1   **Amendments to Procedure to Fill A Legislative Vacancy**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

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3   **LONG TITLE**

4   **General Description:**

5   This bill modifies provisions relating to filling a vacancy in the Legislature.

6   **Highlighted Provisions:**

7   This bill:

8   ‣ defines terms;

9   ‣ requires all vacancies in the Legislature to remain vacant until filled by a special election;

10   ‣ establishes a procedure for calling a special election to fill a vacancy in the Legislature;

11   ‣ describes the dates, which coincide with the dates of other elections, on which a special

12   primary election or a special general election may be held to fill a vacancy in the

13   Legislature; and

14   ‣ provides a method for calling a special primary election or a special general election to

15   fill a vacancy in the Legislature on a date other than a date that coincides with the dates

16   of other elections.

17   **Money Appropriated in this Bill:**

18   None

19   **Other Special Clauses:**

20   None

21   **Utah Code Sections Affected:**

22   ENACTS:

23   **20A-1-503.1**, Utah Code Annotated 1953

24   REPEALS AND REENACTS:

25   **20A-1-503**, as last amended by Laws of Utah 2025, Chapters 90, 448

26

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

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 Section **20A-1-503** is repealed and reenacted to read:

29   **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

33   office for a representative; or

34   (ii) the date of the regular primary election held during the second year of the term of

35   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

38   office for a representative; or

39   (ii) the date of the municipal general election held during the first year of the term of

40   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

43   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.

47 (2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of

48   representative, or if a representative submits an irrevocable letter of future resignation,

49   the governor shall issue a proclamation calling a special election to fill the vacancy, as

50   follows:

51   (a)(i) if the office is vacant, the governor shall issue the proclamation within seven

52   days after the day on which the vacancy occurs; or

53   (ii) if a representative submits an irrevocable letter of future resignation, the governor

54   shall issue the proclamation within seven days after the day on which the

55   representative submits the letter;

56   (b) except as provided in Subsection (4), the proclamation shall set the dates of a special

57   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

59   special primary election date; and

60   (ii) the special general election will be held on the same date as the next available

61   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

64   21 calendar days, but no more than 28 calendar days, to select one candidate, in a

65   manner determined by the registered political party, as a candidate for the

66   registered political party;

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

68   than 28 calendar days:

69   (A) for the qualified political party to select one candidate, using the convention

70   process described in Section 20A-9-407, as a candidate for the qualified

71   political party; and

72   (B) for a member of the qualified political party to submit signatures to qualify as

73   a candidate for the qualified political party using the signature-gathering

74   process described in Section 20A-9-408;

75   (iii) consistent with the requirements of this section, establish the deadlines, time

76   frames, and procedures for filing a declaration of candidacy, giving notice of an

77   election, and other election requirements; and

78   (iv) require an election officer to comply with the requirements of Chapter 16,

79   Uniform Military and Overseas Voters Act.

80 (3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation

81   calling a special election to fill the vacancy more than 90 days before an available

82   special primary election date, the office will remain vacant until filled at the next regular

83   general election.

84 (4) The proclamation may, subject to Subsection (5), set the dates of a special election to

85   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

87   before an available special primary election date; and

88   (ii) the governor desires to schedule the special primary election or special general

89   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

91   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

93   general election.

94 (5)(a) If the proclamation sets the date of a special election to fill a vacancy on a date

95   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

97   special session for the Legislature to appropriate money to hold the election on a

98   different day; or

99 (ii) if the governor issues the proclamation with sufficient time for the Legislature to,

100 during a general session of the Legislature, consider appropriating money to hold

101 the election on a different day, include in the proclamation a written request that

102 the Legislature appropriate money for the special election.

103 (b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the

104 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

107 before an available special primary election date, the governor shall issue the

108 proclamation and set the election dates in accordance with Subsection (2)(b); or

109 (B) if the governor is unable to issue another proclamation more than 90 days

110 before an available special primary election date, the office will remain vacant

111 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

113 vacancy:

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

115 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

117 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

119 election is completed, and ending on the second Tuesday in December, the office is or

120 becomes vacant, the governor shall, on the next business day, appoint the individual

121 elected to the office at the regular general election to fill the vacancy for the remainder

122 of the term of office.

123 Section 2. Section **20A-1-503.1** is enacted to read:

124 **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

128 office for the applicable Senate district;

129 (ii) the date of the regular primary election held during the second year of the term of

130 office for the applicable Senate district;

131 (iii) the date of the regular general election held during the second year of the term of

132 office for the applicable Senate district;

133   (iv) the date of the municipal primary election held during the third year of the term

134   of office for the applicable Senate district;

135   (v) the date of the municipal general election held during the third year of the term of

136   office for the applicable Senate district; or

137   (vi) the date of the regular primary general election held during the fourth year of the

138   term of office for the applicable Senate district.

