

1 **QUALIFIED POLITICAL PARTY AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Fred C. Cox**

5 Senate Sponsor: Scott K. Jenkins

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to qualified political parties.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends the definition of a qualified political party in relation to the requirement that
13 a qualified political party allow delegates to vote remotely or provide for the
14 appointment of alternate delegates.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-9-101**, as last amended by Laws of Utah 2015, Chapter 296

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

24 Section 1. Section **20A-9-101** is amended to read:

25 **20A-9-101. Definitions.**

26 As used in this chapter:

27 (1) (a) "Candidates for elective office" means persons who file a declaration of



28 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
29 constitutional office, multicounty office, or county office.

30 (b) "Candidates for elective office" does not mean candidates for:

31 (i) justice or judge of court of record or not of record;

32 (ii) presidential elector;

33 (iii) any political party offices; and

34 (iv) municipal or local district offices.

35 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
36 attorney general, state auditor, and state treasurer.

37 (3) "Continuing political party" means the same as that term is defined in Section
38 [20A-8-101](#).

39 (4) (a) "County office" means an elective office where the office holder is selected by
40 voters entirely within one county.

41 (b) "County office" does not mean:

42 (i) the office of justice or judge of any court of record or not of record;

43 (ii) the office of presidential elector;

44 (iii) any political party offices;

45 (iv) any municipal or local district offices; and

46 (v) the office of United States Senator and United States Representative.

47 (5) "Federal office" means an elective office for United States Senator and United
48 States Representative.

49 (6) "Filing officer" means:

50 (a) the lieutenant governor, for:

51 (i) the office of United States Senator and United States Representative; and

52 (ii) all constitutional offices;

53 (b) the county clerk, for county offices and local school district offices, and the county
54 clerk in the filer's county of residence, for multicounty offices;

55 (c) the city or town clerk, for municipal offices; and

56 (d) the local district clerk, for local district offices.

57 (7) "Local district office" means an elected office in a local district.

58 (8) "Local government office" includes county offices, municipal offices, and local

59 district offices and other elective offices selected by the voters from a political division entirely
60 within one county.

61 (9) (a) "Multicounty office" means an elective office where the office holder is selected
62 by the voters from more than one county.

63 (b) "Multicounty office" does not mean:

64 (i) a county office;

65 (ii) a federal office;

66 (iii) the office of justice or judge of any court of record or not of record;

67 (iv) the office of presidential elector;

68 (v) any political party offices; and

69 (vi) any municipal or local district offices.

70 (10) "Municipal office" means an elective office in a municipality.

71 (11) (a) "Political division" means a geographic unit from which an office holder is
72 elected and that an office holder represents.

73 (b) "Political division" includes a county, a city, a town, a local district, a school
74 district, a legislative district, and a county prosecution district.

75 (12) "Qualified political party" means a registered political party that:

76 (a) permits voters who are unaffiliated with any political party to vote for the registered
77 political party's candidates in a primary election;

78 (b) does one or both of the following:

79 ~~[(b)]~~ (i) permits a delegate for the registered political party to vote on a candidate
80 nomination in the registered political party's convention remotely; or

81 (ii) provides a procedure for designating an alternate delegate if ~~[a]~~, at least one week
82 before the day on which the convention begins, the delegate notifies the registered political
83 party, in writing, that the delegate [is] will not be present at the registered political party's
84 convention;

85 (c) does not hold the registered political party's convention before the fourth Saturday
86 in March of an even-numbered year;

87 (d) permits a member of the registered political party to seek the registered political
88 party's nomination for any elective office by the member choosing to seek the nomination by
89 either or both of the following methods:

90 (i) seeking the nomination through the registered political party's convention process,
91 in accordance with the provisions of Section 20A-9-407; or

92 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
93 of Section 20A-9-408; and

94 (e) (i) if the registered political party is a continuing political party, no later than 5 p.m.
95 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
96 election in the following year, the registered political party intends to nominate the registered
97 political party's candidates in accordance with the provisions of Section 20A-9-406; or

98 (ii) if the registered political party is not a continuing political party, certifies at the
99 time that the registered political party files the petition described in Section 20A-8-103 that, for
100 the next election, the registered political party intends to nominate the registered political
101 party's candidates in accordance with the provisions of Section 20A-9-406.

102 **Section 2. Effective date.**

103 If approved by two-thirds of all the members elected to each house, this bill takes effect
104 upon approval by the governor, or the day following the constitutional time limit of Utah
105 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
106 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel