

Senate Bill 54 (2014): Frequently Asked Questions

Prepared by the Office of the Lieutenant Governor
(801) 538-1041
elections@utah.gov

Version 4.0 - October 19, 2015

- Update about current political party classifications: all political parties in Utah are designated as a Qualified Political Party (QPP).
- Includes changes from the 2015 Legislative Session and provides explanations of the changes in the footnotes.
- All dates and deadlines are specific to the 2016 election.

Table of Contents

Section 1: SB54 and Utah’s New Primary Process	2
Section 2: Registered Political Parties	4
Section 3: Qualified Political Parties	7
Section 4: Collecting Petition Signatures	11
Section 5: Other FAQs.....	12

Section 1: SB54 and Utah’s New Primary Process

Dates and deadlines are specific to the 2016 Election

1.1: What is SB54, and what does it do?

SB54 (2014), shorthand for Senate Bill 54, is a law that passed during the 2014 Legislative Session modifying Utah’s existing primary election process. SB54 changes how candidates are nominated and how political parties are classified.

SB54 does not eliminate the political party convention system. It does, however, introduce an alternative method for candidates to get on the primary election ballot. Depending on a party’s classification, a candidate may get on the primary ballot by gathering petition signatures, obtaining a nomination through the party’s convention, or both.

1.2: How does SB54 affect political parties?

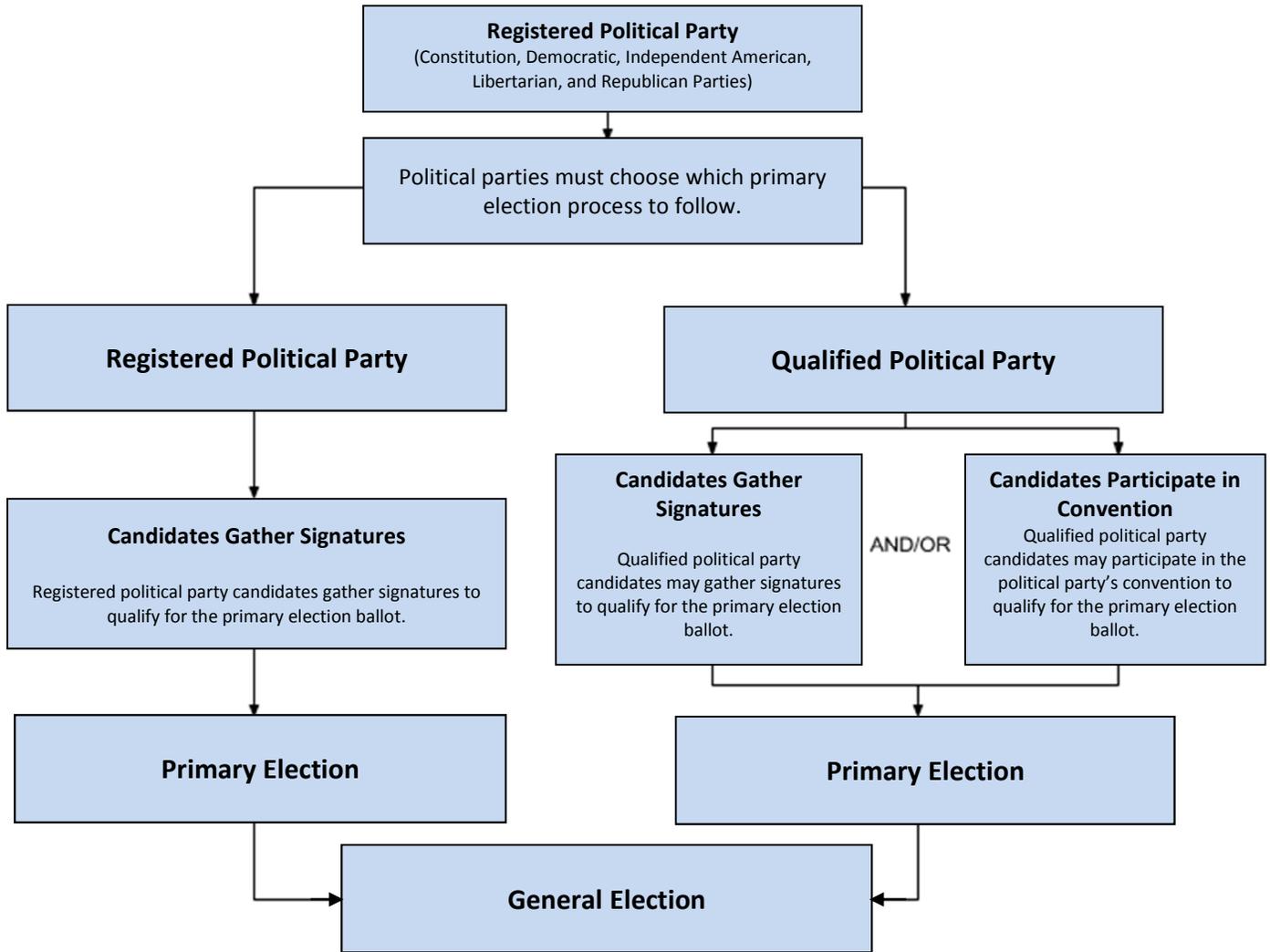
Prior to the passage of SB54, each political party was classified as a registered political party. Under SB54, each political party is still considered a registered political party, but each political party also has the option to become a qualified political party.

