

Senator Curtis S. Bramble proposes the following substitute bill:

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

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ describes requirements and procedures relating to a special election to fill a vacancy in the office of United States representative;
- ▶ establishes different requirements and procedures for a special election described in this bill based on the nearness of the date of vacancy to the regular primary or regular general election;
- ▶ grants authority to the governor to establish the deadlines, time frames, and procedures relating to a special election described in this bill; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



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

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

33 **20A-1-502. Midterm vacancy in office of United States senator.**

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

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

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

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

42 **20A-1-502.5. Midterm vacancy in office of United States representative.**

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

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

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

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

50 (2) If the vacancy occurs on or after the date of the regular general election, and before
51 the beginning of the term for the office of United States representative:

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

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

54 (3) If the vacancy occurs 70 or fewer days before the day of the next regular general
55 election:

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

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

62 (4) If the vacancy occurs on or after the day of the regular primary election and more
63 than 70 days before the next regular general election:

64 (a) the governor shall, in the proclamation described in Subsection (1)(a), set the date
65 of the special congressional election no sooner than 70 days after the date of the vacancy and
66 no later than the date of the regular general election;

67 (b) (i) a candidate who qualifies for placement on the regular general election ballot for
68 the office of United States representative shall appear as a candidate on the special
69 congressional election ballot, if, within three days after the day of the canvass, the candidate
70 files a declaration of candidacy to fill the vacancy; or

71 (ii) if a candidate described in Subsection (4)(b)(i) fails to timely file a declaration of
72 candidacy to fill the vacancy, the candidate shall be replaced on the special congressional
73 election ballot using the candidate vacancy procedures described in this part, within deadlines
74 established by the governor in the proclamation described in Subsection (1)(a); and

75 (c) the candidate who wins the special congressional election shall fill the vacancy for
76 the remainder of the current term.

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

80 (a) set the date of the special congressional election to fill the vacancy no sooner than
81 127 days after the date of the vacancy and no later than 150 days after the date of the vacancy;

82 (b) permit an individual to qualify for placement on the special congressional election
83 ballot in the same manner as an individual is permitted to qualify for placement on a regular
84 primary election ballot, except that:

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

86 (ii) the special congressional election shall be the final election to fill the vacancy for
87 the remainder of the current term;

88 (c) establish the deadlines, time frames, and procedures for filing a declaration of
89 candidacy for an affiliated candidate, filing a certificate of nomination for an unaffiliated
90 candidate, filing a notice of intent to gather signatures, gathering and submitting signatures,
91 giving notice of an election, and other election requirements;

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

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

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

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

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

101 **Section 3. Effective date.**

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