

NOMINATING CANDIDATES

THE POLITICS AND PROCESS OF UTAH'S UNIQUE CONVENTION AND PRIMARY SYSTEM

HIGHLIGHTS

- Utah is one of only seven states that still uses a convention, and the only one that allows political parties to preclude a primary election for major offices if candidates receive enough delegate votes.
- Utah adopted a direct primary in 1937, a system which lasted 10 years.
- In 1947, the Legislature re-established a caucus-convention system. If a candidate obtained 80% or more of the delegates' votes in the convention, he or she was declared the nominee without a primary.
- In the 1990s, the Legislature granted more power to the parties to manage their conventions. In 1996, the then-70% threshold to avoid a primary was lowered to 60% by the Democratic Party. The Republican Party made the same change in 1999.
- Utah's historically high voter turnout rates have consistently declined in recent decades. In 1960, 78.3% of the voting age population voted in the general election. By 2008, this had fallen to about 50% of the voting age population, just below the national average.
- If Utah's convention system allowed all candidates who received at least 20% of delegates' votes to proceed to the primary election, at least five more elections would have taken place since 2002. In addition, four primaries would have had more than two candidates.

The mission of Utah Foundation is to promote a thriving economy, a well-prepared workforce, and a high quality of life for Utahns by performing thorough, well-supported research that helps policymakers, business and community leaders, and citizens better understand complex issues and providing practical, well-reasoned recommendations for policy change.

Douglas Matsumori, Chairman
 Daniel T. Harbeke, Vice Chairman
 Stephen J. Hershey Kroes, President
 10 West Broadway, Suite 307
 Salt Lake City, UT 84101
 (801) 355-1400 • www.utahfoundation.org

For most of its history, Utah has used a convention-primary system to nominate candidates for elected office. In the spring of election years, citizens in small caucus meetings held throughout the state elect delegates to represent them at county and state conventions. County conventions nominate candidates for races solely within the county boundaries, while the state convention is used to nominate candidates for statewide offices or those that serve districts that span multiple counties. At these conventions, delegates nominate candidates to compete for their party's nomination in the primary election, or, if a candidate receives enough votes, they receive the nomination outright and proceed straight to the general election.

Utah is one of only a handful of states that still uses a convention, and the only one that allows political parties to preclude a primary election for statewide or congressional offices if candidates receive a high enough proportion of delegate votes. This system makes Utah unique among states, but has also become controversial in recent years, especially in 2004 when delegates rejected Olene Walker, the popular sitting governor, and in 2010, when they did the same to then-Senator Bob Bennett.

Part of the controversy stems from the dominance of one party in Utah elections; with most voters choosing Republicans in general elections, some say the "real" election is the process of wooing a relatively small group of party delegates at the spring convention. In many areas of the state, once a Republican candidate receives the nomination, his or her election in November is often a mere formality. Another element of concern is that party delegates are different than the general electorate; data show that those willing to engage in the process of being elected as a party delegate are more zealous in their politics, and their choices produce candidates with more hardened positions on the political right or the left, depending on the party.¹ Some are calling for changes to Utah's candidate nominating processes, often with the motivation of increasing voters' stakes in the decisions, with an expressed desire of increasing voter turnout. Those calling for reform also appear to be

seeking more moderate candidates or trying to influence the policy decisions of elected officials toward centrist policies by reducing the influence of party delegates.²

Those who support the current system argue that reform would infringe on the parties' First Amendment right to association. They hold that parties are private organizations and, as such, have the right to manage their organization and select their candidates as they see fit.

Discussion of change to such political processes has generated significant debate and controversy. In the midst of this charged political atmosphere, there is a need to better understand the history of Utah's nominating process – how, and especially why, the current process developed over many decades. It is also instructive to review nominating processes in other states to understand how unique Utah is and if perhaps some of the other states' processes might form models to consider for Utah's future.

HISTORY OF UTAH'S NOMINATING SYSTEM

The history and tradition of mass meetings run deep in both Utah and the United States. Citizens met in town halls or community meetings during colonial times, and Alexis de Tocqueville even stipulated that these types of meetings gave the colonists the necessary knowledge to create a democratic society.³ Historical records also reveal that Utahns participated in mass meetings shortly after the state was settled. Once Utah became a state, it adopted the caucus-convention model to nominate political candidates; the model that was employed by nearly all other states at the time.

