

1 **MIDTERM VACANCY AMENDMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Benjamin M. McAdams**

5 House Sponsor: Rebecca Chavez-Houck

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends a provision relating to a midterm vacancy in the Legislature.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ provides procedures for obtaining a position on the ballot for an office of senator, if
14 a vacancy in the office occurs after the filing deadline but before September 1 of an
15 even-numbered year in which the term of office does not expire;

16 ▶ requires the lieutenant governor to:

17 • provide notice of a vacancy; and

18 • establish a filing deadline; and

19 ▶ provides that a vacancy in the office of senator be filled for the unexpired term if the
20 vacancy occurs on or after September 1 of an even-numbered year in which the term
21 of office does not expire.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **20A-1-503**, as last amended by Laws of Utah 2004, Chapter 38

29

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

31 Section 1. Section **20A-1-503** is amended to read:

32 **20A-1-503. Midterm vacancies in the Legislature.**

33 (1) As used in this section[, "party]:

34 (a) "Filing deadline" means the final date for filing:

35 (i) a declaration of candidacy as provided in Section 20A-9-202; and

36 (ii) a certificate of nomination as provided in Section 20A-9-503.

37 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 38 the lieutenant governor on all matters relating to the political party's relationship with the state
 39 as required by Section 20A-8-401.

40 (2) When a vacancy occurs for any reason in the office of representative in the
 41 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
 42 name was submitted by the party liaison of the same political party as the prior representative.

43 (3) (a) [~~When~~] Except as provided by Subsection (5), when a vacancy occurs for any
 44 reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the
 45 next regular general election.

46 (b) The governor shall fill the vacancy until the next regular general election by
 47 immediately appointing the person whose name was submitted by the party liaison of the same
 48 political party as the prior senator.

49 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
 50 before September 1 of an even-numbered year in which the term of office does not expire, the
 51 lieutenant governor shall:

52 (i) establish a date, ~~§~~→ that is before date for a candidate to be certified for the ballot
 52a under Section 20A-9-701 and ←~~§~~ no later than 21 days after the day on which the vacancy
 52b occurred,

53 by which a person intending to obtain a position on the ballot for the vacant office shall file:

54 (A) a declaration of candidacy; or

55 (B) a certificate of nomination; and

56 (ii) give notice of the vacancy and the date described in Subsection(4)(a)(i):

57 (A) on the lieutenant governor's website; and

58 (B) to each registered political party.

59 (b) A person intending to obtain a position on the ballot for the vacant office shall:
60 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or
61 certificate of nomination according to the procedures and requirements of Chapter 9, Candidate
62 Qualifications and Nominating Procedures; and
63 (ii) run in the regular general election if:
64 (A) nominated as a party candidate; or
65 (B) qualified as an ~~§~~ **[independent] unaffiliated candidate** ~~←§~~ as provided by Chapter 9,
65a Candidate Qualifications and
66 Nominating Procedures.
67 (c) If a vacancy described in Subsection (3)(a) occurs on or after May 1 and before
68 September 1 of an even-numbered year in which the term of office does not expire, a party
69 liaison from each registered political party may submit a name of a person described in
70 Subsection (4)(b) to the lieutenant governor by August 31 for placement on the regular general
71 election ballot.
72 (5) If a vacancy described in Subsection (3)(a) occurs on or after September 1 of an
73 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
74 unexpired term by immediately appointing the person whose name was submitted by the party
75 liaison of the same political party as the prior senator.

Legislative Review Note
as of 2-23-10 8:39 AM

Office of Legislative Research and General Counsel

S.B. 204 - Midterm Vacancy Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
