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ELECTORAL COLLEGE AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

This act modifies the election code to require political parties to fill vacancies in the office of presidential elector. The act also eliminates a requirement to invite each presidential elector to appear at the state capitol the day before the electors cast their votes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-8-401, as last amended by Chapter 49, Laws of Utah 1999

20A-13-301, as enacted by Chapter 1, Laws of Utah 1995

20A-13-302, as enacted by Chapter 1, Laws of Utah 1995

20A-13-303, as enacted by Chapter 1, Laws of Utah 1995

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

Section 1. Section **20A-8-401** is amended to read:

20A-8-401. Registered political parties -- Bylaws.

(1) (a) Each registered state political party shall file a copy of its constitution and bylaws with the lieutenant governor by January 1, 1995.

(b) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of its proposed constitution and bylaws at the time it files its registration information.

(c) Each registered state political party shall file revised copies of its constitution or bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted or amended.

(2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that its constitution or bylaws contain:

(a) provisions establishing party organization, structure, membership, and governance that

28 include:

29 (i) a description of the position, selection process, qualifications, duties, and terms of each
30 party officer and committees defined by constitution and bylaws;

31 (ii) a provision requiring a designated party officer to serve as liaison with the lieutenant
32 governor on all matters relating to the political party's relationship with the state;

33 (iii) a description of the requirements for participation in party processes;

34 (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions,
35 or other conclaves; and

36 (v) a mechanism for making the names of delegates, candidates, and elected party officers
37 available to the public shortly after they are selected;

38 (b) a procedure for selecting party officers that allows active participation by party
39 members;

40 (c) a procedure for selecting party candidates at the federal, state, and county levels that
41 allows active participation by party members;

42 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the electoral
43 college for the party's candidates for president and vice president of the United States; and

44 (ii) a procedure for filling vacancies in the office of presidential elector because of death,
45 refusal to act, failure to attend, ineligibility, or any other cause;

46 (e) a provision requiring the governor and lieutenant governor to run as a joint ticket;

47 (f) a procedure for replacing party candidates who die, become disabled, or are disqualified
48 before a primary or regular general election;

49 (g) provisions governing the deposit and expenditure of party funds, and governing the
50 accounting for, reporting, and audit of party financial transactions;

51 (h) provisions governing access to party records;

52 (i) a procedure for amending the constitution or bylaws that allows active participation by
53 party members or their representatives; and

54 (j) a process for resolving grievances against the political party.

55 Section 2. Section **20A-13-301** is amended to read:

56 **20A-13-301. Presidential elections -- Effect of vote.**

57 (1) (a) Each registered political party shall choose persons to act as presidential electors
58 and to fill vacancies in the office of presidential electors for their party's candidates for President

59 and Vice President according to the procedures established in their bylaws.

60 (b) The person designated as liaison with the lieutenant governor's office shall transmit to
61 the lieutenant governor the names and addresses of the persons selected by the political party as
62 the party's presidential electors.

63 (2) The highest number of votes cast for a political party's president and vice president
64 candidates elects the presidential electors selected by that political party.

65 Section 3. Section **20A-13-302** is amended to read:

66 **20A-13-302. Certificate of election -- Notice of meeting.**

67 (1) The lieutenant governor shall~~[(a)]~~ transmit certificates of election to each of the
68 electors selected by the political party whose candidates for president and vice president received
69 the highest number of votes in Utah~~[, and]~~.

70 ~~[(b) invite each elector to appear at the office of the lieutenant governor at the state capitol
71 at noon on the day before the day upon which the electors are required by law to meet and vote for
72 president and vice president of the United States.]~~

73 (2) Presidential electors may not receive compensation for their services.

74 Section 4. Section **20A-13-303** is amended to read:

75 **20A-13-303. Filling vacancies.**

76 ~~[(1)(a)]~~ If there is a vacancy in the office of presidential elector because of death, refusal
77 to act, failure to attend, ineligibility, or any other cause, the ~~[qualified electors present shall fill the
78 vacancy by ballot and plurality of votes]~~ political party represented by the elector who caused the
79 vacancy shall immediately fill the vacancy.

80 ~~[(b) The electors shall immediately issue a certificate of election, signed by those present,
81 or a majority of them, to the person chosen.]~~

82 ~~[(2) If the electors fail to elect a new elector by noon of the day upon which they are
83 required by law to meet and vote for president and vice president of the United States of America,
84 the governor shall appoint a person to fill the vacancy from the political party represented by the
85 elector who caused the vacancy.]~~

Legislative Review Note

as of 1-12-01 10:39 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel