



Keep My Voice's Analysis on the 2018 UTGOP Constitution & Bylaw Amendment Proposals

(as listed in the emailed GOP Call to Convention)

Proposal Process

The proposals that you will be voting on today were submitted by State Delegates or the State Central Committee (SCC). The proper method to hear these proposals is found in Bylaw 7.5-H-2, *"The Constitution/Bylaws Committee (CBC) shall forward those duly submitted Constitution and Bylaw amendments either to the Convention or to the State Central Committee for consideration."*

C&B Amendment Differences Between Chairman Anderson and Correct UTGOP Bylaw Process

The Call to Convention and accompanying Amendment Proposals sent out by Chairman Rob Anderson included 15 (15/30) proposals that did not go through the proper process outlined above. Chairman Anderson unilaterally decided, against governing party documents, to include all proposals submitted to the UTGOP. One of the included proposals did not even meet the required deadline for submission. Chairman Anderson's action undermines the checks and balances in the Constitution and Bylaws (C&B), as well as separation of powers that should exist according to our state party's rules. When one disagrees with rules the appropriate remedy is to work within the system to change them, not unilaterally ignore them.

Keep My Voice Recommendations and Notation System

Amendment Proposals supported by Keep My Voice and cosponsors will be marked **Yes**; proposals not supported will be marked **No**. Amendment Proposals that were properly reviewed and forwarded to Convention by the CBC will be notated with 4CBC; proposals not properly forwarded should be an automatic **No** vote and will be marked (**Not Properly Forwarded**).

Chairman Anderson's Proposal Order Specifically Attacks the SCC

We feel compelled to bring to your attention the order in which Chairman Anderson has listed the Amendment Proposals to be voted on. The first three arbitrarily chosen all deal with limiting the power of the SCC and removing members. The contention between the UTGOP Chair and UTGOP SCC is well known. Rather than follow the direction of the SCC which is the duly elected governing body of the UTGOP, Chairman Anderson is attempting to remove, through manipulation of the rules, those who oppose him and his agenda. We feel the need to point out that the voting *majority* of the SCC has *continually* disagreed and voted against the wishes of the chair.

Proposals

Page 12 - C127 2018 Article IV State Central Committee F. Term Limits (Sponsor: Carolina Herrin)

Overview: Introduces term limits for SCC At-Large County Representatives to a total of ten years of service

Our Position: **No** (Not Properly Forwarded)

Review:

- Limited government means the State Party shouldn't dictate who can represent a county outside of maintaining membership in the Party,
- Counties should not be limited to their choices for SCC representation - It is a county election and should be a county's choice on whether or not to impose term limits.
- As a county election, only *counties* should be able to limit their own choices for SCC representation
- This should go before the SCC for discussion, where all counties are represented, and all viewpoints can be fully explored.

Pages 13-14 - C126 2018 Article III, 1. Chair (Sponsor: Karece Thompson)

Overview: Gives the Chair the power to vacate the at-large membership of the SCC by a 2/3 vote of the delegates during a regularly called Nominating Convention.

Our Position: **No** (Not Properly Forwarded)

Review:

- This proposal is preposterous - should the U.S. President ever have power to remove members of Congress?
- The State Delegates should never have the option to undo or take away County Delegates votes--that is what this proposal does.
- The At-Large Membership of the SCC is a *County* delegate's choice and should not be interfered with by the chair
- Checks & Balances and Separation of Powers would clearly limit any chair from ever having such authority. The SCC is the governing body of the party; the chair is supposed to be a facilitator, and remain neutral.

Pages 15-16 - [Not Numbered], no Article/Section referenced (Sponsor: Diane Christensen)

Overview: Adds a provision to remove any SCC member by a 60% vote from a makeshift committee of officers; sets term limits of two 2-year terms.

