

ELECTOR AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the duties of a presidential elector.

Highlighted Provisions:

This bill:

- ▶ requires a presidential elector to cast an electoral ballot for the candidate for president, and the candidate for vice president, of the United States who wins a majority vote in the state;

- ▶ makes it a class A misdemeanor for an elector to cast an electoral ballot for a person other than the candidate for president, and the candidate for vice president, of the United States who wins a majority vote in the state; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-8-401, as last amended by Laws of Utah 2013, Chapter 170

20A-13-301, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

20A-13-304, as enacted by Laws of Utah 1995, Chapter 1



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

Section 1. Section **20A-8-401** is amended to read:

20A-8-401. Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.

(1) (a) Each registered state political party shall file a copy of its constitution and bylaws with the lieutenant governor by January 1, 1995.

(b) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of its proposed constitution and bylaws at the time it files its registration information.

(c) Each registered state political party shall file revised copies of its constitution or bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted or amended.

(2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that its constitution or bylaws contain:

(a) provisions establishing party organization, structure, membership, and governance that include:

(i) a description of the position, selection process, qualifications, duties, and terms of each party officer and committees defined by constitution and bylaws;

(ii) a provision requiring a designated party officer to serve as liaison with:

(A) the lieutenant governor on all matters relating to the political party's relationship with the state; and

(B) each county legislative body on matters relating to the political party's relationship with a county;

(iii) a description of the requirements for participation in party processes;

(iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and

(v) a mechanism for making the names of delegates, candidates, and elected party officers available to the public shortly after they are selected;

(b) a procedure for selecting party officers that allows active participation by party

59 members;

60 (c) a procedure for selecting party candidates at the federal, state, and county levels that
61 allows active participation by party members;

62 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the
63 electoral college for ~~[the party's candidates]~~ a candidate for president and vice president of the
64 United States in accordance with Section 20A-13-304; and

65 (ii) a procedure for filling vacancies in the office of presidential elector because of
66 death, refusal to act, failure to attend, ineligibility, or any other cause;

67 (e) a procedure for filling vacancies in the office of representative or senator or a
68 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;

69 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

70 (g) a procedure for replacing party candidates who die, acquire a disability that
71 prevents the candidate from continuing the candidacy, or are disqualified before a primary or
72 regular general election;

73 (h) provisions governing the deposit and expenditure of party funds, and governing the
74 accounting for, reporting, and audit of party financial transactions;

75 (i) provisions governing access to party records;

76 (j) a procedure for amending the constitution or bylaws that allows active participation
77 by party members or their representatives;

78 (k) a process for resolving grievances against the political party; and

79 (l) if desired by the political party, a process for consulting with, and obtaining the
80 opinion of, the political party's Utah Senate and Utah House members about:

81 (i) the performance of the two United States Senators from Utah, including
82 specifically:

83 (A) their views and actions regarding the defense of state's rights and federalism; and

84 (B) their performance in representing Utah's interests;

85 (ii) the members' opinion about, or rating of, and support or opposition to the policy
86 positions of any candidates for United States Senate from Utah, including incumbents,
87 including specifically:

88 (A) their views and actions regarding the defense of state's rights and federalism; and

89 (B) their performance in representing Utah's interests; and

90 (iii) the members' collective or individual endorsement or rating of a particular
91 candidate for United States Senate from Utah.

92 (3) If, in accordance with a political party's constitution or bylaws, a person files a
93 declaration or otherwise notifies the party of the person's candidacy as a legislative office
94 candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a
95 midterm vacancy in the office of representative or senator in the Legislature, as described in
96 Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall
97 forward a copy of that declaration or notification to the lieutenant governor no later than 5 p.m.
98 of the day following the day on which the party receives the declaration or notification.

99 Section 2. Section 20A-13-301 is amended to read:

100 **20A-13-301. Presidential elections -- Effect of vote.**

101 (1) (a) Each registered political party shall choose persons to act as presidential electors
102 and to fill vacancies in the office of presidential electors for ~~[their party's candidates for~~
103 ~~President and Vice President]~~ president and vice president of the United States according to the
104 procedures established in their bylaws.

105 (b) Each registered political party shall certify to the lieutenant governor the names and
106 addresses of the persons selected by the political party as the party's presidential electors by
107 August 31.

108 (2) The highest number of votes cast for a political party's president and vice president
109 candidates elects the presidential electors selected by that political party.

110 Section 3. Section 20A-13-304 is amended to read:

111 **20A-13-304. Meeting to ballot -- Casting ballot for candidate other than**
112 **candidate who wins majority vote of state.**

113 (1) The electors shall meet at the office of the lieutenant governor at the state capitol at
114 noon of the first Wednesday of the January after their election, or at noon of any other day
115 designated by the Congress of the United States of America.

116 (2) After convening, the electors shall perform their duties in conformity with the
117 United States Constitution and laws.

118 (3) Any elector who casts an electoral ballot for a person ~~[not nominated by the party~~
119 ~~of which he is an elector]~~ other than a candidate for president or vice president of the United
120 States who wins the majority vote of the state, except in the cases of death or felony conviction

121 of a candidate, is:

122 (a) considered to have resigned from the office of elector, [~~his~~] the elector's vote may
123 not be recorded, and the remaining electors shall appoint another person to fill the vacancy[.];

124 and

125 (b) is guilty of a class A misdemeanor.

Legislative Review Note

as of 1-16-14 10:34 AM

Office of Legislative Research and General Counsel