

Daniel McCay proposes the following substitute bill:

Election Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Jason B. Kyle

LONG TITLE

General Description:

This bill modifies the procedures for filling certain candidate and officeholder vacancies.

Highlighted Provisions:

This bill:

- defines terms;
- describes the circumstances under which a political party is permitted to fill a candidate vacancy;
- for the candidate vacancies described in this bill, provides that the candidate vacancy is filled by the applicable political party appointing one individual selected by a majority vote of the applicable political party delegates;
- for the midterm vacancies described in this bill, provides that the vacancy is filled, or in certain circumstances temporarily filled, by the governor appointing one of three individuals determined by a majority vote of the applicable political party delegates;
- requires the party liaison to communicate the result of a vote of delegates described in the preceding paragraphs; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2024, Chapter 438

20A-1-503, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

20A-1-504, as last amended by Laws of Utah 2020, Chapter 352

29 ENACTS:

30 **20A-1-501.1**, Utah Code Annotated 1953

31 RENUMBERS AND AMENDS:

32 **20A-1-501.5**, (Renumbered from 20A-1-501, as last amended by Laws of Utah 2023,
33 Chapter 234)

34

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

36 Section 1. Section **20A-1-102** is amended to read:

37 **20A-1-102 . Definitions.**

38 As used in this title:

39 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
40 by the county clerk.

41 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
42 counts votes recorded on ballots and tabulates the results.

43 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
44 storage medium, that records an individual voter's vote.

45 (b) "Ballot" does not include a record to tally multiple votes.

46 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on
47 the ballot for their approval or rejection including:

48 (a) an opinion question specifically authorized by the Legislature;

49 (b) a constitutional amendment;

50 (c) an initiative;

51 (d) a referendum;

52 (e) a bond proposition;

53 (f) a judicial retention question;

54 (g) an incorporation of a city or town; or

55 (h) any other ballot question specifically authorized by the Legislature.

56 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
57 using staples or another means in at least three places across the top of the paper in the
58 blank space reserved for securing the paper.

59 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
60 20A-4-306 to canvass election returns.

61 (7) "Bond election" means an election held for the purpose of approving or rejecting the
62 proposed issuance of bonds by a government entity.

- (8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- (9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
- (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- (11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- (12) "Convention" means the political party convention at which party officers and delegates are selected.
- (13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- (14) "Counting judge" means a poll worker designated to count the ballots during election day.
- (15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- (16) "County officers" means those county officers that are required by law to be elected.
- (17) "Date of the election" or "election day" or "day of the election":
- (a) means the day that is specified in the calendar year as the day that the election occurs; and
 - (b) does not include:
 - (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
 - (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- (18) "Elected official" means:
- (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;
 - (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or
 - (c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).
- (19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary

election, and a special district election.

(20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the special district clerk or chief executive officer for:
 - (i) a special district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

(24) "Election official" means any election officer, election judge, or poll worker.

(25) "Election results" means:

- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
- (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(26) "Election returns" includes:

(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and

(b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a ballot.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

(29) "Judicial office" means the office filled by any judicial officer.

(30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(31) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.

(32) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

(33) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(34) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(35) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

(36) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

(b) the mayor in the council-manager form of government defined in Subsection

10-3b-103(6).

(37) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(38) "Municipal legislative body" means the council of the city or town in any form of municipal government.

(39) "Municipal office" means an elective office in a municipality.

(40) "Municipal officers" means those municipal officers that are required by law to be elected.

(41) "Municipal primary election" means an election held to nominate candidates for municipal office.

(42) "Municipality" means a city or town.

(43) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

(44) "Official endorsement" means the information on the ballot that identifies:

(a) the ballot as an official ballot;

(b) the date of the election; and

(c)(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

(45) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(46) "Party liaison" means the political party officer designated, in accordance with Subsection 20A-8-401(2)(a)(ii), to serve as a liaison with:

(a) the lieutenant governor on all matters relating to the political party's relationship with the state; and

(b) each county legislative body on matters relating to the political party's relationship with a county.

