

Senator Daniel McCay proposes the following substitute bill:

ELECTION PROCESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Merrill F. Nelson

LONG TITLE

General Description:

This bill amends provisions of the Election Code.

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; and
- ▶ modifies the deadline by which an election officer must receive a mail-in ballot.

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

20A-3-306, as last amended by Laws of Utah 2018, Chapter 206

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

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



26 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

39 (ii) one or both:

40 (A) dies;

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

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

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

49 (i) dies;

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

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

53 or

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

55 or

56 (c) for a registered political party with a candidate certified as winning a primary

57 election, after the deadline described in Subsection (1)(a) and continuing through the day
58 before that day on which the lieutenant governor makes the certification described in Section
59 [20A-5-409](#), the party's candidate:

60 (i) dies;

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

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

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

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

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

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

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

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

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

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

85 (ii) August 30.

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

88 committee makes the certification after the earlier of:

89 (i) 21 days after the day on which an event described in Subsections (1)(c)(i) through
90 (iv) occurs; or

91 (ii) August 30.

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

95 Section 2. Section 20A-3-306 is amended to read:

96 **20A-3-306. Voting ballot -- Returning ballot.**

97 (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the
98 absentee voter shall:

99 (i) complete and sign the affidavit on the envelope;

100 (ii) mark the votes on the absentee ballot;

101 (iii) place the voted absentee ballot in the envelope;

102 (iv) securely seal the envelope; and

103 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit
104 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
105 obtained.

106 (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at
107 the office of the election officer, the absent voter shall:

108 (i) complete and sign the affidavit on the envelope;

109 (ii) mark the votes on the absent-voter ballot;

110 (iii) place the voted absent-voter ballot in the envelope;

111 (iv) securely seal the envelope; and

112 (v) give the ballot and envelope to the election officer.

113 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

114 (a) in the case of an absentee ballot that is voted in person, the ballot is:

115 (i) applied for and cast in person at the office of the appropriate election officer no later
116 than the Tuesday before election day; or

117 (ii) submitted on election day at a polling location in the political subdivision where
118 the absentee voter resides;

119 ~~[(b) in the case of an absentee ballot that is submitted by mail, the ballot is:]~~
120 ~~[(i) clearly postmarked before election day, or otherwise clearly marked by the post~~
121 ~~office as received by the post office before election day; and]~~

122 ~~[(ii) received in the office of the election officer before noon on the day of the official~~
123 ~~canvass following the election; or]~~

124 (b) in the case of an absentee ballot that is submitted by mail, the ballot is received in
125 the office of the election officer before 8 p.m. on election day; or

126 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
127 Section [20A-16-404](#).

128 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
129 political subdivision holding the election, if the absentee voter resides in the political
130 subdivision.

131 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
132 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
133 vote in person.