

Phil Lyman  
Petitioner Pro se  
333 South Main Street  
Blanding, Utah 84511  
435-459-2800  
[phlyman@gmail.com](mailto:phlyman@gmail.com)

---

SUPREME COURT OF UTAH  
450 S. State St.  
Salt Lake City, UT 84111

---

Phil Lyman,

Petitioner,

v.

SPENCER COX, as the individual who is  
allegedly nominated as the Utah  
Republican Party nominee,

DEIDRE HENDERSON, Lieutenant  
Governor of the State of Utah, in her  
official capacity as chief election officer  
and authorized agent for the State of Utah  
and as the individual who is allegedly  
nominated,

ROBERT AXSON, Utah Republican  
Party State Party Officer and Chair, in his  
official capacity as party liaison with the  
Lieutenant Governor,

UTAH REPUBLICAN PARTY, Political  
Party qualified to participate in a Utah  
election,

Respondent(s.)

**PETITION FOR EXTRAORDINARY  
WRIT OF DECLARATORY AND  
INJUNCTIVE RELIEF**

Case No. \_\_\_\_\_

## INTRODUCTION

1. Before Utah passed legislation known as Senate Bill 54 (hereinafter, SB54) in 2014, Utah election law gave political parties freedom to choose how they would nominate candidates for the general election. Parties could choose whether to use the state's primary election mechanism. With that freedom, the Utah Republican Party (the, "URP") chose not to use the primary as its principal means of selecting candidates. Instead, URP had, and continues to employ, a carefully crafted convention process; however, requirements of Senate Bill 54 continue to undermine the party convention system — fueling intra-party strife and endangering the associations' very existence.

2. Pursuant to UCA 20A-4-403(2), this petition is contesting the results of the primary election held on June 25, 2024, the petitions nominating independent candidates for the primary election — and challenges the election officer, URP State Chair, and political party convention for failing to nominate any individuals the political party nominated through their convention process held on April 27, 2024, as receiving 60% or more of the delegate votes cast in accordance with party's constitutions and bylaws.

3. Petitioner Phil Lyman respectfully petitions this Court for an Extraordinary Writ of declaratory relief specifying the rights, obligations, or existence of facts of the provisions in claims for relief. Further seeking injunctive relief to set aside and annul the 2024 Primary elections for the URP candidates who received 60% or more votes at the URP nominating conventions held on April 27, 2024, qualifying them as the party nominees through the party's convention process. *See* UCA § 20A-9-701 — ordering

judicial removal for malfeasance in office. Additionally, Petitioner seeks injunctive relief for the production of documents, records, or any other evidence necessary to determine the legality or illegality of any petition nominating candidates, and votes cast or counted.

## **PARTIES**

4. Petitioner, Phil Lyman, (hereinafter, “Petitioner Lyman”) is a registered Utah voter contesting the right to nomination of Spencer J. Cox and Phil Lyman to the public office of Governor and Deidre M. Henderson and Natalie Clawson to the public office of Lieutenant Governor. Petitioner Lyman is a registered voter in the jurisdiction in which the election was held, the jurisdiction in which the June 25, 2024, Utah Primary was held and a declared candidate who was nominated by the Republican Party for the Utah Governor’s office without having to appear on the primary election ballot.

5. Respondent, Spencer J. Cox, (hereinafter, “Respondent Cox”, collectively “Respondents”) is the incumbent Governor of Utah, a resident of Utah, and a member of the Republican Party, and the individual who was allegedly nominated as the Utah Republican Party nominee to be placed on the November 5, 2024, general election ballot for the public office of Governor.

6. Respondent, Deidre M. Henderson, (hereinafter, “Respondent Henderson”) is the Lieutenant Governor of the State of Utah and her official capacity is the chief election officer of the State of Utah who is entrusted to enforce all of the provisions at issue. *See* Utah Code § 20A-1-105(1). She is responsible to oversee, and generally supervise, all elections and functions related to elections in the state; and obligated to “enforce compliance by election officers with all legal requirements relating to elections... *see* Code

§ 20A-1-105(1)(c)(iii). She is a resident of Utah, and a member of the Republican Party, and a member of the Republican Party, and the individual who was allegedly nominated as the Utah Republican Party nominee to be placed on the November 5, 2024, general election ballot for the public office of Lieutenant Governor.

7. Respondent, Robert Axson, (hereinafter, “Respondent Axson”) is the Utah Republican Party Officer serving as the State Party Chair and his official capacity is to serve as liaison with the Lieutenant Governor of the State of Utah on all matters relating to state election laws.

8. Respondent, Utah Republican Party, (hereinafter, “URP”) is the organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

### **JURISDICTION & VENUE**

9. The Utah Supreme Court is vested with original jurisdiction and venue to answer questions of state law certified by a court of the United States. In this instance, the 10<sup>th</sup> Circuit Court of Appeals has certified a question of SB54, thereby invoking the Supreme Court original jurisdiction. Additionally, the Supreme Court possess appellate jurisdiction over all other matters as provided by state, where there have already been two district court decisions regarding this issue, the Supreme Court is empowered to review this petition and issue all necessary writs and orders. Petitioner Lyman is contesting the results of a primary election for the nomination of governor and lieutenant governor, a nomination made by voters in more than one county.

## DISTRICT COURT – IMPRACTICAL AND INAPPROPRIATE

10. Article VII, Section 3 of the Utah Constitution provides “[t]he Supreme Court ha[s] original jurisdiction to issue all extraordinary writs and to answer question of state law certified by a court of the United States.” The Legislature can neither increase nor decrease this court’s constitutionally derived powers. The court noted “[i]t must . . . be conceded that whatever power was conferred upon the courts by the Constitution cannot be enlarged or abridged by the Legislature.” *State ex rel. Robinson v. Durand*, 104 P. 760, 763 (Utah 1908); see also *Petersen v. Utah Bd. of Pardons*, 907 P.2d 1148, 1152 (Utah 1995) (“Because this Court’s writ powers are derived from the constitution, the Legislature cannot diminish them. As early as 1908, it was established that the Legislature had no power to restrict the writ [\*1044] powers.”). Although UCA § 20A-4-403(2)(a)(ii) has been stricken as unconstitutional and still remains in the Utah code, it would be impractical or inappropriate to file the petition in the district court because SB54 — the crux of the petition — has been an issue since it was signed into law on March 10, 2014. There have been two lawsuits filed in district court and a challenge to the second lawsuit to the Tenth Circuit in 2018 – with an issuing of opinion.

11. Issues of fact and record have already been generated by these other official proceedings. Between the first lawsuit, *Utah Republican Party v. Herbert*, 133 F. Supp. 3d 1337 (D. Utah 2015) (“URP I”), the second lawsuit, *See Utah Republican Party v. Cox*, 177 F. Supp. 3d 1343 , 1354 (D. Utah 2016) (“URP III”) (noting similarities), and the *Utah Republican Party v. Cox*, 885 F.3d 1219 (10th Cir. 2018), Court Opinion, it would be

inappropriate to file the petition in the district court where an issue has already been preserved at trial and argued on appeal.

**No other plain, speedy, or adequate remedy exists.**

12. The petition is tied to a very specific election deadline and demands immediate resolution that prevents the district court from providing a “plain, speedy, or adequate remedy.” Moreover, the egregiousness of the error from the office of the Lieutenant Governor is reason enough alone to grant the petition. The lieutenant governor erroneously denied Petitioner Lyman’s candidacy and all citizens of Utah their right to vote — violating URP’s Constitution and Bylaws — ultimately violating the First and Fourteenth Amendments of the Party. This error may result in several candidates’ primary elections being set aside.

13. The significance of the legal issue presented by this petition, the severity of the consequences occasioned by the error — ultimate judicial removal from office for malfeasance and nullification of an election — should give rise to grant the petition for extraordinary writ. However, the petition is presented on facts and official proceedings and already has records from two district courts and the 10<sup>th</sup> Circuit Court of appeals related to the very issue that this petition presents, SB54.

**FACTUAL BACKGROUND**

**Political Party Formation and Procedures**

14. The URP was established in 1854 and its general purpose is to nominate and support the election of Republican candidates and its membership is open to any resident

of the state of Utah who wishes to register as a Republican and comply with the Utah Republican Constitution and Bylaws.

15. In accordance with the Republican Party's Constitution and Bylaws, each caucus meeting is open to the public and begins with a prayer, a recitation of the Pledge of Allegiance, and a reading of the Party's platform. During these meetings, attendees select community representatives to serve as delegates to the Party's convention, where party nominees are vetted and subsequently considered and selected.

16. In accordance with UCA § 20A-8-401, the Party ensured that the party's constitution included its internal procedures for selecting party candidates at the federal, state, and county levels that allows active participation by party members. "The URP's Constitution and Bylaws dictate the voting procedure for the nominating conventions, mandating multiple ballots for each elected office until the field is winnowed to the top two candidates, or until a candidate receives 60% or more of the delegate's vote." *Utah Republican Party v. Cox*, 177 F. Supp. 3d 1343, 1356 (D. Utah 2016)

17. Article XII - Section 2 of the URP Constitution, the URP nominates candidates for partisan offices by a nominating convention and primary elections. A candidate for an office that receives 60% or more of the votes cast at any point in the balloting process at the state nominating conventions completes the party convention process making the candidate the party nominee and proceeding to the general election.

**See Exhibit A**

18. Article XII - Section 5 of the URP Constitution, when no candidate reaches 60% at any point in the balloting process at the state nominating convention, the Party

nominating convention continues on and the two candidates who received the most votes run in a primary election in accordance with Utah Code. *See Exhibit A*

### **Candidate Qualifications and Declarations of Candidacy**

19. On January 2, 2024, Petitioner Lyman filed a Declaration of Candidacy for the Office of Governor, stating his affiliation with the Republican Party and his intention to seek the nomination through both the convention process and the signature-gathering process. Additionally, he voluntarily filed a Pledge of Fair Campaign Practices, endorsing, subscribing to, and solemnly pledging to conduct his campaign in accordance with the principles outlined in UCA §20A-9-206, which includes running his campaign openly and publicly.

20. On January 3, 2024, Respondent Cox filed a Declaration of Candidacy for the Office of Governor, declaring his affiliation with the Republican Party and his intention to seek the nomination through both the convention process and the signature-gathering process. Additionally, he voluntarily filed a Pledge of Fair Campaign Practices, endorsing, subscribing to, and solemnly pledging to conduct his campaign in accordance with the principles outlined in UCA §20A-9-206, which includes running his campaign openly and publicly.

21. On January 3, 2024, Respondent Cox completed the 2024 Method of Signature Gathering Form, indicating his intention to gather signatures using the manual process outlined in UCA §20A-9-408. Respondent Cox may seek the nomination of the qualified political party by collecting 28,000 signatures from Republican registered voters



in the state who are eligible to vote for the Republican Party's candidates in a primary election, as specified in UCA §20A-9-408(8)(b)(i).

22. On March 26, 2024, Respondent Henderson filed a Declaration of Candidacy for the Office of Lieutenant Governor, declaring her affiliation with the Republican Party and her intention to seek the nomination through both the convention process and the signature-gathering process. On the same day, Respondent Henderson also filed a Pledge of Fair Campaign Practices, voluntarily endorsing, subscribing to, and solemnly pledging to conduct her campaign in accordance with the principles described in UCA §20A-9-206, including running her campaign openly and publicly.

23. On May 6, 2024, Natalie Clawson (hereinafter, "Candidate Clawson") filed a Declaration of Candidacy for the Office of Lieutenant Governor, declaring her affiliation with the Republican Party and her intention to seek the nomination through both the convention process and the signature-gathering process. On the same day, Candidate Clawson also filed a Pledge of Fair Campaign Practices, voluntarily endorsing, subscribing to, and solemnly pledging to conduct her campaign in accordance with the principles described in UCA § 20A-9-206, including running her campaign openly and publicly.

