



# HB0443 compared with HB0443S01

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **20A-1-503.1** , Utah Code Annotated 1953

27 REPEALS AND REENACTS:

28 **20A-1-503** , as last amended by Laws of Utah 2025, Chapters 90, 448

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

31 Section 1. Section **20A-1-503** is repealed and reenacted to read:

32 **20A-1-503. Filling a midterm vacancy in the office of state representative.**

30 (1) As used in this section:

31 (a) "Available special general election date" means:

32 (i) the date of the municipal general election held during the first year of the term of office for a  
representative; or

34 (ii) the date of the regular primary election held during the second year of the term of office for a  
representative.

36 (b) "Available special primary election date" means:

37 (i) the date of the municipal primary election held during the first year of the term of office for a  
representative; or

39 (ii) the date of the municipal general election held during the first year of the term of office for a  
representative.

41 (c) "Irrevocable letter of future resignation" means a letter that:

42 (i) a representative submits to the governor and the speaker of the House of Representatives;

44 (ii) states that the representative intends to leave office on a specified future date; and

45 (iii) states that the resignation is irrevocable.

46 (d) "Representative" means a representative in the Utah House of Representatives.

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## HB0443 compared with HB0443S01

(2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of representative, or if a representative submits an irrevocable letter of future resignation, the governor shall issue a proclamation calling a special election to fill the vacancy, as follows:

51 (a)

(i) if the office is vacant, the governor shall issue the proclamation within seven days after the day on which the vacancy occurs; or

53 (ii) if a representative submits an irrevocable letter of future resignation, the governor shall issue the proclamation within seven days after the day on which the representative submits the letter;

56 (b) except as provided in Subsection (4), the proclamation shall set the dates of a special election to fill a vacancy in the office as follows:

58 (i) the special primary election will be held on the same date as the next available special primary election date; and

60 (ii) the special general election will be held on the same date as the next available special general election date following the date of the special primary election; and

62 (c) the proclamation shall:

63 (i) provide each registered political party that is not a qualified political party at least 21 calendar days, but no more than 28 calendar days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;

67 (ii) for each qualified political party, provide at least 21 calendar days, but no more than 28 calendar days:

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

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

75 (iii) consistent with the requirements of this section, establish the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and

78 (iv) require an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.

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## HB0443 compared with HB0443S01

(3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation calling a special election to fill the vacancy more than 90 days before an available special primary election date, the office will remain vacant until filled at the next regular general election.

84 (4) The proclamation may, subject to Subsection (5), set the dates of a special election to fill the vacancy on dates other than the dates required under Subsection (2)(b) if:

86 (a)

(i) the day on which the governor issues the proclamation is more than 90 days before an available special primary election date; and

88 (ii) the governor desires to schedule the special primary election or special general election on a date other than a date required under Subsection (2)(b); or

90 (b)

(i) the day on which the governor issues the proclamation is 90 or fewer days before the latest available special primary election date; and

92 (ii) the governor desires to hold an election to fill the vacancy before the next regular general election.

94 (5)

(a) If the proclamation sets the date of a special election to fill a vacancy on a date other than a date required under Subsection (2)(b), the governor shall:

96 (i) on the same day on which the governor issues the proclamation, issue a call for a special session for the Legislature to appropriate money to hold the election on a different day; or

99 (ii) if the governor issues the proclamation with sufficient time for the Legislature to, during a general session of the Legislature, consider appropriating money to hold the election on a different day, include in the proclamation a written request that the Legislature appropriate money for the special election.

103 (b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the election on a different day:

105 (i) the proclamation described in Subsection (2) is void; and

106 (ii)

(A) if the governor is able to issue another proclamation more than 90 days before an available special primary election date, the governor shall issue the proclamation and set the election dates in accordance with Subsection (2)(b); or

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## HB0443 compared with HB0443S01

(B) if the governor is unable to issue another proclamation more than 90 days before an available special primary election date, the office will remain vacant until filled at the next regular general election.

