

1 **FILLING MIDTERM VACANCIES IN THE**
2 **LEGISLATURE**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Ralph Becker**

6 **This act modifies provisions of the Election Code concerning filling midterm vacancies in**
7 **the Legislature.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **20A-1-503**, as last amended by Chapter 377, Laws of Utah 1998

11 **20A-8-401**, as last amended by Chapter 78, Laws of Utah 2001

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **20A-1-503** is amended to read:

14 **20A-1-503. Midterm vacancies in the Legislature.**

15 (1) As used in this section, [~~central committee~~] means: (a) ~~the state central~~
16 ~~committee, when the legislative district encompasses more than one county; and (b) the county~~
17 ~~central committee, when the legislative district is entirely within one county]~~ "party liaison"
18 means the political party officer designated to serve as a liaison with the lieutenant governor on
19 all matters relating to the political party's relationship with the state as required by Section
20 20A-8-401.

21 (2) When a vacancy occurs for any reason in the office of representative in the
22 Legislature, the ~~h~~ **[governor] SPEAKER OF THE HOUSE OF REPRESENTATIVES** ~~h~~ shall fill the
22a vacancy by:

23 (a) appointing the person who meets the qualifications for the office whose name was
24 submitted by the [~~central committee~~] party liaison of the same political party of the prior
25 officeholder if the process used to nominate the replacement was the standard process used by
26 that political party to select a candidate without a primary election;

27 (b) appointing a person who meets the qualifications for the office from two persons



28 whose names were submitted by the ~~[central committee]~~ party liaison of the same political
29 party of the prior officeholder if the process used to nominate those persons was the standard
30 process used by that political party to select candidates for the primary election ballot; or

31 (c) appointing a person who meets the qualifications for the office from three persons
32 ~~[nominated]~~ whose names were submitted by the ~~[central committee]~~ party liaison of the same
33 political party as the prior officeholder.

34 (3) (a) When a vacancy occurs for any reason in the office of senator in the Legislature,
35 it shall be filled for the unexpired term at the next regular general election.

36 (b) The ~~h~~ **[governor] PRESIDENT OF THE SENATE h** shall fill the vacancy until the next
36a regular general election by:

37 (i) appointing the person who meets the qualifications for the office whose name was
38 submitted by the ~~[central committee]~~ party liaison of the same political party of the prior
39 officeholder if the process used to select that person was the standard process used by that
40 political party to nominate the replacement without a primary election;

41 (ii) appointing a person who meets the qualifications for the office from two persons
42 whose names were submitted by the ~~[central committee]~~ party liaison of the same political
43 party of the prior officeholder if the process used to nominate those persons was the standard
44 process used by that political party to select candidates for the primary election ballot; or

45 (iii) appointing a person who meets the qualifications for the office from three persons
46 ~~[nominated]~~ whose names were submitted by the ~~[central committee]~~ party liaison of the same
47 political party as the prior officeholder.

48 Section 2. Section **20A-8-401** is amended to read:

49 **20A-8-401. Registered political parties -- Bylaws.**

50 (1) (a) Each registered state political party shall file a copy of its constitution and
51 bylaws with the lieutenant governor by January 1, 1995.

52 (b) Each new or unregistered state political party that seeks to become a registered
53 political party under the authority of this chapter shall file a copy of its proposed constitution
54 and bylaws at the time it files its registration information.

55 (c) Each registered state political party shall file revised copies of its constitution or
56 bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted
57 or amended.

58 (2) Each state political party, each new political party seeking registration, and each

59 unregistered political party seeking registration shall ensure that its constitution or bylaws
60 contain:

61 (a) provisions establishing party organization, structure, membership, and governance
62 that include:

63 (i) a description of the position, selection process, qualifications, duties, and terms of
64 each party officer and committees defined by constitution and bylaws;

65 (ii) a provision requiring a designated party officer to serve as liaison with the
66 lieutenant governor on all matters relating to the political party's relationship with the state;

67 (iii) a description of the requirements for participation in party processes;

68 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
69 conventions, or other conclaves; and

70 (v) a mechanism for making the names of delegates, candidates, and elected party
71 officers available to the public shortly after they are selected;

72 (b) a procedure for selecting party officers that allows active participation by party
73 members;

74 (c) a procedure for selecting party candidates at the federal, state, and county levels that
75 allows active participation by party members;

76 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the
77 electoral college for the party's candidates for president and vice president of the United States;
78 and

79 (ii) a procedure for filling vacancies in the office of presidential elector because of
80 death, refusal to act, failure to attend, ineligibility, or any other cause;

81 (e) a procedure for submitting names to the **h** [governor] :

81a **(i) SPEAKER OF THE HOUSE OF REPRESENTATIVES h** to fill midterm vacancies in the
82 office of **h** [:

83 — **(f)** **h** representative in the Legislature consistent with Subsection 20A-1-503(2)(c); and

84 **(ii) h PRESIDENT OF THE SENATE TO FILL MIDTERM VACANCIES IN THE OFFICE OF h**
84a senator in the Legislature consistent with Subsection 20A-1-503(3)(b)(iii);

85 [~~e~~] (f) a provision requiring the governor and lieutenant governor to run as a joint
86 ticket;

87 [~~f~~] (g) a procedure for replacing party candidates who die, become disabled, or are
88 disqualified before a primary or regular general election;

89 [~~g~~] (h) provisions governing the deposit and expenditure of party funds, and

- 90 governing the accounting for, reporting, and audit of party financial transactions;
- 91 ~~(h)~~ (i) provisions governing access to party records;
- 92 ~~(i)~~ (j) a procedure for amending the constitution or bylaws that allows active
- 93 participation by party members or their representatives; and
- 94 ~~(j)~~ (k) a process for resolving grievances against the political party.
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Legislative Review Note
as of **9-23-02 3:17 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0168

Filling Midterm Vacancies in the Legislature

09-Jan-03

4:54 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst