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Utah Legislative Update: April 2019

Insight — May 7, 2019

Herbert Veto Stands

Of the 574 bills passed in the 2019 general session of the legislature, only one, Senate Bill 123, received Governor Gary Herbert's veto stamp.

S.B. 123 sought to add more structure to how Utah replaces a member of its federally elected officials when one of those officials resigns midterm. The bill comes as a reaction to what took place in Utah in 2017 when then Congressman Jason Chaffetz stepped down from his post just a few months into his latest term in office.

Following Chaffetz's resignation, there was some uncertainty in the state on how his replacement was to be selected. The Governor's office felt it had authority to set up a replacement process while the legislature argued it should be allowed to determine how a midterm vacancy should be filled. Since there was enough ambiguity in state law it wasn't entirely clear who was correct but ultimately the governor established a replacement process that ended with Rep. John Curtis, former mayor of Provo, taking over Chaffetz's seat.

S.B. 123 sought to fix the issues from 2017 but ignored a key portion of Utah's election process: a signature-gathering path to the ballot. In the bill, if a member of the U.S. House resigns midterm then the political party can choose two names to be on a primary election ballot and then forward the winner to the general election ballot. It also calls on the Legislature to submit three names to the Governor for him to select from to replace a U.S. Senator who resigns midterm, which also ignores the signature-gathering path to the ballot.

In his letter to Legislative leadership explaining his veto, Herbert said the bill limits participation and choice in elections to fill vacancies and that there was not enough detail on how the Legislature would select the three names that it would submit to fill the Senate vacancy. For those reasons he issued the veto.

It appears the veto will stand. Multiple news reports are stating that there are not enough votes in the legislature to override the governor. This will likely be an issue that will be addressed in the 2020 session if a compromise can be found for how Utah should fill midterm vacancies for its federal offices.

Republican State Party Leadership Race

On Saturday, May 4th, the Utah Republican party selected a new chair.

The party's previous chair, Rob Anderson, decided to not seek another term as head of the party and four candidates have put their name in the race to replace him: Derek Brown, Chadwick Fairbanks, Sylvia Miera-Fisk and Phill Wright. The Utah Republican Party (URP) has struggled financially for many years since SB54 was passed and the URP filed suit to block the law, which enabled a signature-gathering path to the Primary Election ballot for all parties. The fight about the traditional caucus/convention system versus signature or dual path candidates has deeply divided the URP and dried up donations despite Republicans holding a monopoly on elected offices in Utah. A vocal minority group with a stranglehold on the URP's governing State Central Committee ultimately pushed an expensive legal battle all the way to the U.S. Supreme Court where the URP lost and SB54 was upheld.

The 2019 URP leadership elections have been viewed as a referendum on whether to embrace the dual election path, reunite the Party, and move on with retiring debt or to continue efforts to legislatively overturn SB54 and force Republican candidates to only use the caucus/convention system. The clear front-runners were former-State Legislator Derek Brown and current URP Vice-Chair Phill Wright. Ultimately, Brown won the Party Chair race in decisive fashion on the first ballot with 62% of the delegate vote. No stranger to Utah politics, Brown was once a state legislator, a former staffer to Sen. Mike Lee, R-Utah, and currently works in government affairs. He also has been a delegate in the party and volunteered for several Republican campaigns.

The other URP party leadership offices elected were part of a slate pledging to support Brown and his party re-unification efforts with Aaron T. Stark as Vice-Chair, Kendra Seeley as Secretary, and Michael Bird as Treasurer.

For more information on the URP election results you can visit: www.Utah.gop.

Utah Legislative Interim Meeting Schedule

The Legislative Management Committee has set the interim committee meeting schedule and study topics for the 2019 interim. The Legislature will continue the tradition of meeting the Third Wednesday of each month for joint interim committee meetings with the exception of a July holiday break and December caucus meetings. Appropriations subcommittees are also authorized to meet during the interim in June, August, and October this year. You can access the full schedule [here](#). The list of study topics assigned to each of the joint interim committee can be accessed [here](#). Our Government Affairs team will be monitoring committee and appropriations hearings throughout the interim and will provide updates in future newsletters.

Salt Lake City Mayor's Race

2019 is a municipal election cycle in Utah and the hottest race in the State is for Salt Lake City Mayor. Incumbent Mayor Jackie Biskupski announced she would not seek re-election earlier in the year. Thus far an astounding

nine candidates have announced plans to seek the office. Municipal elections in Utah are non-partisan, but Salt Lake City is in the heart of the bluest areas of State Legislative and County Council seats, which means that most of the mayoral candidates identify as Democrats. The race is still wide open with so many candidates running and just beginning to fundraise and build name ID. Here is a list of the nine candidates to watch this year:

- Jim Dabakis: Former-State Senator District 2
- Luz Escamilla: Current State Senator District 1
- David Garbett: Former-Executive Director of the Pioneer Park Coalition
- Richard Goldberger: Freelance Journalist
- Christian Harrison: Former Chair of the Downtown Community Council
- David Ibarra: Businessman
- Aaron Jonson: Military Veteran
- Erin Mendenhall: Current City Councilwoman District 5
- Stan Penfold: Former City Councilman District 3

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