lake Tribune, The Nature Conservancy, Sportsmen for Fish and Wildlife, Utah farmers and ranchers - and tens of thousands of Utahns statewide support this measure. Help us protect what makes Utah special. Vote YES on Initiative 1.

FORMER SENATOR JAKE GARN
NORMA MATHESON, FORMER FIRST LADY
MAYOR LEWIS BILLINGS
SENATOR GREG BELL
JOHN GARFF, PRESIDENT, KEN GARFF AUTOMOTIVE GROUP
AILEEN CLYDE, FORMER REGENT, UNIVERSITY OF UTAH
DON PEAY, PRESIDENT, SPORTSMEN FOR FISH AND WILDLIFE
CHARLIE BLACK, DAVIS COUNTY FARMER

Argument Against:

Utahns have eight key reasons to reject this initiative.

Open space is not more important than education.
This initiative dictates that revenue be set aside BEFORE limited dollars are budgeted for our struggling education system, health care for the poor, and transportation system. Open space is a worthy goal - but should compete for prioritization with other desperate needs in the budget process.

Local decisions should be made locally.
Open space funding should be determined and paid for by local taxpayers, not a statewide tax increase. Open space in Bountiful should not be funded by taxpayers in Panguitch, Salt Lake or Vernal. Cities and counties are spending millions to preserve open space, including Park City ($20 million) and West Jordan ($4.2 million). Approximately 370 acres were recently preserved between Riverton and Draper with no new taxes.

Rural areas don't need more open space.
Economic growth in most rural areas is practically non-existent, meaning that open space is not threatened by sprawl. In addition, only 22% of Utah is privately owned. In Garfield County, 97% of the land is owned by the government. Rural Utahns need MORE private land, not less, to jump-start their economic engines.

New taxes are a bad idea.
ANY increase is significant. Our state and local tax & fee burden is already the third highest in the nation, a consequence of numerous "small" tax increases over the years. High taxes have a significant negative impact on economic growth and capital investment.

Initiatives are a poor way to shape tax policy.
Dedicating general revenues for specific purposes is universally recognized as poor tax policy. Utah can't afford to start setting budgets through initiative like California. To maintain fiscal discipline and flexibility, government spending priorities need to compete against each other for funding. Dedicated revenue streams force elected officials to ignore critical funding needs in other areas - or raise your taxes.

No tax is temporary.
Some say this is a "temporary" tax. Don't believe it. History has taught us that temporary taxes become permanent.
We live in a democratic republic - not a pure democracy. We elect representatives to study the issues and make informed budget decisions for the state. If they are not responsive to our needs, we select new representatives. Initiative proponents want to circumvent the legislative budget process, claiming their priorities deserve preferential treatment.

We live in a democratic republic - not a pure democracy. We elect representatives to study the issues and make informed budget decisions for the state. If they are not responsive to our needs, we select new representatives. Initiative proponents want to circumvent the legislative budget process, claiming their priorities deserve preferential treatment.

It's open season on taxpayers.
Passage of this tax increase will signal to well-funded out-of-state spending groups that hunting season is open - on Utah's taxpayers. Utah has no restrictions on initiative campaign finance, and special interest groups will effectively manipulate the system to force tax increases that will harm Utah's economic growth.

Vote no on this initiative. Open lands preservation is an important goal but shouldn't damage the very people it seeks to reward.

SENATE PRESIDENT AL MANSELL
HOUSE SPEAKER MARTY STEPHENS
SENATOR TOM HATCH
REPRESENTATIVE STEPHEN URQUHART
MAYOR MONT EVANS
UTAH FARM BUREAU
UTAH TAXPAYERS ASSOCIATION

Rebuttal to Argument Against:

Don't be fooled. Here are the facts on Initiative 1:

Initiative 1 will protect Utah's quality of life for future generations.
Initiative 1 has a new, self-funding mechanism and will not take one dime from education, transportation or any other state budget needs. But Initiative 1 will protect our public health by ensuring clean water and clean air.

All Utahns will benefit from Initiative 1.
Initiative 1 provides new funding for communities to ensure clean air and water, support family farms and ranches, and enjoy healthy wildlife populations. A statewide measure ensures all Utah communities have an equal opportunity to fund projects of their choice.

Initiative 1 works only with willing buyers and willing sellers to keep land in private hands. Any land protected under Initiative 1 will remain on the tax rolls.

Initiative 1 protects Utah taxpayers.
All funds from Initiative 1 will be subject to independent audits, overseen by the citizens on the Utah Quality Growth Commission, and open for public review. And by law, the small sales tax that funds Initiative 1 MUST end as soon as the bonds are paid off.

We cannot afford to wait.
Our rivers, lakes and streams are already being contaminated. Each day, congestion increases, more pollution keeps our children indoors, and more natural places are lost. For years, the Legislature has ignored these concerns. Initiative 1 is a chance for Utahns to make a small investment now to safeguard our future.

Dan Jorgensen, Sevier County Rancher
Dave Livermore, The Nature Conservancy
Douglas Thompson, Mayor of Logan

Rebuttal to Argument For:

First of all, the majority of farmers and ranchers DO NOT support this statewide tax increase. The Utah Farm Bureau's 22,000 member families have debated this issue extensively and prefer to support local funding for open space.

Second, voters should not assume that little is being done to preserve our quality of life. Over the past ten years we have spent well over a BILLION dollars to

- Improve water quality,
- Preserve family farms and ranches,
- Protect watersheds,
- Preserve fish and wildlife habitat,
- Maintain and improve state and local parks,
- Improve air quality,
- Conserve historic and cultural landmarks,
- Protect endangered species,
- Guard against dangerous wastes, and
- Protect Open Space.

Third, this initiative leaves too many unanswered questions:

How are young farmers going to afford land when they have to compete with $150 million of our tax dollars?

Why aren't proponents advertising that Initiative 1 will allow $30 million to be used for convention centers and other local government buildings?

Why does the "Open Space" initiative REQUIRE a minimum of $5 million to be spent on museums?

The devil is in the details. What other surprises are hidden in the legal text?

This is a feel-good measure, but it won't feel good when bad policy comes back to bite us. If you agree environmental quality is important, elect responsive leaders and tell them how you feel - but vote NO on this misdirected tax proposal.

For more information visit www.utahtaxpayers.org.

THE UTAH TAXPAYERS ASSOCIATION, ET.AL.

Chapter 14. The Utah Clean Water, Quality Growth And Open Space Initiative

PART 1: GENERAL PROVISIONS

63B-14-101. Definitions.

(1) "Bonds" means the bonds issued pursuant to Section 63B-14-202.

(2) "Community Projects" means any of the purposes for which proceeds of the Bonds deposited into the Project Fund may be used as described in Section 63B-14-206.

(3) "Conservation Projects" means any of the purposes for which proceeds of the Bonds deposited into the Project Fund may be used as described in Section 63B-14-204.

(4) "Government Entities" means the State and any cities, counties, towns and special districts within the state of Utah.

(5) "Natural and Cultural History Museums" means institutions that are (a) non-profit organizations designated under Section 501(c)(3) of the Internal Revenue Code; and (b) collect, care for, and exhibit collections of natural or cultural history.

(6) "Project Fund" means one or more funds to be established by resolution of the State Bonding Commission or by direction of the Quality Growth Commission into which the proceeds of the Bonds shall be deposited and used to finance Conservation and Community Projects.

(7) "Quality Growth Commission" means the Quality Growth Commission established in Section 11-38-201.

(8) "Sinking Fund" means the Utah Clean Water, Quality Growth And Open Space Initiative Sinking Fund established under Section 63B-14-211.

(9) "State Museum of Natural History" means the state natural history museum established by Section 53B-17-601(1).

PART 2: SALES AND USE TAX REVENUE BONDS

63B-14-201. Purpose; Statewide Public Purpose.

It is the purpose of this Chapter to: (i) authorize the State Bonding Commission to issue sales and use tax revenue bonds for the purpose of financing Conservation Projects and Community Projects which are of Statewide concern and constitute a Statewide public purpose; and (ii) by doing so, provide for clean water, clean air, wildlife habitat, parks, agricultural land preservation, quality growth, open space and the protection and enhancement of the natural resources of the State now and for future generations.

63B-14-202. State Bonding Commission authorized to issue sales and use tax revenue bonds.

In order to finance Conservation and Community Projects, the State Bonding Commission shall issue and sell sales and use tax revenue bonds of the State, pledging all of the state sales and use tax revenues of the State for the payment of the principal of and interest on the Bonds. The Bonds will not be payable from or secured by the ad valorem taxing power of the State or otherwise be general obligations of the State, but shall be payable solely from the state sales and use tax revenues of the State.

63B-14-203. Maximum Amount — Use of Proceeds — Deposits — Investment — Disposition of investment income and unexpended proceeds.

(1) The total amount of Bonds to be issued under this Chapter may not exceed $150,000,000.

(2) The Bonds to be issued under this Section shall be issued, in one or more series, within four years from the effective date of this Chapter.

(3) Of the $150,000,000 authorized hereby, approximately $120,000,000 of Bond proceeds shall be allocated to Conservation Projects and approximately $30,000,000 of Bond proceeds shall be allocated to Community Projects. Net Bond proceeds shall be used by non-profit organizations designated under Section 501(c)(3) of the Internal Revenue Code and Government Entities to accomplish the purposes of this Chapter. It is hereby found and determined that the use of the Bond proceeds for the purposes described herein is for the State's benefit and in furtherance of essential State purposes.

(4) Proceeds from the issuance and sale of the Bonds shall be deposited in the Project Fund to be administered by the Governor's Office of Planning and Budget on behalf of the Quality Growth Commission.

(5) The State Bonding Commission by resolution may provide for the deposit of these monies with and the administration, disposition, or investment of these monies by a bond trustee.

(6) After completion of the purposes and payment of the costs authorized in this Chapter, any unexpended Bond proceeds shall be deposited into the Sinking Fund unless otherwise provided by resolution of the State Bonding Commission.

(7) The State Bonding Commission, in consultation with the Quality Growth Commission, may from time to time, according to Conservation Project and Community Project needs, issue one or more series of bonds for any of the purposes described herein, subject to the maximum parameters established under Sections 63B-14-205 and 63B-14-207 below, and it shall not be a requirement hereunder that each series of Bonds include projects from each category. Notwithstanding this Subsection (7), upon the issuance of all of the Bonds to be issued under this Chapter, the Bond proceeds allocated shall reflect the approximate amounts required hereby to be allocated to each category of project within the Conservation and Community Projects.

63B-14-204. Conservation Projects.

Conservation Projects shall be those projects undertaken by a Government Entity or a non-profit conservation organization designated under Section 501(c)(3) of the Internal Revenue Code, which preserve, protect or enhance the natural resources of this state or obtain the benefits thereof as follows:

(1) the acquisition of fee title to, perpetual conservation easements on, or other interests in public or private land for the purpose of preserving watersheds, rivers, lakes and streams, wetlands, uplands, critical wildlife habitat, endangered species habitat, ecological areas, agricultural lands and soils, farms and ranches, sites of cultural and historic significance, motorized and non-motorized

trail rights of way, greenways, pubic access, state and local parklands, and predominantly undeveloped natural lands and open space;
(2) the enhancement, restoration, or both, of public or private land for the purpose of preserving, enhancing or restoring watersheds, rivers, lakes and streams, wetlands, uplands, critical wildlife habitat, endangered species habitat, ecological areas, agricultural lands and soils, farms and ranches, sites of cultural and historic significance, motorized and non-motorized trail rights of way, greenways, public access, state and local parklands, and predominantly undeveloped natural lands and open space;
(3) conservation projects and programs which (i) enhance or improve air quality, (ii) provide incentives to meet federal and state air and water quality standards, (iii) assist agricultural producers to comply with federal and state air and water quality standards, (iv) assist with surface water, stormwater and groundwater management and monitoring to improve water quality, (v) inventory wildlife species, (vi) assist to eradicate or control invasive species, (vii) assist with wildlands fire management, (viii) implement transfer of development right programs and banks, or (ix) facilitate sound growth management and land use planning at the state, regional or local level;
(4) the construction, repair and improvement of (i) park facilities owned or operated by Government Entities, (ii) natural history and visitor interpretive centers, (iii) wildlife management and enhancement structures, (iv) greenways, or (v) motorized and non-motorized trails.