States began to modify their election laws shortly after Utah attained its statehood. Primary elections were first mandated in South Carolina in 1896, followed by Mississippi in 1902, and Alabama, Oregon and Wisconsin in 1904. This trend of states changing to a primary system continued in rapid succession.⁴ Utah maintained its caucus-convention system throughout the early part of the 20th century, finally changing to a primary-system with the Utah Direct Primary Law in 1937.⁵ The only states to mandate primaries after Utah were New Mexico, Rhode Island, Connecticut and Delaware.⁶

Utah's Direct Primary Law established that "Political parties shall select or nominate their respective candidates for the various national, state, district, county, judicial, and precinct officers by a primary election."⁷ Any candidate who desired to run for office needed only to submit a nomination petition to his or her party and was directly placed on the primary ballot. A primary election was then held, with an additional run-off election if none of the candidates received a majority of the vote. This is sometimes referred to as "Maw's Law," a reference to powerful Democratic State Senator Herbert Maw, who was President of the Senate from 1934 to 1938. He made unsuccessful bids for a U.S. Senate nomination in 1934 and for the Democratic gubernatorial nomination in 1936, losing in part because party leaders opposed some of his policies and voted against him in the party conventions. In response, he promoted direct primary legislation, enabling him to secure the nomination for governor in 1940.⁸ Party conventions were still held, but mainly for the purpose of establishing a party platform, adopting party rules, and electing party officers.

This system only lasted one decade, during which the state had very low voter turnout. It is unclear why turnout was low, but the absence of many young men serving in the armed forces during World War II

may have been a contributing factor. No primary elections existed before this time, so there was no trend for comparison. Utah reverted back to the caucus-convention system in the late 1940s.⁹ In 1947, Senate Bill 118 stated that "Political parties shall select or nominate their respective candidates for various national, state, district, county, judicial, and precinct offices by a primary convention and a primary election."¹⁰ This new law implemented a system of mass meetings and conventions, the base of which is still used today. It established that mass meetings would be held at the district level to elect delegates to attend county conventions. Delegates at the county convention elected various party officers and delegates to the state convention.

The state convention was held on or before the first Saturday in July in each general election year, and delegates elected nominees to "run on the party ticket at the regular primary election for all state offices and for the office of the United States Senator...and shall adopt a state platform for such political party for the ensuing election."^{11, 12} Delegates selected a nominee or chose two candidates to compete for the party nomination in a primary election. If a candidate received at least 80% of delegate votes, he or she was declared the nominee, and no primary was held for that position.

This system has remained in place with a few changes. In 1951, the Legislature voted to eliminate judicial nominations at political conventions in an effort to make those races less political.¹³ The dates of the primaries and conventions have changed several times. In 1963, the dates of the conventions were changed to accommodate a new earlier primary date, which was moved to August.¹⁴ However, the primary date reverted to September in 1965.¹⁵ In 1969, the Legislature lowered the threshold to avoid a primary to 70% of state delegate votes.^{15a} The state repeated the primary date change in the 1980s. In 1983, the primary was moved to the third Tuesday in August. Accordingly, the dates for the conventions and mass meetings were moved as well.¹⁶ Once again, this earlier date only lasted a few years, and the September primary was reinstated in 1987.¹⁷

Other small changes occurred in the 1980s as well. In 1987, it was decided that delegates at the state convention should be able to vote as a county block, though this was done away with in 1993 with the return of the secret ballot.^{18, 19} In addition, the term "mass meeting" was changed to "party caucus" in 1988.²⁰

The Legislature once again passed a law to change the date of the state primary in 1993, moving it from the second Tuesday in September, to the fourth Tuesday of June; the party caucuses were moved to March and it was stipulated the state convention should be held before May 7th of each even-numbered year.²¹ It was argued that this earlier date would allow candidates more time to prepare for their general elections, and would also put Utah on a similar schedule with other states, allowing it to join the Western States Primary for presidential elections.²²

