

| State      | CITATION  | STATUTORY TEXT  |
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| Alaska     | Alaska Stat. Ann. § 15.25.100                   | <p>(c) Except as otherwise provided in (d) of this section, if a candidate nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding office for which the candidate is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 64 or more days before the general election, the vacancy shall be filled by the director by replacing the withdrawn candidate with the candidate who received the fifth most votes in the primary election. (f) <i>For a candidate to be certified as incapacitated under (c) of this section, a panel of three licensed physicians, not more than two of whom may be of the same party, shall provide the director with a sworn statement that the candidate is physically or mentally incapacitated to an extent that would, in the panel's judgment, prevent the candidate from active service during the term of office if elected.</i></p>  |
| California | Cal. Elec. Code §§ 8801, 8803, 8808, 8810, 8811 | <p>§ 8801. General elections: No candidate nominated at any primary election may withdraw as a candidate at the ensuing general election except those candidates permitted to withdraw by this part. § 8803. Vacancies for general election</p> <p>(a) No vacancy on the ballot for a nonpartisan office at a general election shall be filled except if the candidate dies and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days before the date of the next ensuing general election.</p> <p>(b) No vacancy on the ballot for a voter-nominated office at a general election shall be filled. If a candidate who is entitled to appear on the general election ballot dies, the name of that candidate shall appear on the general election ballot and any votes cast for that candidate shall be counted in determining the results of the election for that office. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected to that office and the office shall be considered vacant at the beginning of the term for which the candidate was elected. The vacancy shall be filled in the same manner as if the candidate had died after taking office for that term. § 8808. Time for filling vacancy: A vacancy authorized to be filled because of the death of a candidate shall be filled, and the name of the person named to fill the vacancy shall be certified to the officer charged with the duty of printing the ballots, 68 days before the day of election.</p> <p>§ 8810. Names on general election ballot: Whenever a candidate has been nominated at any primary election after having filed a declaration of candidacy, the name of the candidate shall be printed upon the ballot for the ensuing general election unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of election.</p> |

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|                      |   | <p>§ 8811. Certificate of filling of vacancy:Whenever, upon the death of any candidate, the vacancy created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a declaration of candidacy for that office may be filed, and, upon payment of the filing fee applicable to the office, shall be accepted and acted upon by that officer as in the case of an original declaration certificate.</p>   |
| <p>Colora<br/>do</p> | <p><b>Colo.<br/>Rev.<br/>Stat.<br/>Ann. §§<br/>1-4-1001,<br/>1005,<br/>1006</b></p> | <p>§ 1-4-1001. Withdrawal or disqualification from candidacy:<br/>(1)(a) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgments and shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed.<br/>(b) Any candidate withdrawing from a designation or nomination shall forthwith report the withdrawal to the persons designated in this part 10 to fill the vacancy.<br/>(c) Except in the case of a vacancy to be filled in accordance with the provisions of section 1-4-1004 or 1-4-1006 that apply when a vacancy occurs from the earliest day to mail ballots pursuant to section 1-7.5-107and the day of a primary or general election, respectively, if the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate are invalid and shall not be counted.<br/>(2) If the designated election official disqualifies a candidate before the ballots are printed, that candidate's name shall not appear on the ballots.</p> <p>§ 1-4-1005. Vacancies in major party nomination occurring from the day after primary election day through the earliest day to mail general election ballots:<br/>(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person nominated at the primary election.<br/>(2) A vacancy in a party nomination occurring from the day after the primary election through the earliest day to mail general election ballots may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in nomination has occurred. The party assembly vacancy committee must be appointed by the party in accordance with party rules.<br/>(IV) If the vacancy committee fails to timely certify a selection, the state chair of the party of the candidate whose declination, death, disqualification, or withdrawal caused the vacancy,</p> |

within seven days, shall fill the vacancy by appointing a person who meets all of the requirements of candidacy as of the date of the appointment and who is affiliated with the same political party shown in the statewide voter registration system as the candidate whose declination, death, disqualification, or withdrawal caused the vacancy. The name of the person appointed by the state chair must be certified to the secretary of state. The vacancy is filled until the next general election after the vacancy occurs, when the vacancy is filled by election.

(c)(I) The designation and acceptance of the person selected to fill the vacancy must be submitted to the designated election official no later than three days from either the date of the vacancy committee meeting or from the date of appointment by the state chair pursuant to subsection (3)(b)(IV) of this section, as applicable; except that such certification must in all cases be submitted no later than the sixty-fourth day before the date of the general election.