~~[(46)]~~ (47) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

~~[(47)]~~ (48)(a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

- 199 (b) "Poll worker" includes election judges.
- 200 (c) "Poll worker" does not include a watcher.
- 201 ~~[(48)]~~ (49) "Pollbook" means a record of the names of voters in the order that they appear to
- 202 cast votes.
- 203 ~~[(49)]~~ (50) "Polling place" means a building where voting is conducted.
- 204 ~~[(50)]~~ (51) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 205 in which the voter marks the voter's choice.
- 206 ~~[(51)]~~ (52) "Presidential Primary Election" means the election established in Chapter 9, Part
- 207 8, Presidential Primary Election.
- 208 ~~[(52)]~~ (53) "Primary convention" means the political party conventions held during the year
- 209 of the regular general election.
- 210 ~~[(53)]~~ (54) "Protective counter" means a separate counter, which cannot be reset, that:
- 211 (a) is built into a voting machine; and
- 212 (b) records the total number of movements of the operating lever.
- 213 ~~[(54)]~~ (55) "Provider election officer" means an election officer who enters into a contract or
- 214 interlocal agreement with a contracting election officer to conduct an election for the
- 215 contracting election officer's local political subdivision in accordance with Section
- 216 20A-5-400.1.
- 217 ~~[(55)]~~ (56) "Provisional ballot" means a ballot voted provisionally by a person:
- 218 (a) whose name is not listed on the official register at the polling place;
- 219 (b) whose legal right to vote is challenged as provided in this title; or
- 220 (c) whose identity was not sufficiently established by a poll worker.
- 221 ~~[(56)]~~ (57) "Provisional ballot envelope" means an envelope printed in the form required by
- 222 Section 20A-6-105 that is used to identify provisional ballots and to provide information
- 223 to verify a person's legal right to vote.
- 224 ~~[(57)]~~ (58)(a) "Public figure" means an individual who, due to the individual being
- 225 considered for, holding, or having held a position of prominence in a public or
- 226 private capacity, or due to the individual's celebrity status, has an increased risk to the
- 227 individual's safety.
- 228 (b) "Public figure" does not include an individual:
- 229 (i) elected to public office; or
- 230 (ii) appointed to fill a vacancy in an elected public office.
- 231 ~~[(58)]~~ (59) "Qualify" or "qualified" means to take the oath of office and begin performing
- 232 the duties of the position for which the individual was elected.

233 ~~[(59)]~~ (60) "Receiving judge" means the poll worker that checks the voter's name in the
234 official register at a polling place and provides the voter with a ballot.

235 ~~[(60)]~~ (61) "Registration form" means a form by which an individual may register to vote
236 under this title.

237 ~~[(61)]~~ (62) "Regular ballot" means a ballot that is not a provisional ballot.

238 ~~[(62)]~~ (63) "Regular general election" means the election held throughout the state on the
239 first Tuesday after the first Monday in November of each even-numbered year for the
240 purposes established in Section 20A-1-201.

241 ~~[(63)]~~ (64) "Regular primary election" means the election, held on the date specified in
242 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
243 nonpartisan local school board positions to advance to the regular general election.

244 ~~[(64)]~~ (65) "Resident" means a person who resides within a specific voting precinct in Utah.

245 ~~[(65)]~~ (66) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
246 provided to a voter with a manual ballot:

247 (a) into which the voter places the manual ballot after the voter has voted the manual
248 ballot in order to preserve the secrecy of the voter's vote; and

249 (b) that includes the voter affidavit and a place for the voter's signature.

250 ~~[(66)]~~ (67) "Sample ballot" means a mock ballot similar in form to the official ballot,
251 published as provided in Section 20A-5-405.

252 ~~[(67)]~~ (68) "Special district" means a local government entity under Title 17B, Limited
253 Purpose Local Government Entities - Special Districts, and includes a special service
254 district under Title 17D, Chapter 1, Special Service District Act.

255 ~~[(68)]~~ (69) "Special district officers" means those special district board members who are
256 required by law to be elected.