The following year, the Legislature passed a bill requiring political parties to have an official constitution and bylaws.²³ The impetus for this bill was from several U.S. Supreme Court cases regarding political parties and primary election laws. The substance of the Court's decisions was that political parties were independent organizations, and the state's ability to interfere in their processes was limited by the parties' right to association which was protected by both the First and Fourteenth Amendments.²⁴ Because of this, the Legislature shifted the responsibility of governing parties from state statutes to party bylaws

Figure 1: Timeline of Utah's Nominating Process

1896	Utah is granted statehood, adopts widely used convention system.
1937	Utah Direct Primary Law is passed, candidates filed a nomination petition with their party and were then placed directly on the primary ballot.
1947	Senate Bill 118 implements a new nominating system, consisting of mass meetings, county conventions and a state convention. Candidates can bypass primary if they receive 80% of delegate votes at state convention.
1951	Nomination of judicial positions at convention eliminated.
1963	Primary election date moved to August. Mass meeting and convention dates change accordingly.
1965	Primary election date reverted to September. Mass meeting and convention dates change accordingly.
1969	House Bill 170 changed threshold to avoid a primary to 70% of delegates at state convention.
1983	Primary election date moved to August. Mass meeting and convention dates change accordingly.
1987	Primary election date reverted to September. Mass meeting and convention dates change accordingly.
1988	The term "mass meeting" is changed to "party caucus."
1993	Primary election date moved to the fourth Tuesday of June.
1996	Democratic Party changes 70% convention vote threshold for candidates to avoid a primary election to 60%.
1999	Republican Party changes 70% threshold to 60%.

Sources: Laws of Utah, eds: 1937, 1947, 1951, 1963, 1965, 1969, 1983, 1987, 1988, 1993.

and constitutions. This also granted parties more power over their own conventions and nominating processes. Parties took advantage of this new discretion, and in 1996, the 70% threshold to avoid a primary was lowered to 60% by the Democratic Party. The Republican Party lowered its threshold to 60% as well in 1999.²⁵

UTAH'S CURRENT NOMINATING PROCESS

Under Utah's current system, the major political parties select nominees for state office through "pre-primary conventions." In March of every even-numbered year, caucuses for each party are held throughout the state.²⁶ Caucuses are open to the public, but participants must be at least 18 years of age and reside in the precinct, and in the case of Republican caucuses, participants must also be registered Republicans. Each caucus elects and sends delegates to the county and state party conventions; the number of Republican delegates is based on the relative strength of the party in that area, whereas the number of Democratic delegates is set at five from each county.

At the Republican convention, delegates either select a nominee or choose two candidates to compete for the party nomination in a primary election. If there are three or more candidates contending for the same office, a multiple-ballot or preference-voting method is used.²⁷ If using the multiple-ballot method, delegates vote in a series of ballots, and the lowest vote-getter in each round is eliminated. This process continues until only two candidates remain for a given office. In 2002, the Republican Party adopted the preference-voting method, in which delegates rank candidates on one ballot and that ballot is counted multiple times, dropping the candidate that receives the lowest number of first-place rankings in each round. The party determines which voting method will be used six months before the state convention, and despite the option to use preference-voting, the multiple-ballot method is still used consistently at the state convention. If a candidate obtains 60% or more of the delegates votes, he or she is declared the nominee. If neither of the two final candidates receives 60% of the delegate vote, they will participate in a primary election to determine the nominee. The Republican primary is a closed primary, meaning that only registered Republicans can vote. However, unaffiliated voters can vote if they register as a Republican at the polls.

The Democratic convention is held in a similar manner. If more than two candidates run for the same office, multiple ballots are used, though this has not occurred in the last decade. The Utah Democratic

Party does not employ the preference-voting method. If only two candidates run, and one receives over 57% of the votes, delegates then vote on a final ballot to see if the 60% majority can be achieved. The Democratic Party candidates that receive more than 60% of the delegate vote at their convention are declared the nominee.²⁸ Just as with the Republicans, if neither of the two final candidates receives 60% of the delegate vote, a primary election is held to determine the nominee. The Democratic Party has an open primary, meaning voters from any party and unaffiliated voters can participate.