**Convention Process to seek the nomination of qualified political party.**

24. In accordance with UCA 20A-9-407, the URP held its state convention on April 27, 2024, for candidates seeking the nomination through the convention process. At the nominating convention, Respondent Cox received 32.46% of the Republican delegate votes, while Petitioner Lyman received 67.54% of the Republican delegate votes

completing the convention process and qualifying Petitioner Lyman as the party nominee and proceeding straight to the general election.

25. According to UCA § 20A-9-407(6), the URP nominated a candidate through its convention process. The party must certify the candidate's name to the lieutenant governor before the deadline described in Subsection 20A-9-202(1)(b) for the declarations of candidacy for regular general elections. The ballot must indicate that the candidate was nominated by a qualified political party through the convention process, as described in Subsection 20A-9-407(7).

**Signature-gathering process to seek the nomination of a qualified political party.**

26. Respondent Cox declared he was seeking nomination of the URP using both the convention process and the signature-gathering process, as per UCA § 20A-9-406. A member of a qualified political party may seek the nomination by collecting 28,000 signatures from registered voters in the state who are permitted by the qualified political party to vote for its candidates in a primary election. *See* UCA § 20A-9-408.

27. Petitioner Lyman also declared he was seeking nomination of the URP using both the convention process and the signature-gathering process. However, all signature gathering efforts ceased on May 6, 2024. Throughout this process, Petitioner Lyman discovered that without substantial funds to pay signature gatherers, the effort was overly burdensome.

28. Davis County Clerk, Brian McKenzie, reviewed all signatures of statewide candidates, including Respondent Cox's nominating petition, and confirmed that 28,006

valid signatures were submitted. Respondent Henderson, certified Respondent Cox as a candidate for the primary election on May 1, 2024. *See Exhibit B*

### **Primary elections**

29. An individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both. *See* § 20A-94-406(3)

30. April 27, 2024, Petitioner Lyman was nominated through the party convention process described in Section § 20A-9-407. In accordance with URP Constitution, after the state convention was held, any candidate who had reached 60% or more of the votes cast at any point in the balloting process filled the party's nominee position and proceeded to the general election. Only those elective offices where candidates did not reach 60% would proceed to the primary election.

31. For the office of the Governor, the Party did not nominate "one or more" candidates for the Primary election under Section 20A-9-407, it nominated one by reaching 60% or more of the votes automatically advancing Petitioner Lyman to the general election and for his name to be certified to the lieutenant governor — UCA§ 20A-9-407(6); therefore, UCA § 20A-9-409(2)(c) does not apply and the URP was not required to participate in the Primary.

32. The aspects of SB54 required parties to allow candidates to qualify for the *primary* ballot through either the nominating convention or by gathering signatures, or both. Although SB54 created two paths to the Primary election, it did not change the

internal procedures of the party that if a single candidate achieves over 60% of the caucus vote, that candidate is certified to the state for placement on the general election ballot, and no primary is held for that office. If no candidate receives 60% of the convention vote, the top two candidates proceed to a state-administered primary election involving only URP members, including those who access the primary ballot by collecting signatures. The winner of that primary election is then certified to the state for placement on the general election ballot. *See* UCA § 20A-9-407.

33. The Supreme Court’s jurisprudence has consistently reflected this difference between the party’s internal mechanisms and its external manifestations. “A political party has a First Amendment right to limit its membership as it wishes, and to choose a candidate-selection process that will in its view produce the nominee who best represents its political platform.” *Utah Republican Party v. Cox*, 885 F.3d 1219, 1230, 2018 BL 94102, at \*7 (10th Cir. 2018) These rights were not circumscribed when Petitioner Lyman was nominated by 67.54% of the delegate votes at the nominating convention advancing him to the general election.

34. Nor did SB54 provide for the URP Constitution and Bylaws to be disregarded and nullified when it came to the rules of the candidate selection process. URP may still certify the winners of the convention — if one advances on to the general or two or more emerge from the convention to the Primary. “If a party chooses to register as a QPP, however, it may still hold a caucus, and may certify the winners of the caucus to the primary ballot as before. See generally Utah Code § 20A-9-406 et seq. But unlike under the previous system, a party may not restrict access to the *primary* ballot just to candidates

who emerge from the party convention. Under SB54, a candidate who is unwilling or unable to gain placement on the primary ballot through the caucus and convention may still qualify for the primary by gathering a set number of signatures by petition from eligible primary voters. Specifically, SB54 provides that in order to qualify as a QPP the party must allow its members "to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods: (i) seeking the nomination through the registered political party's convention process . . . or (ii) seeking the nomination by collecting signatures[.]" Utah Code § 20A-9-101(12)(c) [sic] "-101(13)(c)" ("the Either or Both Provision") (emphasis added)." Utah Republican Party v. Cox, 885 F.3d 1219, 1225, 2018 BL 94102, at \*2 (10th Cir. 2018)

### **Government Records Access and Management Act**

35. The legislative intent behind enacting the Government Records Access and Management Act (GRAMA) was to uphold two constitutional rights: the public's right of access to information concerning the conduct of public business and the right to privacy regarding personal data gathered. Unfortunately, those in positions of authority often misinterpret and misapply the law, whether intentionally or out of willful ignorance.

36. Petitioner Lyman and other members of the public have requested to receive a list of names of those individuals that signed the political nomination petitions for the members of the URP that gathered signatures to seek the nomination of the qualified political party, which is a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3).

37. When a records custodian receives a request to view or obtain a list of signatures, the lieutenant governor is required to provide a list of the names of the individuals who signed the petition or request and permit an individual to view, but not take a copy of the image of the signatures. *See* UCA § 63G-2-305.5(1) The signature is classified as protected under UCA § 63G-2-305(74) — “except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following...Title 20A, Election Code[.]”