(II) For purposes of this section, a vacancy is filled when the designated election official receives the certificate of nomination and the written acceptance of the replacement candidate.

(d) No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date that the vacancy appointment is made.

(4)(a) When a vacancy in a party nomination is filled pursuant to this section prior to the ballots being printed, the designated election official shall cause the name of the replacement candidate to be printed on the ballot.

(b) When a vacancy in a party nomination is filled pursuant to this section subsequent to the ballots being printed:

(I) The designated election official shall:

(A) Prominently post, on the designated election official's official website and in each voter service and polling center, a notice regarding the vacancy and the name of the replacement candidate; and

(B) Either cause to be printed and placed on the sample ballot delivered to the election judges and posted pursuant to section 1-5-413 a sticker of a different color than the sample ballot indicating the name of the replacement candidate or reprint the sample ballot with the name of the replacement candidate in a different color; and

(II) Votes cast for the candidate who vacated the nomination must be counted as votes for the replacement candidate.

(5) Notwithstanding any provisions to the contrary, if a political party has established a rule regarding the length of affiliation required for a candidate and a vacancy in that office occurs, then the party rule applies.

§ 1-4-1006. Vacancies in major party nomination occurring from the day after the earliest day to mail general election ballots through general election day:

(1) For the purposes of this section, a vacancy is caused by the declination, death, disqualification, or withdrawal of the person

nominated at the primary election.

(2) A vacancy occurring from the day after the earliest day to mail general election ballots through general election day must be filled in accordance with part 2 of article 12 of this code.

Florida

**Fla.  
Stat.  
Ann. §  
100.111**

100.111. Filling vacancy

(3)(a) In the event that death, resignation, withdrawal, or removal should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the filing officer before whom the candidate qualified shall notify the chair of the state and county political party executive committee of such party and:

1. If the vacancy in nomination is for a statewide office, the state party chair shall, within 5 days, call a meeting of his or her executive board to consider designation of a nominee to fill the vacancy.

2. If the vacancy in nomination is for the office of United States Representative, state senator, state representative, state attorney, or public defender, the state party chair shall, within 5 days, call a meeting of the state executive committee members residing in the affected county or counties to consider designation of a nominee to fill the vacancy.

3. If the vacancy in nomination is for a county office, the state party chair shall notify the appropriate county chair and, within 5 days, the appropriate county chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy.

The name of any person so designated shall be submitted to the filing officer before whom the candidate qualified within 7 days after notice to the chair in order that the person designated may have his or her name on the ballot of the ensuing general election. If the name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and the former party nominee's name will appear on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.

(b) When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as the nominee would have taken had he or she regularly qualified for election to such office.

Georgia

**Ga.  
Code  
Ann. §  
21-2-  
134(b)(1)**

(b)(1) Any vacancy in any party nomination filled by a primary created by reason of the death or disqualification of a candidate occurring after nomination may be filled in the following manner:

(A) In the case of a public office to be filled by the vote of the electors of this entire state in which the vacancy occurs after nomination but at least ten days prior to the election to fill the public office sought by such candidate, the vacancy may be filled by a substitute nomination made by a convention composed of the delegates of the county executive committee of such party in each county of this state.

Immediately upon such vacancy occurring, the state executive committee or a subcommittee thereof appointed for the purpose shall fix a time within six days of the occurrence of such vacancy; shall select and provide a convenient place for the holding of such a convention, which shall be open to the public; and shall give notice thereof to the chairperson and secretary of each county executive committee. Each county executive committee shall be entitled to select the number of delegates apportioned to it by the state executive committee; provided, however, that each county executive committee shall be entitled to select at least one delegate. Such apportionment of delegates among the counties shall be based substantially upon the population of this state according to the last United States decennial census or upon the number of votes cast within this state for the party's candidates for presidential electors in the last presidential election. A two-thirds' majority of the delegates of such county executive committees shall constitute a quorum for the transaction of business, and a majority of the delegates present while a quorum exists shall be sufficient to fill such nomination by a substitute nomination. Each delegate shall have one vote, and all votes taken shall be by a roll-call vote. The records of the convention shall be filed with the state executive committee. In the event such a vacancy in party nomination shall occur during the ten days preceding the day of such an election, such vacancy may be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose;

