

Andrew Stoddard proposes the following substitute bill:

Amendments to Procedure to Fill A Legislative Vacancy

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- requires all vacancies in the Legislature to remain vacant until filled by a special election;
- establishes a procedure for calling a special election to fill a vacancy in the Legislature;
- describes the dates, which coincide with the dates of other elections, on which a special primary election or a special general election may be held to fill a vacancy in the Legislature;
- provides a method for calling a special primary election or a special general election to fill a vacancy in the Legislature on a date other than a date that coincides with the dates of other elections; and
- provides for a temporary appointment to fill a vacancy in the Legislature that occurs, or will exist, during a general session of the Legislature, until the vacancy is filled by a special election described in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-1-503.1, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

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

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 Section **20A-1-503** is repealed and reenacted to read:

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(iii) states that the resignation is irrevocable.

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

(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:

(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

(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;

(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:

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

- 63 (ii) the special general election will be held on the same date as the next available
64 special general election date following the date of the special primary election; and
- 65 (c) the proclamation shall:
- 66 (i) provide each registered political party that is not a qualified political party at least
67 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
68 manner determined by the registered political party, as a candidate for the
69 registered political party;
- 70 (ii) for each qualified political party, provide at least 21 calendar days, but no more
71 than 28 calendar days:
- 72 (A) for the qualified political party to select one candidate, using the convention
73 process described in Section 20A-9-407, as a candidate for the qualified
74 political party; and
- 75 (B) for a member of the qualified political party to submit signatures to qualify as
76 a candidate for the qualified political party using the signature-gathering
77 process described in Section 20A-9-408;
- 78 (iii) consistent with the requirements of this section, establish the deadlines, time
79 frames, and procedures for filing a declaration of candidacy, giving notice of an
80 election, and other election requirements; and
- 81 (iv) require an election officer to comply with the requirements of Chapter 16,
82 Uniform Military and Overseas Voters Act.
- 83 (3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation
84 calling a special election to fill the vacancy more than 90 days before an available
85 special primary election date, the office will remain vacant until filled at the next regular
86 general election.
- 87 (4) The proclamation may, subject to Subsection (5), set the dates of a special election to
88 fill the vacancy on dates other than the dates required under Subsection (2)(b) if:
- 89 (a)(i) the day on which the governor issues the proclamation is more than 90 days
90 before an available special primary election date; and
- 91 (ii) the governor desires to schedule the special primary election or special general
92 election on a date other than a date required under Subsection (2)(b); or
- 93 (b)(i) the day on which the governor issues the proclamation is 90 or fewer days
94 before the latest available special primary election date; and
- 95 (ii) the governor desires to hold an election to fill the vacancy before the next regular
96 general election.

- 97 (5)(a) If the proclamation sets the date of a special election to fill a vacancy on a date
98 other than a date required under Subsection (2)(b), the governor shall:
- 99 (i) on the same day on which the governor issues the proclamation, issue a call for a
100 special session for the Legislature to appropriate money to hold the election on a
101 different day; or
- 102 (ii) if the governor issues the proclamation with sufficient time for the Legislature to,
103 during a general session of the Legislature, consider appropriating money to hold
104 the election on a different day, include in the proclamation a written request that
105 the Legislature appropriate money for the special election.
- 106 (b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the
107 election on a different day:
- 108 (i) the proclamation described in Subsection (2) is void; and
- 109 (ii)(A) if the governor is able to issue another proclamation more than 90 days
110 before an available special primary election date, the governor shall issue the
111 proclamation and set the election dates in accordance with Subsection (2)(b); or
112 (B) if the governor is unable to issue another proclamation more than 90 days
113 before an available special primary election date, the office will remain vacant
114 until filled at the next regular general election.
- 115 (6) An individual elected to fill a vacancy under this section shall take office to fill the
116 vacancy:
- 117 (a) if the office is vacant on the day on which the canvass for the election is completed,
118 the day after the day on which the canvass is completed; or
- 119 (b) if the office is not yet vacant on the day on which the canvass for the election is
120 completed, the day after the office becomes vacant.
- 121 (7) If, at any time beginning on the day on which the canvass for the regular general
122 election is completed, and ending on the second Tuesday in December, the office is or
123 becomes vacant, the governor shall, on the next business day, appoint the individual
124 elected to the office at the regular general election to fill the vacancy for the remainder
125 of the term of office.
- 126 (8) If a vacancy in the office of representative occurs, or will exist, at any time during the
127 general session of the Legislature:
- 128 (a) the governor shall immediately appoint, as a temporary replacement to fill the
129 vacancy, the qualified individual whose name is submitted to the governor by the
130 party liaison for the party of which the prior officeholder was a member when the

- 131 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
 138 the vacancy ends; or
 139 (B) at the end of the day on which the canvass for the special election to fill the
 140 vacancy is completed.

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

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

143 (1) As used in this section:

- 144 (a) "Available special general election date" means:
 145 (i) the date of the municipal general election held during the first year of the term of
 146 office for the applicable Senate district;
 147 (ii) the date of the regular primary election held during the second year of the term of
 148 office for the applicable Senate district;
 149 (iii) the date of the regular general election held during the second year of the term of
 150 office for the applicable Senate district;
 151 (iv) the date of the municipal primary election held during the third year of the term
 152 of office for the applicable Senate district;
 153 (v) the date of the municipal general election held during the third year of the term of
 154 office for the applicable Senate district; or
 155 (vi) the date of the regular primary general election held during the fourth year of the
 156 term of office for the applicable Senate district.
 157 (b) "Available special primary election date" means:
 158 (i) the date of the municipal primary election held during the first year of the term of
 159 office for the applicable Senate district;
 160 (ii) the date of the municipal general election held during the first year of the term of
 161 office for the applicable Senate district;
 162 (iii) the date of the regular primary election held during the second year of the term
 163 of office for the applicable Senate district;
 164 (iv) the date of the regular general election held during the second year of the term of