Therefore, there are now two classifications of political parties:

- 1) Registered political party
- 2) Qualified political party

Under SB54, these two political party classifications have different legal requirements and processes to nominate candidates for the primary election. The flowchart on the following page depicts these new processes.

All political parties in Utah are classified as a qualified political party for the 2016 election cycle.



Please refer to pages 4-6 for information regarding registered political parties and pages 7-10 for information regarding qualified political parties.

1.3: How does SB54 affect candidates?

SB54 provides candidates with new avenues to get their name on the ballot. It also requires candidates to meet new deadlines and fulfill new requirements.

1.4: How does a candidate know whether a political party is a registered political party or a qualified political party, and how does that affect the candidate?

Each political party is classified as a registered political party. A registered political party can choose to be classified as a qualified political party by notifying the Lieutenant Governor’s office of their intent by September 30, 2015. All political parties in Utah are classified as a qualified political party for the 2016 election cycle.

Section 2: Registered Political Parties

Dates and deadlines are specific to the 2016 Election

All political parties in Utah are classified as a qualified political party for the 2016 election cycle. Pages 7-10 outline the qualified political party process.

2.1: What is a registered political party?

Utah law defines a registered political party as an organization of voters that:

- Obtained 2,000 petition signatures to form the political party, or
- Participated in the last general election, and
- Had one or more of the political party's candidates obtain at least 2% of the total votes cast for all U.S. House candidates in one of the last two general elections.

Each political party in Utah is considered a registered political party unless the political party notifies the Lieutenant Governor that it would like to be classified as a qualified political party and meets the legal requirements. There are currently five registered political parties in Utah:

- Constitution Party
- Democratic Party
- Independent American Party
- Libertarian Party
- Republican Party

2.2: What does a registered political party need to do to participate in the election?

SB54 requires registered political parties to file a statement with the Lieutenant Governor by November 15, 2015 declaring the political party's intent to participate in the election and identifying the voters that may participate in the political party's primary election.

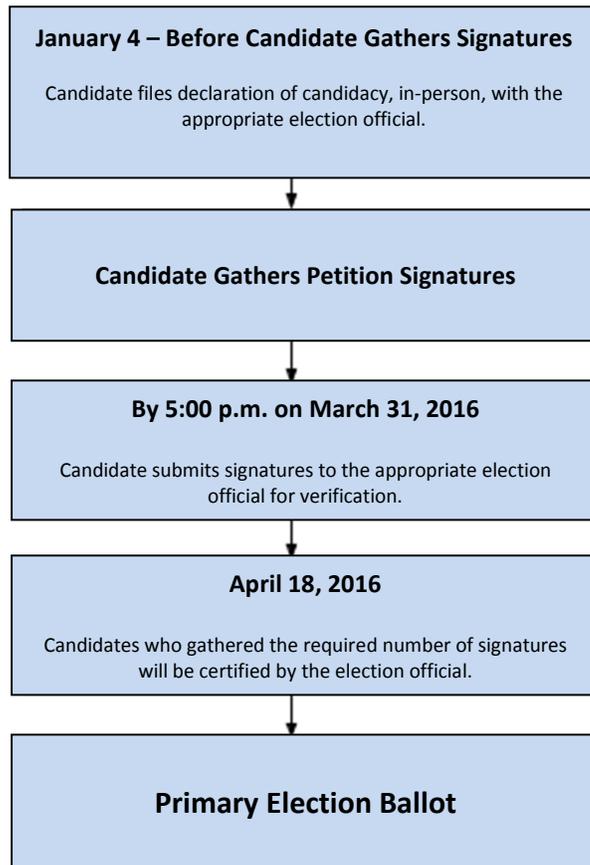
2.3: How does a registered political party nominate candidates for the primary election?

