

1 **POLITICAL PARTY AMENDMENTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Lowell A. Nelson**

5 AN ACT RELATING TO POLITICAL PARTIES; MODIFYING DEFINITIONS; EXPANDING
6 CONSTITUTION AND BYLAW REQUIREMENTS FOR REGISTERED POLITICAL
7 PARTIES; REQUIRING COUNTY AFFILIATES OF REGISTERED POLITICAL PARTIES
8 TO PROVIDE CERTAIN INFORMATION; AND MAKING TECHNICAL CORRECTIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **20A-8-101**, as last amended by Chapter 182, Laws of Utah 1997

12 **20A-8-401**, as last amended by Chapter 213, Laws of Utah 1996

13 **20A-8-402**, as enacted by Chapter 182, Laws of Utah 1997

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **20A-8-101** is amended to read:

16 **20A-8-101. Definitions.**

17 As used in this chapter:

18 (1) "Continuing political party" means an organization of voters that participated in the last
19 regular general election and polled a total vote for any of its candidates for any office equal to 2%
20 or more of the total votes cast for all candidates for the United States House of Representatives.

21 (2) "County political party" means all of the persons within a single county who belong
22 to a particular registered political party.

23 [~~(2)~~] (3) "Newly registered political party" means [an] a statewide organization of voters
24 that has complied with the petition and organizing procedures of this chapter to become a
25 registered political party.

26 [~~(3)~~] (4) "Registered political party" means an organization of voters that:

27 (a) participated in the last regular general election and polled a total vote for any of its

28 candidates for any office equal to 2% or more of the total votes cast for all candidates for the
29 United States House of Representatives; or

30 (b) has complied with the petition and organizing procedures of this chapter.

31 (5) "State political party" means all of the persons in Utah who belong to a particular
32 registered political party.

33 Section 2. Section **20A-8-401** is amended to read:

34 **20A-8-401. Registered political parties -- Bylaws.**

35 (1) (a) Each registered political party shall file a copy of its constitution and bylaws with
36 the lieutenant governor by January 1, 1995.

37 (b) Each new or unregistered political party that seeks to become a registered political
38 party under the authority of this chapter shall file a copy of its proposed constitution and bylaws
39 at the time it files its registration information.

40 (c) Each registered political party shall file revised copies of its constitution or bylaws with
41 the lieutenant governor within 15 days after the constitution or bylaws are adopted or amended.

42 (2) (a) By July 1, 1999, each county political party shall:

43 (i) certify to the lieutenant governor and the county clerk of their county that the state
44 political party's constitution and bylaws govern its organization and procedures; or

45 (ii) file a copy of its constitution and bylaws with the lieutenant governor and with the
46 county clerk of their county.

47 (b) The county political party shall:

48 (i) file a revised copy of its constitution and bylaws with the lieutenant governor and
49 county clerk within 15 days after the county political party amends its constitution or bylaws;

50 (ii) file a copy of its constitution or bylaws with the lieutenant governor and county clerk
51 within 15 days after the county political party adopts a new constitution or bylaws; or

52 (iii) certify to the lieutenant governor and county clerk that the state political party's
53 constitution and bylaws govern its organization and procedures within 15 days after the county
54 political party repeals its constitution and bylaws.

55 [(2)] (3) Each [registered] state political party, each new political party seeking
56 registration, [and] each unregistered political party seeking registration, and each county political
57 party that chooses to adopt its own constitution and bylaws shall ensure that its constitution or
58 bylaws contain:

- 59 (a) provisions establishing party organization, structure, and governance that include:
- 60 (i) a description of the position, selection process, qualifications, duties, and terms of each
- 61 party officer;
- 62 (ii) a provision requiring a designated party officer to serve as liaison with the lieutenant
- 63 governor on all matters relating to the political party's relationship with the state;
- 64 (iii) a description of the requirements for participation in party processes;
- 65 (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions,
- 66 or other conclaves; and
- 67 (v) a mechanism for making the names of party officers, delegates, and candidates
- 68 available to the public shortly after they are selected;
- 69 (b) a procedure for selecting party officers that allows active participation by party
- 70 members;
- 71 (c) a procedure for selecting party candidates that allows active participation by party
- 72 members;
- 73 (d) for state political parties, a procedure for selecting electors who are pledged to cast
- 74 their votes in the electoral college for the party's candidates for president and vice president of the
- 75 United States;
- 76 (e) for state political parties, a provision requiring the governor and lieutenant governor
- 77 to run as a joint ticket;
- 78 (f) a procedure for replacing party candidates who die, become disabled, or are disqualified
- 79 before a primary or regular general election;
- 80 (g) provisions governing the deposit and expenditure of party funds, and governing the
- 81 accounting for, reporting, and audit of party financial transactions;
- 82 (h) provisions governing access to party records; [and]
- 83 (i) a procedure for amending the constitution or bylaws that:
- 84 (A) allows active participation by party members or their representatives[-];
- 85 (B) requires advance written notice of any proposed amendments to candidates and
- 86 delegates; and
- 87 (C) requires advance written notice of any proposed amendments to other interested
- 88 members of the political party who request notice in writing before the amendments are adopted;
- 89 and

90 (j) a process for resolving grievances against the political party that may include the right
91 to a hearing by the state political party's or county political party's governing board.

92 Section 3. Section **20A-8-402** is amended to read:

93 **20A-8-402. Political party officers -- Submission of names of officers to the**
94 **lieutenant governor.**

95 (1) Each [registered] state political party shall:

96 [(1)] (a) designate a [state] party officer to act as liaison with the lieutenant governor's
97 office; and

98 (b) within seven days of any change in the party liaison, submit the names of the new
99 liaison, to the lieutenant governor.

100 (2) Each state political party and each county political party shall:

101 (a) submit the names of its [state] officers [and liaison] to the lieutenant governor within
102 seven days after the officers are selected; and

103 [(3)] (b) within seven days of any change in party officers [or liaison], submit the names
104 of the new officers [and liaison] to the lieutenant governor.

Legislative Review Note
as of 11-20-98 4:38 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Government Operations Interim Committee recommended this bill.