Our Position: **No** (Not Properly Forwarded - *never forwarded to the CBC at all*)

Review:

- This is an attempt to remove an invaluable check and balance. The SCC is the governing body of the Party and giving a makeshift committee of officers the ability to remove anyone they don't like provides the perfect setting for an oligarchy.
- The SCC should not have the ability to overturn a county decision - such is top-down government abuse.
- One of the arguments for this proposal is that 50 members of the SCC are attempting to control the party. This is simply not true and completely impossible to do with our Constitution and Bylaws.
- This proposal was withheld from the CBC entirely. It was sent directly to the State Delegates by the Chair, but not to the CBC for review, recommendations, and proper forwarding to Convention or the SCC as required by the Bylaws. Since it was withheld, it should not be considered at Convention.

Page 17 - C118 2018 Article XII Caucus and Convention Procedures, Sec. 6. County Organizing Conventions

(Sponsor: Clair Ellis)

Overview: Alternate members of the SCC may be elected if allowed by the respective county's governing documents

Our Position: **No** (Not Properly Forwarded)

Review:

- This addition is unnecessary - some counties, such as Davis, already elect alternates,
- We would like more clarity in the language before sending this forward as it could be read as providing an option for proxy voting,
- SCC members should commit ahead of time to fulfill responsibilities, including meeting attendance.

Page 17 - C125 2018 Article II Bylaws, B. Adoption and Modifications (Sponsor: Clair Ellis)

Overview: Requires any change to any Bylaw be recorded by a roll call or signed ballot

Our Position: **Yes** - 4CBC

Review:

- Transparency should be increased at all levels of the party - this proposal is in line with that
- Potentially opens members of the SCC to bullying from those outside of their county (which has already been done).

Page 17 - C119 2018 Article X Modification B Amendments (Sponsor: Clair Ellis)

Overview: Requires any change to the Constitution be recorded by a roll call or signed ballot

Our Position: **Yes** - 4CBC

Review:

- Transparency should be increased at all levels of the party - this proposal is in line with that
- Potentially opens members of the SCC to bullying from those outside of their county (which has already been done).

Page 18 - C120 2018 Article IV State Central Committee, C. Meetings (Sponsor: Clair Ellis)

Overview: Special meetings of the SCC can only be called by a majority of the voting membership

Our Position: **No** (Not Properly Forwarded)

Review:

- Takes away the ability of the Chair to call a special meeting of the SCC.

- The current 25% of voting members is currently a difficult threshold.
- In the past both the Chair and SCC body have called special meetings - both need the ability to do so.

Page 18 - C121 2018 Article IV State Central Committee, E. Notice of Meetings (Sponsor: Clair Ellis)

Overview: Changes the requirement for amending the SCC agenda from a majority to 75% of members in attendance

Our Position: **No** (Not Properly Forwarded)

Review:

- A 75% threshold would grant far too much power to the chair in dictating the direction of the meeting. The chair is to facilitate the meeting, not push a personal agenda. The SCC is the governing body of the party and the ability to control meeting items should remain with them.
- A 75% threshold would grant a 26% minority, or tyrannical chair, to dictate any meeting. Such would impede the majority to move regular business forward or resolve immediate and unexpected crises.
- In the case of an inexperienced chair, or simple oversight, agenda items need to be added. In cases of rules abuses, political games or arbitrary decisions the governing body is able to provide checks and balances.

Page 18 - C122 2018 Article IV State Central Committee, D. Quorum (Sponsor: Clair Ellis)

Overview: Changes the quorum requirement of the SCC (180 voting members) from 40 to 40% (72) of the voting membership.

Our Position: **No** (Not Properly Forwarded)

Review:

- This proposal, along with C123 (directly below), are two attempts to change the same section. Such a proposal would have a dramatic effect on the SCC's ability to conduct business.
- The average attendance at the SCC in the past 13 years is 111 of 180.
- This proposal would raise the threshold to conduct business (quorum) above the threshold to call a meeting (25%). As a matter of common sense and practicality, the meeting call should always have a higher threshold than quorum. Such ensures those who support a call to meeting are enough to do business.
- Political gamesmanship has been used in the past to encourage members not to attend a meeting in the hope that published agendas cannot be accomplished. This practice must end.