Registered political party candidates must collect petition signatures to get on the primary election ballot.

Before candidates may begin collecting signatures they must file an official declaration of candidacy, in-person, with the appropriate election official. Candidates may not gather signatures before declaring candidacy.

Once the candidate gathers the required number of signatures, candidates must submit them to the appropriate election official for verification by March 31, 2016 at 5:00 p.m. If a candidate obtains the required number of signatures, the election official will certify the candidate for the primary election ballot by April 18, 2016.

The flowchart on the following page depicts this process:



2.4: What is the role of the caucus/convention system for a registered political party?

SB54 does not eliminate the right for a registered political party to hold their convention, however, the political party’s convention will not have a binding effect on which candidates appear on the primary election ballot.

2.5: How can I become a candidate for a registered political party?

Follow this checklist:

TASK	DEADLINE
<input type="checkbox"/> File a declaration of candidacy form, in-person, with the appropriate election official.	Between January 4, 2016 and March 31, 2016
<input type="checkbox"/> Collect the required amount of petition signatures.	After declaring candidacy and before 5:00 p.m. on March 31, 2016
<input type="checkbox"/> Submit petition signatures to election official.	By 5:00 p.m. on March 31, 2016

2.6: How many petition signatures does a registered political party candidate need to collect?

The number of signatures candidates need to collect depends on the district or area. Candidates must gather signatures from at least 2% of the political party’s registered voters that reside within the district or area.

For example, Candidate A wants to run in District 1. Candidate A's political party has 50,000 registered voters residing in that district. 2% of 50,000 is 1,000. Therefore, Candidate A would need to gather 1,000 signatures to advance to the primary election ballot.

2.7: When will candidates know how many signatures they need to collect?

The Lieutenant Governor's office will publish the amount of signatures needed for each elected office by November 15, 2015.

2.8: Who can sign registered political party candidates' petitions?

Candidates for a registered political party may only collect signatures from voters who are registered with the same political party and who reside in the district or area of the office the candidate seeks. Signatures will not be counted from voters who are unaffiliated, who are affiliated with other political parties, who live outside of the district or area, who are not registered, or who have already signed another candidate's petition for the same office.¹

2.9: How much time do candidates have to collect petition signatures?

Candidates may begin collecting signatures after they declare candidacy, in-person, with the appropriate election official. The first day to declare candidacy is January 4, 2016. A candidate could declare candidacy that morning and begin collecting signatures that same day.

Candidates must submit signatures to the appropriate election official by 5:00 p.m. on March 31, 2016. This gives candidates up to 3 months to collect signatures.

2.10: Are there other requirements or restrictions for circulating petitions?

Yes. State law outlines how petitions are to be printed and circulated. Please refer to page 11 for more information.

¹ SB54 was silent on whether a voter could sign multiple petitions for the same office. SB207 (2015) clarified this issue by stating that an individual who signs a petition may not sign a petition to nominate another candidate for the same office. If an individual does sign multiple petitions for the same office, only the first signature is counted.

Section 3: Qualified Political Parties

Dates and deadlines are specific to the 2016 Election

3.1: What is a qualified political party?

A qualified political party is a political party that meets the same requirements as a registered political party with additional requirements. A qualified political party must:

- (1) Allow unaffiliated voters to vote in the political party's primary election;
- (2) Permit delegates to vote remotely at the political party's convention; or
Provide a procedure for designating an alternate for a delegate who is not present at the convention;
- (3) Hold its convention on or after the fourth Saturday in March² (March 26, 2016); and,
- (4) Allow candidates to get on the primary election ballot by gathering petition signatures, going through the political party's convention, or both.

