



Kate Bradshaw

Director of Government Affairs
801.799.5711
Salt Lake City
kabrashaw@hollandhart.com

2016 Utah Elections Update

Insight — 11/10/2016

Utah's Election:

The results for many of the swing seats in Utah were greatly delayed by late return posting from Salt Lake County. The first statewide mail-in balloting did not go as smoothly as planned and the lack of Election Day in-person polling locations resulted in long lines with voters still waiting to cast ballots in many Salt Lake County locations until after 11:00 pm. This had a particular impact on many of the down ballot races, particularly for the State House, where the margins are razor thin. The Salt Lake County clerk acknowledges they still have many ballots to count over the next few days as results are finalized. Some races in the State House are close enough that we likely won't know the victor until the final canvass is complete. You can follow the return updates at elections.utah.gov.

Utah Federal Offices:

Overview: The Republican Party will continue to hold all of Utah's U.S. Senate and Congressional seats. In each of the Utah races, the incumbent won. Given the Republican control of the 115th Congress, the Utah delegation is well positioned to keep or gain important chairmanships or leadership positions.

- **U.S. Senate:** Incumbent Republican Senator Mike Lee easily cruised to victory against Democratic challenger Misty Snow in a 68% to 27% victory. This was never a serious test for Lee, but did feature a first for Utah with the first transgender candidate in Snow.
- **Utah 1st Congressional:** Incumbent Republican Rob Bishop easily beat Democratic challenger Peter Clemens in a 65% to 28% contest.
- **Utah 2nd Congressional:** Incumbent Republican Chris Stewart defeated Democratic challenger Charlene Albarran by a 62% to 34 % margin.
- **Utah 3rd Congressional:** Incumbent Republican Jason Chaffetz topped Democratic challenger Stephen Tryon by the largest margin of any federal level race, 74% to 26%.
- **Utah 4th Congressional:** Incumbent Republican Mia Love faced a tough repeat challenger from Democrat Doug Owens. The 4th District continues to be the most competitive of Utah's congressional seats with Love winning 53% to Owens 43%.

Utah Statewide Offices Overview: All statewide offices in Utah will continue to be held by Republicans as the incumbent swept each of the four offices easily.

- **Governor:** Incumbent Republican Governor Gary Herbert/Spencer Cox easily won another 4-year term against Democratic challenger

Mike Weinholtz/Kim Bowman, 67% to 29%

- **Attorney General:** Incumbent Republican AG Sean Reyes wasn't really challenged this election cycle, as his Democratic opponent withdrew before the first debate, but too late to be replaced on the ballot. He easily wins another 4-year term 65% to 26%.
- **Treasurer:** Incumbent Republican David Damschen was appointed to fill the seat when his predecessor left to take a private sector job. Despite almost no name recognition or campaign budget, he easily defeated Democratic challenger Neil Hansen 61% to 32%.
- **Auditor:** Incumbent Republican John Dougall easily dispatched his Democratic opponent Mike Mitchell 63% to 31%.

State Senate

- **Balance of power:** Total of 29 seats. Current partisan make-up is 23 Republicans, 5 Democrats, and 1 Independent. 2016 Election results did not cause any gains or losses for either party, so the partisan make up will be 24 Republicans to 5 Democrats (the lone independent senator is retiring at the end of his term and is being replaced by a Republican). Overall there are four freshman senators joining the body, all on the Republican side. The State Senate is likely to remain very stable and predictable as many of the freshman senators have known voting histories from previous service in the State House.
- **Key Races:**
 - **Senate District 6:** Incumbent Republican Wayne Harper was forced to run a robust re-election campaign against Democratic challenger Celina Milner but held her off with a 54% to 40% victory. This margin forecasts southwest Salt Lake County as a swing district in future races like much of the eastern portions of Salt Lake County.
 - **Senate District 8:** This east-side Salt Lake County district had the most swing potential of any of the Senate seats on the ballot this year, but incumbent Republican Brian Shiozawa defeated his Democratic challenger Ash Anderson, 55% to 45%.
 - **Senate District 19:** It has been a long time since a seat outside of Salt Lake County was competitive for Democrats. However, Democratic challenger Deana Froerer proved a threat to incumbent Republican Allen Christensen with a closer-than-it-should have been showing. Christensen ultimately prevailed 55% to 45%.

State House

- **Balance of Power:** Total of 75 seats. Current partisan make-up is 63 Republicans, 12 Democrats. The 2016 Election resulted in four seats switching party control. The new partisan balance for the 2017 Session will be 60 Republicans to 15 Democrats. However, this number is based on the unofficial returns and several races now sit on razor-thin margins that could flip when the final canvas is

completed (as happened during the 2014 canvass). Overall, there are 17 freshmen joining the House, which is a significant freshman class compared to 11 in 2014, and will continue the tradition of the State House being the more raucous counterpart to the slow-and-steady State Senate.