Page 18 - C123 2018 Article IV State Central Committee, D. Quorum (Sponsor: Clair Ellis)

Overview: This removes the Quorum definition in the Constitution

Our Position: **No** (Not Properly Forwarded)

Review:

- Removing the quorum definition from the Constitution makes it easier to change the requirement in the Bylaws without the delegates having a say at convention.
- *See the above (C122) explanation for details*

Page 19 - C114 2018 Article IV State Central Committee E. Notice of Meetings (Sponsor: Lowell Nelson)

Overview: Impacts the State Central Committee's ability to add binding business to the agenda of a meeting

Our Position: **No** (Not Properly Forwarded)

Review:

- In the case of an inexperienced chair, or simple oversight, agenda items need to be added. In cases of rules abuses, political games or arbitrary decisions the governing body is able to provide checks and balances.
- Attendance to all SCC meetings should be *encouraged*, not *discouraged*. The agenda shouldn't be held hostage because of an individual's decision *not* to attend due to a published *proposed* agenda. The SCC needs to have the ability to deal with any issue at any time during a meeting.

Page 20 - C101 2017 Article XII State and County Nominating Conventions, Section 2 Caucus and Convention Procedures (Sponsor: Dana Goff *not currently a state delegate*)

Overview: Raises the threshold from 60% to 70% to send someone straight to the general ballot to avoid a primary

Our Position: **No** (Not Properly Forwarded)

Review:

- This proposed amendment was originally brought before the SCC at the January 27, 2018 meeting, and was defeated by a supermajority of the SCC. While it could have been re-submitted by a delegate, the sponsor is not a delegate and it did not come forward from the SCC. After discussion, the CBC agreed it didn't meet the requirements to go forward to Convention.

- Additionally, the sponsor did not speak with each of those who signed to co-sponsor it before the SCC, but simply re-submitted it. One of the original co-sponsors didn't know it had been re-submitted, and another would not have put his/her name on it a second time.

Page 21 - C101 2018 Article XII Caucus and Convention Procedures, Section 1. Precinct Caucuses (Sponsor: Benjamin Thompson)

Overview: Adds language to allow for counties to be able to use any method of voting approved in their county's governing documents.

Our Position: **Yes** - 4CBC (*CBC recommended to be heard with page 34*)

Review:

- This gives the power back to the counties to decide how they run their elections.

Page 22 - C102 2018 Article XII Caucus and Convention Procedures, Section 2. State and County Nominating Conventions (Sponsor: Benjamin Thompson)

Overview: Clarifies how multiple ballots are counted and candidates are chosen at Convention.

Our Position: **No** (Not Properly Forwarded) (*similar to page 33*)

Review:

- This proposed amendment needs more data to be able to assess the results of the voting methods it recommends. The CBC could not evaluate it without data. It was sent to the SCC to be more thoroughly vetted.

Page 23 - C103 2018 Article IV State Central Committee, C. Meetings (Sponsor: Kirby Glad)

Overview: Adds language to provide a method for electing a Chair Pro Tem in a meeting when the Chair or Vice-Chair is unable to attend or leaves the meeting.

Our Position: **Yes** - 4CBC

Review:

- Our C&B says that we use Robert's Rules when our C&B doesn't directly apply. This is an example of adding language from Robert's Rules to clarify where we didn't have something in our governing documents.

Page 24 - C104 2018 Officers, E. Qualifications (Sponsor: Kirby Glad)

Overview: Clarifies that no person may hold more than one State Party Office at the same time; No person shall hold a State Party Office who is a candidate for, appointed to, or elected to, a partisan public office.

Our Position: **Yes** - 4CBC

Review:

- Prevents an undesirable concentration of power.
- Helps with questions on neutrality for officers as well.

Page 25 - C105 2018 Article IV - State Central Committee, E. Notice of Meetings (Sponsor: Kirby Glad)

Overview: Adds language to clarify that changes to the agenda at an SCC meeting can only be made when it is a regular meeting.

Our Position: **Yes** - 4CBC

Review:

- Clarifies and resolves a concern that was raised at a special SCC meeting.
- Clarifies the right of absent members and the right for notice.
- *Note:* Agenda items can still be added to a regular meeting by a majority of those in attendance.

