

Senator Daniel McCay proposes the following substitute bill:

**ELECTION PROCESS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to candidate vacancies.

**Highlighted Provisions:**

This bill:

► modifies the deadline for a political party's central committee to certify a replacement name for a ballot when a candidate vacancy occurs.

**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 2016, Chapter 16

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

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

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

(1) The state central committee of a political party, for candidates for United States



26 senator, United States representative, governor, lieutenant governor, attorney general, state  
27 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass  
28 more than one county, and the county central committee of a political party, for all other party  
29 candidates seeking an office elected at a regular general election, may certify the name of  
30 another candidate to the appropriate election officer if:

31 (a) for a registered political party that will have a candidate on a ballot in a primary  
32 election, after the close of the period for filing a declaration of candidacy and continuing  
33 through the day before the day on which the lieutenant governor provides the list described in  
34 Subsection [20A-9-403\(4\)\(a\)](#):

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

37 (ii) one or both:

38 (A) dies;

39 (B) resigns because of acquiring a physical or mental disability, certified by a  
40 physician, that prevents the candidate from continuing the candidacy; or

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

42 (b) for a registered political party that does not have a candidate on the ballot in a  
43 primary, but that will have a candidate on the ballot for a general election, after the close of the  
44 period for filing a declaration of candidacy and continuing through the day before the day on  
45 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the  
46 party's candidate:

47 (i) dies;

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

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

51 or

52 (iv) resigns to become a candidate for president or vice president of the United States;

53 or

54 (c) for a registered political party with a candidate certified as winning a primary  
55 election, after the deadline described in Subsection (1)(a) and continuing through the day  
56 before that day on which the lieutenant governor makes the certification described in Section

57 20A-5-409, the party's candidate:

58 (i) dies;

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

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

62 or

63 (iv) resigns to become a candidate for president or vice president of the United States.

64 (2) If no more than two candidates from a political party have filed a declaration of  
65 candidacy for an office elected at a regular general election and one resigns to become the party  
66 candidate for another position, the state central committee of that political party, for candidates  
67 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for  
68 legislative candidates whose legislative districts encompass more than one county, and the  
69 county central committee of that political party, for all other party candidates, may certify the  
70 name of another candidate to the appropriate election officer.

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

73 (4) (a) The name of a candidate who is certified under Subsection (1)(a) ~~[after the~~  
74 ~~deadline described in Subsection (1)(a)]~~ may not appear on the primary election ballot[-] if the  
75 central committee makes the certification after the earlier of:

76 (i) 21 days after the day on which an event described in Subsection (1)(a)(ii) occurs; or

77 (ii) the first Tuesday after the third Saturday in April.

78 (b) The name of a candidate who is certified under Subsection (1)(b) ~~[after the deadline~~  
79 ~~described in Subsection (1)(b)]~~ may not appear on the general election ballot[-] if the central  
80 committee makes the certification after the earlier of:

81 (i) 21 days after the day on which an event described in Subsections (1)(b)(i) through  
82 (iv) occurs; or

83 (ii) August 30.

84 (c) The name of a candidate who is certified under Subsection (1)(c) ~~[after the deadline~~  
85 ~~described in Subsection (1)(c)]~~ may not appear on the general election ballot[-] if the central  
86 committee makes the certification after the earlier of:

87 (i) 21 days after the day on which an event described in Subsections (1)(c)(i) through

88 (iv) occurs; or

89 (ii) August 30.

90 (5) A political party may not replace a candidate who is disqualified for failure to  
91 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and  
92 Financial Reporting Requirements, or Section [17-16-6.5](#).