(B) In the case of a public office for which a candidate must qualify with the state executive committee, except a public office to be filled by the vote of the electors of the entire state, the nomination may remain vacant or may be filled at the decision of the state executive committee of the party. The decision whether to fill such vacancy shall be made by the state executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the state executive committee shall be immediately transmitted to the Secretary of State. If the Secretary of State has not been notified of the decision of the state executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the state executive committee has decided not to fill the vacancy. If the state executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the state executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose;

(C) In the case of a public office for which a candidate must qualify with the county executive committee, the nomination may remain vacant or may be filled at the decision of the state executive committee of the party. The state executive committee or a subcommittee thereof may determine on its own whether to fill the vacancy but is authorized, though not required, to seek the recommendation of any of the following persons for the purpose of determining whether to fill the

vacancy: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult. The decision whether to fill such vacancy shall be made by the state executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the state executive committee shall be immediately transmitted to the county superintendent. If the county superintendent has not been notified of the decision of the state executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the state executive committee has decided not to fill the vacancy. If the state executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the state executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose. The state executive committee or a subcommittee thereof may determine on its own who shall fill the vacancy as a substitute nominee but is authorized, though not required, to seek the recommendation of any of the following persons for the purpose of determining the most suitable substitute nomination: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult; and (D) In the case of a public office for which a candidate must qualify with the municipal executive committee, the nomination may remain vacant or may be filled at the decision of the municipal executive committee of the party. The decision whether to fill such vacancy shall be made by the municipal executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the municipal executive committee shall be immediately transmitted to the municipal superintendent. If the municipal superintendent has not been notified of the decision of the municipal executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the municipal executive committee has decided not to fill the vacancy. If the municipal executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the municipal executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the municipal executive committee or a subcommittee thereof appointed for that purpose.

(2) Any vacancy which occurs in any party nomination filled by a primary and which is created by reason of the withdrawal of a candidate 60 or more days prior to the date of the election shall be filled as follows:

(A) By the person seeking nomination in such primary who received the second highest total of votes cast in such primary for that office, provided that such person received not less than 40 percent of the votes cast for that office; or

(B) In the event no person received the vote total required under subparagraph (A) of this paragraph, such vacancy shall be filled in the same manner as provided in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.

(3) Any vacancy which occurs in any party nomination filled by a

primary and which is created by reason of the withdrawal of a candidate less than 60 days prior to the date of the election shall not be filled. If the ballots have been printed, the Secretary of State, the county superintendent, or the municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that such candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted.



Iowa

**Iowa  
Code  
Ann. §§  
43.76–79**

**43.76. Withdrawal of nominated candidates**

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the eighty-first day before the date of the general election by so notifying the state commissioner in writing.
2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fourth day before the date of the general election by so notifying the commissioner in writing.

**43.77. What constitutes a ballot vacancy**

A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. Either no person filed under section 43.11 as a candidate for the party's nomination for that office in the primary election, or all persons who filed under section 43.11 as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office, or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.
2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section 43.52, 43.53, or 43.65, whichever is applicable.
3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section 43.76, was found to lack the requisite qualifications for the office, or died, at a time not later than the eighty-first day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

**43.78. Filling ballot vacancies--withdrawal**

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:
  - a. For senator in the Congress of the United States or any office listed in section 39.9, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

43.79. Death of candidate after time for withdrawal

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-first day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending at the time the polls close on the day of the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Kansas

**Kan.  
Stat.  
Ann. §§  
25-306a,  
25-  
306(b),  
25-308**

25-306a. Withdrawal of candidacy; procedure and deadline for withdrawal; omission of name from ballot  
Any person who has been nominated to be a candidate at any primary election for any national, state, county or township office may cause such person's name to be withdrawn from nomination by a request in writing, signed by the person nominated and acknowledged before an officer qualified to take acknowledgments of deeds, and filed with the secretary of state in the case of national and state offices or with the county election officer in the case of county and township offices not later than 12:00 noon, on the day fixed for the deadline for filing of a petition for nomination or the declaration of intent to become a candidate in accordance with K.S.A. 25-205, and amendments thereto. No name so withdrawn shall be printed on the ballots for such office for such primary election.