HOW UTAH COMPARES: OTHERS STATES' SYSTEMS

Utah Foundation conducted a 50-state survey to gain an accurate understanding of other states' nominating processes. Researchers spoke with election administration offices in each state, studied state constitutions and analyzed party bylaws. This extensive research revealed how unique Utah's caucus-convention system truly is. Conventions can play a significant role in nominee selection in seven states, including Utah. However, Utah is the only state that has a caucus-convention system in which a party can preclude a primary election for all major statewide or congressional offices.

The six other states with significant convention processes are: Connecticut, New Mexico, Colorado, South Dakota, North Dakota, and Virginia. In Connecticut, a candidate must receive 15% of delegate votes in the state party convention to proceed to the primary election. A candidate can bypass this process by gaining access to the primary via petition.²⁹ New Mexico's convention process is similar to Connecticut. A candidate must receive 20% of delegate votes to proceed to the primary via the convention, but this can be also be bypassed by petition.³⁰ Colorado also uses a convention to choose nominees; a candidate must receive 30% of delegate votes to proceed to the primary through the convention, but a candidate can also gain access to primary ballot via petition.³¹ In South Dakota, candidates for most offices are chosen at convention, and no primary is held. Once a candidate receives a majority of the delegate votes, he or she is declared the official party nominee, and proceeds directly to the general election. Candidates for the offices of governor, U.S. Senate or U.S. House of Representatives are not chosen via convention, but rather through a primary and then general election.³²

Two other states are also of interest. In North Dakota, political parties hold conventions in order to endorse candidates.³³ Endorsed candidates are automatically placed on the primary election ballot, though nothing on the actual ballot signifies they are endorsed. In addition, other candidates may also petition to be in the primary.³⁴ In Virginia, parties can choose whether to hold a convention or primary each election, however, primaries are used most often and conventions have not been held in at least a decade.³⁵ All other states select nominees through a primary election, though several of these states require non-major parties to hold conventions.

ANALYSIS OF UTAH'S CANDIDATE NOMINATING SYSTEM

Proponents of Utah's system argue that the caucus system allows active citizens to research and make informed decisions on representation. In a recent online discussion at Utah Policy, one participant stated, "Neighborhood caucuses are grass roots involvement at its best."³⁶ In addition, caucuses generally allow a broader field of candidates to participate because campaigning at the caucus level is relatively inexpensive.

Figure 2: Methods of Nominating Candidates for State and Federal Offices

	Primary Only	Convention	Bypass Convention via Petition	Notes
Alabama	x			
Alaska	x			
Arizona	x			
Arkansas	x			
California	x			
Colorado		x	x	Candidates who receive more than 30% of votes at the convention proceed to the primary.
Connecticut		x	x	Candidates who receive more than 15% of votes at the convention proceed to the primary.
Delaware	x			
Florida	x			
Georgia	x			
Hawaii	x			
Idaho	x			
Illinois	x			
Indiana	x			
Iowa	x			
Kansas	x			
Kentucky	x			
Louisiana	x			
Maine	x			
Maryland	x			
Massachusetts	x			
Michigan	x			
Minnesota	x			
Mississippi	x			
Missouri	x			
Montana	x			
Nebraska	x			
Nevada	x			
New Hampshire	x			
New Jersey	x			
New Mexico		x	x	Candidates who receive more than 20% of votes at the convention proceed to the primary.
New York	x			
North Carolina	x			
North Dakota		x	x	Convention held to endorse candidates, other candidates can still proceed to the primary via petition.
Ohio	x			
Oklahoma	x			
Oregon	x			
Pennsylvania	x			
Rhode Island	x			
South Carolina	x			
South Dakota	x	x		Convention held to select candidate for the general election for all state offices except Governor. Candidates for Governor, U.S. House of Representatives and U.S. Senate are selected in a primary election (access the primary via petition).
Tennessee	x			
Texas	x			
Utah		x		The two candidates that receive the most delegate votes proceed to primary; can avoid a primary by getting 60% or more of delegate votes.
Vermont	x			
Virginia		x		Parties can choose whether to use a primary or convention; recently have used primaries almost exclusively.
Washington	x			
West Virginia	x			
Wisconsin	x			
Wyoming	x			

Source: Utah Foundation Survey of Election Officials and Review of Election Laws in All States.

