

## Chapter 8 Political Party Formation and Procedures

### Part 1 Formation of Political Parties Recognized by the State

#### **20A-8-101 Definitions.**

As used in this chapter:

- (1) "Continuing political party" means an organization of voters that:
  - (a) participated in the last regular general election; and
  - (b) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election.
- (2) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the county political party, are members of the registered political party.
- (3) "Newly registered political party" means a statewide organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.
- (4) "Registered political party" means an organization of voters that:
  - (a)
    - (i) participated in the last regular general election; and
    - (ii) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election; or
  - (b) has complied with the petition and organizing procedures of this chapter.
- (5) "State political party" means, for each registered political party, all of the persons in Utah who, under definitions established by the state political party, are members of the registered political party.

Amended by Chapter 292, 2012 General Session

#### **20A-8-102 Organization of newly registered political parties -- Rights.**

- (1) Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all candidates for the United States House of Representatives for any of its candidates in both of the last two regular general elections shall comply with the requirements of this chapter to become a registered political party.
- (2)
  - (a) Unless an organization of registered voters is a registered political party under this chapter, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name.
  - (b) Nothing in this subsection prohibits an organization of voters from qualifying candidates as independent candidates or as write-in candidates.

Amended by Chapter 292, 2012 General Session

**20A-8-103 Petition procedures -- Criminal penalty.**

- (1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.
- (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:
  - (a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5 p.m. no later than November 30 of the year before the year in which the next regular general election will be held;
  - (b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and
  - (c) file, with the petition described in Subsection (2)(b), a document certifying:
    - (i) the identity of one or more registered political parties whose members may vote for the organization's candidates;
    - (ii) whether unaffiliated voters may vote for the organization's candidates; and
    - (iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.
- (3) The petition shall:
  - (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
  - (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
  - (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;
  - (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);
  - (e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the individual's own name or more than once for the same party or if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";
  - (f) contain the following statement directly under the statement described in Subsection (3)(e):

"POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:  
We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_ (name);  
Each signer says:  
I have personally signed this petition with a holographic signature;  
I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;  
I am or desire to become a member of the political party; and  
My street address is written correctly after my name.";
  - (g) be vertically divided into columns as follows:
    - (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

- (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
  - (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
  - (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
  - (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
  - (vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records.";
- (h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

I am a Utah resident and am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by individuals who professed to be the individuals whose names appear on the signature sheets, and each individual signed the individual's name on the signature sheets in my presence;

I believe that each individual has printed and signed the individual's name and written the individual's street address correctly, and that each individual is registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor.

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(Signature)

(Residence Address)

(Date)"; and

- (i) be bound to a cover sheet that:
- (i) identifies the political party's name, which may not exceed four words, and the emblem of the party;
  - (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and
  - (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.
- (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose presence each signature sheet is signed:
- (a) is at least 18 years old;
  - (b) meets the residency requirements of Section 20A-2-105; and
  - (c) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.
- (5) An individual may not sign the verification if the individual signed a signature sheet bound to the verification.
- (6) The lieutenant governor shall:
- (a) determine whether the required number of voters appears on the petition;
  - (b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and
  - (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.
- (7)

- (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.
  - (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.
- (8) A registered political party may not change its name or emblem during the regular general election cycle.
- (9)
- (a) It is unlawful for an individual to:
    - (i) knowingly sign a political party registration petition:
      - (A) with any name other than the individual's own name;
      - (B) more than once for the same political party; or
      - (C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or
    - (ii) sign the verification of a political party registration petition signature sheet if the individual:
      - (A) does not meet the residency requirements of Section 20A-2-105;
      - (B) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or
      - (C) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
  - (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

Amended by Chapter 255, 2019 General Session

**20A-8-106 Organization as a political party -- Certification procedures.**

- (1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective political party's officers or governing board shall file the names of the party officers or governing board with the lieutenant governor.
- (2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:
  - (a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and
  - (b) inform each county clerk that the organization is a registered political party in Utah.
- (3) All election officers and state officials shall consider the organization to be and shall treat the organization as a registered political party.
- (4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.
- (5)
  - (a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the lieutenant governor before 5 p.m. no later than August 15.
  - (b) If the party chooses to designate names, the governing board shall certify those names.