Page 26 - C106 2018 Article III - Officers, B1. Chair (Sponsor: Kirby Glad)

Overview: Clarifies the duties and term of the Chair.

Our Position: **Yes** - 4CBC

Review:

- These are common sense changes that clarify concerns between our C&B and Robert's Rules.
- New language ensures that the term of the outgoing chair doesn't end before the incoming chair's term begins.

Pages 27-28 - C107 2018 Article III - Officers, B2, B3, B4 VC, Secretary, Treasurer (Sponsor: Kirby Glad)

Overview: Clarifies the duties and terms of the Vice-Chair, Secretary and Treasurer

Our Position: **Yes** - 4CBC

Review:

- These are common sense changes that clarify concerns between our C&B and Robert's Rules.

- Gives specific duties to the UTGOP Secretary as outlined in Robert's Rules of Order, clarifying the role of the Secretary within the Official Documents of the UTGOP. The C&B clearly state the UTGOP Secretary is independent in duties from the Chair. There have been instances years past where those duties have been infringed upon by chairs who wouldn't allow secretaries to do their elected duties. This clarification of the secretary's role should stop that practice.
- Specifies staff's duty to work under the direction of the secretary and treasurer.

Page 29 - C124 2018 Article XII Caucus and Convention Procedures, Section 1E. "Title" (Sponsor: Lisa Shepherd)

Overview: Adds a title in the Precinct Caucuses section of the Constitution.

Our Position: **Yes** - 4CBC

Review:

- Adds a title to a section.

Page 30 - C108 2018 State Central Committee, B. Membership (Sponsor: Benjamin Thompson)

Overview: Clarifies who is a voting or non-voting member with speaking privileges on the SCC.

Our Position: **No** (Not Properly Forwarded)

Review:

- The majority of those being moved from voting to non-voting members are elected officials who consistently do not attend SCC meetings. Their absence skews requirements in a negative way.
- This helps to bring the SCC back to the grassroots while still allowing elected officials to have speaking privileges and the ability to attend and participate at a basic level.
- The CBC felt this should be fully vetted by the SCC, as it does make a change to voting membership of members.

Page 31 - C109 2018 Article V State Executive Committee B, C (Sponsor: Benjamin Thompson)

Overview: Changes the makeup of the Executive Committee and makes changes to Executive Committee meetings.

Our Position: **No** (Not Properly Forwarded)

Review:

- Replaced by C110_2018 with one additional change - D. Meetings (*see page 32*).

Page 32 - C110 2018 Article V State Executive Committee, B, C, D Amended Version (Sponsor: Benjamin Thompson)

Overview: Changes the makeup of the Executive Committee (EC) and makes changes to Executive Committee meetings. *Note:* There is also a provision to elect a Chair Pro Tem if needed. Makes many technical changes to the EC.

Our Position: **Yes** - 4CBC

Review:

- Removes Party Auxiliary representation from the Executive Committee.
- Moves Republican elected officials to non-voting members who maintain speaking rights on the EC.
- The EC reviews auxiliary applications for official UTGOP Auxiliary status. In the past it has been difficult to get a quorum present because of those who *could* come, participate and vote, but who almost never *do* come.
- Requires monthly meetings for the State Executive Committee and dates scheduled 6 months in advance.
- Increases Committee size by adding an additional representative from each UT Congressional District

Page 33 - [Not Numbered] Caucus and Convention Procedures (Sponsor: Benjamin Thompson)

Overview: Clarifies how multiple ballots are counted and candidates are chosen at Convention.

Our Position: **No** (Not Properly Forwarded) (*similar to page 22*)

Review:

- This amendment needs more data to assess the results of the voting methods it recommends. The CBC could not evaluate it without that data. It was sent back to the SCC to be more thoroughly vetted.

Page 34 - C112 2018 Article XII Caucus and Convention Procedures, Section 1. Precinct Caucuses (Sponsor: Lowell Nelson)

Overview: Allows for counties to use any method of voting approved in their county's governing documents while still maintaining that everyone can use "multiple ballots" or "preference voting".