38. The list of names and other identifying information provided by the individuals that sign political petitions are not classified as private or withheld records because the information collected by the candidate is not part of the voter registration under Title 20A, Chapter 2.

39. The Lieutenant Governor’s office is denying or partially fulfilling the GRAMA requests because the Lieutenant Governor’s office claims that UCA § 63G-2-305.5(1) allows them to redact information of those individuals that are classified private records under UCA § 63G-2-302, providing only 40% of the names and information of those who signed the political nominating petitions for the candidates.

40. On the bottom of each Petition to Nominate sheets are part of the certificate of nomination and the following words are written on the bottom of each certificate of nomination signature sheet: "**WARNING:** *It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not*

*registered to vote in this state and does not intend to become registered to vote in this state before signatures are certified by a filing officer.”*

41. Pursuant to UCA § 20A-2-201(2) “A record is public unless otherwise expressly provided by statute.” Only records not public are specified in Sections 63G-2-302, 63G-2-303, 63G-2-304, 63G-2-305. The Cast Vote Records (CVR) and all its accompanying tabulator information, ballot images, envelopes, tabulator tapes, and the backup project database for the 2024 Primary election is not specified as within those sections and should be made available to the public.

## **CLAIMS FOR RELIEF**

### **COUNT I**

1. Petitioner Lyman achieved over 50% of the caucus vote and should be certified to the state for placement on the general election ballot to be held on November 5, 2024, in accordance with UCA § 20A-9-401, respectively.

### **COUNT II**

2. The primary election held for the office of the Governor on June 25, 2024, was improperly conducted for the office of Governor and Lieutenant Governor and should be set aside because the improper conduct will change the result for that office in accordance with UCA § 20A-9-401, respectively.

### **COUNT III**

3. The “signature” on political petitions is the only record that is protected by UCA § 63G-2-305(74) and petition sheets of nomination petitions are the certificate of

nominations for those candidates' seeking nomination through signature gathering. "It is unlawful for any person to suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed," respectively. *See* UCA § 20A-1-605(1)(c)

#### **COUNT IV**

4. A record is public unless otherwise expressly provided by statute. The Cast Vote Records (CVR) and all its accompanying tabulator information, tabulator tapes, ballot images, envelopes, and the backup project database for the 2024 Primary election is not specified as within those sections and should be made available to the public in accordance with UCA § 63G-2, respectively.

#### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully request that this Court:

1. Grant declaratory relief specifying the rights, obligations, or existence of facts of the provisions in Counts I – IV.
2. Grant injunctive relief, ordering that:
  - a. Petitioner Lyman is the URP nominee for the office of Governor, certifying his name for the November 5, 2024, general election ballot, and to set aside and annul the June 25, 2024, primary election for that office and any other office for a URP candidate receiving 60% of the vote at the



nominating convention held on April 27, 2024, advancing them to the general election.

- b. The Utah Republican Party Chair, Rob Axson, to certify Petitioner Lyman and any other candidates who were nominated through the URP state convention with 60% of the caucus vote, as the party's nominees, in accordance with UCA § 20A-9-407.
- c. The Utah Republican Party to provide all state and county delegate information lists for all 29 counties, including precinct and legislative chair information to Petitioner Lyman and any other candidate impacted by this error. Additionally, the party should communicate (via mailers, emails, phone calls, etc.) to all party members, delegates, and party leadership regarding the error. Naming the candidates who received 60% of the caucus vote as the party nominees for the November 5, 2024, general election.
- d. Certifying to each county clerk the name of Petitioner Lyman and any other candidates that were nominated through the URP state convention receiving 60% of the caucus vote, to be placed on the November 5, 2024, general election ballot designating them the party nominees.
- e. Lieutenant Governor Henderson to issue a statement to the entire state of Utah explaining the mistake related to the URP primary election. This statement should list the names of those party nominees who received 60% of the caucus vote and who will be listed on the November 5, 2024,

general election. The announcement should be made using all available media sources.

- f. Lieutenant Governor Henderson to provide the full list of names of the individuals who signed the candidate nominating petitions for those candidates that sought access as a member of the URP to the 2024 Primary ballot, to Petitioner Lyman and any individuals who have requested them pursuant to the Government Records Access and Management Act.
- g. Lieutenant Governor Henderson and all custodians of records to provide the records requested by Petitioner Lyman and any other individual regarding the 2024 Primary election results.
- h. A judgment of removal from office for Lieutenant Governor Deidre Henderson for malfeasance in office in accordance with UCA § 78B-6-606.
- i. A judgment of removal from office for Governor Spencer Cox for malfeasance under UCA § 78B-6-606. As he was the Lieutenant Governor during the district court cases related to SB54, he should have had knowledge of how to apply it properly.
- j. Appointing the President of the Senate to serve as Governor until the first Monday in January of the year following the November 5, 2024, general election. Utah Constitution Article VII, Section 11.

- k. That the President of the Senate is required, with consent of the legislature, to appoint an individual to replace the vacancy of Lieutenant Governor Henderson, who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the Lieutenant Governor. UCA § 20A-1-504(2).
- l. Grant such other and further relief as the Court deems just and appropriate.

I, Phil Lyman, Petitioner, certify that the petition is presented in good faith and not for delay.

Dated: AUGUST 1, 2024

By: /s/ Phil Lyman  
Pro Se

RETRIEVED FROM DEMOCRACYDOCKET.COM

## CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August 2024, I filed the foregoing  
PETITION FOR EXTRAORDINARY WRIT OF DECLARATORY AND INJUNCTIVE  
RELIEF with the Clerk of Court by email.

I further certify that, pursuant to Utah Rule of Appellate Procedure 21, all other  
Respondents were served a copy of this petition email.

/s/ Phil Lyman

RETRIEVED FROM DEMOCRACYDOCKET.COM

## CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing PETITION FOR EXTRAORDINARY WRIT OF DECLARATORY AND INJUNCTIVE RELIEF is less than 7,000 words and is 19 pages, excluding certificates, and exhibit attachments. Furthermore, this filing does not include non-public information governed by Utah Rule of Appellate Procedure 21.