3.2: What does a qualified political party need to do to participate in the election?

SB54 requires a political party that intends to nominate candidates through the qualified political party process to file a statement its intent with the Lieutenant Governor by September 30, 2015. The qualified political party must also notify the Lieutenant Governor which registered voters may vote in the political party's primary election by March 1, 2016 and certify the candidates who are nominated through the political party's convention by April 25, 2016.³

3.3: What is the primary process for a qualified political party?

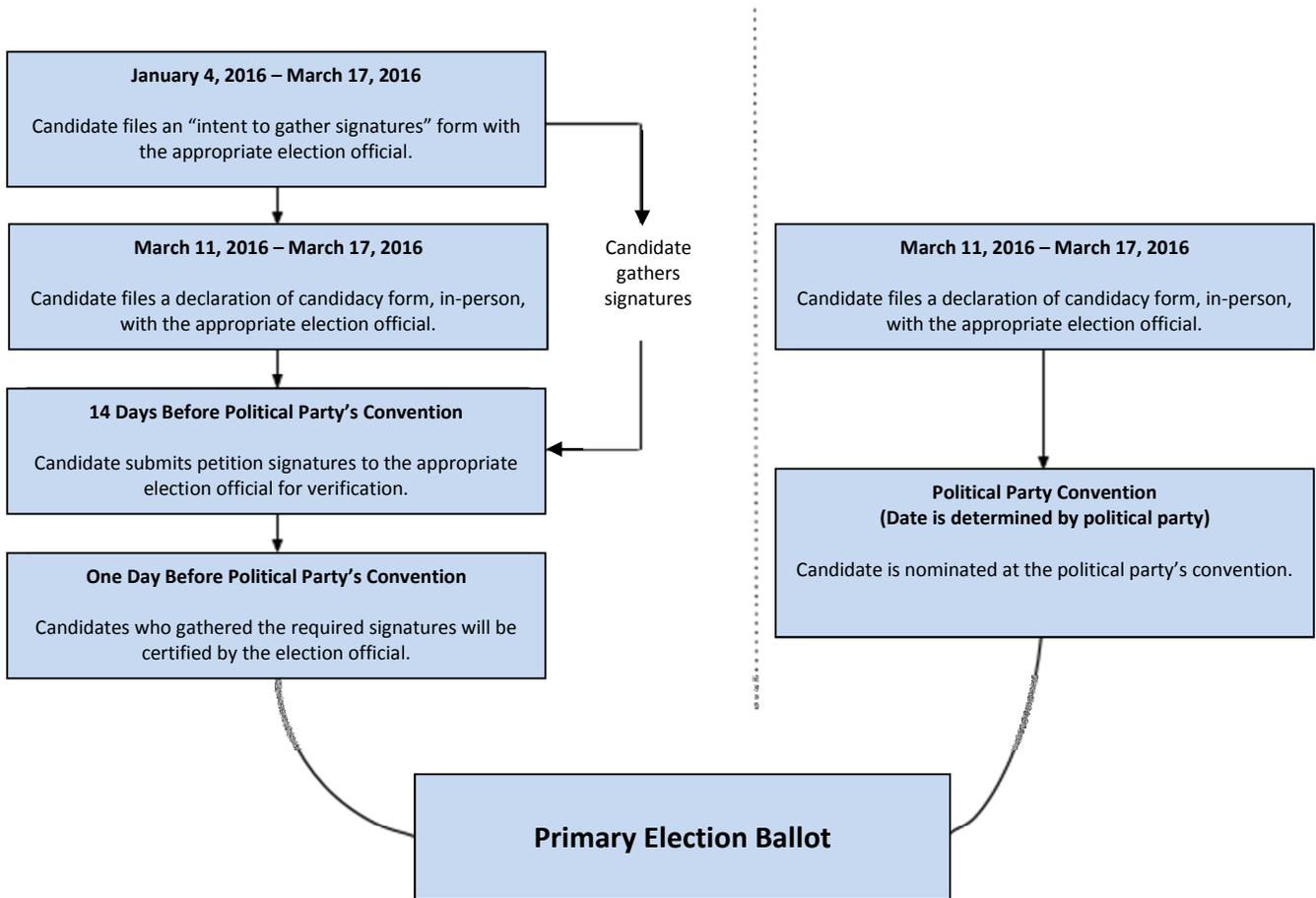
A qualified political party retains the political party convention as a method to select primary election candidates. Candidates can also utilize an alternative route to the primary ballot by collecting petition signatures. Therefore, candidates may get their name on the primary ballot through the political party's convention, gathering signatures, or both. The chart on the following page depicts this process:

