

**Senator Howard A. Stephenson** proposes the following substitute bill:

**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:

- ▶ requires each registered political party to establish procedures in its bylaws to submit a single name 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:*



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

27 **20A-1-503. Midterm vacancies in the Legislature.**

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

34 (2) When a vacancy occurs for any reason in the office of representative in the  
35 Legislature, the governor shall fill the vacancy by[~~:~~] immediately appointing the person whose  
36 name was submitted by the party liaison of the same political party as the prior representative.

37 [~~(a) appointing the person who meets the qualifications for the office whose name was~~  
38 ~~submitted by the central committee of the same political party of the prior officeholder if the~~  
39 ~~process used to nominate the replacement was the standard process used by that political party~~  
40 ~~to select a candidate without a primary election;]~~

41 [~~(b) appointing a person who meets the qualifications for the office from two persons~~  
42 ~~whose names were submitted by the central committee of the same political party of the prior~~  
43 ~~officeholder if the process used to nominate those persons was the standard process used by~~  
44 ~~that political party to select candidates for the primary election ballot; or]~~

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

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

49 (b) The governor shall fill the vacancy until the next regular general election by[~~:~~]  
50 immediately appointing the person whose name was submitted by the party liaison of the same  
51 political party as the prior senator.

52 [~~(i) appointing the person who meets the qualifications for the office whose name was~~  
53 ~~submitted by the central committee of the same political party of the prior officeholder if the~~  
54 ~~process used to select that person was the standard process used by that political party to~~  
55 ~~nominate the replacement without a primary election;]~~

56 [~~(ii) appointing a person who meets the qualifications for the office from two persons~~

57 ~~whose names were submitted by the central committee of the same political party of the prior~~  
58 ~~officeholder if the process used to nominate those persons was the standard process used by~~  
59 ~~that political party to select candidates for the primary election ballot; or]~~

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

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

63 **20A-8-401. Registered political parties -- Bylaws.**

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

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

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

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

75 (a) provisions establishing party organization, structure, membership, and governance  
76 that include:

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

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

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

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

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

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

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

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

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

95 (e) a procedure for selecting a person to fill any vacancy in the office of representative  
96 or senator in the Legislature;

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.