112 (6) An individual elected to fill a vacancy under this section shall take office to fill the vacancy:

114 (a) if the office is vacant on the day on which the canvass for the election is completed, the day after the day on which the canvass is completed; or

116 (b) if the office is not yet vacant on the day on which the canvass for the election is completed, the day after the office becomes vacant.

118 (7) If, at any time beginning on the day on which the canvass for the regular general election is completed, and ending on the second Tuesday in December, the office is or becomes vacant, the governor shall, on the next business day, appoint the individual elected to the office at the regular general election to fill the vacancy for the remainder of the term of office.

126 (8) If a vacancy in the office of representative occurs, or will exist, at any time during the general session of the Legislature:

128 (a) the governor shall immediately appoint, as a temporary replacement to fill the vacancy, the qualified individual whose name is submitted to the governor by the party liaison for the party of which the prior officeholder was a member when the prior officeholder was elected or appointed to the office;

132 (b) the individual appointed by the governor under Subsection (8)(a) shall:

133 (i) take office on the later of:

134 (A) the day on which the governor makes the appointment; or

135 (B) January 2, of the year of the applicable general session of the Legislature; and

136 (ii) leave office the earlier of:

137 (A) the day on which the term of office for which the individual appointed to fill the vacancy ends; or

139 (B) at the end of the day on which the canvass for the special election to fill the vacancy is completed.

141 Section 2. Section 2 is enacted to read:

142 **20A-1-503.1. Filling a midterm vacancy in office of state senator.**

125 (1) As used in this section:

126 (a) "Available special general election date" means:

127 (i) the date of the municipal general election held during the first year of the term of office for the applicable Senate district;

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## HB0443 compared with HB0443S01

- 131 (ii) the date of the regular primary election held during the second year of the term of office for the applicable Senate district;
- 133 (iii) the date of the regular general election held during the second year of the term of office for the applicable Senate district;
- 135 (iv) the date of the municipal primary election held during the third year of the term of office for the applicable Senate district;
- 137 (v) the date of the municipal general election held during the third year of the term of office for the applicable Senate district; or
- 139 (vi) the date of the regular primary general election held during the fourth year of the term of office for the applicable Senate district.
- 140 (b) "Available special primary election date" means:
- 142 (i) the date of the municipal primary election held during the first year of the term of office for the applicable Senate district;
- 144 (ii) the date of the municipal general election held during the first year of the term of office for the applicable Senate district;
- 146 (iii) the date of the regular primary election held during the second year of the term of office for the applicable Senate district;
- 148 (iv) the date of the regular general election held during the second year of the term of office for the applicable Senate district;
- 150 (v) the date of the municipal primary election held during the third year of the term of office for the applicable Senate district; or
- 152 (vi) the date of the municipal general election held during the third year of the term of office for the applicable Senate district.
- 153 (c) "Irrevocable letter of future resignation" means a letter that:
- 154 (i) a senator submits to the governor and the president of the Senate;
- 155 (ii) states that the senator intends to leave office on a specified future date; and
- 156 (iii) states that the resignation is irrevocable.
- 157 (d) "Senator" means a senator in the Utah Senate.
- (2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of senator, or if a senator submits an irrevocable letter of future resignation, the governor shall issue a proclamation calling a special election to fill the vacancy, as follows:

## HB0443 compared with HB0443S01

- 160 (a) (i) if the office is vacant, the governor shall issue the proclamation within seven days after the day on  
which the vacancy occurs; or
- 162 (ii) if a senator submits an irrevocable letter of future resignation, the governor shall issue the  
proclamation within seven days after the day on which the senator submits the letter;
- 165 (b) except as provided in Subsection (4), the proclamation shall set the dates of a special election to fill  
a vacancy in the office as follows:
- 167 (i) the special primary election will be held on the same date as the next available special primary  
election date; and
- 169 (ii) the special general election will be held on the same date as the next available special general  
election date following the date of the special primary election; and
- 171 (c) the proclamation shall:
- 172 (i) provide each registered political party that is not a qualified political party at least 21 calendar days,  
but no more than 28 calendar days, to select one candidate, in a manner determined by the registered  
political party, as a candidate for the registered political party;
- 176 (ii) for each qualified political party, provide at least 21 calendar days, but no more than 28 calendar  
days:
- 178 (A) for the qualified political party to select one candidate, using the convention process described in  
Section 20A-9-407, as a candidate for the qualified political party; and
- 181 (B) for a member of the qualified political party to submit signatures to qualify as a candidate for the  
qualified political party using the signature-gathering process described in Section 20A-9-408;
- 184 (iii) consistent with the requirements of this section, establish the deadlines, time frames, and  
procedures for filing a declaration of candidacy, giving notice of an election, and other election  
requirements; and
- 187 (iv) require an election officer to comply with the requirements of Chapter 16, Uniform Military and  
Overseas Voters Act.
- 189 (3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation calling a  
special election to fill the vacancy more than 90 days before an available special primary election  
date, the office will remain vacant until filled at the next regular general election held during the  
fourth year of the term of office for the applicable Senate district.

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## HB0443 compared with HB0443S01

(4) The proclamation may, subject to Subsection (5), set the dates of a special election to fill the vacancy on dates other than the dates required under Subsection (2)(b) if:

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(a)

(i) the day on which the governor issues the proclamation is more than 90 days before an available special primary election date; and

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(ii) the governor desires to schedule the special primary election or special general election on a date other than a date required under Subsection (2)(b); or

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(b)

(i) the day on which the governor issues the proclamation is 90 or fewer days before the latest available special primary election date; and

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(ii) the governor desires to hold an election to fill the vacancy before the next regular general election held during the fourth year of the term of office for the applicable Senate district.

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(5)

(a) If the proclamation sets the date of a special election to fill a vacancy on a date other than a date required under Subsection (2)(b), the governor shall:

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(i) on the same day on which the governor issues the proclamation, issue a call for a special session for the Legislature to appropriate money to hold the election on a different day; or

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(ii) if the governor issues the proclamation with sufficient time for the Legislature to, during a general session of the Legislature, consider appropriating money to hold the election on a different day, include in the proclamation a written request that the Legislature appropriate money for the special election.

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(b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the election on a different day:

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(i) the proclamation described in Subsection (2) is void; and

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(ii)

(A) if the governor is able to issue another proclamation more than 90 days before an available special primary election date, the governor shall issue the proclamation and set the election dates in accordance with Subsection (2)(b); or

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(B) if the governor is unable to issue another proclamation more than 90 days before an available special primary election date, the office will remain vacant until filled at the next regular general election held during the fourth year of the term of office for the applicable Senate district.

## HB0443 compared with HB0443S01

- 224 (6) An individual elected to fill a vacancy under this section shall take office to fill the vacancy:
- 226 (a) if the office is vacant on the day on which the canvass for the race is completed, the day after the  
day on which the canvass is completed; or
- 228 (b) if the office is not yet vacant on the day on which the canvass is completed, the day after the office  
becomes vacant.
- 230 (7) If, at any time beginning on the day on which the canvass for the regular general election held  
during the fourth year of the term of office for the applicable Senate district is completed, and  
ending on the second Tuesday in December, the office is or becomes vacant, the governor shall, on  
the next business day, appoint the individual elected to the office at that regular general election to  
fill the vacancy for the remainder of the term of office.
- 254 (8) If a vacancy in the office of senator occurs, or will exists, at any time during the general session of  
the Legislature:
- 256 (a) the governor shall immediately appoint, as a temporary replacement to fill the vacancy, the qualified  
individual whose name is submitted to the governor by the party liaison for the party of which the  
prior officeholder was a member when the prior officeholder was elected or appointed to the office;
- 260 (b) the individual appointed by the governor under Subsection (8)(a) shall:
- 261 (i) take office on the later of:
- 262 (A) the day on which the governor makes the appointment; or
- 263 (B) January 2, of the year of the applicable general session of the Legislature; and
- 264 (ii) leave office the earlier of:
- 265 (A) the day on which the term of office for which the individual appointed to fill the vacancy ends; or
- 267 (B) at the end of the day on which the canvass for the special election to fill the vacancy is completed.

269 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-19-26 3:05 PM