63B-14-205. Bond proceeds allocation to Conservation Projects.

Of the approximately $120,000,000 in Bond proceeds intended to be allocated to Conservation Projects:
(1) approximately $57,000,000 shall be allocated to Conservation Projects selected by the Quality Growth Commission on the basis of a competitive application and proposal process. The Quality Growth Commission will use the following criteria in evaluating projects: (i) the quality of the resource being protected, (ii) the threat to that resource, (iii) the amount to which funds will be matched or leveraged, and (iv) the capacity of the agency or organization to manage the property for the purposes proposed;
(2) approximately $20,000,000 shall be allocated by the Quality Growth Commission to Conservation Projects submitted by the Director of the Division of Wildlife Resources;
(3) approximately $10,500,000 shall be allocated by the Quality Growth Commission to Conservation Projects submitted by the Director of the Division of State Parks;
(4) approximately $16,250,000 shall be allocated by the Quality Growth Commission to Conservation Projects submitted by the Director of the Department of Environmental Quality; and
(5) approximately $16,250,000 shall be allocated by the Quality Growth Commission to Conservation Projects submitted by the Director of the Department of Agriculture and Food.

63B-14-206. Community Projects.

Community Projects shall be:
(1) projects which qualify as Conservation Projects as designated in Section 63B-14-204 above; or
(2) additional quality of life and infrastructure projects at the county, city and town level consistent with the purposes of the Quality Growth Act, Title 11, Chapter 38 and intended to enhance local communities such as: athletic and recreational fields and facilities, equestrian centers, aquatic centers, city, town and county parks, trails, picnic and camp grounds, fairgrounds, convention centers, capital improvements to city, town or county buildings, water treatment facilities, and development of land use and community and economic development plans. Community Projects described in this subparagraph (2) do not include golf courses, construction of reservoirs or major pipelines, or the grading or repair of roads; or
(3) State Museum of Natural History and Natural and Cultural History Museums capital expenditures, including structures, exhibit space, interpretive displays, archives, collections and related fixtures and equipment.

63B-14-207. Bond proceeds allocation to Community Projects.

Of the approximately $30,000,000 in Bond proceeds intended to be allocated to Community Projects:
(1) approximately $25,000,000 shall be allocated by the Quality Growth Commission to Community Projects submitted by the Director of the Governor's Office of Planning and Budget. Such submissions will be the result of a competitive application and proposal process developed by the Director of the Governor's Office of Planning and Budget, in consultation with each of the following associations of government (or their successors): (i) Bear River Association of Governments, (ii) Wasatch Front Regional Council, (iii) Mountainland Association of Governments, (iv) Uintah Basin Association of Governments, (v) Southeast Association of Governments, (vi) Six County Association of Governments, and (vii) Five County Association of Governments.
(2) approximately $5,000,000 shall be allocated by the Quality Growth Commission to Community Projects submitted by the Director of the State Museum of Natural History.

63B-14-208. Restrictions on the uses of Bond proceeds.

(1) The proceeds of the Bonds may only be used for transactions involving willing sellers and willing buyers and may not be used in condemnation proceedings.
(2) Any acquisitions of fee simple interests in land made by a Government Entity utilizing Bond proceeds shall be subject to payments in lieu of taxes. Such payments shall not exceed the rate of taxation for comparable property classifications.
(3) Any acquisitions of fee simple interests in land made by non-profit conservation organizations designated under Section 501(c)(3) of the Internal Revenue Code utilizing Bond proceeds shall be subject to property taxation so

long as the rate of taxation does not exceed rates for comparable property classifications.
(4) Conservation Projects selected by the Quality Growth Commission on the basis of a competitive application and proposal process as described in Section 63B-14-205 (1) shall require a 25% match comprised of dollars from private sources, government entities or the federal government or in-kind contributions from these same sources of commensurate value.

63B-14-209. Manner of issuance --Amounts, interest and maturity.

(1) Bonds issued under this Chapter may be authorized, sold and issued in a manner determined by the State Bonding Commission by resolution, including, but not limited to, the manner of execution of the Bonds (including facsimile signature), redemption price and other provisions.
(2) Bonds may be issued in one or more series, shall bear dates, interest rates, including a variable rate or rates, and maturity dates as the State Bonding Commission determines by resolution; but in no event shall the Bonds mature later than 13 years after the date or dates of issuance thereof.
(3) The State Bonding Commission may, by resolution or otherwise, make covenants restricting the issuance of additional indebtedness, bonds or notes of the State secured by a pledge of sales and use tax revenues of the State.

63B-14-210. Levy of Sales Tax: Pledge of state sales and use tax revenue.

(1) Each year after the issuance of the Bonds and until all outstanding Bonds, or any Bonds issued to refund such Bonds, are retired, there is levied a state-wide sales and use tax of .05% in addition to the sales and use taxes authorized and levied by the State under Title 59, Chapter 12, Sales and Use Tax Act.
(2) The sales and use tax provided for in Subsection (1) shall be levied, administered and collected as provided in Title 59, Chapter 12, Sales and Use Tax Act, and the revenues collected from such sales and use tax shall be applied as provided in this Chapter.
(3) The Bonds shall be secured by an irrevocable first charge and lien, but not necessarily an exclusive first charge and lien, on the state sales and use tax revenues collected by the State. It is intended that the payment of the principal of, interest on and redemption premiums, if any, due on outstanding bonds be made first from the state sales and use taxes specified in Subsection (1), and, to the extent necessary, that any shortfall in such payment be made from all other state sales and use tax revenues of the State.
(4) The State pledges to and agrees with the holders of any bonds issued by the State Bonding Commission to which the proceeds of the sales and use tax revenues of the State are devoted or pledged, that the State will not alter, impair, or limit the sales and use tax revenues of the State in a manner that reduces the amount of sales and use tax revenues to be collected by the State, which sales and use tax revenues are pledged or devoted as security for the bonds, until the bonds, notes or other securities secured by such sales and use tax revenues, together with applicable interest, are fully paid and discharged.
(a) Nothing in this Subsection (4) precludes alteration, impairment or limitation of sales and use tax revenues of the State or elimination of certain transactions from being subject to the imposition of sales and use taxes, so long as the adjusted historical sales and use tax revenues are in excess of the amount required by the resolution of the State Bonding Commission, authorizing the Bonds, for the issuance of additional parity debt. For purposes of this Subsection, "adjusted historical sales tax revenues" shall be calculated as the total sales and use tax revenues of the State collected for the immediately preceding fiscal year, less the state sales and use tax revenues resulting from the transactions proposed for elimination or after applying the proposed state sales and use tax rate reduction, as applicable.
(b) The State and the State Bonding Commission may include the pledge of state sales and use tax revenues set forth in this Section in any offering material used by the State in connection with the marketing of the Bonds.
(5) At such time as all Bonds issued pursuant to this Chapter have been retired and the debt service obligation related thereto has been satisfied or otherwise discharged, the sales and use tax levied under Subsection (1) shall terminate.

63B-14-211. Creation of a Sinking Fund — Maintenance of bond accounts.

(1) There is hereby created a sinking fund to be administered by the State Treasurer entitled the "Utah Clean Water, Quality Growth And Open Space Initiative Sinking Fund."
(2) All sales and use tax revenues resulting from the imposition of the sales and use tax provided in Section 63B-14-205(1) shall be deposited in the Sinking Fund.
To the extent necessary to pay debt service on the Bonds, all other state sales and use tax revenues of the State shall also be deposited in the Sinking Fund. Amounts on deposit in the Sinking Fund shall be used to pay the debt service on the Bonds and to redeem the Bonds prior to maturity, and otherwise shall be used as provided by resolution of the State Bonding Commission.
(3) The State Treasurer and the State Bonding Commission may create separate accounts within the Sinking Fund for each series of Bonds issued.
(4) The State Treasurer or a trustee shall, unless otherwise provided by resolution of the State Bonding Commission, administer and maintain one or more bond funds as established and determined by resolution of the State Bonding Commission.

63B-14-212. Payment of principal of and interest on and redemption premiums of the Bonds.

(1) The Division of Finance shall draw warrants on the State Treasury before any interest, principal, or redemption

premiums become due on the Bonds.
(2) After receipt of the warrants, the State Treasurer shall:
(a) promptly pay the warrants from monies within the Sinking Fund; and
(b) immediately transmit the amount paid to the paying agent for the Bonds.

63B-14-213. Investment of Sinking Fund money -- Investment of Bond proceeds.

(1) The State Treasurer may invest any monies in the Sinking Fund in accordance with the resolution of the State Bonding Commission and in accordance with Title 51, Chapter 7, State Money Management Act, until such monies in the Sinking Fund are needed to pay debt service on the Bonds.
(2) The Quality Growth Commission may deposit the net proceeds of the Bonds with the State Treasurer or with a trustee, who may invest the same in accordance with Title 51, Chapter 7, State Money Management Act, until such monies are needed to pay the costs of the Projects.
(3) Unless otherwise provided in the resolution of the State Bonding Commission authorizing the Bonds, the State Treasurer, or as applicable, the trustee, shall retain and deposit
(a) in the Sinking Fund, all income from the investment of Sinking Fund monies and use such income for payment of the debt service on the Bonds; and
(b) in the Project Fund, all income from the investment of Bond proceeds.

63B-14-214. Refunding of Bonds.

(1) The State Bonding Commission may provide for the refunding of any of the Bonds issued under this Chapter in accordance with Title 11, Chapter 27, Utah Refunding Bond Act.
(2) For purposes of Title 11, Chapter 27, Utah Refunding Bond Act, the State is considered the public body and the State Bonding Commission its governing body.

63B-14-215. Tax exemption.

The Bonds issued under this Chapter, any interest paid on the Bonds, and any income from the Bonds are not taxable in this State for any purpose, except for the corporate franchise tax.

63B-14-216. Legal investment status.

Bonds issued under this Chapter are legal investments for all state trust funds, insurance companies, banks and trust companies, and may be used as collateral to secure legal obligations.

63B-14-217. Publication of resolution or notice -- Limitation on actions to contest legality.

(1) The State Bonding Commission may publish any resolution it adopts under this Chapter once in a newspaper having general circulation in Utah; or in lieu of publishing the entire resolution, publish a notice of bonds to be issued, titled as such, containing the information required in Subsection 11-14-21(3).
(2) Any interested person, for 30 days after the date of publication, may contest:
(i) the legality of the resolution;
(ii) any of the Bonds authorized under it; or
(iii) any of the provisions made for the security and repayment of the Bonds.
(3) After 30 days, a person may not contest the legality of the resolution, any of the Bonds authorized under it, or any of the provisions made for the security and repayment of the Bonds for any cause.

63B-14-218. Chapter to control in conflict -- Authority.

To the extent that this Chapter shall be in conflict with any other law or laws, the provisions of this Chapter shall be controlling and this Chapter shall constitute all authority necessary for the matters authorized hereby.

63B-14-219. Effective Date.

This Chapter shall be effective five days after the date of the Official Proclamation of the vote by the Governor, as provided in Section 20A-7-212(2).

63B-14-220. Report to the Legislature.

The Governor shall report the State Bonding Commission's proceedings in the Governor's budget to each annual general session of the Legislature for as long as Bonds issued under this Chapter remain outstanding.