Dated: 08/01/2024

/s/ Phil Lyman

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM



# Utah Republican Party Constitution

## Official Version

### PREAMBLE

We, as members of the Utah Republican Party, grateful to Almighty God for life and liberty, desiring to perpetuate principles of free government and the blessings of liberty to our posterity, do establish and adopt this Constitution. This Constitution, the Party Bylaws, and Robert's Rules of Order Current Edition are the exclusive governing rules of the Utah Republican Party.

### ARTICLE I NAME, PURPOSE AND MEMBERSHIP

- A. **Name.** The name of this organization shall be the Utah Republican Party, also referred to as the State Party or the Party
- B. **General Purposes.** The Party shall nominate and support the election of Republican candidates in partisan races for public office, promote the principles set forth in the State Party Platform, and perform Party functions set forth in the election laws of the State of Utah and the Constitution and Bylaws of the Party.
- C. **Membership.** Party membership is open to any resident of the State of Utah who registers to vote as a Republican and complies with the Utah Republican Party Constitution and Bylaws, and membership may be further set forth in the Utah Republican Party Bylaws.

### ARTICLE II BYLAWS

- A. **Bylaws.** The State Central Committee may adopt Bylaws to govern subjects not covered by the Constitution. Such enactments shall not be inconsistent with this Constitution.
- B. **Adoption and Modifications.**
1. **By the State Central Committee.** Any Bylaw adopted or modified by the State Central Committee shall be binding and in full force and effect when adopted by a 2/3 vote of a quorum of the State Central Committee.
  2. **By the State Convention.** The delegates to the State Convention may adopt or modify a Bylaw by a 2/3 vote.

## **ARTICLE III OFFICERS**

A. **State Party Officers.** The Officers of the State Party shall be the Chair, Vice-Chair, Secretary, and Treasurer.

**B. Duties of Officers.**

1. **Chair.** The State Party Chair shall serve, as Chair of the State Central Committee, and as Chair of the State Executive Committee. The Chair may appoint, subject to the approval of the State Central Committee, Party personnel and the General Counsel. The State Party Chair shall serve as liaison with the Lieutenant Governor of the State of Utah on all matters relating to state election laws. The term of office shall be two years.

2. **Vice-Chair.** The State Party Vice-Chair shall serve, as Vice-Chair of the State Central Committee, and as Vice-Chair of the State Executive Committee. The Vice-Chair shall assist the Chair in his or her duties and perform the Chair's duties in the Chair's absence. The term of office shall be two years.

3. **Secretary.** The State Party Secretary shall serve as Secretary of the State Central Committee, as Secretary of the State Executive Committee, and as Secretary of the State Convention. The Secretary shall provide required notice, minutes and attendance records of the State Central Committee, State Executive Committee, and the State Convention. The term of office shall be two years.

4. **Treasurer.** The State Party Treasurer shall serve as Treasurer of the State Party, as Treasurer of the State Central Committee, as Treasurer of the State Executive Committee, and as a member of the Budget and Finance Committee. The Treasurer shall keep and maintain financial records. The term of office shall be two years.

**C. Election of Officers.**

1. Delegates to the State Party organizing convention held on odd-number years shall elect the State Party Chair, Vice-Chair, Secretary, and Treasurer.

**D. Replacement of Officers.**

1. **Vacancies.** Officer vacancies shall be filled within ninety (90) days of the vacancy by the State Central Committee.

2. **Removal.** Any officer may be removed by a 60% vote of all the voting members of the State Central Committee.

## **ARTICLE IV STATE CENTRAL COMMITTEE**



- A. **Powers.** The State Central Committee shall be the governing and policy-making body of the Party.
- B. **Membership.** The voting members of the State Central Committee shall consist of the State Party Chair, State Party Vice-Chair, State Party Secretary, State Party Treasurer, National Committeeman, National Committeewoman, Chair and Vice-Chair of each County Republican Party, County Representatives elected at the county organizing conventions, and Presidents or Chairs of any organization designated as a Party Auxiliary by the State Central Committee. The following elected officials, if Republicans, shall each be a voting member of the State Central Committee: Governor, U.S. Senator, U.S. Representative, State Attorney General, State Treasurer, State Auditor, and the Republican leader in both the Utah House and Utah Senate. Republican U.S. Senators and U.S. Representatives may designate a voting representative to attend State Central Committee meetings and vote when the elected official is unable to attend. The Lieutenant Governor may attend State Central Committee meetings and vote when the Governor is absent.
- C. **Meetings.** The State Central Committee shall meet at least quarterly. The Chair or 25% of all the voting members of the State Central Committee may call a special State Central Committee meeting.
- D. **Quorum.** The State Central Committee must have a quorum in attendance to conduct business. A quorum is defined as a majority of voting members of the SCC.
- E. **Notice of Meetings.** A regular, quarterly State Central Committee meeting shall be noticed by postmarking an agenda at least two weeks before the intended meeting. A special State Central Committee meeting shall be noticed by postmarking an agenda at least one week before the intended meeting. No business may be considered at a State Central Committee meeting unless properly noticed by inclusion in the agenda except if a majority of the members in attendance vote to add an item to the agenda.

## ARTICLE V STATE EXECUTIVE COMMITTEE

- A. **Powers.** The State Executive Committee shall be a standing committee of the State Central Committee.
- B. **Membership.** The voting members of the State Executive Committee shall consist of the State Party Chair, State Party Vice-Chair, State Party Secretary, State Party Treasurer, Chair of the Constitution and Bylaws Committee, Chair of the Audit Committee, National Committeeman, National Committeewoman, and two Congressional District Representatives from each congressional district who are elected from the Central Committee members in each congressional district. The Presidents or Chairs of any organization designated as Party Auxiliary by the State Central Committee shall be non-voting members that do not count toward the quorum threshold. The Congressional District Representatives shall be elected for two-year terms at the first State Central Committee meeting after the state organizing convention to serve on the State Executive Committee. The following elected officials, if Republicans, shall each be a voting member of the State Executive Committee: Governor, U.S. Utah Republican Constitution (as amended on 05-01-2021)

Senator, U.S. Representative and the Republican leader in both the Utah House and Utah Senate. Republican U.S. Senators and U.S. Representatives may designate a voting representative to attend State Executive Committee meetings and vote when the elected official is unable to attend. The Lieutenant Governor may attend State Executive Committee meetings and vote when the Governor is absent.