² SB54 originally required qualified political parties to hold a convention on or after April 1st. SB207 (2015) altered this provision.

³ SB54 did not require a qualified political party to certify its candidates to the Lt. Governor's office. SB207 (2015) created this provision.

SIGNATURE GATHERING

CONVENTION



3.4: How can I become a candidate by gathering signatures?

If a candidate chooses to qualify for the primary election ballot by gathering petition signatures, the candidate must begin by filing a declaration of intent to gather signatures in-person with the appropriate election official. The first day to file the "intent to gather signatures" form is January 4, 2016; a candidate could declare candidacy that morning and begin collecting signatures that same day.

After a candidate collects the required number of signatures, a candidate must submit the signatures for verification to the appropriate election official no later than 14 days before the political party's convention. Since the political party chooses the dates for state and county conventions, this deadline will vary for candidates. If a candidate obtains the required number of signatures, the election official will certify the candidate for the primary election ballot the day before the political party's convention.

In addition to the signature gathering process, the candidate must also declare candidacy, in-person, with the appropriate election official during the declaration of candidacy period - March 11, 2016 to March 17, 2016. Candidates must declare whether they are seeking the nomination using the convention process, the signature gathering process, or both.⁴

A checklist on the following page outlines this process:

⁴ SB54 did not require qualified political party candidates to declare how they would seek the nomination. SB207(2015) added these provisions.
Version 4.0 (10/19/15)

TASK	DEADLINE
<input type="checkbox"/> File an “intent to gather signatures” form with the appropriate election official.	Between January 4, 2016 and March 17, 2016
<input type="checkbox"/> Collect the required amount of petition signatures.	14 days before the political party’s convention
<input type="checkbox"/> File a declaration of candidacy form, in-person, with the appropriate election official.	Between March 11, 2016 and March 17, 2016
<input type="checkbox"/> Submit petition signatures to the appropriate election official.	14 days before the political party’s convention

3.5: How many petition signatures do candidates need to collect?

The number of signatures candidates need to collect depends on the political office. The requirements are as follows:

- Statewide office (*e.g.*, U.S. Senate, Governor, Attorney General): 28,000 signatures
- U.S. House: 7,000 signatures
- Utah State Senate: 2,000 signatures
- Utah State House: 1,000 signatures
- County office: 3% of the voters permitted to vote in the political party’s primary who live in the district or area

3.6: Who can sign the petitions?

Candidates for a qualified political party may collect signatures only from registered voters the political party permits to vote in its primary election and who reside in the district or area of the office the candidate seeks.

Signatures from voters living outside the district or area, who are not registered to vote, or who have already signed another candidate’s petition for the same office will not be counted.

3.7: Are there other requirements or restrictions for circulating petitions?

Yes. State law outlines how petitions are to be printed and circulated. Please refer to page 11 for more information.

3.8: How can I become a candidate by going through the political party’s convention?

The convention route for qualified political parties has remained essentially the same. Qualified political parties may hold caucus meetings to elect delegates, who will then determine primary election candidates at the political party’s convention.

Candidates that wish to participate in their political party’s convention must file a declaration of candidacy, in-person, with the appropriate election official between March 11, 2016 and March 17, 2016. Please note, a political party’s constitution or bylaws may require candidates to perform additional steps to qualify for the political party’s convention. Candidates should contact their political party for more information.

3.9: Did SB54 alter convention thresholds?

In political party conventions, candidates need to garner a certain percentage of the delegates' vote to win the political party's nomination outright. Early drafts of SB54 required political parties to raise this threshold, however, this provision was removed before the bill passed, leaving thresholds unchanged.

