

1 **SPECIAL ELECTION TO FILL UNITED STATES HOUSE**
2 **OF REPRESENTATIVES VACANCY**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Election Code in relation to a special election to fill a vacancy in
11 the office of United States representative.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ describes requirements and procedures relating to a special election to fill a vacancy
15 in the office of United States representative;

16 ▶ establishes different requirements and procedures for a special election described in
17 this bill based on the nearness of the date of vacancy to the regular primary or
18 regular general election;

19 ▶ grants authority to the governor to establish the deadlines, time frames, and
20 procedures relating to a special election described in this bill; and

21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 20A-1-502, as enacted by Laws of Utah 1993, Chapter 1

29 ENACTS:

30 20A-1-502.5, Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 20A-1-502 is amended to read:

34 **20A-1-502. Midterm vacancy in office of United States senator.**

35 ~~[(1) When a vacancy occurs for any reason in the office of a representative in~~
36 ~~Congress, the governor shall issue a proclamation calling an election to fill the vacancy.]~~

37 ~~[(2)(a)]~~ (1) When a vacancy occurs in the office of [U.S.] United States senator, [it]
38 the vacancy shall be filled for the unexpired term at the next regular general election.

39 ~~[(b)]~~ (2) The governor shall appoint [a person] an individual to serve as [U.S.] United
40 States senator until the vacancy is filled by election from one of three [persons] individuals
41 nominated by the state central committee of the same political party as the prior officeholder.

42 Section 2. Section 20A-1-502.5 is enacted to read:

43 **20A-1-502.5. Midterm vacancy in office of United States representative.**

44 (1) (a) Except as provided in Subsection (2), when a vacancy occurs in the office of
45 United States representative, the governor shall, within seven days after the day on which the
46 vacancy occurs:

47 (i) issue a proclamation calling a special election to fill the vacancy; and

48 (ii) post the proclamation on the lieutenant governor's website.

49 (b) An individual who fills a vacancy under this section shall serve until the end of the
50 term for which the vacancy exists.

51 (2) If the vacancy occurs on or after the date of the regular general election, and before
52 January 1 of the year after the general election:

53 (a) the governor may not call a special election to fill the vacancy; and

54 (b) the office shall remain vacant for the remainder of the term.

55 (3) If the vacancy occurs 127 or fewer days before the day of the next regular general
56 election:

57 (a) the governor shall, in the proclamation described in Subsection (1)(a), set the date
58 of the election on the same date as the regular general election; and

59 (b) the same individual who wins the election for the term beginning on January 1 shall
60 fill the vacancy or, if the individual refuses to fill the vacancy, the office shall remain vacant
61 for the remainder of the term.

62 (4) If the vacancy occurs after the day of the regular primary election and more than
63 127 days before the next regular general election:

64 (a) the governor shall, in the proclamation described in Subsection (1)(a), set two
65 alternate special election dates to fill the vacancy, as follows:

66 (i) one date no sooner than 70 days after the date of the vacancy and no later than the
67 date of the regular general election; and

68 (ii) one date on the date of the regular general election; and

69 (b) (i) if, within three days after the day on which the governor issues the proclamation
70 described in Subsection (1)(a), all of the candidates who qualify for placement on the general
71 election ballot for the office of United States representative file a declaration of candidacy to
72 fill the vacancy:

73 (A) the special election to fill the vacancy shall be held on the date described in
74 Subsection (4)(a)(i);

75 (B) each candidate who qualifies for placement on the general election ballot for the
76 office of United States representative shall appear as a candidate on the special election ballot;
77 and

78 (C) the candidate who wins the special election shall fill the vacancy; or

79 (ii) if, within three days after the day on which the governor issues the proclamation
80 described in Subsection (1)(a), at least one of the candidates who qualifies for placement on the
81 general election ballot for the office of United States representative fails to file a declaration of
82 candidacy to run to fill the vacancy:

83 (A) the special election to fill the vacancy shall be held on the date described in
84 Subsection (4)(a)(ii); and

85 (B) the election shall be conducted in accordance with Subsection (5).

86 (5) If the vacancy occurs on or before the date of the regular primary election, and after
87 the beginning of a term for the office of United States representative, the governor shall, in the
88 proclamation described in Subsection (1)(a):

89 (a) set a special election date to fill the vacancy no sooner than 127 days after the date

90 of the vacancy and no later than 150 days after the date of the vacancy;

91 (b) permit an individual to qualify for placement on the special election ballot in the
92 same manner as an individual is permitted to qualify for placement on a primary election ballot,
93 except that:

94 (i) a primary election will not be held to fill the vacancy; and

95 (ii) the special election shall be the final election to fill the vacancy;

96 (c) establish the deadlines, time frames, and procedures for filing a declaration of
97 candidacy, filing a notice of intent to gather signatures, gathering and submitting signatures,
98 reporting campaign contributions and expenditures, giving notice of an election, and other
99 election requirements;

100 (d) permit an individual no less than 21 days to gather signatures after the first day on
101 which the individual may file a notice of intent to gather signatures;

102 (e) permit a registered political party no less than 30 days before the registered political
103 party is required to certify the name of a candidate for the registered political party;

104 (f) permit a write-in candidate to file a declaration of candidacy as a write-in candidate
105 no later than the deadline described in Subsection (5)(d);

106 (g) provide at least 14 days for an election officer to certify signatures; and

107 (h) require an election officer to send ballots to military and overseas voters no later
108 than 45 days before the date of the election.

Legislative Review Note
Office of Legislative Research and General Counsel