C. **Quorum.** In order to conduct binding business, the State Executive Committee must have a quorum in attendance, defined as a majority of voting members of the State Executive Committee.

## **ARTICLE VI PARTY COMMITTEES**

A. **Party Committees.** The following standing committees shall be established:

1. **Budget Committee,** to propose a Party budget and monitor financial matters. The Party Chair shall appoint members with the advice and consent of the State Central Committee. A majority of the members shall be State Central Committee members.
2. **Convention Committee,** to raise funds for the Party Convention, to plan and oversee the annual convention. The Party Chair shall appoint members with the advice and consent of the State Central Committee. A majority of the members shall be State Central Committee members.
3. **Constitution/Bylaws Committee,** to propose changes to the Party Constitution and Bylaws. The State Central Committee shall elect, from among its members, the voting members. State Party Officers may not serve on the Constitution/Bylaws Committees.
4. **Audit Committee,** to appoint the Auditor and oversee an annual audit of the State Party. The Audit Committee shall issue an annual written report to the State Central Committee. The State Central Committee shall elect, from among its members, the voting members. State Party Officers may not serve on the Audit Committee.
5. The State Party Chair may establish other committees. These committees shall be recommending bodies only.

## **ARTICLE VII COUNTY PARTIES**

A. **Constitution and Bylaws.** Each County Party shall, by its central committee or its convention, adopt a Constitution and/or Bylaws, which shall govern its procedures, including the selection of those party officers, delegates, and representatives who represent only that county or its parts. Any provision of those documents that is contrary to state law or to a specific provision of this Constitution is null and void.

1. Each County Party shall file a current copy of its Constitution, Bylaws, and any special or standing rules of continuing application by February 1, 2004.

2. Each County Party shall file revised copies of its Constitution, Bylaws, and any special or standing rules of continuing application within 30 days of their adoption or amendment.

3. The governing documents of a County Party applicable to the choosing of state delegates shall be those on file with the State Party 30 days prior to the voting precinct caucuses.

4. If a county party does not adopt bylaws to govern its nominating process for partisan public offices in accordance with Utah Code, then the provisions of the State Party Constitution, Bylaws, and rules applicable to the State Convention nominating process shall apply to that county convention and nominating process to the extent necessary to comply with Utah Code. The convention nominating threshold percentages adopted by the county party shall remain in effect.

B. **County Party Officers.** Each county organizing convention held during odd-numbered years shall elect a County Chair, Vice-Chair, Secretary, and/or Treasurer.

C. **County Central Committee.** Each County shall have a County Central Committee, which shall be its governing body.

D. **Function of County Parties.** The County Parties and the State Party shall cooperate to elect Republicans and promote the State Party platform.

## ARTICLE VIII BUDGET

A. **State Party Budget.** The Budget Committee shall submit, and the State Central Committee shall consider for approval, the budget for the next fiscal year at the last State Central Committee meeting of the current fiscal year.

B. **Fiscal Year.** The fiscal year for the State Party shall run from 1 July through the next June 30.

## ARTICLE IX NATIONAL COMMITTEEMAN AND COMMITTEEWOMAN

A. **National Committeeman and National Committeewoman.** The National Committeeman and National Committeewoman shall represent the State Party on the Republican National Committee. The National Committeeman and National Committeewoman shall perform all other duties prescribed in the Republican National Committee and Utah Party Bylaws for the National Committeeman and National Committeewoman.

B. **Election of National Committeeman and National Committeewoman.** Delegates to the State Party Nominating Convention during the presidential election years shall elect the National Committeeman and National Committeewoman.

C. **Term of Office.** The National Committeeman and National Committeewoman shall serve for four years.

D. In addition to the duties described in Article IX, Section A., the duties of the National Committeeman and the National Committeewoman shall be to assist the Party Chair and Vice Chair in raising funds for the Utah Republican Party and to report their fundraising activities quarterly to the State Central Committee.

## ARTICLE X MODIFICATION

A. **Ratification.** The Constitution shall be binding when approved by a majority vote of the delegates present at a State Party Convention.

B. **Amendments.** The Constitution may be amended by a 2/3 vote of the members at a State Central Committee meeting if subsequently ratified by a majority vote of the Delegates present at the State Convention. This Constitution may also be amended by 2/3 vote of Delegates present at the State Convention.

C. **Severability.** If any portion of this Constitution is ever declared void, all other portions shall remain binding and effective.

## ARTICLE XI Reserved for future use.

## ARTICLE XII CAUCUS AND CONVENTION PROCEDURES

### Section 1. Precinct Caucuses

A. Precinct Caucuses shall be held in each even-numbered year. The State Central Committee shall designate the date thereof at least eight weeks prior to the caucuses. The County Party shall designate the locations. The County Party shall designate, based upon the relative Republican strength of each precinct, the number of delegates to be elected in each individual caucus meeting. Relative Republican strength shall be calculated by aggregating the total combined county Republican votes cast at the previous election for Governor/Lieutenant Governor, Attorney General, State Auditor, and State Treasurer, excluding the vote for any candidate who had no opposition. Each precinct's portion of the aggregate vote shall be calculated on a strict percentage basis, without rounding. The County Party shall give notice of each individual caucus meeting by notifying the local news media and requiring three notices to be posted in the precinct. Each individual caucus shall be open to any Utah citizen who resides in the precinct, who will be at least 18 by the time of that year's general election. The State Party, through its Bylaws, may restrict participation and voting in the precinct caucuses based on party affiliation. The caucus shall convene at 7:00

Utah Republican Constitution (as amended on 05-01-2021)

p.m.