3.10: Do candidates need to declare candidacy twice if they gather signatures and go through convention?

No, candidates do not need to declare candidacy twice. However, candidates that circulate petitions must file both an intent to gather signatures form before gathering signatures and later a declaration of candidacy form during the declaration period.

3.11: Can candidates gather signatures if they fail to win at convention?

The deadline to submit signatures is 14 days before the convention. If a candidate fails to get on the primary ballot by going through their political party's convention, that candidate cannot qualify for the primary election ballot by gathering signatures.

Section 4: Collecting Petition Signatures

Dates and deadlines are specific to the 2016 Election

4.1: What does a candidate need to do before gathering signatures?

This depends whether the person is a candidate for a registered political party or a qualified political party. A candidate for a registered political party may gather signatures after filing their declaration of candidacy form, in-person, with the appropriate election official on or after January 4, 2016.

A candidate for a qualified political party may gather signatures after filing an intent to gather signatures form with the appropriate election official on or after January 4, 2016.

4.2: What requirements are there for signature packets?

Utah Code sets forth very specific requirements for signature packet size, formatting, and verbiage. Please refer to Utah Code Annotated §20A-9-405 for those requirements.

4.3: Who can collect signatures?

Any resident of the state over the age of 18 may circulate signature packets. They do not need to be affiliated with a political party, nor do they need to be a registered voter. People who circulate signature packets may be compensated, but the compensation cannot be based on the number of signatures gathered.

4.4: When do candidates turn in signature packets?

The deadline for a registered political party candidate to turn in their signature packets is March 31, 2016. The deadline for a qualified political party candidate is 14 days before their political party's convention.

4.5: Can candidates turn in signature packets before the deadline or before they have the required number of signatures?

Yes. Candidates may submit supplemental signature packets until the threshold is met and may submit their signature packets any time before the deadline.

4.6: How do election officials verify signatures?

Election officials will use statistical sampling to determine whether a candidate gathered the requisite number of signatures. The Lieutenant Governor's Office will issue rules that establish the method of statistical sampling.

4.7: When do candidates find out if they gathered enough signatures?

After the signature packets are verified, election officials will certify those candidates for the primary election ballot that have collected the required number of signatures. Election officials will post these certifications on or before April 18, 2016 for registered political party candidates and the day before the candidate's convention for a qualified political party candidate.

Section 5: Other FAQs

Dates and deadlines are specific to the 2016 Election

5.1: Are there other classifications of political parties other than registered or qualified political parties?

No. SB54 only provides two classifications of political parties: registered political parties and qualified political parties. Certain portions of the law allude to an undefined “third class” of political party; however, SB54 states that no candidate can be placed on the general election ballot unless the political party follows the primary process of either a registered or qualified political party.

5.2: Are there other ways for a partisan candidate to get on the ballot other than going through the registered or qualified political party routes?

No. Utah law states that partisan candidates must be nominated through the primary processes of registered or qualified political parties.

5.3: Does SB54 affect unaffiliated or write-in candidates?

No. SB54 does not affect the process to become an unaffiliated or write-in candidate. For more information on the process to become an unaffiliated or write-in candidate, please visit elections.utah.gov.

5.4: Can a political party’s classification affect the ballot or party symbols on the general election ballot?

SB54 contains provisions that a ballot cannot feature a symbol, marking, or other description of a political party unless the party chooses to nominate its candidates through the registered or qualified political party primary process. The only candidates that could appear on the general election ballot without a political party’s symbol are unaffiliated and write-in candidates.

5.5: Can a candidate file a declaration of candidacy for a political party of which the candidate is not a member?

A candidate may not file a declaration of candidacy for a political party of which the candidate is not a member, except to the extent that the political party permits otherwise in the political party’s bylaws.

Each candidate is required to state, in a sworn statement, the registered political party of which the candidate is a member, or state the candidate is not a member of a political party.⁵

5.6: Was SB54 affected by the 2015 Legislative Session?

Yes. SB207 made several amendments and clarifications to assist in implementing the law. The footnotes in this document refer to these changes.

⁵ SB207(2015) clarified a candidate’s political party affiliation requirements.