



FETZER | SIMONSEN | BOOTH | JENKINS

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Via Email and U.S. Mail

Mark J. Thomas
c/o David N. Wolf
Office of the Utah Attorney General
P.O. Box 142320
Salt Lake City, UT 84114-2320
dnwolf@utah.gov

Dear Mr. Thomas:

The Constitution Party of Utah has passed a resolution to become a Qualified Political Party as defined in 20A-9-101(12)(a). This letter is intended to inform you of this election.

The Party wishes to make it clear that it is making this election for the purpose of maintaining its convention system as the meaningful method of choosing candidates. It does not do so out of a desire to allow unaffiliated voters to participate in the candidate nomination process. The Party objects to that requirement. Therefore, while the Party will comply with the provisions of SB 54, including the provision requiring a QPP to allow unaffiliated voters to vote in the primary, it does so under constraint and out of a realization that it must either do so, or give up any practical hope of ballot access. The Constitution Party does not allow members of any other political party to vote in its primary.

The Party does not waive its rights to challenge any particular provision of SB 54, SB 207 or any other part of the state election code, including 20A-9-10-101(12)(A) which requires a Qualified Political Party to allow unaffiliated voters to vote in its primary election. If, and when, a court strikes down any provision of SB 54, the Party intends to exercise its First Amendment associational rights to exclude individuals who refuse to comply with the Party's membership requirements.

The Party also makes this choice because it believes that 1) the Party could not survive in the short run as a mere registered political party because a contested primary, even a closed one, with its signature gathering provision, would be too burdensome on the Party, 2) to preserve its ability to have a meaningful role for the caucus/convention system in the choice of its nominees and to have its nominees thus chosen to appear on the ballot associated with the Party name and emblem and 3) that it is unconstitutional for the state to require a party to submit to the primary system at all. The Party sees the State as giving it a Catch 22: Give up Right A, Right B or ballot access. This is a severe burden on the Party's associational rights and so it will continue to challenge these matters in court.

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Please do not hesitate to speak with me (through your attorney) or Bryce Hamilton concerning this matter.

Cordially,

FETZER SIMONSEN BOOTH & JENKINS

A handwritten signature in cursive script, appearing to read "Collin Simonsen", written in black ink.

Collin Simonsen

Enclosure
cc: Constitution Party of Utah

Resolution to Comply with SB54

Whereas, SB54 is the current law and will affect the Constitution Party of Utah, hereafter referred to as the Party, in its ability to have a meaningful caucus/convention system;

Whereas, SB54 requires Parties to declare themselves either Registered Political Parties or Qualified Political Parties;

Whereas, Only Qualified Political Parties can, under SB54, nominate and endorse candidates for office and put them on the ballot by the caucus/convention system;

Whereas, The Constitution Party of Utah upholds the correctness of the caucus/convention system as the most correct representative republican system for placing candidates on the ballot endorsed by the Party;

Whereas, The SB54 places this most correct system under serious jeopardy, and

Whereas, The Party will do all that is necessary to maintain its right to endorse and place on the ballot, candidates by this process,

Therefore, be it

Resolved, That, under duress, the Party hereby declares itself to be a Qualified Political Party as stipulated by the current law, SB54,

Resolved, That if SB54 or any provision of the law allows for this status to be removed while maintaining the caucus/convention system, that we may immediately, or at a time of our choosing, by majority vote of the executive committee members present at any regular meeting thereof, rescind the resolution whereby the Party declared itself to be a qualified political party.

Resolved, That as a Qualified Political Party we maintain the right to place candidates on the ballot under our banner by endorsement of the Party members by means of a caucus/convention system,

Resolved, That should a candidate through the signature gathering process force a primary, the executive committee, by majority vote of members present at a regular or special meeting for that purpose, may decide if that Primary Election will be open or closed to only Party members and unaffiliated voters as stipulated by SB54,

Resolved, That the Party may mount a public write in campaign of the endorsed candidate, and

Resolved, That the Party will continue all efforts to stop SB54 and return Utah to its previous and more correct form of representative republican system of governance.