C.

JUDGES

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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 and other judges sitting temporarily in the district court. Prior to the close of a judge's term of office, the Judicial Council reviews the results of the attorney and juror polls and other standards of performance and determines whether the judge is qualified for retention.

Criteria for Performance Evaluation

(A) Integrity:
(1) avoidance of impropriety and appearance of impropriety;
(2) freedom from personal bias;
(3) ability to decide issues based on the law and the facts without regard to the identity of the parties or counsel, the popularity of the decision, and without concern for 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;
(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 no more than 6 cases under advisement for more than 2 months.
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%.

Questions of Attorneys About Appellate 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) Understands the substantive law.
6) Understands recent legal developments.
7) Perceives legal and factual issues.
8) Properly applies the law to the facts of the case.
9) Is prepared for oral argument.
10) Maintains the quality of questions and comments during oral argument.
11) Demonstrates appropriate demeanor.
12) Issues opinions without unnecessary delay.
13) Opinions are well written.
14) Opinions demonstrate scholarly legal analysis.
15) Overall, the performance of this judge is:

Questions of Attorneys About Trial 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) Properly applies the law to the facts of the case.
6) Is prepared for hearings and trials.
7) Demonstrates appropriate demeanor.
8) Maintains order in the courtroom.
9) Allows sufficient time to present case.
10) Weighs all evidence fairly and impartiality before rendering a decision.
11) Clearly explains oral decisions.
12) Opinions, memorandum decisions and orders are well written.
13) Issues orders and opinions without unnecessary delay.
14) Effectively uses pretrial procedures to narrow and define the issues.
15) Overall, the performance of this justice or judge is:

The attorney survey for six judges was administered in a slightly different format. The final question for these six read: "Taking everything into account, do you recommend this judge be certified for election? Yes/No." The scores reported are the percentage of attorneys who responded "yes" and "no."

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

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 voting precincts of their court precinct. The judges standing for election in 2002 are as follows:

Justice Christine M. Durham

SUPREME COURT

JUSTICE CHRISTINE M. DURHAM OF THE SUPREME COURT FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Justice Christine M. Durham became Chief Justice in April, 2002. She was appointed to the Supreme Court in February 1982 by Governor Scott M. Matheson, after having served on the Third District Court Bench since 1978. After receiving her law degree from Duke University, she practiced law in Durham, North Carolina and was an Instructor of Legal Medicine at Duke University Medical School. In Salt Lake City, she was a partner with the law firm of Johnson, Durham & Moxley before her appointment to the bench. She has taught at Brigham Young University's law school, and the University of Utah College of Law. She is a Trustee of Duke University and the Council of the American Law Institute, and is a past president of the National Association of Women Judges and a former member of the Federal Judicial Conference's Advisory Committee on the Rules of Civil Procedure. Her work for Utah's courts has included service on the Governor's Task Force that recommended legislation to implement the 1985 amendments to the Judicial Article of the Utah Constitution, the Utah Judicial Council, which she currently chairs, the Commission on Justice in the 21st Century, the Committee on Improving Jury Service, the Utah Judicial Branch Education Committee, and the courts' Public Outreach Committee. She leads the Education for Justice Project, a partnership between public education, the judicial branch, and the legal profession to improve education about the justice system in Utah public schools, and is a member of the Utah Constitutional Revision Commission.

Justice Durham's compliance with performance standards:

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

Survey of Attorneys

There were 51 respondents for Justice Durham.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	98	88	98	94	92	92	88	84	96	94	98	98	94	86	90
EXCELLENT	%	66	56	80	54	49	60	51	39	67	67	67	43	42	49	49
MORE THAN ADEQUATE	%	20	24	12	30	27	20	31	31	24	18	24	31	34	27	35
ADEQUATE	%	12	8	5	10	16	12	6	14	6	10	8	24	18	10	6
LESS THAN ADEQUATE	%	2	8	0	6	4	6	10	8	2	4	2	2	4	8	4
INADEQUATE	%	0	4	2	0	4	2	2	8	2	2	0	0	2	6	6

Justice Matthew B. Durrant

SUPREME COURT

JUSTICE MATTHEW B. DURRANT OF THE SUPREME COURT FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Justice Matthew B. Durrant was appointed to the Utah Supreme Court in January 2000 by Governor Michael O. Leavitt. At that time, he was serving as a trial judge in the Third Judicial District. He is presently serving as the Supreme Court representative on the Utah Judicial Council and has previously served as Associate Chief Justice. He was the founding chair of the Supreme Court's Professionalism Committee. He also has chaired the Judicial Council's Technology Committee. He received his law degree from Harvard Law School in 1984. After a clerkship with Judge Monroe G. McKay of the U.S. Court of Appeals for the Tenth Circuit, he joined the Salt Lake law firm now known as Parr, Waddoups, Brown, Gee, & Loveless, where he was a shareholder at the time of his appointment to the district bench. He also has taught as an adjunct professor at Brigham Young University's J. Reuben Clark Law School.

Justice Durrant's compliance with performance standards:

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

Survey of Attorneys — There were 77 respondents for Justice Durrant.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	97	97	96	91	92	91	91	90	95	94	96	95	92	90	92
EXCELLENT	%	63	63	61	46	46	49	49	42	49	48	58	36	41	44	49
MORE THAN ADEQUATE	%	21	21	22	29	29	27	29	29	28	29	24	30	35	30	27
ADEQUATE	%	13	13	12	17	17	15	13	18	18	16	14	28	17	17	16
LESS THAN ADEQUATE	%	0	0	0	6	3	5	4	6	1	1	0	1	5	5	5
INADEQUATE	%	3	3	4	3	5	4	5	4	4	5	4	4	3	5	3

Justice Michael J. Wilkins

SUPREME COURT

JUSTICE MICHAEL J. WILKINS OF THE SUPREME COURT FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Associate Chief Justice Michael J. Wilkins was appointed to the Utah Supreme Court in January 2000. He was previously appointed to the Utah Court of Appeals in August 1994 and served there until his appointment to the Supreme Court. He is Associate Chief Justice of the Supreme Court and a past presiding judge of the Court of Appeals. He received his law degree from the University Of Utah College Of Law in 1977 and an advanced law degree (LL.M.) in 2001 from the University of Virginia Law School. From 1977 to 1994, he was engaged in private law practice in Salt Lake City. He has been a member of the Judicial Council and has served as chair of the Judicial Council's Policy and Planning Committee, Legislative Liaison Committee, and Standing Committee on Technology. He currently chairs the Supreme Court's Committee on Professionalism, and teaches as an adjunct professor at BYU's J. Reuben Clark Law School.

Justice Wilkins' compliance with performance standards:

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

Survey of Attorneys — There were 37 respondents for Justice Wilkins.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	91	91	92	94	87	94	87	84	97	92	95	94	86	80	90
EXCELLENT	%	33	29	48	31	27	34	32	16	39	36	38	30	26	23	24
MORE THAN ADEQUATE	%	36	38	20	31	32	31	24	35	28	22	27	24	31	26	30
ADEQUATE	%	21	24	24	33	27	28	30	32	31	33	30	39	29	31	35
LESS THAN ADEQUATE	%	6	6	4	3	8	3	8	8	3	8	5	3	11	14	5
INADEQUATE	%	3	3	4	3	5	3	5	8	0	0	0	3	3	6	5

Judge William A. Thorne, Jr.

COURT OF APPEALS

JUDGE WILLIAM A. THORNE, JR. OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge William A. Thorne, Jr., was appointed to the Utah Court of Appeals in May 2000 by Governor Michael O. Leavitt. He was a judge in the Third Circuit Court for eight years, having been appointed by Governor Norman Bangerter in 1986, and served in the Third District Court for six years, having been appointed by Governor Leavitt in 1994. He received his B.A. from the University of Santa Clara in 1974 and his J.D, from Stanford Law School in 1977. He has served as a tribal court judge in Utah, Idaho, Montana, New Mexico, Colorado, Arizona, Wisconsin, South Dakota, Nebraska and Michigan. He is currently President of the National Indian Justice Center [a non-profit that trains tribal court personnel around the country], a member of the Board of Directors for National CASA [Court Appointed Special Advocates, a non-profit group that provides volunteer representation for abused and neglected children in court], a member of the Board of Directors for the Evan B. Donaldson Adoption Institute [a nonprofit seeking to improve the level of research and practice related to adoptions] and a member of the ABA Steering Committee on the Unmet Legal Needs of Children. 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 Judge's Association. He is also a former chair of the Utah Juvenile Justice Task Force of the Commission on Criminal and Juvenile Justice, former vice-chair of the Utah Board of Youth Corrections, former co-chair of the Judicial Council's Committee on Improving Jury Service, former chair of the Judicial Council's Bail Bonding Committee, former member of the Court Technology Committee, former member of the Salt Lake County Domestic Violence Advisory Committee and a former member of the steering committee for the Judicial Council's Task Force on Racial and Ethnic Fairness.

Judge Thorne's compliance with performance standards:

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

Survey of Attorneys

There were 50 respondents for Judge Thorne.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	94	90	100	96	84	89	84	76	88	88	96	98	86	82	90
EXCELLENT	%	54	54	63	36	30	38	30	27	42	39	51	38	26	28	28
MORE THAN ADEQUATE	%	26	27	26	28	28	24	32	31	34	33	24	36	35	33	40
ADEQUATE	%	14	8	11	32	26	27	22	18	12	16	22	23	26	22	22
LESS THAN ADEQUATE	%	4	6	0	4	12	9	14	22	10	8	2	2	7	11	8
INADEQUATE	%	2	4	0	0	4	2	2	2	2	4	2	0	7	7	2

Judge Clint S. Judkins

DISTRICT COURT
FIRST JUDICIAL DISTRICT
(BOX ELDER, CACHE, RICH)

JUDGE CLINT S. JUDKINS OF THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT, SERVING BOX ELDER, CACHE, AND RICH COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Judkins' compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 88 respondents for Judge Judkins.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	89	84	92	84	79	90	87	97	92	82	83	80	89	90	88
EXCELLENT	%	31	23	37	20	15	27	31	38	29	24	16	15	21	21	27
MORE THAN ADEQUATE	%	37	34	29	31	29	35	30	35	39	27	33	24	35	28	31
ADEQUATE	%	21	26	26	33	34	27	27	24	24	32	33	41	33	41	30
LESS THAN ADEQUATE	%	5	10	4	11	14	7	7	1	5	6	8	8	6	6	3
INADEQUATE	%	6	6	4	5	7	3	6	2	3	12	9	12	5	4	9

Survey of Jurors — There were 10 respondents for Judge Judkins.

YES	%	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
NO	%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge Michael G. Allphin

DISTRICT COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE MICHAEL G. ALLPHIN OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Michael G. Allphin was appointed to the Second District Court in July 1995 by Gov. Michael O. Leavitt. He received his law degree from the University of the Pacific, McGeorge School of Law in 1980. He practiced law in the Second, Third, and Fifth Districts with the firm of Boyack, Allphin & Hansen. He served as the State District Court Administrator during 1988 and 1989 and guided the District Court transition from county-operated to state-operated courts. He was appointed in May of 1989 as a District Court Commissioner in the Third District and later transferred to the Second District. He served in that assignment and as District Judge Pro Ternpore until his appointment as District Judge. He also served as chair of the Executive Committee of Court Commissioners. He has been a member of the Board of District Court Judges since 1998 and served as chair of the board from 2002 to 2003. He has served as Presiding Judge of the Second District Court.

