



# Analysis of Second Special Session Legislation

June 12, 2023

## Overview

The Office of Legislative Research and General Counsel (OLRGC) has compiled an analysis of legislation that will be introduced during the Second Special Session of the Sixty-fifth Utah Legislature. The analysis is intended to be general in nature, describe the legislation at the time it is numbered, and does not address subsequently adopted amendments. To read the legislation in its entirety or review amendments, click on the link provided in this document or visit <https://le.utah.gov>. OLRGC is a nonpartisan staff office of the Legislature, and the contents of this document should not be considered support for or opposition to the legislation.

## H.B. 2001, Election Amendments

**Sponsors:** Rep. Musselman and Sen. Sandall

In response to the impending vacancy of the Utah Second Congressional District seat, H.B. 2001 makes amendments to current election law, including changing the dates of the 2023 municipal primary and general elections and appropriating money to cover the costs associated with those changes. The election law changes in this bill are repealed on May 1, 2024.

On June 6, 2023, United States Rep. Chris Stewart submitted an irrevocable letter of resignation to the governor stating that Rep. Stewart's final day representing the Second Congressional District of Utah is September 15, 2023. Article I, Section 2 of the United States Constitution states that "[w]hen vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies."

Utah Code § [20A-1-502.5](#) provides that once a United States representative submits an irrevocable letter of resignation, the governor shall issue a proclamation calling a special congressional election and include a date for a primary special congressional election and for a general special congressional election. If the governor selects dates that are different than the dates specified in Utah Code § [20A-1-502.5\(1\)\(a\)](#), the governor is required to call a special session for the Legislature to appropriate money to hold the special elections.

On June 7, 2023, Governor Cox issued a [Writ of Election, Proclamation, and Notice of Election](#), which calls for and gives notice of a primary special congressional election and a general special congressional election.

Given current restraints, including technological constraints, it is not possible for election officers to conduct municipal and special congressional elections during overlapping time periods, unless the election dates completely coincide. Thus, to hold the special congressional election as soon as possible, H.B. 2001 moves the 2023 municipal election dates for primary and general elections to coincide with the primary and general election dates for the special congressional election.

Specifically, H.B. 2001 modifies certain municipal election provisions, including:

- Changing the date of the municipal primary election from August 15, 2023, to September 5, 2023, and the municipal general election from November 7, 2023, to November 21, 2023;
- Requiring that the counties, rather than the municipalities, conduct the municipal elections; and
- Changing the canvassing and other deadlines related to the municipal elections.

Absent these changes, the earliest the special congressional primary election would have occurred is on November 7, 2023 (the normal date for a municipal general election), and the special congressional general election would have occurred on March 5, 2024 (the date of Utah's upcoming presidential primary election).

H.B. 2001 also modifies deadlines for changing party affiliation status in relation to the special congressional election primary election date and provides for a one-time appropriation of \$2,500,000 to fund the special congressional primary and general elections.