Our Position: **No** - 4CBC (*CBC recommended to be heard with page 21 - page 21 is the one we support*)

Review:

- Whatever voting methods the county wants to use can be added to the county's C&B as they see fit.

Page 35 - C113 2018 Article X Modification (Sponsor: Dave Duncan)

Overview: All C&B proposals submitted prior to deadline that have 6 sponsors will be forwarded straight to Convention. Requires such proposals to be prominently displayed, in their entirety, on the website, in the call to convention and on the convention agenda.

Our Position: **No** - 4CBC (CBC recommended to hear both on page 35 together)

Review:

- Empowers delegates to submit C&B proposals straight to Convention without going through the CBC; however, this could dramatically increase proposals to Convention and result in few actually being discussed and voted on. The threshold for a proposal to be brought directly to the Convention floor is far too low. The CBC serves for the exact purpose of directing proposals to the appropriate place - SCC or Convention.
- Gives preferential treatment to some proposals over others and "prominent placement" could be interpreted as 'before elections' (if amended to remove the stipulation about prominent placement then we would change to support).
- Removes the ability for the CBC to review and recommend before being submitted. (We would prefer to amend to include a required review and recommendation from the CBC.)

Page 35 - B111 2018 Bylaw 7.5 Standing Convention Rules, H. Constitution, Bylaws and Rules Amendments

(Sponsor: Dave Duncan)

Overview: Only C&B proposals with 6 sponsors (main sponsor and 5 state delegate endorsements) will be considered at convention.

Our Position: **No** - 4CBC (CBC recommended to hear both on page 35 together)

Review:

- See "Page 35 OR C113_2018 Article X Modification" (directly above) for reasoning on this proposal.
- B111 simply makes the same change as C113, but to the Bylaw and not the Constitution.

Page 36 - C117 2018 Article III - Officers, D. Replacement of Officers (Sponsor: Mac Sims)

Overview: Changes the removal process for any officer to include three methods of removal: a $\frac{2}{3}$ vote of the credentialed State Delegates at a State Convention, or a $\frac{2}{3}$ vote of the members present at a regular SCC meeting; $\frac{3}{4}$ vote of the SCC members at a special SCC meeting.

Our Position: **No** (Not Properly Forwarded)

Review:

- This is the exact same proposal as page 37 but was submitted 26 seconds after deadline. Mac Sims agreed to dropping this one in favor of the one sponsored by David Alvord. Mac worked in behalf of David and himself to improve the language for Alvord's original, and the CBC voted 5-0 in favor of the updated language. (See C115_2018 below.)

Page 37 - C115 2018 Article III Officers, D. Replacement of Officers (Sponsor: David L. Alvord)

Overview: Officers. Changes the removal process for any officer to include three methods of removal: a $\frac{2}{3}$ vote of the State Delegates present at Convention; a $\frac{2}{3}$ vote of the SCC members present at a regular SCC meeting; $\frac{3}{4}$ vote of the SCC members at a special SCC meeting.

Our Position: **Yes** - 4CBC (CBC recommended to be heard with page 38)

Review:

- This empowers state delegates (the body who elects party officers), as well as the members of the SCC who are the governing body of the UTGOP, to be able to remove an officer if needed. It makes it possible to attain, but definitely not easy. The current language is all but impossible with the current threshold needed.
- Mac Sims is a co-sponsor on this amendment proposal, along with four others. Additionally, the amendment has been updated following consultation with sponsor.

Page 38 - C116 2018 Article III Officers, D. Replacement of Officers (Sponsor: Bob McEntee)

Overview: Changes the removal process for any officer from 60% to $\frac{3}{4}$ of a majority of the voting members of the SCC.

Our Position: **No** - 4CBC (CBC recommended to be heard with page 37 - If C115 does not pass, we would support this)

Review:

- This amendment proposal empowers the members of the SCC and keeps the threshold for removal of officers high, but not impossibly so.