25-306b. Withdrawal from nomination, when permitted; omission of name from ballot; death of nominee  
(a) Except as provided by this section, no person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination after the day of the primary election.  
(b)(1) A person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination if:  
(A) The nominee certifies to the secretary of state that such nominee is withdrawing from nomination because of a severe medical hardship on the nominee or the nominee's immediate family. Such nominee shall send the secretary a certification of the severe medical hardship signed by a medical doctor; or  
(B) the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas.  
(2) If the secretary of state receives either of the certifications listed in paragraph (A) or (B) from a nominee on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state, in the case of national and state offices, or the county election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving a certification listed in paragraph 1(A) or (B).  
(c) In the case of the death of a person who has been nominated for any national, state, county or township office, which occurs on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state in the case of national and state offices, or the county election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving notification of such death. 25-308. Nominations; validity; filing; objections; proceeding to compel or restrain election officers  
Currentness  
(a) Any certificate of nomination, nomination petitions or declaration of intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless:  
(1) An objection is made in writing within three days from the date the

certificate, petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of certificates of nomination, nomination petitions and declarations of intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a, and amendments thereto.

(b) If the secretary of state or the county election officer finds any certificates of nomination, nomination petitions or declaration of intention to become a candidate to be invalid pursuant to K.S.A. 25-208a, and amendments thereto, the candidate on whose behalf the certificates, petitions or declaration was filed may make objection to such finding in writing within three days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state and attorney general, or such officer's designee, and a decision of a majority of these officers, or such officers' designees, shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, county attorney or district attorney and an elected official of the county whose position is not involved in the controversy, who shall be designated by the county election officer. The decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall be given immediately, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected by such objection, addressed in the case of candidates to their places of residence as given in the nomination petitions, declaration of intention to become a candidate or certificate of nomination. The notice shall state the time when the objection will be considered. Such time shall not be more than five days following the giving of such notice in the case of nomination of a national or state officer and not be more than three days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436, and amendments thereto. The officers determining any objections under this section may assess any costs arising from such determination to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited in the treasury of the state or county to the credit of its general fund. If such costs are not paid within 10 days after being fixed, the secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person resides who must pay such costs. Such clerk of the district court shall collect such costs as in cases of collection of court costs, and when collected such costs shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than 60 days before the election.

Louisiana

La. Stat. Ann. §§ 18-410.6, 18-410.7, 18-501-503, 18-512, 18-583, 18-1280.22(C)(1)(a)

§ 410.6. Death of a candidate; procedure

When a person who qualified as a candidate in a party primary election for the office of party nominee dies after the close of the qualifying period and before the time for closing the polls on the day of that party primary election, the name of the deceased candidate shall not be printed on the party primary election ballot. If the party primary election ballot was printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

§ 410.7. Party candidates who qualify for a general election

A. The candidate who receives the majority of votes in the party primary qualifies for the general election as the party's nominee for the office. All candidate nominations for a party primary office by recognized political parties for the general election shall be made in this manner.

B. In the event that no candidate receives the majority of votes in the first party primary, the two candidates from each political party who received the greatest number of votes in the first party primary shall be voted on in the second party primary.

(1) In the case of a tie vote for first place in the first party primary of a recognized political party, all of the candidates affiliated with the same political party who received the same highest number of votes qualify for the second party primary.

(2) In the case of a tie vote for second place in the first party primary of a recognized political party, all of the candidates affiliated with the same political party who received the same second highest number of votes and the candidate affiliated with the same political party who received the highest number of votes qualify for the second party primary.

(3) If one of the persons receiving the highest number of votes in the first party primary withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving only one candidate from the same political party in the race, the remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

C. There shall be no third party primary. For any situation not specifically provided for in this Section, the state central committee of the recognized political party involved shall provide for the selection of a nominee from the candidates and shall provide notice of the selection of a nominee to the secretary of state no later than five business days after the second party primary election.

§ 501. Procedure for withdrawal

A. (1) A candidate in a primary election may withdraw from the election by filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the seventh day after the close of the qualifying period. The notice of withdrawal shall be signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths.

(2)(a) The secretary of state shall not accept a notice of withdrawal that does not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of state shall endorse the date and time of receipt of such a notice of withdrawal and return the notice forthwith, either personally or by registered or certified mail, to the candidate. The provisions of this Subparagraph shall not apply to a notice of withdrawal filed pursuant to a court order as provided in R.S. 18:494(B).

