

**FILLING MIDTERM VACANCIES IN THE  
LEGISLATURE**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Craig A. Frank**

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Election Code that govern the process for filling midterm vacancies in the Legislature.

**Highlighted Provisions:**

This bill:

- ▶ makes technical corrections to the process for filling vacancies by replacing the term "central committee" with the term "party liaison";
- ▶ requires each registered political party to establish procedures in its bylaws to submit names to the governor to fill a legislative vacancy; and
- ▶ makes other technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

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

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



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

29 **20A-1-503. Midterm vacancies in the Legislature.**

30 (1) As used in this section, [~~"central committee" means: (a) the state central~~  
31 ~~committee, when the legislative district encompasses more than one county; and (b) the county~~  
32 ~~central committee, when the legislative district is entirely within one county]~~ "party liaison"  
33 means the political party officer designated to serve as a liaison with the lieutenant governor on  
34 all matters relating to the political party's relationship with the state as required by Section  
35 20A-8-401.

36 (2) When a vacancy occurs for any reason in the office of representative in the  
37 Legislature, the governor shall fill the vacancy by:

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

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

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

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

56 (b) The governor shall fill the vacancy until the next regular general election by:

57 (i) appointing the person who meets the qualifications for the office whose name was  
58 [~~submitted by the central committee of the same political party of the prior officeholder]~~

59 selected by the same political party as the prior office holder according to the procedure  
60 established in its bylaws and submitted by the party liaison of that political party, if the process  
61 used to select that person was the standard process used by that political party to nominate the  
62 replacement without a primary election;

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

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

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

74 **20A-8-401. Registered political parties -- Bylaws.**

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

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

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

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

86 (a) provisions establishing party organization, structure, membership, and governance  
87 that include:

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

- 90 (ii) a provision requiring a designated party officer to serve as liaison with the
- 91 lieutenant governor on all matters relating to the political party's relationship with the state;
- 92 (iii) a description of the requirements for participation in party processes;
- 93 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
- 94 conventions, or other conclaves; and
- 95 (v) a mechanism for making the names of delegates, candidates, and elected party
- 96 officers available to the public shortly after they are selected;
- 97 (b) a procedure for selecting party officers that allows active participation by party
- 98 members;
- 99 (c) a procedure for selecting party candidates at the federal, state, and county levels that
- 100 allows active participation by party members;
- 101 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the
- 102 electoral college for the party's candidates for president and vice president of the United States;
- 103 and
- 104 (ii) a procedure for filling vacancies in the office of presidential elector because of
- 105 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 106 (e) a procedure for submitting names to the governor to:
- 107 (i) fill midterm vacancies in the office of representative in the Legislature consistent
- 108 with Subsection 20A-1-503(2)(c); and
- 109 (ii) fill midterm vacancies in the office of senator in the Legislature consistent with
- 110 Subsection 20A-1-503(3)(b)(iii);
- 111 [~~e~~] (f) a provision requiring the governor and lieutenant governor to run as a joint
- 112 ticket;
- 113 [~~f~~] (g) a procedure for replacing party candidates who die, become disabled, or are
- 114 disqualified before a primary or regular general election;
- 115 [~~g~~] (h) provisions governing the deposit and expenditure of party funds, and
- 116 governing the accounting for, reporting, and audit of party financial transactions;
- 117 [~~h~~] (i) provisions governing access to party records;
- 118 [~~i~~] (j) a procedure for amending the constitution or bylaws that allows active
- 119 participation by party members or their representatives; and
- 120 [~~j~~] (k) a process for resolving grievances against the political party.

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**Legislative Review Note**

as of 6-2-03 2:42 PM

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

**Office of Legislative Research and General Counsel**