Judge Allphin's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 114 respondents for Judge Allphin.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	93	86	93	91	86	96	95	96	91	82	88	94	95	89	87
EXCELLENT	%	47	37	47	33	29	40	44	43	36	32	31	38	35	29	34
MORE THAN ADEQUATE	%	30	33	29	41	41	38	31	38	39	30	38	36	37	39	34
ADEQUATE	%	16	16	17	18	16	19	20	15	17	20	19	20	22	20	18
LESS THAN ADEQUATE	%	4	8	6	7	5	1	5	0	7	11	4	1	1	1	8
INADEQUATE	%	3	6	1	2	9	3	0	4	2	7	8	5	4	10	5

Survey of Jurors — There were 60 respondents for Judge Allphin.

YES	%	98	98	100	100	95	98	100	100	98	100	97	100	100	100	98
NO	%	2	2	0	0	5	2	0	0	2	0	3	0	0	0	2

Judge J. Mark Andrus

JUVENILE COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE J. MARK ANDRUS OF THE JUVENILE COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Andrus's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 44 respondents for Judge Andrus.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	86	91	91	93	93	93	81	93	91	86	82	88	98	91	88
EXCELLENT	%	45	43	43	48	41	40	20	39	32	36	34	43	41	37	36
MORE THAN ADEQUATE	%	32	34	36	30	30	40	32	39	45	36	32	23	32	37	36
ADEQUATE	%	9	14	11	16	23	14	39	16	14	14	16	23	25	16	16
LESS THAN ADEQUATE	%	5	0	7	0	0	2	5	2	7	5	11	6	0	2	5
INADEQUATE	%	9	9	2	7	7	5	14	5	2	9	7	6	2	7	7

Judge L. Kent Bachman

JUVENILE COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE L. KENT BACHMAN OF THE JUVENILE COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Bachman's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 58 respondents for Judge Bachman.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	97	95	91	90	90	97	98	93	98	94	96	89	98	94	96
EXCELLENT	%	43	34	36	29	26	40	50	41	43	34	34	33	30	35	36
MORE THAN ADEQUATE	%	40	43	46	41	43	36	38	41	45	40	48	49	48	47	48
ADEQUATE	%	14	17	9	19	21	21	10	10	10	19	14	7	20	13	12
LESS THAN ADEQUATE	%	0	2	7	7	5	0	0	5	2	3	2	7	0	4	2
INADEQUATE	%	3	3	2	3	5	3	2	2	0	3	2	4	2	2	2

Judge Glen R. Dawson

DISTRICT COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE GLEN R. DAWSON OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Dawson's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 118 respondents for Judge Dawson.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	94	92	98	94	86	97	94	100	98	89	91	94	91	92	93
EXCELLENT	%	55	52	56	45	39	53	61	57	55	53	47	49	45	40	45
MORE THAN ADEQUATE	%	31	29	34	36	32	28	21	25	31	25	31	28	35	35	36
ADEQUATE	%	8	11	8	13	14	16	12	18	13	12	12	16	12	16	12
LESS THAN ADEQUATE	%	3	4	2	3	10	2	3	0	2	7	6	3	4	4	4
INADEQUATE	%	3	4	0	3	4	1	3	0	0	4	3	3	5	4	3

Survey of Jurors — There were 131 respondents for Judge Dawson.

YES	%	99	100	99	99	98	99	100	100	100	100	97	100	98	99	98
NO	%	1	0	1	1	2	1	0	0	0	0	3	0	2	1	2

Judge Roger S. Dutson

DISTRICT COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE ROGER S. DUTSON OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Roger S. Dutson was appointed to the Second Circuit Court in March 1988 by Gov. Norman H. Bangerter. He became a judge in Second District Court in July 1996. He received his law degree from George Washington University in Washington D.C. in 1965. He served as defense counsel for the Navy Judge Advocate General Corps from 1965 to 1968 and practiced law in the Ogden area from 1968 to 1980. He has served on numerous Utah State Bar Committees, community service organizations and in Boy Scout leadership positions. In addition to his regular judicial duties he helped establish and has served as judge for the Weber County felony drug court, a rehabilitative court for non-violent drug addicts.

Judge Dutson's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 99 respondents for Judge Dutson.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	89	89	96	86	81	92	87	100	95	87	84	82	95	95	90
EXCELLENT	%	31	28	31	25	26	29	30	30	31	24	24	27	26	24	24
MORE THAN ADEQUATE	%	31	31	36	29	26	34	34	41	40	30	29	25	25	35	34
ADEQUATE	%	26	29	29	31	30	30	23	29	24	33	31	30	43	36	31
LESS THAN ADEQUATE	%	7	9	3	9	14	6	11	0	4	8	16	15	4	5	5
INADEQUATE	%	4	2	1	5	5	2	2	0	1	5	0	3	1	0	5

Survey of Jurors — There were 65 respondents for Judge Dutson.

YES	%	96	99	100	100	100	100	99	100	99	100	99	100	95	100	100
NO	%	4	1	0	0	0	0	1	0	1	0	1	0	5	0	0

Judge Pamela G. Heffernan

DISTRICT COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE PAMELA G. HEFFERNAN OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Heffernan's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 104 respondents for Judge Heffernan.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	91	88	99	94	84	92	73	95	89	81	88	92	93	95	87
EXCELLENT	%	30	29	38	23	23	26	23	30	23	26	22	28	26	24	17
MORE THAN ADEQUATE	%	41	37	41	35	30	34	26	36	36	31	31	30	35	37	37
ADEQUATE	%	20	22	20	36	32	32	23	29	31	25	35	34	32	33	34
LESS THAN ADEQUATE	%	6	8	0	4	12	5	18	4	7	15	5	3	5	2	10
INADEQUATE	%	3	4	1	2	4	3	9	1	4	4	7	5	2	3	3

Survey of Jurors — There were 78 respondents for Judge Heffernan.

YES	%	96	99	100	100	100	100	100	100	100	99	96	100	96	99	96
NO	%	4	1	0	0	0	0	0	0	0	1	4	0	4	1	4

Judge Ernest W. Jones

DISTRICT COURT
SECOND JUDICIAL DISTRICT
(WEBER, DAVIS, MORGAN)

JUDGE ERNEST W. JONES OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, SERVING WEBER, DAVIS, AND MORGAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Ernest W. Jones was appointed to the Second District Court in August 2000 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah School of Law in 1974. He was the Clinton City attorney, worked at the Utah Attorney General's Office, the Weber County Attorney's Office and the law firm of Olmstead, Stine and Campbell. Judge Jones was employed with the Salt Lake County District Attorneys Office (1980 - 2000) at the time of his appointment to the bench. He received the Most Valuable Prosecutor Award and Salt Lake County Employee of the Year award while employed by the county. He is LTC (Ret.) Staff Judge Advocate, U.S. Army Reserves, 87th LSO, Ft. Douglas. Currently he serves on the Supreme Court's Advisory Committee on Criminal Jury Instruction and was a member of the 2003 Judicial Conference Planning Committee. He serves as a drug court judge in Weber County.

Judge Jones's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 101 respondents for Judge Jones.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	96	93	98	89	92	96	98	99	99	93	95	93	97	95	95
EXCELLENT	%	44	40	44	25	20	30	49	47	41	37	36	34	35	27	27
MORE THAN ADEQUATE	%	38	38	36	40	42	48	36	37	42	38	29	33	32	39	50
ADEQUATE	%	14	15	18	24	29	19	13	16	16	18	29	25	30	29	19
LESS THAN ADEQUATE	%	2	4	1	8	3	2	1	0	0	4	4	6	1	4	2
INADEQUATE	%	2	3	1	3	5	2	1	1	1	3	1	1	2	1	3

Survey of Jurors — There were 91 respondents for Judge Jones.

YES	%	96	98	100	100	100	100	100	100	100	99	98	100	97	98	98
NO	%	4	2	0	0	0	0	0	0	0	1	2	0	3	2	2

Judge
Judith S.H. Atherton

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE JUDITH S.H. ATHERTON OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Judith S.H. Atherton was appointed to the Third District Court in July 1995 by Gov. Michael O. Leavitt. Judge Atherton received her law degree from the University of Utah College of Law in 1983. She was a member of the firm of Hugh C. Garner & Associates from 1984 to 1986 and staff counsel for the Legal Aid Society of Salt Lake from 1986 to 1988. She then served in the state executive branch as assistant administrative law judge and assistant attorney general, and has taught at the University of Utah College of Law. She was appointed as a Third District Court Commissioner in 1992. She has served on the Judicial Branch Education Standing Committee, the Commission for the Improvement of Jury Service, and is presently co-chair of the Standing Committee on Children and Family Law.

Judge Atherton's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 115 respondents for Judge Atherton.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	93	87	96	93	89	95	91	99	95	88	94	96	97	97	93
EXCELLENT	%	63	55	51	55	47	56	60	57	57	50	49	51	50	48	54
MORE THAN ADEQUATE	%	19	22	30	21	25	25	19	28	23	25	26	25	30	31	23
ADEQUATE	%	11	10	15	18	16	15	12	15	15	12	20	20	17	18	15
LESS THAN ADEQUATE	%	5	7	2	5	7	3	6	0	3	6	4	1	2	2	4
INADEQUATE	%	2	6	2	2	4	2	3	1	2	6	2	3	1	1	3

Survey of Jurors — There were 45 respondents for Judge Atherton.

YES	%	98	98	100	100	98	100	100	100	98	100	100	100	98	100	98
NO	%	2	2	0	0	2	0	0	0	2	0	0	0	2	0	2

Judge
Terry L. Christiansen

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE TERRY L. CHRISTIANSEN OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Terry L. Christiansen was appointed to the Third District Court in July 2000 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah School of Law in 1975. At the time of his appointment to the bench, Judge Christiansen was the Chief Deputy Summit County Attorney, the Park City Prosecutor and was in private practice with the law firm of Adkins & Christiansen. He started his legal career with the law firm of Roe & Fowler in Salt Lake City. He has 25 years experience as a private attorney and over 20 years experience as both a county attorney and city prosecutor. He also served 10 years as a small claims judge, was a peace officer training instructor for Summit County law officers. He serves on the Utah Sentencing Commission and the Utah Sexual Violence Council.

Judge Christiansen's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 27 respondents for Judge Christiansen.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	92	100	96	92	100	100	100	100	92	100	100	100	100	96
EXCELLENT	%	41	41	46	33	37	36	52	50	50	41	37	47	38	33	44
MORE THAN ADEQUATE	%	44	41	29	30	37	48	37	36	38	37	30	27	38	43	41
ADEQUATE	%	15	11	25	33	19	16	11	14	12	15	33	27	24	24	11
LESS THAN ADEQUATE	%	0	4	0	4	4	0	0	0	0	4	0	0	0	0	4
INADEQUATE	%	0	4	0	0	4	0	0	0	0	4	0	0	0	0	0

Survey of Jurors — There were 128 respondents for Judge Christiansen.

YES	%	97	100	100	100	100	100	100	100	99	100	100	100	99	100	98
NO	%	3	0	0	0	0	0	0	0	1	0	0	0	1	0	2

Judge L.A. Dever

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE L.A. DEVER OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Dever was appointed to the Third District Court in July 1995. He received his law degree from the University of Houston Law School in 1975. His first position was with the firm of Andrew P. Stephens & Associates in Houston. He moved to Salt Lake and in 1976 as a solo practitioner, and then worked from 1978 to 1982 in the Salt Lake County Attorney's office. He then became a Partner in the Vernal firm of McRae & DeLand from 1982-1987. He then accepted a position as Assistant Attorney General and for the next eight years served in several capacities in the Attorney General's Office including that of Solicitor General. At the time of his appointment to the bench, he was serving as Chief of the Public Affairs Division in the Attorney General's Office.

