

ELECTOR AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the duties of presidential electors.

Highlighted Provisions:

This bill:

▸ requires a presidential elector to cast an electoral ballot for the candidate for president and vice president of the United States who wins the majority vote in the state;

▸ provides criminal penalties for a presidential elector who fails to cast an electoral ballot for the candidate for president and vice president of the United States who wins the majority vote in the state; and

▸ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-8-401, as last amended by Laws of Utah 2012, Chapter 73

20A-13-301, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

20A-13-304, as enacted by Laws of Utah 1995, Chapter 1



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

Section 1. Section **20A-8-401** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the
62 electoral college [~~for the party's candidates~~] for a candidate for president and vice president of
63 the United States in accordance with Section 20A-13-304; and

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

66 (e) a procedure for filling vacancies in the office of representative or senator or a
67 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;

68 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

69 (g) a procedure for replacing party candidates who die, acquire a disability that
70 prevents the candidate from continuing the candidacy, or are disqualified before a primary or
71 regular general election;

72 (h) provisions governing the deposit and expenditure of party funds, and governing the
73 accounting for, reporting, and audit of party financial transactions;

74 (i) provisions governing access to party records;

75 (j) a procedure for amending the constitution or bylaws that allows active participation
76 by party members or their representatives;

77 (k) a process for resolving grievances against the political party; and

78 (l) if desired by the political party, a process for consulting with, and obtaining the
79 opinion of, the political party's Utah Senate and Utah House members about:

80 (i) the performance of the two United States Senators from Utah, including
81 specifically:

82 (A) their views and actions regarding the defense of state's rights and federalism; and

83 (B) their performance in representing Utah's interests;

84 (ii) the members' opinion about, or rating of, and support or opposition to the policy
85 positions of any candidates for United States Senate from Utah, including incumbents,
86 including specifically:

87 (A) their views and actions regarding the defense of state's rights and federalism; and

88 (B) their performance in representing Utah's interests; and

89 (iii) the members' collective or individual endorsement or rating of a particular

90 candidate for United States Senate from Utah.

91 Section 2. Section **20A-13-301** is amended to read:

92 **20A-13-301. Presidential elections -- Effect of vote.**

93 (1) (a) Each registered political party shall choose persons to act as presidential electors
94 and to fill vacancies in the office of presidential electors for [~~their party's candidates for~~
95 ~~President and Vice President~~] president and vice president of the United States according to the
96 procedures established in their bylaws.

97 (b) Each registered political party shall certify to the lieutenant governor the names and
98 addresses of the persons selected by the political party as the party's presidential electors by
99 August 31.

100 (2) The highest number of votes cast for a political party's president and vice president
101 candidates elects the presidential electors selected by that political party.

102 Section 3. Section **20A-13-304** is amended to read:

103 **20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by**
104 **elector's party.**

105 (1) The electors shall meet at the office of the lieutenant governor at the state capitol at
106 noon of the first Wednesday of the January after their election, or at noon of any other day
107 designated by the Congress of the United States of America.

108 (2) After convening, the electors shall perform their duties in conformity with the
109 United States Constitution and laws.

110 (3) Any elector who casts an electoral ballot for a person [~~not nominated by the party~~
111 ~~of which he is an elector~~] other than a candidate for president or vice president of the United
112 States who wins the majority vote of the state, except in the cases of death or felony conviction
113 of a candidate, is:

114 (a) considered to have resigned from the office of elector, [~~his~~] the elector's vote may
115 not be recorded, and the remaining electors shall appoint another person to fill the vacancy[:];
116 and

117 (b) guilty of a ~~H→~~ [~~third-degree felony~~] class A misdemeanor ~~←H~~ .

Legislative Review Note
as of 2-22-13 6:59 AM

Office of Legislative Research and General Counsel