

1 **CONGRESSIONAL VACANCIES AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill modifies the Election Code in relation to filling a vacancy in Congress.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ modifies a provision relating to a temporary appointment to fill a vacancy in the
- 11 office of United States senator, pending a special election to fill the office;
- 12 ▶ describes requirements and procedures relating to a special election to fill a vacancy
- 13 in the office of United States senator or United States representative;
- 14 ▶ describes when a vacancy occurs in a congressional office;
- 15 ▶ grants authority to the governor to establish, consistent with the requirements of this
- 16 bill, the dates, deadlines, time frames, and procedures relating to a special election
- 17 described in this bill; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **20A-1-502**, as enacted by Laws of Utah 1993, Chapter 1

26 ENACTS:

27 **20-1-502.5**, Utah Code Annotated 1953

28

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

30 Section 1. Section **20A-1-502** is amended to read:

31 **20A-1-502. Midterm vacancy in office of United States senator.**

32 [~~1~~] ~~When a vacancy occurs for any reason in the office of a representative in~~

33 ~~Congress, the governor shall issue a proclamation calling an election to fill the vacancy.]~~

34 ~~[(2)-(a)] (1) [When] Except as provided in Subsections (2) and (3), when a vacancy~~
35 ~~occurs in the office of [U.S. senator, it shall be filled for the unexpired term at the next regular~~
36 ~~general election.] United States senator, the governor shall, within seven days after the day on~~
37 ~~which the vacancy occurs, issue a proclamation calling a special congressional election to fill~~
38 ~~the vacancy that:~~

39 ~~(a) sets a date for a primary congressional special election, and a later date for a general~~
40 ~~congressional special election, on the same day as one of the following elections:~~

41 ~~(i) a municipal primary election;~~

42 ~~(ii) a municipal general election;~~

43 ~~(iii) a presidential primary election;~~

44 ~~(iv) a regular primary election; or~~

45 ~~(v) a regular general election;~~

46 ~~(b) sets the date of the primary congressional special election on the same day as the~~
47 ~~next election described in Subsections (1)(a)(i) through (v) that is more than 90 days after the~~
48 ~~day on which the governor issues the proclamation;~~

49 ~~(c) sets the date of the general special congressional election on the same day as the~~
50 ~~next election described in Subsection (1)(a) that is more than 90 days after the primary special~~
51 ~~congressional election described in Subsection (1)(b);~~

52 ~~(d) provides each registered political party that is not a qualified political party at least~~
53 ~~21 days, but no more than 28 days, to select one candidate, in a manner determined by the~~
54 ~~registered political party, as a candidate for the registered political party;~~

55 ~~(e) for each qualified political party, provides at least 21 days, but no more than 28~~
56 ~~days;~~

57 ~~(i) for the qualified political party to select one candidate, using the convention process~~
58 ~~described in Section 20A-9-407, as a candidate for the qualified political party; and~~

59 ~~(ii) for a member of the qualified political party to submit signatures to qualify as a~~
60 ~~candidate for the qualified political party using the signature-gathering process described in~~
61 ~~Section 20A-9-408;~~

62 ~~(f) consistent with the requirements of this section, establishes the deadlines, time~~
63 ~~frames, and procedures for filing a declaration of candidacy, giving notice of an election, and~~

64 other election requirements; and

65 (g) requires an election officer to comply with the requirements of Chapter 16, Military
66 and Overseas Voters Act.

67 (2) (a) The governor may set a date for a primary special congressional election or a
68 general special congressional election on a date other than a date described in Subsection (1)(a)
69 if:

70 (i) on the same day on which the governor issues the proclamation described in
71 Subsection (1) the governor calls a special session for the Legislature to appropriate money to
72 hold the election on a different day; or

73 (ii) if the governor issues the proclamation described in Subsection (1) on or after
74 January 1, but before the end of the general session of the Legislature, and requests in the
75 proclamation described in Subsection (1) that the Legislature appropriate money to hold the
76 election on a different day.

77 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the
78 election on a different day, the proclamation described in Subsection (1) is void and the
79 governor shall, within seven days after the day on which the Legislature declines to appropriate
80 money to hold the election on a different day, issue a proclamation, in accordance with
81 Subsection (1), that sets the special congressional primary and general elections on dates
82 described in Subsections (1)(a)(i) through (v).

