



UTAH STATE LEGISLATURE

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Following the Utah Republican Party's special convention on June 24, held to nominate a replacement candidate for the upcoming vacant seat in Congressional District 2 (CD2), we received numerous inquiries regarding the winning candidate's eligibility. These inquiries are of utmost importance to us, and our goal is to provide complete transparency to the delegates, voters, and the people of Utah.

To fulfill this goal of transparency, legislative leadership requested that legislative staff meet with the state elections office, overseen by the lieutenant governor, to determine the relevant facts and establish a timeline. Based on that meeting, the following emerged:

1. In February 2016, Celeste Maloy submitted a voter registration form to the Washington County Clerk. On that form, she was affiliated as a member of the Republican Party.
2. In April 2019, the Washington County Clerk designated Ms. Maloy's voter registration status as "inactive" after receiving information, through National Change of Address Processing, that she no longer lived at the address listed on her voter registration and mailed notice informing her of this, as required under Utah Code § 20A-2-505.
3. In January 2023, Ms. Maloy was removed from the current voter registration list because she did not respond to the notice and did not vote between the time the notice was mailed and the date of the second regular general election following the mailing of the notice.
4. On June 12, 2023, Ms. Maloy filed with the Office of the Lieutenant Governor a declaration of candidacy for CD2. On the declaration of candidacy, Ms. Maloy indicated that she was, at the time of filing, a member of the Republican Party.
5. The deadline for filing a declaration of candidacy for CD2 was June 14, 2023.
6. On June 15, 2023, Ms. Maloy submitted an online voter registration form and indicated, on the form, her affiliation with the Republican Party.
7. On June 16, 2023, the Iron County Clerk updated Ms. Maloy's voter registration information and changed her voting status to that of an active voter.

Utah Code provides that, before filing a declaration of candidacy, an individual must:

1. be a United States citizen;
2. meet the legal requirements of that office; and
3. if seeking the nomination of a registered political party, state the registered political party of which the individual is a member or state that the individual is not a member of a registered political party.^[1]

Further, Utah Code prohibits an individual from filing a declaration of candidacy for a registered political party of which the individual is not a member, unless the party's bylaws permit otherwise.^[2] The Utah Republican Party recognizes this in Article 1 of its constitution, which reads, "[p]arty 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..."

Before accepting Ms. Maloy's declaration of candidacy, the lieutenant governor was required to:

1. read to Ms. Maloy "the constitutional and statutory qualification requirements for the office" she was seeking; and
2. require Ms. Maloy to state whether she met those requirements.^[3]

The lieutenant governor is obligated to "enforce compliance by election officers with all legal requirements relating to elections, including... state law relating to elections."^[4]

The statute for the regular general election provides a deadline that has already passed to challenge a declaration of candidacy. That deadline was not adjusted in the proclamation calling the CD2 election. Thus, it appears that there is no immediate process to challenge Ms. Maloy's declaration of candidacy except by seeking recourse through the courts.

^[1] Utah Code § 20A-9-201(1). Utah Code § 20A-9-406(9) exempts Ms. Maloy, in this case, from being required to make the statement described in the third item.

^[2] Utah Code § 20A-9-201(2)(a)(iii).

^[3] Utah Code § 20A-9-201(3)(a).

^[4] Utah Code § 20A-1-105(1)(c)(iv).