257 ~~[(69)]~~ (70) "Special election" means an election held as authorized by Section 20A-1-203.

258 ~~[(70)]~~ (71) "Spoiled ballot" means each ballot that:

259 (a) is spoiled by the voter;

260 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

261 (c) lacks the official endorsement.

262 ~~[(71)]~~ (72) "Statewide special election" means a special election called by the governor or
263 the Legislature in which all registered voters in Utah may vote.

264 ~~[(72)]~~ (73) "Tabulation system" means a device or system designed for the sole purpose of
265 tabulating votes cast by voters at an election.

266 ~~[(73)]~~ (74) "Ticket" means a list of:

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

~~[(74)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(75)]~~ (76) "Vacancy" means:

- (a) except as provided in Subsection ~~[(75)(b)]~~ (76)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause[-]; or
- (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.

~~[(76)]~~ (77) "Valid voter identification" means:

- (a) a form of identification that bears the name and photograph of the voter which may include:
 - (i) a currently valid Utah driver license;
 - (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
 - (iii) a currently valid Utah permit to carry a concealed weapon;
 - (iv) a currently valid United States passport; or
 - (v) a currently valid United States military identification card;
- (b) one of the following identification cards, whether or not the card includes a photograph of the voter:
 - (i) a valid tribal identification card;
 - (ii) a Bureau of Indian Affairs card; or
 - (iii) a tribal treaty card; or
- (c) two forms of identification not listed under Subsection ~~[(76)(a) or (b)]~~ (77)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
 - (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
 - (ii) a bank or other financial account statement, or a legible copy thereof;
 - (iii) a certified birth certificate;

- 301 (iv) a valid social security card;
- 302 (v) a check issued by the state or the federal government or a legible copy thereof;
- 303 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 304 (vii) a currently valid Utah hunting or fishing license;
- 305 (viii) certified naturalization documentation;
- 306 (ix) a currently valid license issued by an authorized agency of the United States;
- 307 (x) a certified copy of court records showing the voter's adoption or name change;
- 308 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 309 (xii) a currently valid identification card issued by:
- 310 (A) a local government within the state;
- 311 (B) an employer for an employee; or
- 312 (C) a college, university, technical school, or professional school located within
- 313 the state; or
- 314 (xiii) a current Utah vehicle registration.
- 315 ~~[(77)]~~ (78) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 316 candidate by following the procedures and requirements of this title.
- 317 ~~[(78)]~~ (79) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
- 318 by:
- 319 (a) mailing the ballot to the location designated in the mailing; or
- 320 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 321 ~~[(79)]~~ (80) "Voter" means an individual who:
- 322 (a) meets the requirements for voting in an election;
- 323 (b) meets the requirements of election registration;
- 324 (c) is registered to vote; and
- 325 (d) is listed in the official register book.
- 326 ~~[(80)]~~ (81) "Voter registration deadline" means the registration deadline provided in Section
- 327 20A-2-102.5.
- 328 ~~[(81)]~~ (82) "Voting area" means the area within six feet of the voting booths, voting
- 329 machines, and ballot box.
- 330 ~~[(82)]~~ (83) "Voting booth" means:
- 331 (a) the space or compartment within a polling place that is provided for the preparation
- 332 of ballots, including the voting enclosure or curtain; or
- 333 (b) a voting device that is free standing.
- 334 ~~[(83)]~~ (84) "Voting device" means any device provided by an election officer for a voter to

vote a mechanical ballot.

[(84)] (85) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

[(85)] (86) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

[(86)] (87) "Write-in ballot" means a ballot containing any write-in votes.

[(87)] (88) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 2. Section **20A-1-501.1** is enacted to read:

20A-1-501.1 . Definitions.

As used in this part:

(1) "Applicable political party" means:

(a) in relation to a candidate vacancy, the political party for which the preceding candidate was a candidate, as follows:

(i) the state political party, if the race is for:

(A) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or

(B) state legislator, if the legislative district encompasses all or a portion of more than one county; or

(ii) the county political party, if the race is for an office, other than an office described in Subsection (1)(a)(i), that is elected in an even-numbered year; or

(b) in relation to an office vacancy, the political party of which the preceding officeholder was a member, as follows:

(i) the state political party, if the vacancy is in the office of:

(A) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or

(B) state legislator, if the legislative district encompasses all or a portion of more than one county; or

(ii) the county political party, if the vacancy is in an office, other than an office described in Subsection (1)(b)(i), that is elected in an even-numbered year.

