

ELECTION PROCESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

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

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 senator, United States representative, governor, lieutenant governor, attorney general, state 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) 15 days after the day on which an event described in Subsection (1)(a)(ii) occurs; or

77 (ii) the deadline described in Subsection (1)(a).

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

83 (ii) the deadline described in Subsection (1)(b).

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

89 (ii) the deadline described in Subsection (1)(c).

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](#).