B. The voting precinct caucus shall elect: 1) voting precinct officers; and 2) the number of delegates to the county convention and state convention that the voting precinct has qualified to elect, plus alternate delegates. Alternate delegates may also be elected if allowed by the respective county's governing documents. In the event that three or more candidates are nominated for the same precinct office or the same delegate position, the caucus may use multiple ballots or preference voting to choose precinct officers or delegates.

C. No subsequent election or ratification shall be required by county conventions for state delegates elected at the precinct caucuses or at a caucus of delegates at the county convention.

D. If any precinct fails to elect sufficient delegates to the county convention or state convention, the County Central Committee may designate delegates to the county convention from qualified members residing in the precinct, and the state delegate positions may be filled from qualified members by the county convention. These state delegates shall reside in the same districts as the precinct for each district for which candidates are nominated at the state convention.

E.

1. Pursuant to the requirements of Utah State Election Law, the following listings shall be made available to the public by the State Party and each County Party within the time frames specified:

a. All officers of that party, within 7 days of their election or replacement;

b. All persons holding membership on any governing bodies of that Party, within 14 days of their selection or replacement;

c. Any other persons holding elected or appointed positions within that party, within 14 days of their election or appointment;

d. All persons who have filed as Republicans for partisan public elective office, whose jurisdiction would include or be contained in that party's boundaries, within 7 days of the filing deadline;

e. All persons who have been nominated as Republican candidates for public office by that Party, within 7 days of their nomination or replacement.

2. All such listings shall include, at a minimum, the name, address, and phone number, where available, of each person listed.

3. The State Party shall make available to the public, within 14 days of the caucuses, a complete statewide listing of all Republican state delegates. Each county

party shall make available to the public, within 14 days of the caucuses, a complete countywide listing of the Republican state and county delegates residing in that county. Changes in delegate status shall be reflected in the listings within 14 days of their occurrence.

4. All delegate listings shall include, at a minimum, the name, precinct, Utah House district, Utah Senate district, Congressional district, address, phone number, and basis of eligibility of each delegate (e.g., election in the precinct caucus, election after the caucuses to fill an unfilled seat, or appointment to fill a vacancy occurring after the caucuses).

5. The State Party and/or county parties may charge up to, but not more than, the direct cost of the medium by which a listing is made available to the person(s) so requesting, provided that any listing made available by electronic mail or on the Internet shall be made available at no charge.

F. If a delegate dies, resigns, or is disqualified prior to a county or state nominating or organizing convention, the County Party precinct chair shall appoint a replacement from the precinct of the deceased, resigned, or disqualified delegate. If precinct elected alternate delegates per Section

1.B. are available, the precinct chair shall appoint the alternate delegate.

## **Section 2. State and County Nominating Conventions**

A. The Party shall nominate candidates for partisan offices by a nominating convention and primary elections.

B. The number of delegates to the state convention shall be set by the State Central Committee.

C. Delegates shall be apportioned based upon relative Republican strength of each county. Relative Republican strength shall be calculated by aggregating the total combined Republican votes cast at the previous election for governor/lieutenant governor, attorney general, state auditor, and state treasurer, excluding the vote for any candidate who had no opposition. Each county's portion of the aggregate vote shall next be calculated on a strict percentage basis, without rounding. Each county whose allocation of delegates is smaller than the number of precincts in the county shall have its allocation of delegates increased to equal the number of precincts.

D. At the time and place set for the state and county nominating conventions, the name of each person who has filed a declaration of candidacy may be placed in nomination for the office for which the declaration was filed.

E. When the number of candidates filing declarations of candidacy is no greater than the number of nominees required for the next general election, those candidates shall be declared to be the Party's nominees for those offices and shall not be required to run at either the nominating convention or the primary election.

F. Following the nominating and acceptance speeches made on behalf of the candidates for office, the delegates shall vote. The county and state convention shall provide time and voting facilities so that all delegates may vote.

G. Each delegate shall cast one vote for each office to be filled.

H. In the event that three or more candidates are nominated for the same office, the convention may use multiple ballots or preference voting to choose Party nominees. The State Party Central Committee shall certify the method of election for the State Convention at least 6 months prior to the convention. In the case of multiple ballots, more than one candidate may be eliminated in each round, provided that the sum of the votes received by the candidates to be eliminated does not exceed the number of votes received by the next highest candidate, and that at least two candidates remain on the ballot. The two top candidates shall participate in the final ballot.

I. A candidate for an office that receives 60% or more of the votes cast at any point in the balloting process at the state nominating conventions shall proceed to the general election.

J. By 5:00 p.m. on the Monday after the convention, the secretary of each nominating convention shall immediately certify to the county clerk or the lieutenant governor, as appropriate, the names of the Party's nominees.

K. Counties shall submit a current, updated, and final list of state delegates to the State Party no later than 5:00 p.m., five days before the state nominating convention.

### **Section 3. State Nominating Convention**

A. At least two days prior to the primary candidate certification deadline specified in the Utah State Code, delegates to the state nominating convention shall convene at a time and place designated by the State Central Committee in a state nominating convention to nominate candidates for partisan elective office and adopt a State Party platform.

B. In each presidential election year, the state nominating convention shall also choose presidential electors and the delegates and alternates to the national Party convention.

C. The gubernatorial candidates nominated by the state nominating convention shall nominate a candidate for lieutenant governor who meets the eligibility requirements of the statutes and constitution. If the convention fails to affirmatively ratify the nominee for lieutenant governor, the gubernatorial nominee shall nominate other candidates until the convention affirmatively ratifies a nominee.

D. The governor and lieutenant governor candidates nominated by the state nominating convention shall run as a joint ticket in the primary and general elections.