(2) "Delegates for the applicable political party" means the group of delegates that normally vote, at the applicable convention of the applicable political party, to nominate a candidate for the office for which the candidate vacancy or midterm vacancy exists.

(3) "Valid candidate vacancy" means:

- (a) in relation to a registered political party that, for a race for a particular office, will have a candidate on the ballot in the regular primary election:
- (i) only one or two individuals timely file a declaration of candidacy to run as a candidate for the party for that office; and
- (ii) the candidate, for a valid reason, ceases to be a candidate during the period of time that:
- (A) begins when the declaration of candidacy filing period ends; and
- (B) ends at midnight on the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a) or 20A-9-409(4)(b);
- (b) in relation to a registered political party that, for a race for a particular office, will not have a candidate on the ballot in the regular primary election, but will have a candidate on the ballot for the regular general election, the candidate, for a valid reason, ceases to be a candidate during the period of time that:
- (i) begins when declaration of candidacy filing period ends; and
- (ii) ends at midnight on the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or
- (c) in relation to a registered political party with a candidate in a race for a particular office who is certified as winning a regular primary election for that race, the candidate, for a valid reason, ceases to be a candidate during the period of time that:
- (i) begins when the declaration of candidacy filing period ends; and
- (ii) ends at midnight on the day before the day on which the lieutenant governor provides the list described in Section 20A-5-409.
- (4) "Valid reason" means that, after filing a declaration of candidacy to run as a candidate for a registered political party, the candidate:
- (a) dies;
- (b) resigns because, after filing the declaration of candidacy, the candidate is appointed to a position in a state agency;
- (c) resigns to become a candidate for the registered political party for another race;
- (d) except as provided in Subsection 20A-1-501.5(4), is disqualified by an election officer for improper filing or nominating procedures; or
- (e) resigns as a candidate because, as certified by a physician or a physician's assistant:
- (i) the candidate has a disease, a long-term illness, a physical disability, or a mental disability;
- (ii) the condition described in Subsection (4)(e)(i) substantially interferes with the

candidate's ability to run for office or hold office; and

(iii) before filing the declaration of candidacy, the candidate, with respect to the condition described in Subsection (4)(e)(i):

(A) did not have the condition;

(B) was not aware that the candidate had the condition;

(C) was aware that the candidate had the condition, but was not aware of the seriousness of the condition; or

(D) was aware that the candidate had the condition, but the seriousness of the condition increased after the candidate filed the declaration of candidacy.

Section 3. Section **20A-1-501.5**, which is renumbered from Section 20A-1-501 is renumbered and amended to read:

[20A-1-501] 20A-1-501.5 . Candidate vacancies -- Procedure for filling.

[(1) As used in this section, "central committee" means:]

[(a) the state central committee of a political party, for a candidate for:]

[(i) ~~United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or~~]

[(ii) ~~state legislator if the legislative district encompasses all or a portion of more than one county; or~~]

[(b) ~~the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.~~]

[(2) ~~Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:~~]

[(a) ~~for a registered political party that will have a candidate on a ballot in a primary election;~~]

[(i) ~~after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and~~]

[(ii) ~~the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a); and~~]

[(b) ~~for a registered political party that does not have a candidate on the ballot in a~~]

primary, but will have a candidate on the ballot for a regular general election:]

[(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and]

[(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or]

[(e) for a registered political party with a candidate certified as winning a primary election:]

[(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and]

[(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.]

[(3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.]

