

Representative Brad M. Daw 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 90 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 90 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 90 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 the candidate files a declaration of candidacy to fill the vacancy
70 within the later of three days after:

71 (A) the day on which the governor issues the proclamation described in Subsection
72 (1)(a); or

73 (B) the day of the canvass for the regular primary election;

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

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

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

83 (a) set the date of the special congressional election to fill the vacancy no sooner than
84 90 days after the date of the vacancy and no later than 110 days after the date of the vacancy;

85 (b) state that the winner of the election:

86 (i) will be determined in a single election, without a primary election; and

87 (ii) will fill the vacancy for the remainder of the current term;

88 (c) permit each registered political party at least seven days to select one candidate, in a
89 manner determined by the registered political party, as the candidate for the registered political
90 party;

91 (d) establish the deadlines, time frames, and procedures for filing a declaration of
92 candidacy for an affiliated candidate, filing a certificate of nomination and gathering signatures
93 for an unaffiliated candidate, filing a declaration of candidacy for a write-in candidate, giving
94 notice of an election, and other election requirements; and

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

97 (6) If, for any reason, a candidate vacancy occurs in a special congressional election at
98 least one day before the day on which the lieutenant governor certifies the names to be included
99 on the special congressional election ballot, the registered political party of the candidate shall
100 certify a replacement candidate to the lieutenant governor before a deadline established by the
101 lieutenant governor.

102 Section 3. **Effective date.**

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