

**CANDIDATE REPLACEMENT DEADLINE FOR
GENERAL ELECTION**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Glenn A. Donnelson

LONG TITLE

General Description:

This bill modifies the Election Code by requiring amending the deadline for candidate names for the ballot.

Highlighted Provisions:

This bill:

- ▶ provides that a candidate may not be replaced unless the candidate:
 - represents a registered political party;
 - dies, resigns due to physical or mental disability, is disqualified for improper filing or nominating procedures, or resigns to run for President or Vice President of the United States; and
 - dies, resigns, or is disqualified at least 15 days before the general election;
- ▶ provides procedures for parties to nominate a replacement candidate;
- ▶ provides procedures for replacement of candidates for President and Vice President of the United States;
- ▶ provides that the county clerk is only required to reflect the change in candidacy on the ballot under certain circumstances;
- ▶ requires county clerks to provide practicable notice of a candidate replacement if the ballot is not changed;
- ▶ requires replacement candidates to pay a filing fee; and



28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides an immediate effective date.

33 **Utah Code Sections Affected:**

34 **REPEALS AND REENACTS:**

35 **20A-1-501**, as last amended by Laws of Utah 2006, Chapter 264



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

38 Section 1. Section **20A-1-501** is repealed and reenacted to read:

39 **20A-1-501. Candidate vacancies -- Procedure for filling.**

40 (1) (a) A candidate may not be replaced except as provided under this section.

41 (b) A candidate may be replaced if:

42 (i) the party that the candidate represents is a registered political party; and

43 (ii) the candidate, no later than the date that is 15 days before the date of the regular

44 general election:

45 (A) dies;

46 (B) resigns because of becoming physically or mentally disabled as certified by a

47 physician;

48 (C) is disqualified by an election officer for improper filing or nominating procedures;

49 or

50 (D) resigns to become a candidate for President or Vice President of the United States.

51 (2) If a candidate is permitted to be replaced under the requirements of Subsection (1):

52 (a) the state central committee of the candidate's political party may certify the name of

53 a replacement candidate to the lieutenant governor for candidates for:

54 (i) President of the United States; and

55 (ii) Vice President of the United States;

56 (b) the state central committee of the candidate's political party may certify the name of

57 a replacement candidate to the appropriate election officer for candidates for:

58 (i) United States senator;

59 (ii) United States representative;

60 (iii) governor;

61 (iv) lieutenant governor;

62 (v) attorney general;

63 (vi) state treasurer;

64 (vii) state auditor; and

65 (viii) legislative candidates whose legislative districts encompass more than one
66 county; and

67 (c) the county central committee of the candidate's political party may certify the name
68 of a replacement candidate to the appropriate election officer of candidates for all other party
69 candidates.

70 (3) (a) The county clerk shall modify the ballot to reflect a replacement candidate
71 certified under Subsection (2) if the certification occurs during the period:

72 (i) for the regular primary election, beginning after the close of period for filing a
73 declaration of candidacy and ending on the date required for certification of candidates as
74 provided under Subsection 20A-9-403(2)(c); or

75 (ii) for a regular general election, beginning after the date of the canvass for the regular
76 primary election and ending on the date required for certification of candidates provided under
77 Section 20A-5-409.

78 (b) If a replacement candidate is certified under Subsection (2) on a date that is not
79 within a period described in Subsection (3)(a), the county clerk shall:

80 (i) not modify the ballot to reflect the replacement candidate; and

81 (ii) inform the voters, by a practicable method, that the original candidate has been
82 replaced by the candidate's political party.

83 (4) Each replacement candidate shall file a declaration of candidacy and pay the filing
84 fee as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of
85 Candidacy.

86 **Section 2. Effective date.**

87 If approved by two-thirds of all the members elected to each house, this bill takes effect
88 upon approval by the governor, or the day following the constitutional time limit of Utah
89 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

90 the date of veto override.

Legislative Review Note
as of **1-22-08 2:13 PM**

Office of Legislative Research and General Counsel

S.B. 160 - Candidate Replacement Deadline for General Election

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
