

MIDTERM VACANCY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Benjamin M. McAdams

House Sponsor: Rebecca Chavez-Houck

LONG TITLE

General Description:

This bill amends a provision relating to a midterm vacancy in the Legislature.

Highlighted Provisions:

This bill:

- ▶ defines "filing deadline" as the final date for filing a declaration of candidacy and a certificate of nomination;

- ▶ provides procedures for obtaining a position on the ballot for an office of senator, if a vacancy in the office occurs after the filing deadline but before September 1 of an even-numbered year in which the term of office does not expire;

- ▶ requires the lieutenant governor to:

- provide notice of a vacancy; and
- establish a filing deadline; and

- ▶ provides that a vacancy in the office of senator be filled for the unexpired term if the vacancy occurs on or after September 1 of an even-numbered year in which the term of office does not expire.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-503, as last amended by Laws of Utah 2004, Chapter 38

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

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

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

(1) As used in this section[, "party"]:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.

(3) (a) ~~[When]~~ Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

(4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before September 1 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:

(i) establish a date, that is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

58 (B) a certificate of nomination; and
59 (ii) give notice of the vacancy and the date described in Subsection(4)(a)(i):
60 (A) on the lieutenant governor's website; and
61 (B) to each registered political party.
62 (b) A person intending to obtain a position on the ballot for the vacant office shall:
63 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or
64 certificate of nomination according to the procedures and requirements of Chapter 9,
65 Candidate Qualifications and Nominating Procedures; and
66 (ii) run in the regular general election if:
67 (A) nominated as a party candidate; or
68 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
69 Qualifications and Nominating Procedures.
70 (c) If a vacancy described in Subsection (3)(a) occurs on or after May 1 and before
71 September 1 of an even-numbered year in which the term of office does not expire, a party
72 liaison from each registered political party may submit a name of a person described in
73 Subsection (4)(b) to the lieutenant governor by August 31 for placement on the regular general
74 election ballot.
75 (5) If a vacancy described in Subsection (3)(a) occurs on or after September 1 of an
76 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
77 unexpired term by immediately appointing the person whose name was submitted by the party
78 liaison of the same political party as the prior senator.