- 165 office for the applicable Senate district;
166 (v) the date of the municipal primary election held during the third year of the term of
167 office for the applicable Senate district; or
168 (vi) the date of the municipal general election held during the third year of the term
169 of office for the applicable Senate district.
- 170 (c) "Irrevocable letter of future resignation" means a letter that:
171 (i) a senator submits to the governor and the president of the Senate;
172 (ii) states that the senator intends to leave office on a specified future date; and
173 (iii) states that the resignation is irrevocable.
- 174 (d) "Senator" means a senator in the Utah Senate.
- 175 (2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of senator,
176 or if a senator submits an irrevocable letter of future resignation, the governor shall issue
177 a proclamation calling a special election to fill the vacancy, as follows:
- 178 (a)(i) if the office is vacant, the governor shall issue the proclamation within seven
179 days after the day on which the vacancy occurs; or
180 (ii) if a senator submits an irrevocable letter of future resignation, the governor shall
181 issue the proclamation within seven days after the day on which the senator
182 submits the letter;
- 183 (b) except as provided in Subsection (4), the proclamation shall set the dates of a special
184 election to fill a vacancy in the office as follows:
185 (i) the special primary election will be held on the same date as the next available
186 special primary election date; and
187 (ii) the special general election will be held on the same date as the next available
188 special general election date following the date of the special primary election; and
- 189 (c) the proclamation shall:
190 (i) provide each registered political party that is not a qualified political party at least
191 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
192 manner determined by the registered political party, as a candidate for the
193 registered political party;
194 (ii) for each qualified political party, provide at least 21 calendar days, but no more
195 than 28 calendar days:
196 (A) for the qualified political party to select one candidate, using the convention
197 process described in Section 20A-9-407, as a candidate for the qualified
198 political party; and

- 199 (B) for a member of the qualified political party to submit signatures to qualify as
200 a candidate for the qualified political party using the signature-gathering
201 process described in Section 20A-9-408;
- 202 (iii) consistent with the requirements of this section, establish the deadlines, time
203 frames, and procedures for filing a declaration of candidacy, giving notice of an
204 election, and other election requirements; and
- 205 (iv) require an election officer to comply with the requirements of Chapter 16,
206 Uniform Military and Overseas Voters Act.
- 207 (3) Except as provided in Subsection (4), if the governor is unable to issue a proclamation
208 calling a special election to fill the vacancy more than 90 days before an available
209 special primary election date, the office will remain vacant until filled at the next regular
210 general election held during the fourth year of the term of office for the applicable
211 Senate district.
- 212 (4) The proclamation may, subject to Subsection (5), set the dates of a special election to
213 fill the vacancy on dates other than the dates required under Subsection (2)(b) if:
- 214 (a)(i) the day on which the governor issues the proclamation is more than 90 days
215 before an available special primary election date; and
- 216 (ii) the governor desires to schedule the special primary election or special general
217 election on a date other than a date required under Subsection (2)(b); or
- 218 (b)(i) the day on which the governor issues the proclamation is 90 or fewer days
219 before the latest available special primary election date; and
- 220 (ii) the governor desires to hold an election to fill the vacancy before the next regular
221 general election held during the fourth year of the term of office for the applicable
222 Senate district.
- 223 (5)(a) If the proclamation sets the date of a special election to fill a vacancy on a date
224 other than a date required under Subsection (2)(b), the governor shall:
- 225 (i) on the same day on which the governor issues the proclamation, issue a call for a
226 special session for the Legislature to appropriate money to hold the election on a
227 different day; or
- 228 (ii) if the governor issues the proclamation with sufficient time for the Legislature to,
229 during a general session of the Legislature, consider appropriating money to hold
230 the election on a different day, include in the proclamation a written request that
231 the Legislature appropriate money for the special election.
- 232 (b) If the Legislature does not, under Subsection (5)(a), appropriate money to hold the

- 233 election on a different day:
- 234 (i) the proclamation described in Subsection (2) is void; and
- 235 (ii)(A) if the governor is able to issue another proclamation more than 90 days
- 236 before an available special primary election date, the governor shall issue the
- 237 proclamation and set the election dates in accordance with Subsection (2)(b); or
- 238 (B) if the governor is unable to issue another proclamation more than 90 days
- 239 before an available special primary election date, the office will remain vacant
- 240 until filled at the next regular general election held during the fourth year of the
- 241 term of office for the applicable Senate district.
- 242 (6) An individual elected to fill a vacancy under this section shall take office to fill the
- 243 vacancy:
- 244 (a) if the office is vacant on the day on which the canvass for the race is completed, the
- 245 day after the day on which the canvass is completed; or
- 246 (b) if the office is not yet vacant on the day on which the canvass is completed, the day
- 247 after the office becomes vacant.
- 248 (7) If, at any time beginning on the day on which the canvass for the regular general
- 249 election held during the fourth year of the term of office for the applicable Senate
- 250 district is completed, and ending on the second Tuesday in December, the office is or
- 251 becomes vacant, the governor shall, on the next business day, appoint the individual
- 252 elected to the office at that regular general election to fill the vacancy for the remainder
- 253 of the term of office.
- 254 (8) If a vacancy in the office of senator occurs, or will exist, at any time during the general
- 255 session of the Legislature:
- 256 (a) the governor shall immediately appoint, as a temporary replacement to fill the
- 257 vacancy, the qualified individual whose name is submitted to the governor by the
- 258 party liaison for the party of which the prior officeholder was a member when the
- 259 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
- 266 the vacancy ends; or

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

269 **Section 3. Effective Date.**

270 This bill takes effect on May 6, 2026.