Judge Dever's compliance with performance standards:

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

Survey of Attorneys — There were 103 respondents for Judge Dever.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	91	86	95	82	77	86	73	97	93	77	82	79	84	85	85
EXCELLENT	%	28	25	37	21	16	21	21	30	27	19	21	23	23	18	18
MORE THAN ADEQUATE	%	25	28	22	27	27	26	20	29	26	28	25	21	30	22	28
ADEQUATE	%	38	33	35	35	34	40	31	38	39	31	36	34	32	45	39
LESS THAN ADEQUATE	%	5	6	4	13	15	8	19	1	4	16	12	11	8	9	8
INADEQUATE	%	4	8	1	5	8	6	8	2	3	7	6	10	8	6	7

Survey of Jurors — There were 67 respondents for Judge Dever.

YES	%	97	99	99	99	98	99	100	100	100	97	89	99	94	98	99
NO	%	3	1	1	1	2	1	0	0	0	3	11	1	6	2	1

Judge Stephen L. Henriod

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE STEPHEN L. HENRIOD OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Stephen L. Henriod was appointed to the Third District Court in November 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1975. He was in private practice from 1975 until his appointment to the bench. He is a member of the Sutherland Inn of the American Inns of Court and is a past member of the Association of Trial Lawyers of America and the American Arbitration Association Panel of Arbitrators, and a past member of the Board of District Court Judges. He is currently a member of the Supreme Court's Advisory Committee on Criminal Jury Instructions and the Supreme Court's Advisory Committee on Civil Jury Instructions. He is one of the judges in the Third District who presides over Drug Court.

Judge Henriod's compliance with performance standards:

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

Survey of Attorneys — There were 99 respondents for Judge Henriod.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	87	81	91	93	85	96	78	99	95	84	88	87	95	96	87
EXCELLENT	%	19	21	29	28	26	30	26	31	28	26	25	21	30	25	26
MORE THAN ADEQUATE	%	41	32	36	33	26	28	25	33	32	23	25	23	32	35	26
ADEQUATE	%	27	27	26	33	33	38	26	34	34	35	39	43	33	37	34
LESS THAN ADEQUATE	%	10	10	7	4	13	3	20	1	5	13	10	10	4	4	11
INADEQUATE	%	3	9	2	3	2	1	2	0	0	3	2	3	1	0	2

Survey of Jurors — There were 26 respondents for Judge Henriod.

YES	%	86	93	93	100	96	100	100	100	100	100	100	100	100	100	100
NO	%	14	7	7	0	4	0	0	0	0	0	0	0	0	0	0

Judge Robert K. Hilder

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE ROBERT K. HILDER OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Robert K. Hilder was appointed to the Third District Court in August 1995 by Gov. Michael O. Leavitt. Judge Hilder received his law degree from the University of Utah College of Law in 1984. That year he joined the firm of Christensen, Jensen and Powell. In his 11-year tenure with the firm, he was an associate attorney and then shareholder, director, and managing director. His practice stressed civil litigation, which covered a wide range of specialties. Judge Hilder has served on the Judicial Performance Evaluation Committee and currently serves as a member of the Utah Judicial Council and the Grand Jury Panel of Judges.

Judge Hilder's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 128 respondents for Judge Hilder.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	93	92	100	97	91	98	98	98	97	92	94	95	96	94	94
EXCELLENT	%	67	61	55	56	49	66	74	63	71	56	61	54	48	47	62
MORE THAN ADEQUATE	%	20	24	28	28	32	22	16	25	19	27	22	27	31	28	23
ADEQUATE	%	6	7	17	13	9	10	9	9	8	9	11	14	16	20	9
LESS THAN ADEQUATE	%	5	3	0	1	6	2	0	2	2	3	4	4	2	4	4
INADEQUATE	%	2	5	0	2	3	0	2	0	1	5	2	1	2	2	2

Survey of Jurors — There were 127 respondents for Judge Hilder.

YES	%	97	99	100	100	95	100	100	100	100	100	100	100	96	98	100
NO	%	3	1	0	0	5	0	0	0	0	0	0	0	4	2	0

Judge Kimberly K. Hornak

JUVENILE COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE KIMBERLY K. HORNAK OF THE JUVENILE COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Hornak's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 93 respondents for Judge Hornak.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	93	85	94	89	85	95	90	97	91	84	90	93	96	92	90
EXCELLENT	%	40	37	46	32	37	45	39	42	42	39	45	37	41	38	39
MORE THAN ADEQUATE	%	29	28	26	35	26	26	29	35	27	28	30	29	33	29	30
ADEQUATE	%	24	20	22	22	21	24	22	19	23	16	15	26	21	26	20
LESS THAN ADEQUATE	%	3	9	5	9	11	3	5	2	9	12	7	3	1	4	5
INADEQUATE	%	4	6	1	2	4	2	5	1	0	4	3	4	3	4	5

Judge Bruce C. Lubeck

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE BRUCE C. LUBECK OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Bruce C. Lubeck was appointed to the Third District Court in May 2001 by Gov. Michael O. Leavitt. He received his 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 since 1981. Prior to that he was in private practice and employed by the Salt Lake Legal Defender Association. He is an adjunct faculty member at Salt Lake Community College and the University of Utah S.J. Quinney College of Law.

Judge Lubeck's compliance with performance standards:

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

Survey of Attorneys — There were 112 respondents for Judge Lubeck.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	95	92	100	90	81	96	95	98	94	87	91	90	98	93	89
EXCELLENT	%	54	50	56	41	39	49	53	48	44	46	46	40	44	40	44
MORE THAN ADEQUATE	%	24	25	26	27	25	27	24	31	29	24	26	25	32	32	29
ADEQUATE	%	18	17	18	21	17	21	18	19	22	17	19	24	21	21	17
LESS THAN ADEQUATE	%	1	4	0	5	11	2	1	1	3	7	6	4	2	6	7
INADEQUATE	%	4	4	0	5	8	2	4	1	3	6	3	6	0	1	4

Survey of Jurors — There were 110 respondents for Judge Lubeck.

YES	%	96	100	100	100	98	100	100	100	98	100	99	100	97	99	99
NO	%	4	0	0	0	2	0	0	0	2	0	1	0	3	1	1

Judge Sharon P. McCully

JUVENILE COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE SHARON P. MCCULLY OF THE JUVENILE COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Sharon P. McCully was appointed to the Third District Juvenile Court in July 1983 by Gov. Scott M. Matheson. Judge McCully graduated from the University of Utah College of Law in 1978 and became an Assistant Utah Attorney General. She is currently President of the National Council of Juvenile and Family Court Judges. Judge McCully has served on the Utah Judicial Council and the Board of Juvenile Court Judges She currently is a member of the Court Improvement Project and the Standing Committee on Court Technology.

Judge McCully's compliance with performance standards:

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

Survey of Attorneys — There were 90 respondents for Judge McCully.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	94	94	95	96	93	96	94	97	95	90	96	92	97	97	95
EXCELLENT	%	59	63	48	60	54	56	62	61	57	54	53	49	57	44	57
MORE THAN ADEQUATE	%	28	18	27	22	20	24	22	22	23	22	31	25	25	32	21
ADEQUATE	%	8	13	20	13	18	16	9	13	14	13	11	19	15	20	17
LESS THAN ADEQUATE	%	0	0	4	0	4	2	3	0	3	7	1	2	1	1	2
INADEQUATE	%	6	6	1	4	3	2	3	3	2	3	3	6	2	2	3

The Utah Supreme Court has ordered one public reprimand of Judge McCully since January 1, 1993. The following is a summary of the supporting reasons for the violation of the Code of Judicial Conduct.

An order of public reprimand was issued on July 8, 1997. The Code of Judicial Conduct prohibits a judge, while a proceeding is pending or impending in any court, from making any public comment that might reasonably be expected to affect the outcome of the proceeding or impair its fairness. The Supreme Court found that Judge McCully technically violated the Code of Judicial Conduct when she prepared and allowed a litigant to submit an affidavit containing facts regarding the operation of the juvenile courts and her opinion as to the ultimate issue before the district court in which the affidavit was submitted.

Judge Frederic M. Oddone

JUVENILE COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE FREDERIC M. ODDONE OF THE JUVENILE COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Frederic M. Oddone was appointed to the Third District Juvenile Court in August 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah in 1972. From 1972 until 1994 he was a deputy Salt Lake County Attorney, where he served in the criminal division and in 1986 became Chief of the Juvenile & Family Court Division. He has served three terms on the Advisory Committee on the Rules Juvenile Court Procedure. He has been a member of the Salt Lake City Mayor's Task Force on Gang Violence; The Judicial Council's Task Force on Juvenile Court Organization & Jurisdiction, The Salt Lake County Commission On Youth Families in Court, The Judicial Council Family Court Task Force, and Chaired the Utah State Task Force on Court Security. He represented the Juvenile Court on the State Executive Committee for F.A.C.T. He is a member of the Salt Lake Criminal Justice Advisory Council. He is a member of the Youth Court Board and of the Judicial Council's Committee on Court Interpreters and is the Chair Person for the Criminal Justice Program Advisory Committee at the Salt Lake Community College. He has served two terms as the Presiding Judge for the Third District Juvenile Court.

Judge Oddone's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 77 respondents for Judge Oddone.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	97	94	89	97	95	96	97	100	93	94	97	93	97	98	97
EXCELLENT	%	57	57	47	47	49	55	61	58	58	51	56	50	54	48	53
MORE THAN ADEQUATE	%	22	21	27	38	26	26	25	27	19	29	22	20	26	32	30
ADEQUATE	%	18	17	16	12	20	16	12	14	16	16	19	23	16	17	14
LESS THAN ADEQUATE	%	3	3	7	0	1	4	3	0	4	3	0	2	0	1	0
INADEQUATE	%	0	3	4	3	4	0	0	0	3	3	3	5	3	1	3

Judge Sandra N. Peuler

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE SANDRA N. PEULER OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Peuler's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 120 respondents for Judge Peuler.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	98	95	99	92	89	96	98	99	97	93	94	91	95	96	94
EXCELLENT	%	65	63	63	55	51	58	66	65	63	61	56	52	49	48	57
MORE THAN ADEQUATE	%	25	28	30	31	30	27	25	24	24	21	24	30	28	32	28
ADEQUATE	%	8	6	6	7	7	12	8	11	11	11	13	9	18	16	10
LESS THAN ADEQUATE	%	2	3	0	7	8	3	0	0	1	4	3	3	3	2	4
INADEQUATE	%	0	2	1	1	3	1	2	1	2	3	3	6	2	2	2

Survey of Jurors — There were 41 respondents for Judge Peuler.

YES	%	100	100	100	100	100	100	100	100	100	100	100	100	97	100	100
NO	%	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0

Judge Randall N. Skanchy

DISTRICT COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE RANDALL N. SKANCHY OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Randall N. Skanchy was appointed to the Third District Court in January 2001 by Gov. Michael O. Leavitt. He received his law degree from Brigham Young University in 1980. At the time of his appointment to the bench, Judge Skanchy was with the law firm of Jones, Waldo, Holbrook & McDonough. He has 21 years of trial experience as counsel in civil and environmental matters in state and federal courts. Prior to his appointment to the bench, Judge Skanchy served as an arbitrator for the National Association of Securities Dealers and handled environmental state and federal superfund matters throughout the western United States. He served as chair of the Utah Food Bank from 1996 to 1999 and as a member of the Community Services Council from 1996 to 2000. Judge Skanchy is a member of the Utah Judicial Council's Ethics Advisory Committee and the Executive Committee of the Utah State Bar Litigation Committee.

