

DIRECT PRIMARIES

20-3-2

3. Construction and application.

The Supreme Court must construe the language of our primary law as it finds it. This applies to the general "write in" practice and procedure so familiar to the people of Utah. Anderson v. Cook, 102 U. 265, 130 P. 2d 278.

The background out of which the act emerged, and the conditions which it was sought to remedy by the act must be borne in mind in seeking to understand and harmonize its various provisions. Anderson v. Cook, 102 U. 265, 130 P. 2d 278.

4. Purpose of act.

The evident purpose of the Direct Primary Act was to place the selection of

candidates who are to appear upon the ticket of a political party in the hands of the electors within the party through the exercise of their elective franchise. Anderson v. Cook, 102 U. 265, 130 P. 2d 278.

5. Classification of candidates.

The primary law divides candidates for public office generally into two groups, to-wit: party nominees and independent candidates. Anderson v. Cook, 102 U. 265, 130 P. 2d 278.

Collateral Reference.

Primary elections, 18 Am. Jur. 275, Elections § 146 et seq.

20-3-2. Definitions—Methods for nominating candidates.—The words and phrases of this act shall, unless such construction be inconsistent with the context, be construed as follows:

(a) "November election" and "general elections" shall mean the regular general election for the election of state and county officers to be held on the first Tuesday after the first Monday in November, 1948, and each even-numbered year thereafter.

(b) "Regular primary election" shall mean the election on the first Tuesday of September at which candidates of all political parties and nonpolitical groups are voted for nomination. The words "primary convention" shall mean the political party conventions at which nominees for the regular primary election are selected. The word "convention" shall mean the political party conventions at which party officers and delegates are selected.

(c) "Judicial officers" shall mean any justice of the Supreme Court, any judge of the district court, any judge of a city court, and any justice of the peace; and the words, "judicial office," the office filled by any judicial officer.

(d) "Precinct" shall mean one or a group of voting districts.

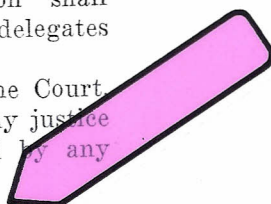
(e) "Precinct officer" shall mean the constable and justice of the peace who are nominated at the primary election.

(f) "District" shall mean the smallest voting unit established as provided by law within which qualified electors vote at one polling place.

(g) "Political party" shall mean an organization of voters qualified to participate in an election in either of the two following ways:

(1) Any organization of electors which, under a common name or designation at the last preceding November election, polled for any of its candidates equivalent to two per cent of this total vote cast for all representatives in Congress.

(2) Any organization of electors whose organization did not participate in the last preceding November election or whose organization polled for any of its candidates in the preceding November election a total vote equivalent to less than two per cent of the total vote cast for all representatives in Congress, which under a common name or designation, shall file with the secretary of state for office for which the electors of the



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