Opponents of the caucus-convention system argue that it disenfranchises voters. Most caucus meetings are attended by less than 15 people, which represent a small portion of the electorate. According to data provided by the Republican Party, 58,175 people attended Republican caucus meetings in 2010; this represents about 10% of registered Republicans in Utah, and 3% of the voting-age population. In addition, research has shown that convention delegates do not represent the general electorate; they have different priorities and are either more liberal, in the case of Democrats, or more conservative, in the case of Republicans, than other party members.³⁷ This may also have policy implications, as legislators may focus on policies that delegates support, sometimes in conflict with those policies supported by the general public. From the same online forum mentioned earlier, another participant said, “Too few people and energetic minority opinions hold too much sway in our system. We shouldn’t consider this aging system a real representative democracy.”³⁸

VOTER TURNOUT

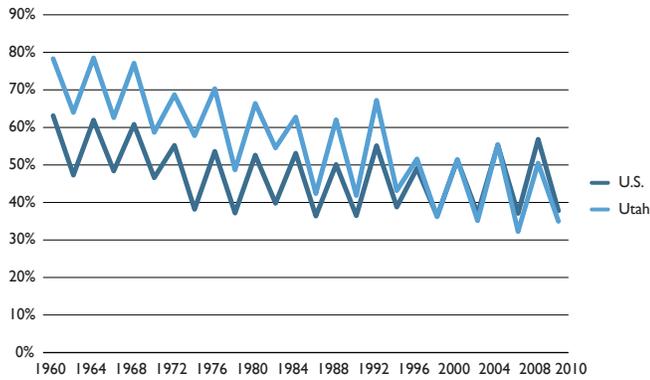
Political scientists argue that the structure of the voting system can either hinder or induce voter turnout.³⁹ An examination of voter turnout in different states shows there may be some veracity to these

theories. In general, states that eliminate barriers to voting and allow election-day registration and hold open primaries have higher voter turnout. States that have stricter laws have lower voter turnout.

There are other important factors that can influence voter turnout that have little to do with election law, such as the probability that an individual’s vote will affect the outcome of an election, the perceived benefit of the outcome, the gratification a person may derive from fulfilling their civic duty, and the costs of the time and effort it may take to go to the polls.⁴⁰

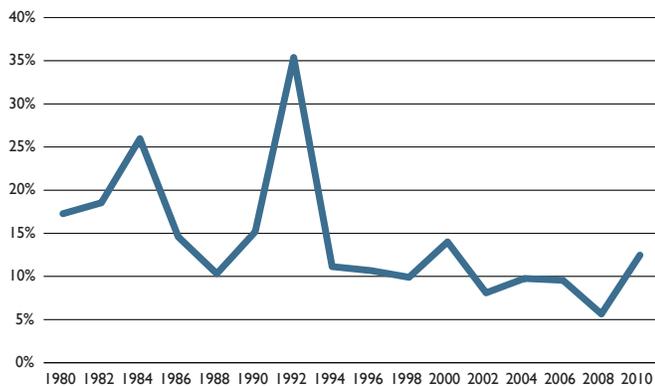
Historically, Utah had relatively high voter turnout rates, but the rates have consistently declined in recent decades. In 1960, 78.3% of the voting age population voted in the general election. By 1972, this had fallen to 68.7% of eligible voting age, and 66.4% in 1980. Turnout remained steady through the 1980s and early 1990s, but fell dramatically to 51.6% in the 1996 election. Since that time, turnout in presidential elections has remained slightly above 50%, but has hovered around 35% in mid-term elections. In the 1960s, 1970s and 1980s, Utah’s turnout was always well above the national average. In 1998, Utah’s turnout was below the national average, and has remained near or below average since that time.

Figure 3: Turnout of Voting Age Population in General Elections



Sources: Federal Election Commission, State of Utah.

Figure 4: Primary Election Voter Turnout in Utah



Source: State of Utah.