Judge Skanchy's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 116 respondents for Judge Skanchy.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	93	90	97	95	93	98	88	99	93	88	94	91	97	96	93
EXCELLENT	%	40	36	41	27	28	29	41	32	34	29	28	37	33	26	30
MORE THAN ADEQUATE	%	32	33	35	34	36	45	37	47	39	39	38	33	40	44	45
ADEQUATE	%	21	22	21	34	30	24	10	20	21	20	29	20	24	27	18
LESS THAN ADEQUATE	%	5	7	2	4	4	2	9	1	4	9	6	9	2	3	4
INADEQUATE	%	2	3	1	1	3	0	3	0	3	3	0	0	1	1	3

Survey of Jurors — There were 175 respondents for Judge Skanchy.

YES	%	95	100	100	100	99	100	100	100	99	99	99	100	100	99	99
NO	%	5	0	0	0	1	0	0	0	1	1	1	0	0	1	1

Judge Robert S. Yeates

JUVENILE COURT
THIRD JUDICIAL DISTRICT
(SALT LAKE, SUMMIT, TOOELE)

JUDGE ROBERT S. YEATES OF THE JUVENILE COURT FOR THE THIRD JUDICIAL DISTRICT, SERVING SALT LAKE, SUMMIT, AND TOOELE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Robert S. Yeates was appointed to the Third District Juvenile Court in November 1995 by Gov. Michael O. Leavitt Judge Yeates received his Masters Degree in social work in 1972 from the Graduate School of Social Work at the University of Utah, and his law degree from the University of Utah College of Law in 1980. Prior to his appointment to the bench, he was in private practice. He also worked as a prosecutor with the Salt Lake County Attorney's Office and served as a division chief with the Salt Lake County District Attorney's Office. He presently serves as a member of the Utah State Board of Juvenile Court Judges and was previously chair of the board. He also serves on the Utah State Sentencing Commission and the Salt Lake County Children's Justice Center Advisory Board.

Judge Yeate's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 85 respondents for Judge Yeates.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	99	98	98	95	100	100	96	100	95	100	100	97	99	99
EXCELLENT	%	58	56	52	51	48	53	61	56	60	49	56	62	58	56	51
MORE THAN ADEQUATE	%	28	27	26	33	30	28	27	27	26	31	29	18	25	25	31
ADEQUATE	%	14	15	20	14	18	19	12	13	14	15	15	20	14	18	18
LESS THAN ADEQUATE	%	0	1	2	2	5	0	0	4	0	5	0	0	3	1	1
INADEQUATE	%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge
Leslie D. Brown

JUVENILE COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE LESLIE D. BROWN OF THE JUVENILE COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Leslie D. Brown was appointed to the Fourth District Juvenile Court in July 1979 by Gov. Scott M. Matheson. He received his law degree from the University of Utah College of Law in 1972. He was in private law practice from 1972 to 1977 and served as Duchesne County Attorney from 1975 to 1977. He was a member of the Judicial Council from 1992 to 1995 and formerly served as a member of the Commission on Criminal and Juvenile Justice. He served on the Board of Juvenile Court Judges from 1997 to 2003 and served as its Chair from 2002 to 2003. He currently serves as a member of the Utah Board of Juvenile Justice and is the Presiding Judge in the Fourth District Juvenile Court.

Judge Brown's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 48 respondents for Judge Brown.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	98	94	95	98	94	96	96	98	100	92	94	94	100	96	96
EXCELLENT	%	66	62	55	64	66	65	69	71	66	58	58	51	61	62	60
MORE THAN ADEQUATE	%	26	26	25	26	19	21	21	23	23	27	31	37	23	23	25
ADEQUATE	%	6	6	16	9	9	10	6	4	11	6	4	6	16	11	10
LESS THAN ADEQUATE	%	2	4	0	2	6	4	4	2	0	6	6	3	0	2	4
INADEQUATE	%	0	2	5	0	0	0	0	0	0	2	0	3	0	2	0

Judge
Donald J. Eyre, Jr.

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE DONALD J. EYRE, JR. OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Donald J. Eyre, Jr., was appointed to the Fourth District Court in November 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1976 and was in private practice from 1976 until his appointment to the bench. He was appointed Nephi City attorney in 1978 and concurrently served as Juab County attorney from 1979 until his appointment to the bench. He served on the Jury Education Committee and the Justice Court Standards Committee. He served as the presiding judge of the Fourth District Court from 1999 to 2000 and on the Board of District Court Judges from 2000 to 2003. In 2004 he helped establish drug courts in Juab and Millard Counties.

Judge Eyre's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 96 respondents for Judge Eyre.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	96	89	98	92	89	93	97	98	91	89	87	88	95	90	89
EXCELLENT	%	47	40	43	31	29	35	46	41	39	31	29	29	26	19	33
MORE THAN ADEQUATE	%	34	35	44	42	41	32	29	35	39	41	29	35	47	42	45
ADEQUATE	%	14	13	10	19	19	25	22	22	14	17	28	24	21	29	10
LESS THAN ADEQUATE	%	3	8	2	6	8	5	2	2	5	6	11	8	4	8	9
INADEQUATE	%	1	3	0	2	3	2	1	0	4	5	2	4	1	2	2

Survey of Jurors — There were 122 respondents for Judge Eyre.

YES	%	95	97	99	100	97	100	99	100	99	99	99	99	94	97	98
NO	%	5	3	1	0	3	0	1	0	1	1	1	1	6	3	2

Judge Fred D. Howard

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE FRED D. HOWARD OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Howard's compliance with performance standards:

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

Survey of Attorneys — There were 117 respondents for Judge Howard.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	97	99	99	97	99	98	98	98	97	100	98	99	99	99
EXCELLENT	%	70	63	62	41	41	52	71	58	58	50	45	46	42	38	51
MORE THAN ADEQUATE	%	23	24	28	37	41	38	25	27	30	37	38	38	44	42	42
ADEQUATE	%	7	10	9	21	15	9	3	13	10	10	17	14	13	19	6
LESS THAN ADEQUATE	%	0	3	1	1	3	0	1	1	1	3	0	1	0	0	1
INADEQUATE	%	0	0	0	0	0	1	1	1	1	0	0	1	1	1	0

Survey of Jurors — There were 15 respondents for Judge Howard.

YES	%	88	100	100	100	100	100	100	100	100	100	100	100	93	81	100
NO	%	13	0	0	0	0	0	0	0	0	0	0	0	7	19	0

Judge Claudia Laycock

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE CLAUDIA LAYCOCK OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Claudia Laycock was appointed to the Fourth District Court in January 2001. She graduated from Brigham Young University in 1974 in English and then taught language arts and German at Dixon Junior High School in Provo, Utah. She received her law degree from Brigham Young University and was admitted to the Utah State Bar in 1985. She practiced law in Provo from 1985 through 1988 with the firm of Aldrich, Nelson, Weight & Esplin, specializing in criminal defense and family law. She joined the Utah County Attorney's Office in 1988 as a criminal prosecutor, remaining there until her appointment to the bench. From 1988 through 2000 she served on the board of the Women and Children in Crisis Center in Provo. She serves on the Standing Committee on Judicial Branch Education, which oversees the continuing education of all judges and court staff in the State of Utah.

Judge Laycock's compliance with performance standards:

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

Survey of Attorneys — There were 101 respondents for Judge Laycock.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	96	91	99	87	88	93	91	99	98	86	89	95	90	94	89
EXCELLENT	%	47	37	39	39	33	39	44	43	38	37	36	32	34	32	40
MORE THAN ADEQUATE	%	28	30	36	30	34	32	28	33	33	27	28	32	33	27	26
ADEQUATE	%	22	24	24	18	20	23	19	24	27	22	24	32	23	35	24
LESS THAN ADEQUATE	%	2	6	1	11	10	5	5	1	2	9	9	5	2	4	9
INADEQUATE	%	2	3	0	2	2	2	4	0	0	5	2	0	8	2	2

Survey of Jurors — There were 67 respondents for Judge Laycock.

YES	%	94	99	100	100	96	100	100	100	100	99	97	100	100	100	100
NO	%	6	1	0	0	4	0	0	0	0	1	3	0	0	0	0

Judge Howard H. Maetani

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE HOWARD H. MAETANI OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Howard H. Maetani was appointed to the Fourth District Court in 1995 by Gov. Michael O. Leavitt. He received his law degree from the J. Reuben Clark Law School at Brigham Young University in 1976. Prior to his appointment to the bench he was a judge pro tem in the Fourth District Court. He was also a Court Commissioner in the Fourth District Court from 1988 to 1994. In addition, from 1986 to 1988 he was a Court Commissioner for the Fourth, Fifth and Seventh District Courts. He is a Masters, A. Sherman Christensen, American Inn of Court; an honorary member, Phi Delta Phi, Sutherland Inn, The International Legal Fraternity. Judge Maetani served as the presiding judge of the Fourth District from 2000 to 2001. He is presently serving on the Board of District Court Judges.

Judge Maetani's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 48 respondents for Judge Maetani.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	98	98	94	85	98	94	100	100	96	91	91	98	95	100
EXCELLENT	%	46	40	44	26	26	34	40	40	40	34	22	24	27	30	33
MORE THAN ADEQUATE	%	40	38	40	34	32	36	40	40	44	36	47	38	41	41	42
ADEQUATE	%	15	21	14	34	28	28	15	21	17	26	22	29	30	25	25
LESS THAN ADEQUATE	%	0	2	2	6	15	2	4	0	0	4	9	9	2	5	0
INADEQUATE	%	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0

Survey of Jurors — There were 5 respondents for Judge Maetani.

YES	%	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
NO	%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge Sterling B. Sainsbury

JUVENILE COURT
FOURTH JUDICIAL DISTRICT
(WASATCH, UTAH, JUAB, MILLARD)

JUDGE STERLING B. SAINSBURY OF THE JUVENILE COURT FOR THE FOURTH JUDICIAL DISTRICT, SERVING WASATCH, UTAH, JUAB, AND MILLARD COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Sterling B. Sainsbury was appointed to the Fourth District Juvenile Court in August 1994 by Gov. Michael O. Leavitt. Judge Sainsbury also sat on the Eighth District Juvenile Court bench until 1996, serving Daggett, Duchesne and Uintah Counties. He received his law degree from the J. Reuben Clark College of Law at Brigham Young University in 1981. From 1981 to 1983 he was in private practice. From 1981 until his appointment to the bench he was a Deputy Utah County Attorney. From 1987 to 1992 Judge Sainsbury was a guest instructor at Brigham Young University in the Department of Social Work. He is a past member of the Utah State Supreme Court's Advisory Committee on Rules of Juvenile Court Procedure, Utah State Sentencing Commission, Utah County Gang Task Force, and is currently serving on the Board of Juvenile Court Judges.

Judge Sainsbury's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 39 respondents for Judge Sainsbury.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	97	97	97	97	92	97	100	97	97	92	100	100	100	97	100
EXCELLENT	%	51	46	34	33	41	46	49	59	56	56	46	37	51	54	51
MORE THAN ADEQUATE	%	36	31	37	38	26	31	33	28	26	23	36	44	30	30	33
ADEQUATE	%	10	21	26	26	26	21	18	10	15	13	18	19	19	14	15
LESS THAN ADEQUATE	%	3	0	0	3	8	0	0	3	0	8	0	0	0	0	0
INADEQUATE	%	0	3	3	0	0	3	0	0	3	0	0	0	0	3	0

Judge G. Rand Beacham

DISTRICT COURT
FIFTH JUDICIAL DISTRICT
(BEAVER, IRON, WASHINGTON)

JUDGE G. RAND BEACHAM OF THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT, SERVING BEAVER, IRON, AND WASHINGTON COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge G. Rand Beacham was appointed to the Fifth District Court in August 1995 by Governor Michael O. Leavitt. He serves in Washington, Iron and Beaver counties. Judge Beacham graduated from Snow College, Utah State University, and the University of Utah College of Law. Prior to his appointment to the bench, he was in private legal practice for fifteen years in the areas of civil litigation, transactions and business work, and as outside general counsel to SkyWest and its subsidiaries. He has been a member of the Board of District Court Judges, the Presiding Judge of the Fifth District Court, and a substitute on the Utah Supreme Court. He has been a speaker at seminars for judges and for attorneys, in public school classes, and for the Citizens Academy in St. George. In 2002, he initiated the "Brown Bag" series of educational discussions for attorneys in Washington County.