(1) A replacement candidate to fill a valid candidate vacancy shall be selected as follows:

(a) for a valid candidate vacancy described in Subsection 20A-1-501.1(3)(a), if the applicable political party desires to fill the candidate vacancy:

(i) the delegates for the applicable political party shall, by majority vote, select one individual who is eligible for the office; and

(ii) the party liaison for the applicable political party shall, before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a) or 20A-9-409(4)(b), provide the applicable election officer with a written certification identifying the individual selected under Subsection (1)(a)(i) for placement on the ballot;

(b) for a valid candidate vacancy described in Subsection 20A-1-501.1(3)(b), if the applicable political party desires to fill the candidate vacancy:

(i) the delegates for the applicable political party shall, by majority vote, select one

- individual who is eligible for the office; and
- (ii) the party liaison for the applicable political party shall, before the day on which the lieutenant governor provides the list described in Subsection Section 20A-5-409, provide the applicable election officer with a written certification identifying the individual selected under Subsection (1)(b)(i) for placement on the ballot; and
- (c) for a valid candidate vacancy described in Subsection 20A-1-501.1(3)(c), if the applicable political party desires to fill the candidate vacancy:
- (i) the delegates for the applicable political party shall, by majority vote, select one individual who is eligible for the office; and
- (ii) the party liaison for the applicable political party shall, before the day on which the lieutenant governor provides the list described in Subsection Section 20A-5-409, provide the applicable election officer with a written certification identifying the individual selected under Subsection (1)(c)(i) for placement on the ballot.
- ~~[(4)]~~ (2) Each replacement candidate shall file a declaration of candidacy as required by [Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- ~~[(5)]~~ (3)(a) The name of a candidate who is certified under Subsection ~~[(2)(a)-]~~ (1)(a)(ii) may not appear on the ballot if:
- (i) the candidate is not appointed in accordance with Subsection (1)(a)(i); or
- (ii) the certification occurs after the deadline described in Subsection ~~[(2)(a)(ii) may not appear on the primary election ballot]~~ (1)(a)(ii).
- (b) The name of a candidate who is certified under Subsection ~~[(2)(b)-]~~ (1)(b)(ii) may not appear on the ballot if:
- (i) the candidate is not appointed in accordance with Subsection (1)(b)(i); or
- (ii) the certification occurs after the deadline described in Subsection ~~[(2)(b)(ii) may not appear on the general election ballot]~~ (1)(b)(ii).
- (c) The name of a candidate who is certified under Subsection ~~[(2)(e)-]~~ (1)(c)(ii) may not appear on the ballot if:
- (i) the candidate is not appointed in accordance with Subsection (1)(c)(i); or
- (ii) the certification occurs after the deadline described in Subsection ~~[(2)(e)(ii) may not appear on the general election ballot]~~ (1)(c)(ii).
- ~~[(6)]~~ (4) A political party may not replace a candidate who is disqualified for failure to

timely file a campaign disclosure financial report under [~~Title 20A, Chapter 11,~~
~~Campaign and Financial Reporting Requirements~~] Chapter 11, Campaign and Financial
Reporting Requirements, or Section 17-16-6.5.

[~~(7)~~] (5) This section does not apply to a candidate vacancy for a nonpartisan office.

Section 4. Section **20A-1-503** is amended to read:

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

(1) As used in this section[~~;~~]

[~~(a)~~] "~~Filing~~" , "filing deadline" means the final date for filing:

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

[~~(ii)~~] (b) 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.~~]
as follows:

(a) the delegates for the applicable political party shall, by majority vote, select three
individuals who are eligible to fill the vacancy;

(b) the party liaison for the applicable political party shall provide the governor with a
written certification identifying the individuals selected in accordance with
Subsection (2)(a); and

(c) the governor shall, no later than seven calendar days after the day on which the
governor receives the written certification described in Subsection (2)(b), appoint one
of the individuals selected in accordance with Subsection (2)(a) to fill the vacancy.