The United States also saw a decline in voter turnout, though not as dramatic as in Utah. In 1960, 63.1% of the eligible voting population voted. Turnout held steady throughout the 1960s, but dropped to 55.2% in 1972. This drop, as with the decrease in turnout that occurred in Utah at this time, was due to the increase of the voting population. The 26th Amendment was adopted in 1971, and expanded the voting age to include everyone above the age of 18, since young people are less likely to vote, it caused voter turnout rates to decrease. Since then, the national voting rate has remained relatively stable, whereas Utah's has continued to decline.

Voter turnout in Utah's primary elections has also declined in recent decades. From 1980 to 1990, turnout of the voting-age population in primary elections ranged from a low of 10.3% in 1988, to a high of 26.0% in 1984, but usually was in the mid-teens. In 1992, Utah had a larger-than average turnout of 35.4% of the voting-age population. This sharp increase in turnout was due to open seats for several high-profile offices, including U.S. Senate, Utah's 2nd Congressional District, and Governor. Turnout in primary elections dropped to 11.0% in 1994 and 10.7% in 1996. Since that time, it has stayed below 10% of voting-age population except in two occasions. In 2000, a large turnout was caused by a gubernatorial primary, an open seat for the U.S. presidency and a very contentious race for Utah's 2nd Congressional District in which incumbent Merrill Cook lost to Derek Smith. In 2010, primary turnout was 12.5% of the voting-age population, the highest in a mid-term election since 1990.

In the past few years, a number of reports, articles and debates have weighed the pros and cons of Utah's nominating process. Amidst these debates are questions of whether Utah's system should be changed, and what type of effect any reform would have. This section will address two of the more controversial convention votes in the past decade, and model them against New Mexico's system in which all candidates who receive 20% of delegate votes move on to the primary, and Colorado's, in which all candidates who receive 30% proceed to the primary.

The 2004 Republican Convention

Olene Walker served as the Lieutenant Governor in Utah from 1993 to 2003 for then Governor Mike Leavitt. When Leavitt was nominated to be the head of the Environmental Protection Agency by President Bush, Walker assumed his office and became the first female governor in Utah's history. Just as her predecessor, Walker enjoyed very high job approval ratings in public polls.

Shortly after she was sworn in, Walker faced her first legislative session as governor, and soon after, would face her first Republican convention. Walker decided to focus on the session, and delayed announcing her intentions to run for re-election until after the session ended in March. This left only two months to garner delegate votes, something other candidates had been working on for much longer.

In addition, Walker angered the conservative base of the Republican Party during the session by vetoing legislation that would have allowed for private-school vouchers. She also threatened to veto the entire \$8 billion budget if GOP lawmakers didn't include an extra \$30 million in funding for her reading program in elementary schools.⁴¹ Both of these actions upset legislators and the conservative base of the Republican Party.

At the Republican convention, Walker faced a field of serious candidates. She was only able to garner just over 14% of delegate votes in the first round, placing her fourth behind Jon Hunstman, Jr., Nolan Karras, and Fred Lampropoulos.⁴² She was eliminated in the fifth round of voting, making her the first sitting Utah governor to lose an election bid in 48 years.⁴³

Whether Utah had a system similar to New Mexico or Colorado would not have mattered in this race, because Walker did not receive enough votes to pass a 20% or 30% threshold to proceed to a primary. However, if Utah did not have a convention system and Walker had been able to run in a direct primary, it is quite possible she would have won. An opinion poll conducted the same month of the convention showed that 80% of Utahns approved of the job Walker was doing, and only 10% disapproved.⁴⁴

2010 Republican Convention

Bob Bennett was first elected to the U.S. Senate in 1992, succeeding retiring Senator Jake Garn. After a close primary race, Bennett went on to easily defeat Wayne Owens in the general election.⁴⁵ Bennett was easily re-elected in the 1998 general election with 64.0% of the vote, and in 2004 with 68.7%.