(b) The secretary of state shall forward a copy of a notice of withdrawal that satisfies the requirements of Paragraph (1) of this Subsection or was filed pursuant to a court order as provided in R.S. 18:494(B) and that was filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified.

B. (1) A candidate in a general election may withdraw from the election by filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the ninth day after the date of the primary election. The notice of withdrawal shall be signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths.

(2)(a) The secretary of state shall not accept a notice of withdrawal that does not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of state shall endorse the date and time of receipt of such a notice of

withdrawal and return the notice forthwith, either personally or by registered or certified mail, to the candidate.

(b) The secretary of state shall forward a copy of a notice of withdrawal that satisfies the requirements of Paragraph (1) of this Subsection and that was filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified.

C. Notwithstanding the provisions of Subsections A and B of this Section, if the number of candidates remaining in a primary or general election for a public office is one more than the number of persons to be elected to the office, the secretary of state shall accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the election. The candidate or candidates remaining after the withdrawal shall be declared elected by the people.

#### § 502. Effect of withdrawal

A notice of withdrawal shall be effective when it is filed with the secretary of state if the notice satisfies the requirements of R.S. 18:501 or was filed pursuant to a court order as provided in R.S. 18:494(B), and the candidate who filed the notice no longer shall be qualified as a candidate in the election from which he withdrew. If the election ballot was printed with a withdrawn candidate's name on it, any votes received by the withdrawn candidate shall be null and void and shall not be counted for any purpose whatsoever.

#### § 503. Notice of withdrawal and disqualification

A. (1) If the early voting election ballot was prepared with a withdrawn candidate's name on it, the registrar of voters of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the withdrawal of such candidate at any location for early voting where the candidate's name appears on the ballot. Failure to post such notice of withdrawal shall not void the election.

(2) If the early voting election ballot was prepared with the name of a candidate who has been disqualified by final judgment of a court prior to the close of early voting for the election, the registrar of voters of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the disqualification of the candidate at any location for early voting where the candidate's name appears on the ballot. Failure to post such notice of disqualification shall not void the election.

B. (1) If the election ballot was printed with a withdrawn candidate's name on it, the clerk of court of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the withdrawal of such candidate at any polling place where the candidate's name appears on the ballot. Such notice shall be posted or placed adjacent to the precinct register so that it is clearly visible. The notice shall be capitalized and in bold typed print of not less than fourteen-point font. Failure to post such notice of withdrawal shall not void the election.

(2) If the election ballot was printed with the name of a candidate who has been disqualified by a final judgment of a court, the clerk of court of any parish where such ballot will be used shall, to the extent possible and upon direction of the secretary of state, cause notice to be posted of the disqualification of such candidate at any polling place where the candidate's name appears on the ballot. Such notice shall be posted or placed adjacent to the precinct register so that it is clearly visible. The notice shall be capitalized and in bold typed print of not less than fourteen-point font. Failure to post such notice of disqualification shall not void the election.

#### § 512. Election of candidates in a general election

A. Generally. The candidate who receives the most votes cast for an office in a general election is elected. If there are two or more offices of the same character to be filled, those candidates receiving the highest total number of votes shall be elected, to the number required to fill all of the offices.

B. Election of unopposed candidates. If, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a general election does not exceed the number of persons to be elected to the office, the remaining candidates are declared elected by the people, and their names shall not appear on the ballot in the general election.

C. Effect of a tie vote. If, as a result of a tie vote in a general election, the number of candidates who would be elected to an office exceeds the number of

persons to be elected to the office, the candidates who received the same number of votes for that office in the general election are not elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results in the election at which the tie vote occurred were promulgated.

§ 583. Procedure for anticipated vacancies

A. (1) The authority required by law to call a special election to fill a vacancy in an office shall issue a proclamation ordering a special election to be held to elect a person to fill the full term of an office when it becomes certain, after the election for the term but prior to its commencement, that a vacancy will exist on the day when the term of the office commences as provided by the constitution or by law. The proclamation ordering the special election shall state the dates, in accordance with R.S. 18:402, on which the primary and general elections will be held.

(2) It shall become certain that a vacancy will exist on the day the term of office commences when the person elected to the office dies, makes a declaration to the secretary of state that he will not accept the office, or is disqualified by a court of competent jurisdiction.

B. (1) The declaration provided for herein shall be in writing and shall be signed by the official-elect and duly acknowledged by him before an officer authorized to administer oaths.