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

140   (i) the date of the municipal primary election held during the first year of the term of

141   office for the applicable Senate district;

142   (ii) the date of the municipal general election held during the first year of the term of

143   office for the applicable Senate district;

144   (iii) the date of the regular primary election held during the second year of the term

145   of office for the applicable Senate district;

146   (iv) the date of the regular general election held during the second year of the term of

147   office for the applicable Senate district;

148   (v) the date of the municipal primary election held during the third year of the term of

149   office for the applicable Senate district; or

150   (vi) the date of the municipal general election held during the third year of the term

151   of office for the applicable Senate district.

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

153   (i) a senator submits to the governor and the president of the Senate;

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

155   (iii) states that the resignation is irrevocable.

156   (d) "Senator" means a senator in the Utah Senate.

157   (2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of senator,

158   or if a senator submits an irrevocable letter of future resignation, the governor shall issue

159   a proclamation calling a special election to fill the vacancy, as follows:

160   (a)(i) if the office is vacant, the governor shall issue the proclamation within seven

161   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

163   issue the proclamation within seven days after the day on which the senator

164   submits the letter;

165   (b) except as provided in Subsection (4), the proclamation shall set the dates of a special

166   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

168   special primary election date; and

169   (ii) the special general election will be held on the same date as the next available

170   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

173   21 calendar days, but no more than 28 calendar days, to select one candidate, in a

174   manner determined by the registered political party, as a candidate for the

175   registered political party;

176   (ii) for each qualified political party, provide at least 21 calendar days, but no more

177   than 28 calendar days:

178   (A) for the qualified political party to select one candidate, using the convention

179   process described in Section 20A-9-407, as a candidate for the qualified

180   political party; and

181   (B) for a member of the qualified political party to submit signatures to qualify as

182   a candidate for the qualified political party using the signature-gathering

183   process described in Section 20A-9-408;

184   (iii) consistent with the requirements of this section, establish the deadlines, time

185   frames, and procedures for filing a declaration of candidacy, giving notice of an

186   election, and other election requirements; and

187   (iv) require an election officer to comply with the requirements of Chapter 16,

188   Uniform Military and Overseas Voters Act.

189 (3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation

190   calling a special election to fill the vacancy more than 90 days before an available

191   special primary election date, the office will remain vacant until filled at the next regular

192   general election held during the fourth year of the term of office for the applicable

193   Senate district.

194 (4) The proclamation may, subject to Subsection (5), set the dates of a special election to

195   fill the vacancy on dates other than the dates required under Subsection (2)(b) if:

196   (a)(i) the day on which the governor issues the proclamation is more than 90 days

197   before an available special primary election date; and

198   (ii) the governor desires to schedule the special primary election or special general

199   election on a date other than a date required under Subsection (2)(b); or

200   (b)(i) the day on which the governor issues the proclamation is 90 or fewer days

201   before the latest available special primary election date; and

202   (ii) the governor desires to hold an election to fill the vacancy before the next regular

203   general election held during the fourth year of the term of office for the applicable

204   Senate district.

205   (5)(a) If the proclamation sets the date of a special election to fill a vacancy on a date

206   other than a date required under Subsection (2)(b), the governor shall:

207   (i) on the same day on which the governor issues the proclamation, issue a call for a

208   special session for the Legislature to appropriate money to hold the election on a

209   different day; or

210   (ii) if the governor issues the proclamation with sufficient time for the Legislature to,

211   during a general session of the Legislature, consider appropriating money to hold

212   the election on a different day, include in the proclamation a written request that

213   the Legislature appropriate money for the special election.

214   (b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the

215   election on a different day:

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

217   (ii)(A) if the governor is able to issue another proclamation more than 90 days

218   before an available special primary election date, the governor shall issue the

219   proclamation and set the election dates in accordance with Subsection (2)(b); or

220   (B) if the governor is unable to issue another proclamation more than 90 days

221   before an available special primary election date, the office will remain vacant

222   until filled at the next regular general election held during the fourth year of the

223   term of office for the applicable Senate district.

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

225   vacancy:

226   (a) if the office is vacant on the day on which the canvass for the race is completed, the

227   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

229   after the office becomes vacant.

230   (7) If, at any time beginning on the day on which the canvass for the regular general

231   election held during the fourth year of the term of office for the applicable Senate

232   district is completed, and ending on the second Tuesday in December, the office is or

233   becomes vacant, the governor shall, on the next business day, appoint the individual

234   elected to the office at that regular general election to fill the vacancy for the remainder

235   of the term of office.

236   Section 3. **Effective Date.**

237   This bill takes effect on May 6, 2026.