83 (3) A special congressional election to fill a vacancy in the office of United States
84 senator will not be held if:

85 (a) the next regular general election that occurs after the day on which the vacancy
86 occurs is the regular general election that occurs immediately before the six-year term for the
87 senate office ends; and

88 (b) the vacancy occurs after August 1 of the year before the regular general election
89 described in Subsection (3)(a).

90 ~~[(b)]~~ (4) (a) The governor shall appoint [a person to serve as U.S. senator until the
91 vacancy is filled by election] an individual to temporarily fill a vacancy in the office of United
92 States senator from one of three persons nominated by the [state central committee of the same
93 political party as the prior officeholder] Legislature.

94 (b) The individual appointed under Subsection (4)(a) shall serve as United States

95 senator until the earlier of the day on which:

96 (i) the vacancy is filled by election under Subsection (1) or (2); or

97 (ii) the six-year term for the senate office ends.

98 (5) A vacancy in the office of United States senator does not occur unless the senator:

99 (a) has left the office; or

100 (b) submits an irrevocable letter of resignation to the governor or to the president of the
101 United States Senate.

102 Section 2. Section **20-1-502.5** is enacted to read:

103 **20-1-502.5. Midterm vacancy in office of United States representative.**

104 (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office
105 of United States representative, the governor shall, within seven days after the day on which the
106 vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy
107 that:

108 (a) sets a date for a primary congressional special election, and a later date for a general
109 congressional special election, on the same day as one of the following elections:

110 (i) a municipal primary election;

111 (ii) a municipal general election;

112 (iii) a presidential primary election;

113 (iv) a regular primary election; or

114 (v) a regular general election;

115 (b) sets the date of the primary congressional special election on the same day as the
116 next election described in Subsections (1)(a)(i) through (v) that is more than 90 days after the
117 day on which the governor issues the proclamation;

118 (c) sets the date of the general special congressional election on the same day as the
119 next election described in Subsection (1)(a) that is more than 90 days after the primary special
120 congressional election described in Subsection (1)(b);

121 (d) provides each registered political party that is not a qualified political party at least
122 21 days, but no more than 28 days, to select one candidate, in a manner determined by the
123 registered political party, as a candidate for the registered political party;

124 (e) for each qualified political party, provides at least 21 days, but no more than 28
125 days;

126 (i) for the qualified political party to select one candidate, using the convention process
127 described in Section 20A-9-407, as a candidate for the qualified political party; and

128 (ii) for a member of the qualified political party to submit signatures to qualify as a
129 candidate for the qualified political party using the signature-gathering process described in
130 Section 20A-9-408;

131 (f) consistent with the requirements of this section, establishes the deadlines, time
132 frames, and procedures for filing a declaration of candidacy, giving notice of an election, and
133 other election requirements; and

134 (g) requires an election officer to comply with the requirements of Chapter 16, Military
135 and Overseas Voters Act.

136 (2) The governor may set a date for a primary special congressional election or a
137 general special congressional election on a date other than a date described in Subsection (1)(a)
138 if:

139 (a) on the same day on which the governor issues the proclamation described in
140 Subsection (1) the governor calls a special session for the Legislature to appropriate money to
141 hold the election on a different day; or

142 (b) if the governor issues the proclamation described in Subsection (1) on or after
143 January 1, but before the end of the general session of the Legislature, and requests in the
144 proclamation described in Subsection (1) that the Legislature appropriate money to hold the
145 election on a different day.

146 (3) If the Legislature does not, under Subsection (2), appropriate money to hold the
147 election on a different day, the proclamation described in Subsection (1) is void and the
148 governor shall, within seven days after the day on which the Legislature declines to appropriate
149 money to hold the election on a different day, issue a proclamation, in accordance with
150 Subsection (1), that sets the special congressional primary and general elections on dates
151 described in Subsections (1)(a)(i) through (v).

152 (4) A special congressional election to fill a vacancy in the office of United States
153 representative will not be held if the vacancy occurs fewer than 180 days before the next
154 regular general election.

155 (5) An individual who fills a vacancy under this section shall serve until the end of the
156 current term in which the vacancy exists.

157 (6) A vacancy in the office of United States representative does not occur unless the
158 representative:

159 (a) has left the office; or

160 (b) submits an irrevocable letter of resignation to the governor or to the speaker of the
161 United States House of Representatives.

162 Section 3. **Effective date.**

163 If approved by two-thirds of all the members elected to each house, this bill takes effect
164 upon approval by the governor, or the day following the constitutional time limit of Utah
165 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
166 the date of veto override.