Judge Beacham's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 94 respondents for Judge Beacham.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	95	92	100	97	94	98	89	99	96	95	96	96	82	90	97
EXCELLENT	%	44	32	53	51	38	45	38	53	45	39	33	40	19	34	35
MORE THAN ADEQUATE	%	30	32	31	32	32	26	27	29	31	33	37	37	29	25	41
ADEQUATE	%	21	28	16	14	23	28	23	17	19	23	26	18	35	32	20
LESS THAN ADEQUATE	%	3	4	0	2	5	2	7	1	3	3	2	2	9	6	1
INADEQUATE	%	2	4	0	1	1	0	4	0	1	2	2	2	9	4	2

Survey of Jurors — There were 48 respondents for Judge Beacham.

YES	%	98	100	100	100	100	100	100	100	100	100	100	100	100	100	98
NO	%	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2

Judge Hans Q. Chamberlain

JUVENILE COURT
FIFTH JUDICIAL DISTRICT
(BEAVER, IRON, WASHINGTON)

JUDGE HANS Q. CHAMBERLAIN OF THE JUVENILE COURT FOR THE FIFTH JUDICIAL DISTRICT, SERVING BEAVER, IRON, AND WASHINGTON COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Hans Q. Chamberlain was appointed to the Fifth District Juvenile Court in August 1995 by Gov. Michael O. Leavitt. Prior to his appointment to the bench, he was the senior member of the law firm of Chamberlain & Higbee. He also served as Iron County attorney for eight years and is the past president of the Utah State Bar, the Statewide Association of Prosecutors, and the Southern Bar Association. He has also been a member of the Utah State Board of Regents and is a past member and chair of the Southern Utah University Board of Trustees. He has served on the Board of Juvenile Court Judges and was chair from 1997 to 1998. He currently chairs the Standing Committee on Court Facilities Planning.

Judge Chamberlain's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 17 respondents for Judge Chamberlain.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	87	100	94	81	100	94	100	100	94	100	83	100	100	100
EXCELLENT	%	50	50	43	47	31	41	47	56	53	47	44	33	29	36	47
MORE THAN ADEQUATE	%	19	25	29	12	19	24	29	25	24	18	13	17	21	43	18
ADEQUATE	%	31	13	29	35	31	35	18	19	24	29	44	33	50	21	35
LESS THAN ADEQUATE	%	0	13	0	6	19	0	6	0	0	6	0	17	0	0	0
INADEQUATE	%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge Thomas M. Higbee

JUVENILE COURT
FIFTH JUDICIAL DISTRICT
(BEAVER, IRON, WASHINGTON)

JUDGE THOMAS M. HIGBEE OF THE JUVENILE COURT FOR THE FIFTH JUDICIAL DISTRICT, SERVING BEAVER, IRON, AND WASHINGTON COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Thomas M. Higbee was appointed to the Fifth District Juvenile Court in January 2001 by Gov. Michael O. Leavitt. He serves Beaver, Iron and Washington Counties. Prior to his appointment he was in the private practice of law. At the time of his appointment he was the senior partner in the law firm of Higbee & Jensen, P.C. Prior to that, he was a partner in the law firm of Chamberlain & Higbee. He was a Guardian Ad Litem serving the juvenile court for 8 years as part of his practice. He has served on a number of committees and boards both as an attorney and Judge. He received his law degree in 1980 from the University of Utah Law School, where he was a member and senior editor of the Utah Law Review.

Judge Higbee's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 26 respondents for Judge Higbee.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	100	100	96	92	100	100	100	100	96	100	100	100	100	100
EXCELLENT	%	89	88	78	65	69	73	85	81	73	73	73	64	52	59	73
MORE THAN ADEQUATE	%	11	8	17	23	23	23	15	11	15	19	27	32	28	23	27
ADEQUATE	%	0	4	4	8	0	4	0	7	12	4	0	5	20	18	0
LESS THAN ADEQUATE	%	0	0	0	4	8	0	0	0	0	4	0	0	0	0	0
INADEQUATE	%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge Paul D. Lyman

JUVENILE COURT
SIXTH JUDICIAL DISTRICT
(SANPETE, SEVIER, PIUTE, WAYNE, GARFIELD, KANE)

JUDGE PAUL D. LYMAN OF THE JUVENILE COURT FOR THE SIXTH JUDICIAL DISTRICT, SERVING SANPETE, SEVIER, PIUTE, WAYNE, GARFIELD, AND KANE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Paul D. Lyman was appointed to the Sixth District Juvenile Court in July 2000 by Gov. Michael O. Leavitt. He received his law degree from the University of Chicago Law School in 1979. He was in private practice at the time of his appointment to bench. That practice included part-time Deputy Sevier County Attorney, Wayne County Attorney and Salina City Attorney. Prior to that, he served in the United States Air Force from 1980-1985 achieving the rank of Captain. He was elected Mayor of Richfield from 1994 to 1998 and was on the Richfield City Council from 1989 to 1994. He has served as the chair of the Board of Juvenile Court Judges.

Judge Lyman's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 38 respondents for Judge Lyman.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	97	92	100	95	92	100	97	100	95	95	100	96	100	100	94
EXCELLENT	%	41	38	37	41	35	43	42	42	41	38	38	50	44	38	39
MORE THAN ADEQUATE	%	35	41	51	41	30	38	34	53	32	41	43	23	42	35	45
ADEQUATE	%	22	14	11	14	27	19	21	5	22	16	19	23	14	26	11
LESS THAN ADEQUATE	%	0	5	0	5	5	0	0	0	5	5	0	0	0	0	3
INADEQUATE	%	3	3	0	0	3	0	3	0	0	0	0	4	0	0	3

Judge K.L. McIff

DISTRICT COURT
SIXTH JUDICIAL DISTRICT
(SANPETE, SEVIER, PIUTE, WAYNE, GARFIELD, KANE)

JUDGE K. L. MCIFF OF THE DISTRICT COURT FOR THE SIXTH JUDICIAL DISTRICT, SERVING SANPETE, SEVIER, PIUTE, WAYNE, GARFIELD, AND KANE COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge K.L. McIff was appointed to the Sixth District Court in November 1994 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1967 and served a one-year appointment as law clerk to Chief Judge David T. Lewis of the U.S. Tenth Circuit Court of Appeals. From 1968 to 1994, he maintained a general civil law practice in Richfield while serving two terms as Sevier County attorney and four terms as Piute County attorney. He is a past president of the Southern Utah Bar Association and former examiner for the Utah State Bar. He served as a member and chair of the Board of Trustees of Southern Utah University and as a member of the Utah State Board of Regents. He was awarded an honorary doctorate of Humane Letters from Snow College in 1996. He is a past member and chair of the Board of District Court Judges and currently serves as a member of the Utah Judicial Council.

Judge McIff's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 92 respondents for Judge McIff.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	92	86	94	88	86	93	93	97	97	88	91	92	92	92	91
EXCELLENT	%	41	35	35	39	29	38	42	46	37	32	39	42	35	33	37
MORE THAN ADEQUATE	%	35	35	40	34	40	37	38	36	41	37	36	31	34	36	37
ADEQUATE	%	15	16	19	15	17	17	12	15	19	18	17	19	23	24	16
LESS THAN ADEQUATE	%	4	9	3	8	9	5	4	1	2	9	6	7	5	4	5
INADEQUATE	%	4	5	3	4	5	2	3	2	1	4	3	1	3	4	4

Survey of Jurors — There were 51 respondents for Judge McIff.

YES	%	92	100	100	100	98	100	100	100	98	100	100	100	100	100	100
NO	%	8	0	0	0	2	0	0	0	2	0	0	0	0	0	0

Judge Bryce K. Bryner

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
(CARBON, EMERY, GRAND, SAN JUAN)

JUDGE BRYCE K. BRYNER OF THE DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT, SERVING CARBON, EMERY, GRAND, AND SAN JUAN COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

Judge Bryce K. Bryner was appointed to the Seventh Circuit Court in December 1988 by Gov. Norman H. Bangerter. He became a District Court Judge January 1992. He received his law degree from the University of Utah College of Law in 1971. He was the city attorney for Price and Helper and was appointed public defender for Carbon County in 1979. He is a member of the Utah State Bar Fee Arbitration Committee and the Prisoner Transportation Committee. He has served as presiding judge of the Seventh District from January 1993 to January 1995 and from 2003 to the present. He was a member of the Board of District Court Judges from 1996 to 1999.

Judge Bryner's compliance with performance standards:
- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Had fewer than the maximum allowable cases held under advisement
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

Survey of Attorneys — There were 67 respondents for Judge Bryner.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	100	100	100	99	99	100	100	99	98	97	98	100	89	96	99
EXCELLENT	%	63	64	65	54	45	58	61	60	55	50	36	34	25	29	51
MORE THAN ADEQUATE	%	28	24	19	31	39	27	27	27	31	33	45	45	32	35	36
ADEQUATE	%	9	12	16	13	15	15	12	12	10	14	17	21	31	33	12
LESS THAN ADEQUATE	%	0	0	0	1	1	0	0	1	1	3	2	0	8	2	1
INADEQUATE	%	0	0	0	0	0	0	0	0	1	0	0	0	3	2	0

Survey of Jurors — There were 27 respondents for Judge Bryner.

YES	%	89	100	100	100	100	100	100	100	100	100	100	100	100	100	100
NO	%	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Judge
A. Lynn Payne, Jr.

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT
(DAGGETT, DUCHESNE, UINTAH)

JUDGE A. LYNN PAYNE, JR. OF THE DISTRICT COURT FOR THE EIGHTH JUDICIAL DISTRICT, SERVING DAGGETT, DUCHESNE, AND UINTAH COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL FOR RETENTION IN THE 2004 GENERAL ELECTION.

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

Judge Payne's compliance with performance standards:

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

Survey of Attorneys — There were 76 respondents for Judge Payne.

QUESTION (see page 49)		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL FAVORABLE	%	96	94	98	95	88	95	99	99	96	89	95	95	96	95	95
EXCELLENT	%	46	34	41	35	33	40	51	47	40	45	36	33	37	33	47
MORE THAN ADEQUATE	%	33	39	42	41	38	37	31	41	41	28	31	39	41	43	30
ADEQUATE	%	17	21	14	19	17	18	17	10	15	17	27	23	17	17	17
LESS THAN ADEQUATE	%	4	5	1	5	12	5	1	1	4	11	4	3	3	4	5
INADEQUATE	%	0	1	1	0	0	0	0	0	0	0	1	2	1	1	0

Survey of Jurors — There were 94 respondents for Judge Payne.

YES	%	95	100	100	99	100	100	100	100	99	100	100	100	100	99	100
NO	%	5	0	0	1	0	0	0	0	1	0	0	0	0	1	0

D.

INSTRUCTIONS TO VOTERS

70

INSTRUCTIONS TO VOTERS

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

How to obtain a ballot for voting

1. Give your name and address to an election judge. You may also be required to show proof of identification or proof of residency.
2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

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

How to vote your ballot

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

STEP 1
Using both hands, slide the ballot card all the way into the ballot holder.

STEP 2
Be sure the two holes at the top of the ballot card fit over the two red pins on the ballot holder (see fig.1).