- **Key Races:**

- **House District 31:** This mid-valley Salt Lake County seat was decided by just 195 votes in 2014 and again proved to be a very close contest. Incumbent Republican Sophia DiCaro has been defeated by Democratic challenger Elizabeth Weight 48% to 52%. The margin at this point is only 270 votes so this could flip once the final canvass is complete.
- **House District 32:** The close race in this Draper/Sandy area seat was a surprise to many, but not to political watchers who had been monitoring Democratic challenger Suzanne Harrison's fundraising and campaign machine outwork incumbent Republican LaVar Christensen. With unofficial returns, Harrison is winning 51% to 49%, but the 235-vote margin is thin and many returns are still being counted.
- **House District 34:** The incumbent's decision to retire made this Taylorsville-area seat in Salt Lake County a hotly contested campaign. Political newcomer Republican Macade Jensen and returning Democratic candidate Karen Kwan battled hard with Kwan coming out the victor 57% to 43%. The margin with unofficial returns is at 961 votes, which would be unlikely to change drastically on the final canvass.
- **House District 44:** The Murray seat has long been a battleground swing seat and this year featured a rematch between incumbent Republican Bruce Cutler and Democrat Christine Passey. In 2014, this race was initially called for Passey, but the final canvas gave the victory to Cutler by 53 votes. Based on the unofficial returns, Passey is claiming victory 51% to 49%, but she has only a 218-vote margin.
- **House District 69:** In a somewhat bizarre turn of events, Democrat-turned-Republican Christine Watkins knocked off Democrat incumbent Brad King in this rural Utah seat. This margin of victory at 57% to 43% is likely to hold and means Watkins will now caucus with the Republicans.

- **State House Races to Watch on Final Canvass:**

- **House District 9:** Incumbent Republican Jeremy Peterson (Ogden) has a 629-vote margin with unofficial results.
- **House District 22:** Incumbent Democrat Sue Duckworth (Magna) holds on with a 492-vote margin on unofficial results.
- **House District 39:** Incumbent Republican and Majority Leader Jim Dunnigan (Taylorsville) has a 796-vote margin

of victory with unofficial results.

- **House District 54:** An open seat in Summit and Wasatch counties, the Republican candidate Tim Quinn holds a 906-vote margin over Democrat Rudi Kholer.

Legislative Leadership Elections:

- **Overview:** Each Caucus holds leadership elections shortly after the General Election to determine the leadership of each chamber. These races are conducted in a closed caucus and will be finalized by the end of November.
- **Senate Republicans:** The top three positions in Senate leadership are unlikely to change. President Wayne Niederhauser (R-Sandy), Senate Majority Leader Ralph Okerlund (R-Monroe), and Senate Majority Whip Stuart Adams (R-Layton), are all expected to return to their leadership positions without challenges.

Senate Majority Assistant Whip Pete Knudson (R-Brigham City) is being challenged by Sen. Deidre Henderson (R-Spanish Fork). Sen. Knudson is vulnerable, and Sen. Henderson is a rising star in the Utah Republican party who could someday be the first female Senate President. President Niederhauser has indicated he will shake up one of the key committee appointments by removing Sen. Lyle Hillyard (R-Logan) as the longtime Senate Executive Appropriations Co-chair.

- **Senate Democrats:** With only five members to the caucus, every Democratic senator except the most junior member serves in leadership (Sen. Jani Iwamoto is the most junior member of the caucus). There may be some reshuffling of the leadership positions, but the impact of the Minority Leader or Minority Whip is minimal with a caucus of this size.
- **House Republicans:** Speaker Greg Hughes (R-Sandy) is unopposed for the top job in the House. However, Majority Leader Jim Dunnigan (R-Taylorsville) is being challenged by the current Majority Assistant Whip, Brad Wilson (R-Kaysville). Wilson is widely expected to win in part because Dunnigan was unable to focus on his leadership race with a hard fought re-election challenge. Majority Whip Francis Gibson (R-Mapleton) is unopposed in a bid to return to his leadership position. With Rep. Wilson making the jump to Majority Leader, the Assistant Whip position opening has generated interest by several candidates. The three leading candidates are Rep. John Knotwell (R-Herriman), Lowry Snow (R-Santa Clara), and Jeremy Peterson (R-Ogden).
- **House Democrats:** With a relatively small caucus, the pressure to change leadership is lessened in the House Democratic Caucus. Picking up three additional caucus members is sure to bolster the cred of Minority Leader Brian King (D-Salt Lake City), who is expected to return as Minority Leader. Minor re-shuffling of the other leadership spots is a possibility, but it is likely that Rebecca Chavez-Houck (D-Salt Lake City) will return as Minority Whip, Joel Briscoe (D-Salt Lake City) as Assistant Whip, and Patrice Arent (D-

Millcreek) as the Caucus Manager.

Constitutional Amendments:

- **Amendment A:** A minor wording change to the Oath of Office passed easily, 65% to 35%.
- **Amendment B:** Which would set a 4% distribution limit from the State School Fund to districts also passed easily, 64% to 36%
- **Amendment C:** A bit tough for the average voter to understand the implications, this amendment would allow a property tax exemption for tangible personal property that is leased by a public entity. However, it still passed, 43% to 47%.

Subscribe to get our Insights delivered to your inbox.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.