Amended by Chapter 255, 2019 General Session

## Part 4 Political Party Procedures

### **20A-8-401 Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.**

- (1)
  - (a) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of the party's proposed constitution and bylaws at the time the party files the party's registration information.
  - (b) Each registered state political party shall file revised copies of the party's constitution or bylaws with the lieutenant governor before 5 p.m. within 15 days after the day on which the constitution or bylaws are adopted or amended.
- (2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that the party's constitution or bylaws contain:
  - (a) provisions establishing party organization, structure, membership, and governance that include:
    - (i) a description of the position, selection process, qualifications, duties, and terms of each party officer and committees defined by constitution and bylaws;
    - (ii) a provision requiring a designated party officer to serve as liaison with:
      - (A) the lieutenant governor on all matters relating to the political party's relationship with the state; and
      - (B) each county legislative body on matters relating to the political party's relationship with a county;
    - (iii) a description of the requirements for participation in party processes;
    - (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and
    - (v) a mechanism for making the names of delegates, candidates, and elected party officers available to the public shortly after they are selected;
  - (b) a procedure for selecting party officers that allows active participation by party members;
  - (c) a procedure for selecting party candidates at the federal, state, and county levels that allows active participation by party members;
  - (d)
    - (i) a procedure for selecting electors who are pledged to cast their votes in the electoral college for the party's candidates for president and vice president of the United States; and
    - (ii) a procedure for filling vacancies in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause;
  - (e) a procedure for filling vacancies in the office of representative or senator or a county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
  - (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
  - (g) a procedure for replacing party candidates who die, acquire a disability that prevents the candidate from continuing the candidacy, or are disqualified before a primary or regular general election;
  - (h) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

- (i) provisions governing access to party records;
  - (j) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;
  - (k) a process for resolving grievances against the political party; and
  - (l) if desired by the political party, a process for consulting with, and obtaining the opinion of, the political party's Utah Senate and Utah House members about:
    - (i) the performance of the two United States Senators from Utah, including specifically:
      - (A) their views and actions regarding the defense of state's rights and federalism; and
      - (B) their performance in representing Utah's interests;
    - (ii) the members' opinion about, or rating of, and support or opposition to the policy positions of any candidates for United States Senate from Utah, including incumbents, including specifically:
      - (A) their views and actions regarding the defense of state's rights and federalism; and
      - (B) their performance in representing Utah's interests; and
    - (iii) the members' collective or individual endorsement or rating of a particular candidate for United States Senate from Utah.
- (3) If, in accordance with a political party's constitution or bylaws, a person files a declaration or otherwise notifies the party of the person's candidacy as a legislative office candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall forward a copy of that declaration or notification to the lieutenant governor before 5 p.m. no later than the day following the day on which the party receives the declaration or notification.

Amended by Chapter 255, 2019 General Session

**20A-8-402 Political party officers -- Submission of names of officers to the lieutenant governor.**

- (1) Each state political party shall:
  - (a) designate a party officer to act as liaison with:
    - (i) the lieutenant governor's office; and
    - (ii) each county legislative body; and
  - (b) before 5 p.m. no later than seven days after the day on which the party makes a change in the party liaison, submit the name of the new liaison to the lieutenant governor.
- (2) Each state political party and each county political party shall:
  - (a) submit the name, address, and phone number of each officer to the lieutenant governor within seven days after the officers are selected; and
  - (b) before 5 p.m. no later than seven days after the day on which the party makes a change in party officers, submit the name, address, and phone number of each new officer to the lieutenant governor.

Amended by Chapter 255, 2019 General Session

**20A-8-402.5 Notification of political convention dates.**

- (1) Before 5 p.m. no later than February 15 of each even-numbered year, a registered political party shall notify the lieutenant governor of the dates of each political convention that will be held by the registered political party that year.

- (2) If, after providing the notice described in Subsection (1), a registered political party changes the date of a political convention, the registered political party shall notify the lieutenant governor of the change before 5 p.m. no later than one business day after the day on which the registered political party makes the change.

Amended by Chapter 255, 2019 General Session

**20A-8-403 Political parties -- Certification.**

When this title requires that a registered political party certify information to the lieutenant governor, the registered political party has met that requirement if the information is signed by the registered political party's designated liaison or the registered political party's chair.

Enacted by Chapter 182, 1997 General Session

**20A-8-404 Use of public meeting buildings by political parties.**

- (1) The legislative body of a county, municipality, or school district shall make all meeting facilities in buildings under its control available to registered political parties, without discrimination, to be used for political party activities if:
  - (a) the political party requests the use of the meeting facility before 5 p.m. no later than 30 calendar days before the day on which the use by the political party will take place; and
  - (b) the meeting facility is not already scheduled for another purpose at the time of the proposed use.
- (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting facility available under Subsection (1), it may establish terms and conditions for use of that meeting facility.
- (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a registered political party may not exceed the actual cost of:
  - (a) custodial services for cleaning the meeting facility after the use by the political party; and
  - (b) any service requested by the political party and provided by the meeting facility.
- (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an event in a government building for the same evening as an announced party caucus meeting.
- (5) This section does not apply to a publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

Amended by Chapter 255, 2019 General Session