

**Senator James M. Evans** proposes the following substitute bill:

**FILLING MIDTERM VACANCIES IN THE  
LEGISLATURE**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ralph Becker**

**This act modifies provisions of the Election Code concerning filling midterm vacancies in the Legislature.**

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

AMENDS:

**20A-1-503**, as last amended by Chapter 377, Laws of Utah 1998

**20A-8-401**, as last amended by Chapter 78, Laws of Utah 2001

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

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

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

(1) As used in this section, [~~"central committee" means: (a) the state central committee, when the legislative district encompasses more than one county; and (b) the county central committee, when the legislative district is entirely within one county]~~ "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]~~ speaker of the House of Representatives shall fill the vacancy by:

(a) appointing the person who meets the qualifications for the office whose name was [submitted by the central committee of the same political party of the prior officeholder] selected by the same political party as the prior office holder according to the procedure



26 established in its bylaws and submitted by the party liaison of that political party, if the process  
27 used to nominate the replacement was the standard process used by that political party to select  
28 a candidate without a primary election;

29 (b) appointing a person who meets the qualifications for the office from two persons  
30 whose names were [~~submitted by the central committee of the same political party of the prior~~  
31 ~~officeholder~~] selected by the same political party as the prior office holder according to the  
32 procedure established in its bylaws and submitted by the party liaison of that political party, if  
33 the process used to nominate those persons was the standard process used by that political party  
34 to select candidates for the primary election ballot; or

35 (c) appointing a person who meets the qualifications for the office from three persons  
36 [~~nominated by the central committee of the same political party as the prior officeholder~~]  
37 whose names were selected by the same political party as the prior office holder according to  
38 the procedure established in its bylaws and submitted by the party liaison of that political party.

39 (3) (a) When a vacancy occurs for any reason in the office of senator in the Legislature,  
40 it shall be filled for the unexpired term at the next regular general election.

41 (b) The [~~governor~~] president of the Senate shall fill the vacancy until the next regular  
42 general election by:

43 (i) appointing the person who meets the qualifications for the office whose name was  
44 [~~submitted by the central committee of the same political party of the prior officeholder~~]  
45 selected by the same political party as the prior office holder according to the procedure  
46 established in its bylaws and submitted by the party liaison of that political party, if the process  
47 used to select that person was the standard process used by that political party to nominate the  
48 replacement without a primary election;

49 (ii) appointing a person who meets the qualifications for the office from two persons  
50 whose names [~~were submitted by the central committee of the same political party of the prior~~  
51 ~~officeholder~~] selected by the same political party as the prior office holder according to the  
52 procedure established in its bylaws and submitted by the party liaison of that political party, if  
53 the process used to nominate those persons was the standard process used by that political party  
54 to select candidates for the primary election ballot; or

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

57 whose names were selected by the same political party as the prior office holder according to  
58 the procedure established in its bylaws and submitted by the party liaison of that political party.

59 Section 2. Section **20A-8-401** is amended to read:

60 **20A-8-401. Registered political parties -- Bylaws.**

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

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

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

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

72 (a) provisions establishing party organization, structure, membership, and governance  
73 that include:

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

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

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

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

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

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

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

87 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the

88 electoral college for the party's candidates for president and vice president of the United States;  
89 and

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

92 (e) a procedure for submitting names to the:

93 (i) speaker of the House of Representatives to fill midterm vacancies in the office of  
94 representative in the Legislature consistent with Subsection 20A-1-503(2)(c); and

95 (ii) president of the Senate to fill midterm vacancies in the office of senator in the  
96 Legislature consistent with Subsection 20A-1-503(3)(b)(iii);

97 [~~e~~] (f) a provision requiring the governor and lieutenant governor to run as a joint  
98 ticket;

99 [~~f~~] (g) a procedure for replacing party candidates who die, become disabled, or are  
100 disqualified before a primary or regular general election;

101 [~~g~~] (h) provisions governing the deposit and expenditure of party funds, and  
102 governing the accounting for, reporting, and audit of party financial transactions;

103 [~~h~~] (i) provisions governing access to party records;

104 [~~i~~] (j) a procedure for amending the constitution or bylaws that allows active  
105 participation by party members or their representatives; and

106 [~~j~~] (k) a process for resolving grievances against the political party.