

- (b) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and
- (c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

1993

PART 5

CANDIDATE VACANCIES AND VACANCIES IN ELECTED OFFICES

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 more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) after the close of the period for filing declarations of candidacy but before the primary:

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

(ii) one or both:

(A) dies;

(B) resigns because of becoming physically or mentally disabled as certified by a physician; or

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

(b) after the primary election but before the general election the party's candidate:

(i) dies;

(ii) resigns because of becoming physically or mentally disabled as certified by a physician;

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

(iv) resigns to become a candidate for President or Vice-President of the United States.

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

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

1999

20A-1-502. Midterm vacancies in office of United States representative or 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) 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.

(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.

1993

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

(1) As used in this section, "party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

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

(3) (a) When a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

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

2004

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, and state auditor.

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall appoint a person to hold the office until the next regular general election at which the governor stands for election.

1996

20A-1-505. Judicial vacancies — Courts of record.

(1) (a) When a vacancy occurs in a court of record, the governor shall, within 30 days after receiving the list of nominees, fill the vacancy by appointing a person who meets the qualifications for the office from a list of at least three trial nominees and five appellate nominees certified to the governor by the judicial nominating commission that has authority over the vacancy.

(b) If the governor fails to fill the vacancy within 30 days, the chief justice of the Supreme Court shall, within 20 days, appoint a person who meets the qualifications for the office from the list of nominees.

(2) (a) The Senate shall:

(i) consider and decide on each judicial appointment within 60 days of the date of appointment; and

(ii) if necessary, convene itself in extraordinary session to consider a judicial appointment.

(b) If the Senate fails to approve the appointment, the office is considered vacant and a new nominating process begins.

(3) An appointment is effective upon approval of a majority of all members of the Senate.

(4) The judicial nominating commission, the governor, the chief justice, and the Senate shall nominate and select judges based solely upon consideration of their fitness for office without regard to any partisan political considerations.

1994

20A-1-506. Judicial vacancies — Courts not of record.

(1) As used in this section:

(a) "Appointing authority" means:

(i) the chair of the county commission in counties having the county commission form of county government;

(ii) the county executive in counties having the county executive-council form of government;