### **Section 4. Nomination of Legislative and State School Board Candidates**

A. When any partisan publicly elected office districts are identical or completely within the boundaries of a single county, the candidates shall be chosen at the County Nominating Convention by the county delegates from within the respective district. If any partisan publicly elected office district encompasses more than one county, the candidates shall be chosen at the State Nominating Convention by the state delegates from within the respective district.

### **Section 5. Primary Election**

A. When two candidates are nominated by the state nominating convention for the same Utah Republican Constitution (as amended on 05-01-2021)

office, both candidates shall run in a primary election in accordance with Utah Code.

B. Only voters who are registered Republicans may vote in a Republican primary election.

### **Section 6. County Organizing Conventions**

A. On or before August 15th in each odd-numbered year, a county organizing convention shall be held in each county in the state.

B. Each County Party shall mail a notice regarding the county organizing convention to every properly qualified county delegate.

C. At the time and place designated by the County Central Committee, the county organizing convention shall be held to elect a County Chair, Vice-Chair, a Secretary and/or Treasurer and county representatives to the State Central Committee.

D. The method of choosing county representatives to the State Central Committee shall be determined by the County Central Committee.

E. The total number of county representatives to the State Central Committee shall be set by the State Central Committee. County representatives shall be apportioned among counties using the method of Article XII, Section 2B.

F. County representatives to the State Central Committee shall be seated after the state organizing convention and shall serve for two years.

### **Section 7. State Organizing Convention**

A. On or before September 1st of each odd-numbered year a state organizing convention shall be held at a time and place designated by the State Central Committee.

B. Counties shall submit a current, updated and final list of state delegates to the State Party no later than 12:00 a.m. eight days before the state organizing convention.

C. The State Party shall mail a notice regarding the state organizing convention to every properly qualified state delegate.

D. The State Organizing Convention shall be held to elect a State Party Chair, a State Party Vice-Chair, a State Party Secretary, and a State Party Treasurer.

E. In the event that three or more candidates are nominated for the same single seat office, the convention may use multiple ballots or preference voting to choose officers. The State Party Central Committee shall certify the method of election at least 6 months prior to the convention.

### **Section 8. Candidate Vacancies**

A. In the event that a Party candidate who is involved in a contested primary resigns, dies or becomes incapacitated before the primary election the remaining candidate shall be designated as the Party nominee.

B. In the event that a Party candidate resigns, dies or becomes incapacitated after  
Utah Republican Constitution (as amended on 05-01-2021)



nomination at the state convention or at the primary election, the candidate shall be replaced by the following method:

1. A candidate for any partisan publicly elected office district totally contained within a county shall be replaced by the respective County Central Committee.
2. A candidate for any statewide, U.S. Senate or U.S. Representative office shall be replaced by the State Central Committee.
3. A candidate for any other partisan elected office shall be replaced by the state delegates elected from within the respective legislative district at a special legislative caucus.

### **Section 9. Interpretative Principles**

A. In the case of ambiguity, Article XII shall be interpreted to be consistent with the provision of the Utah Code as of January 1, 1994.

## **ARTICLE XIII ROBERT'S RULES OF ORDER**

The rules contained in the current edition of Robert's Rules of Order shall govern all meetings of the Party unless contrary to the Party Constitution and Bylaws and any special rules of order the Party may adopt.

---

As amended June 9, 2007 by the Utah Republican Party State Convention.  
As amended June 18, 2011 by the Utah Republican Party State Convention.  
As amended May 18, 2013 by the Utah Republican Party State Convention.  
As amended August 15, 2015 by the Utah Republican Party State Convention.  
As amended May 20, 2017 by the Utah Republican Party State Convention.  
As amended May 1, 2021 by the Utah Republican Party State Convention.

# EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM



---

## STATEMENT REGARDING

### STATEWIDE AND MULTI-COUNTY CANDIDATE PETITION PROCESSES

June 21, 2024

I Brian McKenzie, Davis County Clerk, provide this statement regarding State and Multi County Candidate Petition Processes conducted by my office.

There have been questions raised about the validity of candidate petition signatures verified by Davis County. I affirm that each signature was reviewed by trained election workers and either validated or rejected in accordance with the requirements set forth by Utah law. I further affirm that each candidate who qualified for the ballot through this process submitted a sufficient number of valid signatures. These candidates were then certified by the Lt. Governor on May 1, 2024.

During the 2024 petition cycle, Davis County staff processed petitions for 32 candidates, these included candidates for Governor, Attorney General, Congress, US Senate, State Legislators and State School Board with signatures totalling over 310,000.

All petition packets were delivered directly to the Davis County Clerk's Office. Petitions were date stamped and recorded on a petition submission form, a copy of which was provided to the person who submitted the petitions. All petitions remained in the custody of Davis County Clerk personnel throughout the verification process. As is the case with any personnel working in elections, all persons working on petitions were required to pass a criminal background check and attend State and County signature verification training. Petitions were always processed in the presence of two or more workers.

Each petition was processed through the following steps:

1. Verification of the petition collector or circulator -This is to verify that the person that collected the signatures properly completed the circulator certification and that they met the statutory requirements.
2. Verification of each individual signature - Signers of candidate petitions must be registered voters, affiliated with a qualifying political party and, if applicable, live within the boundaries of the candidate's district. State law outlines the requirements that must be met for a signature to be considered valid.
  - a. the signer's name matches or is substantially similar to the voter registration record; and
  - b. the signer's signature appears substantially similar to the signature associated with the voter registration record; and
  - c. the signers address matches the voter registration record; or
  - d. the signer's age or date of birth matches the voter registration record.
3. Determination that the signature threshold was met - If a signature was valid it was counted towards the candidate, if a signature was invalid it was rejected and a reason for the rejection was recorded. Once Davis County personnel determined that a candidate had met the needed number of valid signatures to qualify for the ballot, the Lt. Governor's Office was notified.

Once completed, petitions were stored in the secure Davis County Election Center until they were delivered to the Lt. Governor's office for retention.

---