

HB0017S01 compared with HB0017

~~{deleted text}~~ shows text that was in HB0017 but was deleted in HB0017S01.

inserted text shows text that was not in HB0017 but was inserted into HB0017S01.

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Representative Merrill F. Nelson proposes the following substitute bill:

CONGRESSIONAL VACANCIES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

~~{Committee Note:~~

~~—————The Government Operations Interim Committee recommended this bill.~~

~~—————Legislative Vote: 11 voting for 0 voting against ———— 4 absent~~

~~{General Description:~~

This bill modifies the Election Code in relation to filling a vacancy in Congress.

Highlighted Provisions:

This bill:

- ▶ modifies a provision relating to a temporary appointment to fill a vacancy in the office of United States senator, pending a special election to fill the office;
- ▶ describes requirements and procedures relating to a special election to fill a vacancy in the office of United States senator or United States representative;
- ▶ describes when a vacancy occurs in a congressional office;

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- ▶ grants authority to the governor to establish, consistent with the requirements of this bill, the dates, 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.

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

20-1-502.5, Utah Code Annotated 1953

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

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

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

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

~~[(2)(a)] (1) [When] Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of [U.S. senator, it shall be filled for the unexpired term at the next regular general election.] United States senator, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:~~

~~(a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:~~

~~(i) a municipal ~~primary~~ general election;~~

~~{ ~~(ii) a municipal general election;~~~~

~~{ ~~(iii) ii) a presidential primary election;~~~~

~~(~~iv~~) ~~iii) a regular primary election; or~~~~

~~(~~v~~) ~~iv) a regular general election;~~~~

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(b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the day on which the governor issues the proclamation;

(c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);

(d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;

(e) for each qualified political party, provides at least 21 days, but no more than 28 days:

(i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and

(ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;

(f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and

(g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.

(2) (a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:

(i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or

(ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.

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(b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through ~~(fv)iv~~.

(3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:

(a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and

(b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).

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

(4) (a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom is a member of the political party of which the prior officeholder was a member at the time the prior officeholder was elected.

(b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:

(i) the vacancy is filled by election under Subsection (1) or (2); or

(ii) the six-year term for the senate office ends.

~~(5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.~~

~~(5)6~~ A vacancy in the office of United States senator does not occur unless the senator:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

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

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

(1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:

(a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:

(i) a municipal ~~{primary}~~general election;

~~{~~ (ii) a municipal general election;

~~}~~ (~~{iii}~~ii) a presidential primary election;

(~~{iv}~~iii) a regular primary election; or

(~~{v}~~iv) a regular general election;

(b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (~~{v}~~iv) that is more than 90 days after the day on which the governor issues the proclamation;

(c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);

(d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;

(e) for each qualified political party, provides at least 21 days, but no more than 28 days:

(i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and

(ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;

(f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and

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other election requirements; and

(g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.

(2) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:

(a) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or

(b) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.

(3) If the Legislature does not, under Subsection (2), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through ~~(iv)~~(v).

(4) A special congressional election to fill a vacancy in the office of United States representative will not be held if the vacancy occurs fewer than 180 days before the next regular general election.

(5) An individual who fills a vacancy under this section shall serve until the end of the current term in which the vacancy ~~exists~~ occurs.

(6) A vacancy in the office of United States representative does not occur unless the representative:

(a) has left the office; or

(b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States House of Representatives.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect

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upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.