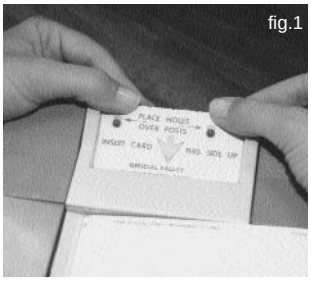

fig.1

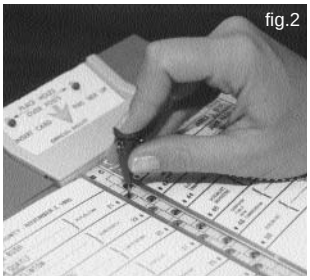
fig.2

STEP 3
To vote, place the punch pin next to each of your choices on the ballot, hold the pin straight up, and push it through the ballot card (see fig.2). Follow the instructions, and vote all pages as instructed. Use the punch pin provided. Do not use a pen or pencil.

STEP 4
Voting for candidates of more than one party. If you want to vote for candidates from more than one party, you may do so by punching the ballot card next to the candidate's name for whom you wish to vote.

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

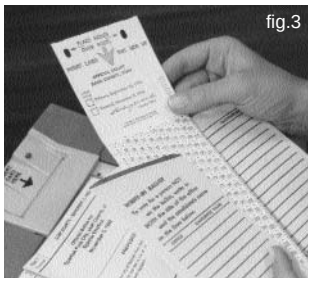
fig.3

STEP 5
After voting, slide the ballot card out of the ballot holder and place it under the flap of the envelope provided with the ballot (see fig.3).

STEP 6
When you have placed your ballot card under the flap of the envelope, RETURN THE ENVELOPE CONTAINING THE BALLOT CARD TO THE ELECTION JUDGE. The election judge will verify your identity and remove the stub from your ballot. Then deposit the envelope containing the ballot card in the ballot box. You have now finished voting.

Write-in voting

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

Non-partisan candidates

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

Constitutional amendments and Initiatives

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

How to get help to mark your ballot

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

INSTRUCTIONS TO VOTERS

In Daggett, Piute, Rich, and Wayne counties.

How to obtain a ballot for voting

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

2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.
NOTE: If an election judge has reason to doubt your identity, the judge is required either, (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

How to vote your ballot

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

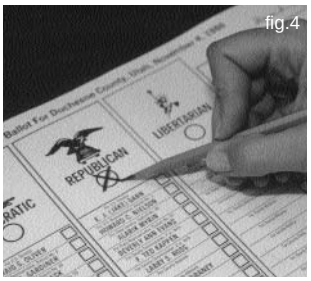

fig.4

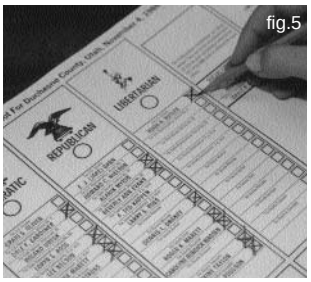

fig.5

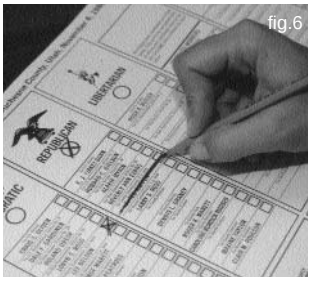

fig.6

Voting for candidates of one party.
If you want to cast a "straight party" vote, mark an "X" in the circle at the top of the list of that party's candidates (see fig.4). You may also mark an "X" in the box next to the candidate's name, but this is not necessary if you marked an "X" in the circle next to the party's symbol.

Voting for candidates of more than one party.
If you want to vote for candidates from more than one party, mark an "X" in the square next to the names of the candidates for whom you want to vote (see fig.5). If you have already voted "straight party" and then decide to vote for a candidate from another party, you must mark an "X" next to the candidate for whom you want to vote, and then, under the party for whom you cast a "straight party" vote, cross out the name of the candidate(s) running for that office (see fig.6).

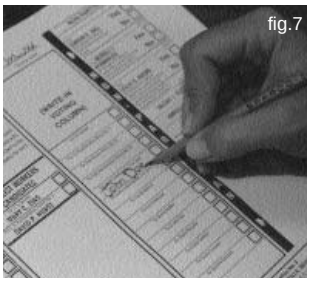
fig.7

Write-in voting

You may also vote for a valid write-in candidate. To do this, locate the write-in column and identify whether the candidate for whom you wish to vote is running for a partisan or non-partisan office. Write the candidate's name and the title of the office for which the candidate is running on the ballot or place a sticker containing this information on the ballot. An "X" does not need to be placed next to the write-in candidate's name (see fig.7). The appearance of the candidate's name constitutes a vote for that candidate.

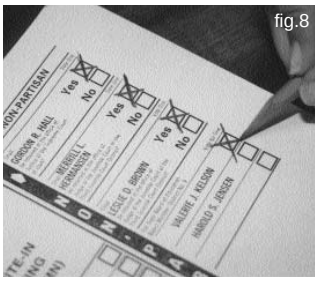

fig.8

Non-partisan candidates

Judicial, state school board, local school board, and similar offices are non-partisan contests.
They are located in the extreme right-hand column of the ballot (see fig.8). Your ballot will contain instructions designating the number of candidates that should be voted for in each office.

Constitutional amendments and Initiatives

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

How to get help to mark your ballot

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

INSTRUCTIONS TO VOTERS

In Emery and San Juan counties.

How to obtain a ballot for voting

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

2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.
NOTE: If an election judge has reason to doubt your identity, the judge is required either (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

How to vote your ballot

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

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

Ballots may be printed on both the front and back. Do not forget to vote on issues that are listed on the reverse side of the ballot.

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, do not attempt to erase a mark. Instead, return your ballot to the election judge who will cancel the ballot and issue you a new ballot.

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

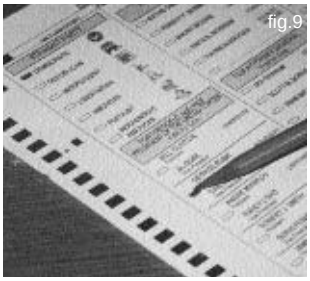
fig.9

Voting for candidates of more than one party.
If you want to vote for candidates from more than one party, fill in the oval by the names of the candidates for whom you want to vote. If you have already voted "straight party" and then decide to vote for a candidate from another party, simply mark the oval next to the other candidate(s) of your choice (see fig.9). The optical scanner will interpret a "straight party" vote as a vote for all candidates of that party except where you fill in an oval for candidate(s) of a different party.

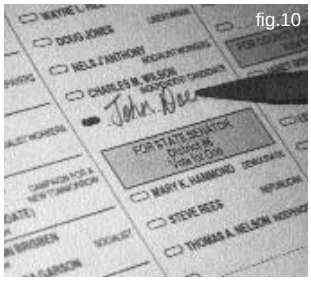
fig.10

Write-in voting

You may also vote for a valid write-in candidate. You do this by legibly writing the name of the write-in candidate in the space provided on the ballot or by placing in that space a sticker containing the office and write-in candidate's name. You should also fill in the oval next to the write-in candidate's name (see fig.10).

Non-partisan candidates

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

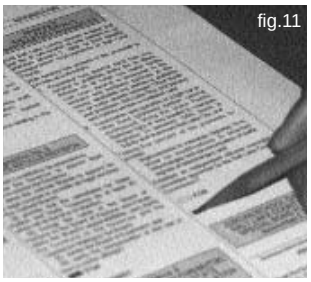
fig.11

Constitutional amendments and Initiatives

Constitutional amendments and initiatives appear on the ballot in the form of a question.
A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and fill in the oval for the appropriate response (see fig.11).

How to get help to mark your ballot

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

HOW DO I REGISTER TO VOTE

If you will be 18 years or older and will have been a resident of the State of Utah for 30 days preceding the election on November 2, 2004, you may register to vote by one of the following methods.

By mail
You may register by mail until October 13 by sending in a mail-in registration form. These forms may be obtained at any county clerk's office or political party office. They are also available at post offices, libraries, and other public locations. You may also use the form provided in this pamphlet on page 75.

Satellite
You may register at any satellite registration location in your county from 8:00 a.m. to 8:00 p.m. on October 22 and 25. Please contact your county clerk (see page 76) for satellite registration locations.

In person
You may register at the county clerk's office in your county of residence during regular working hours until October 25.

FOR MORE INFORMATION
- Visit www.elections.utah.gov.
- Contact your county clerk (see page 76).
- Contact the State Elections Office at (801) 538-1041 (Salt Lake area) or 1-800-995-VOTE (outside Salt Lake area).

NEW . . .

You may be asked to show photo identification or proof of residency at the polls this year. Please be prepared by bringing one of the following items: drivers license, state identification card, passport, current utility bill, government check, paycheck or other document that shows your name and current address.

ABSENTEE VOTING

Utah law allows ANY individual to vote by absentee ballot.

HOW DO I VOTE ABSENTEE?
You may vote absentee by mail or in person in the county clerk's office. Any individual who would like to vote absentee must complete an absentee ballot application.

By mail
You may request an absentee ballot by completing an absentee ballot application. This form may be obtained at www.elections.utah.gov and at any county clerk's office (see page 76). All absentee ballot applications must be returned to the county clerk no later than October 29. The county clerk will send an absentee ballot to the address provided on the application. Absentee ballots must be postmarked **no later than November 1st.**

Walk-in/County Clerks Office
Through November 1, you may also vote in person during regular business hours at your county clerk's office. Call your county clerk (see page 76) for more information.

MILITARY AND OVERSEAS CITIZENS
Request an application from your county clerk **no later than October 13.** Return the ballot postmarked (*or* the voter has signed the mailing affidavit on the back of the ballot envelope) **no later than November 1.** Ballots must be received in the county clerks office before noon on the day of the official canvass.

FOR MORE INFORMATION
- Visit www.elections.utah.gov.
- Contact your county clerk (see page 76).
- Contact the State Elections Office at (801) 538-1041 (Salt Lake area) or 1-800-995-VOTE (outside Salt Lake area).

Mail-in Voter Registration Form

FPO

COUNTY CLERKS

PAUL B. BARTON
BEAVER COUNTY CLERK
435-438-6463
P.O. BOX 392
BEAVER, UT 84713-0392
www.beaver.state.ut.us/elections.htm

LUANN ADAMS
BOX ELDER COUNTY CLERK
435-734-2031
01 S. MAIN STREET
BRIGHAM CITY, UT 84302-2599
www.boxeldercounty.org/

JILL ZOLLINGER
CACHE COUNTY CLERK
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www.cachecounty.org/clerk/election.php

ROBERT P. PERO
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www.carboncountyutah.com/clerks/

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www.daviscountyutah.gov

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www.duchesnegov.net/clerkauditor/clerk.html

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www.emerycounty.com/Election/index.html

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www.ironcounty.net/departments/Clerk

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www.morgan-county.net/

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SHERRIE SWENSEN
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SALT LAKE CITY, UT 84190
www.slco.org/cl

NORM JOHNSON
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P.O. BOX 338
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KRISTINE FRISCHNECHT
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www.sevierutah.net/clerk_auditor/clerk_auditor.html

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www.co.summit.ut.us/services/office/clerk.html

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TOOELE COUNTY CLERK
435-843-3140
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TOOELE, UT 84074-2194
www.co.tooele.ut.us/clerk.htm

MIKE WILKINS
UINTAH COUNTY CLERK
435-781-5360
147 EAST MAIN
VERNAL, UT 84078-2643
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OFFICE OF THE LIEUTENANT GOVERNOR

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY that the foregoing measures will be submitted to the voters of the State of Utah at the election to be held throughout the state on November 2, 2004, and that the foregoing pamphlet is a true and correct acc[illegible].

FPO

DATED September 3, 2004

OLENE S. WALKER
Lieutenant Governor

UTAH VOTER INFORMATION PAMPHLET

General Election November 2, 2004