

CANDIDATE VACANCY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: R. Curt Webb

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill amends Title 20A, Election Code, to address candidate vacancy.

Highlighted Provisions:

This bill:

▶ authorizes a political party to replace a candidate who resigns because of a disability that prevents the candidate from continuing the candidacy; and

▶ amends a requirement that the political party have a bylaw that establishes a procedure for replacing a candidate.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-501, as last amended by Laws of Utah 2011, Chapter 366

20A-8-401, as last amended by Laws of Utah 2011, Chapters 35 and 366



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

29 Section 1. Section **20A-1-501** is amended to read:

30 **20A-1-501. Candidate vacancies -- Procedure for filling.**

31 (1) The state central committee of a political party, for candidates for United States
32 senator, United States representative, governor, lieutenant governor, attorney general, state
33 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
34 more than one county, and the county central committee of a political party, for all other party
35 candidates seeking an office elected at a regular general election, may certify the name of
36 another candidate to the appropriate election officer if:

37 (a) after the close of the period for filing declarations of candidacy and continuing
38 through the date 15 days before the date of the primary election:

39 (i) only one or two candidates from that party have filed a declaration of candidacy for
40 that office; and

41 (ii) one or both:

42 (A) dies;

43 (B) resigns because of acquiring a physical or mental disability [~~as~~], certified by a
44 physician, that prevents the candidate from continuing the candidacy; or

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

46 or

47 (b) after the close of the primary election and continuing through the date of the voter
48 registration deadline for the general election as established in Section 20A-2-102.5, the party's
49 candidate:

50 (i) dies;

51 (ii) resigns because of acquiring a physical or mental disability as certified by a
52 physician;

53 (iii) is disqualified by an election officer for improper filing or nominating procedures;

54 or

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

56 (2) If no more than two candidates from a political party have filed a declaration of
57 candidacy for an office elected at a regular general election and one resigns to become the party
58 candidate for another position, the state central committee of that political party, for candidates

59 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
60 legislative candidates whose legislative districts encompass more than one county, and the
61 county central committee of that political party, for all other party candidates, may certify the
62 name of another candidate to the appropriate election officer.

63 (3) Each replacement candidate shall file a declaration of candidacy as required by
64 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

65 (4) A replacement candidate may not be certified for an election during the period
66 beginning on the day after the date of the voter registration deadline and continuing through the
67 date of the election.

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

69 **20A-8-401. Registered political parties -- Bylaws.**

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

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

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

78 (2) Each state political party, each new political party seeking registration, and each
79 unregistered political party seeking registration shall ensure that its constitution or bylaws
80 contain:

81 (a) provisions establishing party organization, structure, membership, and governance
82 that include:

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

85 (ii) a provision requiring a designated party officer to serve as liaison with:

86 (A) the lieutenant governor on all matters relating to the political party's relationship
87 with the state; and

88 (B) each county legislative body on matters relating to the political party's relationship
89 with a county;

- 90 (iii) a description of the requirements for participation in party processes;
- 91 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
- 92 conventions, or other conclaves; and
- 93 (v) a mechanism for making the names of delegates, candidates, and elected party
- 94 officers available to the public shortly after they are selected;
- 95 (b) a procedure for selecting party officers that allows active participation by party
- 96 members;
- 97 (c) a procedure for selecting party candidates at the federal, state, and county levels that
- 98 allows active participation by party members;
- 99 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the
- 100 electoral college for the party's candidates for president and vice president of the United States;
- 101 and
- 102 (ii) a procedure for filling vacancies in the office of presidential elector because of
- 103 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 104 (e) a procedure for filling vacancies in the office of representative or senator or a
- 105 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
- 106 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 107 (g) a procedure for replacing party candidates who die, acquire a disability that
- 108 prevents the candidate from continuing the candidacy, or are disqualified before a primary or
- 109 regular general election;
- 110 (h) provisions governing the deposit and expenditure of party funds, and governing the
- 111 accounting for, reporting, and audit of party financial transactions;
- 112 (i) provisions governing access to party records;
- 113 (j) a procedure for amending the constitution or bylaws that allows active participation
- 114 by party members or their representatives;
- 115 (k) a process for resolving grievances against the political party; and
- 116 (l) if desired by the political party, a process for consulting with, and obtaining the
- 117 opinion of, the political party's Utah Senate and Utah House members about:
 - 118 (i) the performance of the two United States Senators from Utah, including
 - 119 specifically:
 - 120 (A) their views and actions regarding the defense of state's rights and federalism; and

121 (B) their performance in representing Utah's interests;
122 (ii) the members' opinion about, or rating of, and support or opposition to the policy
123 positions of any candidates for United States Senate from Utah, including incumbents,
124 including specifically:
125 (A) their views and actions regarding the defense of state's rights and federalism; and
126 (B) their performance in representing Utah's interests; and
127 (iii) the members' collective or individual endorsement or rating of a particular
128 candidate for United States Senate from Utah.

Legislative Review Note
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Office of Legislative Research and General Counsel