In the years preceding the 2010 election, a conservative movement had been growing throughout the nation. In Utah specifically, many

conservatives argued Bennett wasn't conservative enough, and cited his vote for the Emergency Economic Stabilization Act of 2008 (commonly known as the bank bailout or TARP) as evidence.⁴⁶ Because of this, Bennett went into the Republican Party convention facing stiff competition. A poll of Republican delegates just one month before showed Bennett trailing conservative lawyer Mike Lee, and a few points ahead of businessman Tim Bridgewater.⁴⁷

In the first round of voting, Senator Bennett received 25.9% of the delegate votes, placing third behind Lee (28.8%) and Bridgewater (26.8%), but well ahead of the five other candidates who were eliminated in that vote. In the second round, Bennett received 27.0% of delegate votes, again placing him third behind Bridgewater (37.4%) and Lee (36.0%), thus eliminating Bennett and precluding him from running in the primary election as a Republican.⁴⁸

If Utah's nominating process were in line with New Mexico's, the fact that Senator Bennett received above 20% of delegate votes would have guaranteed him a spot in the Republican primary. At the time of the convention, polls showed that Bennett was supported by a plurality of Republican registered voters.⁴⁹ Because of this, he may have won the primary election, and just as Mike Lee did, won the general election easily. If Utah's nominating process were in line with Colorado's, the 25.9% of delegate votes Senator Bennett received in the first round of voting would not have been enough to place him on the primary ballot, and the results would have been the same.

After Bennett's loss, some speculated whether he would run as an independent or as a write-in candidate. That same year, the U.S. Senator from Alaska, Lisa Murkowski, lost her primary election. However, she waged a successful write-in campaign and won the general election with 39.1% of the vote. A similar series of events occurred in Connecticut in 2006. U.S. Senator Joe Lieberman lost his primary election, but knowing he might be defeated, he formed the Connecticut for Lieberman party line shortly before the primary. This enabled him to gain access to the general election via petition. He succeeded in winning the general election with 50% of the vote.

In the 2010 Republican convention, delegates voted on four state-wide elected positions: governor, U.S. Senate, and two U.S. Congress seats (Jason Chaffetz went unopposed in Congressional District 3). In two of these races, candidates were able to garner 60% of the votes, and became the outright nominee, the other two led to primaries. If Utah used New Mexico's system, however, in which 20% of delegate votes is needed to proceed to the primary, three races would have gone to primaries. Governor Gary Herbert won his nomination with 70.8% of delegate votes, but his opponent Daniel Van Oaks Jr. claimed 24.6%, enough to surpass New Mexico's 20% threshold. If Utah had Colorado's 30% convention-vote threshold, the results would have remained the same.

Another interesting even occurred at the Republican convention. In the final round of voting for the U.S. Senate seat, Bridgewater received 57.3% of delegate votes, narrowly missing the 60% threshold that would have allowed him to proceed directly to the general election with no primary contest. However, Lee bested Bridgewater in a close primary, with 51.2% of the votes.⁵⁰

2010 Democratic Convention

In the 2010 Democratic convention, delegates voted on two

Figure 5: Modeling Changes to Vote Thresholds and Effects on Primary Elections

	Republicans			Democrats		
	Number of Primaries Held	Number of Primaries if Utah had 20% Threshold	Number of Primaries if Utah had 30% Threshold	Number of Primaries Held	Number of Primaries if Utah had 20% Threshold	Number of Primaries if Utah had 30% Threshold
2010	2	3	2	1	2	1
2008	1	3	2	n/a	n/a	n/a
2006	n/a	n/a	n/a	n/a	n/a	n/a
2004	3	3	3	n/a	n/a	n/a
2002	2	3	3	n/a	n/a	n/a

Notable Races that would have changed under the 20% system

2010	U.S. Senate Republican primary would have included: Mike Lee, Tim Bridgewater and Bob Bennett
2010	U.S. Congress District 2 primary would have occurred and included: Neil Water and Morgan Philpot
2010	Gubernatorial primary would have occurred and included: Gary Herbert and Daniel Van Oaks, Jr.
2008	U.S. Congress District 2 would have occurred and included: Merrill Cook and Bill Dew
2008	Gubernatorial primary would have occurred and included: Jon Huntsman, Jr. and Charles Smith
2006	Data not available from either party
2004	Gubernatorial primary would have included: Jon Huntsman, Jr., Nolan Karras and Fred Lampropoulos*
2002	U.S. Congress District 1 primary would have included: Rob Bishop, Kevin Garn and Vickie McCall**
2002	U.S. Congress District 2 would have included: Tim Bridgewater, John Swallow and Jay Jorgensen**
2002	U.S. Congress District 3 primary would have occurred and included: Chris Cannon and Tom Drashill

Note: Data for the Democratic Party was only available for 2010.

