

**PROCESS FOR FILLING MIDTERM
VACANCIES IN THE LEGISLATURE**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▸ directs that midterm vacancies in the Legislature be filled by the speaker of the House, for House vacancies, or the president of the Senate, for Senate vacancies, rather than the governor.

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

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:



28 (a) the state central committee, when the legislative district encompasses more than
29 one county; and

30 (b) the county central committee, when the legislative district is entirely within one
31 county.

32 (2) When a vacancy occurs for any reason in the office of representative in the
33 Legislature, the ~~governor~~ speaker of the House of Representatives shall fill the vacancy by:

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

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

42 (c) appointing a person who meets the qualifications for the office from three persons
43 nominated by the central committee of the same political party as the prior officeholder.

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

46 (b) The ~~governor~~ president of the Senate shall fill the vacancy until the next regular
47 general election by:

48 (i) appointing the person who meets the qualifications for the office whose name was
49 submitted by the central committee of the same political party of the prior officeholder if the
50 process used to select that person was the standard process used by that political party to
51 nominate the replacement without a primary election;

52 (ii) appointing a person who meets the qualifications for the office from two persons
53 whose names were submitted by the central committee of the same political party of the prior
54 officeholder if the process used to nominate those persons was the standard process used by
55 that political party to select candidates for the primary election ballot; or

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

Legislative Review Note

as of 5-30-03 7:24 AM

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

Office of Legislative Research and General Counsel