(3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
the office of senator in the Legislature, [~~it~~] the office 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.~~] , fill the vacancy as follows:

(i) the delegates for the applicable political party shall, by majority vote, select three
individuals who are eligible to fill the vacancy;

(ii) the party liaison for the applicable political party shall provide the governor with

- 539 a written certification identifying the individuals selected in accordance with
540 Subsection (3)(b)(i); and
- 541 (iii) the governor shall, no later than seven calendar days after the day on which the
542 governor receives the written certification described in Subsection (3)(b)(ii),
543 appoint one of the individuals selected in accordance with Subsection (3)(b)(i) to
544 fill the vacancy.
- 545 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
546 before August 31 of an even-numbered year in which the term of office does not
547 expire, the lieutenant governor shall:
- 548 (i) establish a date and time, which is before the date for a candidate to be certified
549 for the ballot under Section 20A-9-701 and no later than 21 days after the day on
550 which the vacancy occurred, by which ~~[a person]~~ an individual intending to obtain
551 a position on the ballot for the vacant office shall file:
- 552 (A) a declaration of candidacy; or
553 (B) a certificate of nomination; and
- 554 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 555 (A) on the lieutenant governor's website; and
556 (B) to each registered political party.
- 557 (b) ~~[A person]~~ An individual intending to obtain a position on the ballot for the vacant
558 office shall:
- 559 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
560 candidacy or certificate of nomination according to the procedures and
561 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
562 and
- 563 (ii) run in the regular general election if:
- 564 (A) nominated as a party candidate; or
565 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
566 Qualifications and Nominating Procedures.
- 567 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
568 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
569 which the term of office does not expire, ~~[a]~~ the party liaison ~~[from]~~ for each registered
570 political party may~~[- submit a name of a person described in Subsection (4)(b) to the~~
571 ~~lieutenant governor before 5 p.m.]~~ , no later than 5 p.m. on August 30, submit a
572 candidate for placement on the regular general election ballot[-] , as follows:

(i) the political party's delegates for the convention applicable to the office shall, by majority vote, select one individual who is eligible to fill the office;

(ii) the party liaison for the political party shall provide to the election officer a written certification identifying the individual selected in accordance with Subsection (4)(c)(i); and

(iii) the election officer shall place the individual selected in accordance with Subsection (4)(c)(i) on the general election ballot as a candidate for the registered political party.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term~~[by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.]~~ , as follows:

(a) the delegates for the applicable political party shall, by majority vote, select three individuals who are eligible to fill the vacancy;

(b) the party liaison for the applicable political party shall provide the governor with a written certification identifying the individuals selected in accordance with Subsection (5)(a); and

(c) the governor shall, no later than seven calendar days after the day on which the governor receives the written certification described in Subsection (5)(b), appoint one of the individual selected in accordance with Subsection (5)(a) to fill the vacancy.

Section 5. Section **20A-1-504** is amended to read:

20A-1-504 . Midterm vacancies in the offices of attorney general, state treasurer, state auditor, State Board of Education member, and lieutenant governor.

(1)~~[(a)]~~ When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.

~~[(b)]~~ (2) ~~[The]~~ Except as provided in Subsection (3), the governor shall fill the vacancy until the next regular general election~~[by]~~ as follows:

~~[(i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or]~~

(a) the delegates for the applicable political party shall, by majority vote, select three individuals who are eligible to fill the vacancy;

(b) the party liaison for the applicable political party shall provide the governor with a written certification identifying the individuals selected in accordance with Subsection (2)(a); and

(c) the governor shall, no later than seven calendar days after the day on which the governor receives the written certification described in Subsection (2)(b), appoint one of the individuals selected in accordance with Subsection (2)(a) to fill the vacancy.

~~[(ii)] (3) [for] For a State Board of Education vacancy, if the individual who is being replaced[:]~~

~~[(A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;]~~

~~[(B) was elected at a partisan State Board of Education election, but] is not a member of a political party, [by appointing] the governor shall fill the vacancy until the next regular general election by appointing an individual, with the advice and consent of the Senate, [an individual] who meets the qualifications and residency requirements for filling the vacancy[-described in Section 20A-14-103; or] .~~

~~[(C) was elected at a partisan State Board of Education election, and is a member of a political party, by appointing an individual who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.]~~

~~[(2)] (4) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.~~

Section 6. Effective Date.

This bill takes effect on May 7, 2025.