* Based on vote totals from the 4th round of voting.

** Based on vote totals from the 8th round of voting.

Sources: Utah Republican Party, Utah Democratic Party, calculations by Utah Foundation.

statewide elected positions, U.S. Senate and one U.S. Congress seat (gubernatorial candidate Pete Corroon, and congressional candidates Karen Hyer and Morgan Bowen all ran unopposed). In the race for Utah's 3rd Congressional District, incumbent Jim Matheson received 55% of delegate votes, to Claudia Wright's 45%, leading to a primary to determine the nominee.⁵¹ In the U.S. Senate race, Sam Granato won the nomination with 77.5% of the delegate vote over Christopher Stout who received 22.5% of the vote. If Utah employed New Mexico's 20% rule, this race also would have proceeded to a primary race. If Utah used Colorado's 30% rule, the results would have remained the same.⁵²

CONCLUSION

Recently, questions have been raised about whether Utah's system of conventions and primaries should be reformed, and how these changes would occur. Reform would most likely come from one of three places, the Legislature, the parties, or from a citizen initiative. Before the reforms of the 1990s, the Legislature had great power over the caucus-convention system, even dictating when meetings would be held and how party officers would be elected. Since then, power over this system has shifted to the parties. While the U.S. Supreme Court has recognized the states' right to mandate a primary election, it has tended to allow political parties to govern themselves. Because of this, a reform that came from the Legislature may be looked on by the courts with a dubious eye. The parties have the power to change their systems; notably, both major parties changed the threshold of delegate votes needed to avoid a primary from 70% to 60% in the late 1990s. Reform could also come from a citizen initiative. If private citizens wished to reform the system, they would be required to propose a ballot initiative, and then gather 100,000 signatures

in order to place it on the general election ballot. However, such reform could face the same court scrutiny as a statute passed by the Legislature. Each of these options for reform would require a great deal of political will, and would possibly face litigation by others who may view the reform as unconstitutional.

If reform did occur, what type of impact would it have? This report has shown that within the last decade, several races would have continued on to primary elections, rather than being decided by delegates in the state convention. Whether the actual outcome of the elections would have changed is unknown, but a broader pool of citizens (rather than solely the party delegates) would have been able to participate in the process. If reform did occur, it would be interesting to see if voter turnout increased in Utah's primary elections. As mentioned previously, political scientists have found that states with more open voting rules and systems have higher voter turnout rates. Data in this report also show that primary voter turnout increased considerably when significant choices were placed before Utah voters, as in the 1984, 1992, and 2000 election cycles.

Another important issue for reform is whether a change in the nominating process would also change the behavior of elected officials. Research by political scientists has shown that strong constituencies can have a significant effect on the behavior of leaders.⁵³ If these findings are applied to Utah's political system, this may signify that elected leaders are more focused on making policies supported by party delegates, rather than their larger constituencies. Since the views and priorities of delegates can be quite different from other party members or the general public, this is problematic for representative government. If Utah's system were reformed so that a broader array of voters had greater power and influence, policy decisions by elected officials would likely be different, intended to appeal to a wider constituency.

Whether reform occurs or not, it is clear that Utah's system of nominating candidates is quite unique. Utah is one of only a handful of states that still uses a nominating convention, and the only state in the nation that allows a political party to preclude a primary election for major state or congressional offices if candidates receive a high enough proportion of delegate votes. This system provides unique opportunities and challenges for the citizens and elected officials of Utah.

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This research report was written by Utah Foundation Senior Research Analyst Morgan Lyon Cotti with assistance from Intern Natalie Torosyan and President Stephen Hershey Kroes. Comments or questions should be directed to Ms. Lyon Cotti at (801) 355-1400 or by email at morgan@utahfoundation.org.

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