(2) The secretary of state shall immediately transmit notice of such declarations to the authority required by law to make the appointment to fill the vacancy and to the authority required by law to call the election to fill the vacancy if said authority is not the same as the authority required to make the appointment.

(3) Such declaration shall become irrevocable when received by the secretary of state, at which time an anticipated vacancy shall be deemed to have occurred.

C. When an elected official has properly tendered a notice of retirement or resignation which specifies a prospective effective date, an anticipated vacancy shall be deemed to have occurred on the date the notice of retirement or resignation becomes irrevocable. However, no special election shall be called to fill the anticipated vacancy if there is one year or less, or with respect to the office of state legislator six months or less, remaining between the prospective effective date contained in the notice of retirement or resignation and the end of the term of office of the resigning official.

D. (1) An appointment to fill an anticipated vacancy shall be made at the time the office is actually vacated and such appointment shall be made in accordance with the provisions of law applicable to the filling of vacancies in the affected office. An appointment to fill an anticipated vacancy that is made prior to the time the office is actually vacated is premature and without effect.

(2) A special election to fill an anticipated vacancy shall be called in accordance with the provisions of law applicable to the filling of vacancies in the affected office except the proclamation calling the special election shall be issued after an anticipated vacancy is deemed to have occurred. In determining the dates to be used to call the special election, the provisions of R.S. 18:402 shall apply.

§ 1280.22. Candidates; procedure for qualifying

A. Candidates for presidential nominee shall qualify in accordance with procedures established by the party. Prior to qualification as a candidate of a political party for presidential nominee, a person shall pay a qualifying fee of one thousand dollars and any additional fee as authorized by R.S. 18:464(C) or shall have obtained a nominating petition, bearing the handwritten signatures of no less than one thousand registered voters affiliated with the party from each of the congressional districts into which the state is divided. If the candidate is qualifying by paying a fee, the fee shall be paid in cash, by certified or cashier's check drawn on a state or national bank or credit union, by United States postal money order, or by a money order issued by a state or national bank or credit union.

B. (1) The qualifying period for presidential candidates shall open and close as provided in Chapter 5 of this Title. During the qualifying period, presidential candidates shall file notices of candidacy with the secretary of state.

(2)(a) A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, and the political party with which he is registered as being affiliated. The political party with which



the candidate was affiliated at the time of qualifying is the one which shall appear on the ballot, even if the candidate changes his political party designation after he qualified for the election.

(b) The candidate shall designate in the notice the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination thereof as the form in which his name shall be printed on the ballot. However, he shall not designate a title, designation, or deceptive name, nor shall he designate an occupational or professional description or abbreviation. If the candidate designates a nickname in the place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately preceding his surname. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

(c) The notice of candidacy also shall include a certificate signed by the candidate, certifying that he has read the notice of his candidacy and that all of the statements contained therein are true and correct. The certificate shall be executed before a notary public. If the candidate is serving outside the state with the armed forces of the United States, his notice of candidacy shall be witnessed by a commissioned officer in the armed forces of the United States.

(d) A notice of candidacy shall be accompanied by the qualifying fee and any additional fee imposed or a nominating petition.

(3)(a) Each sheet of a nominating petition shall set forth the name of the presidential candidate, as it shall appear on the election ballot, the address of the candidate, the political party with which he is affiliated, and the date of the presidential primary.

(b) Each voter who signs a nominating petition shall include his name and residence address.

(c) All persons who obtained signatures shall certify that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine, and all of the statements contained in the petition are true and correct.

(d) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the end of the qualifying period.

(e) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers are registered to vote in the parish. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote equals fifteen percent more than the number of registered voters required from the congressional district. A registrar's certification shall be conclusive as to number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of a presidential candidate filing the nominating petition.

C. (1)(a) Any person who qualifies as a candidate for presidential nominee may withdraw his candidacy by filing a notice of his withdrawal that is signed by the candidate and duly acknowledged before an officer authorized to administer oaths. The notice of withdrawal shall be filed prior to 4:30 p.m. on the seventh day after the close of the qualifying period with the secretary of state, who shall note thereon the date it was filed.

(b) The secretary of state shall not accept a statement of withdrawal that does not satisfy the requirements of Subparagraph (a) of this Paragraph. The secretary of state shall endorse the date and time of receipt of such a notice of withdrawal and return the notice forthwith, either personally or by registered or certified mail.

(2) A notice of withdrawal filed in accordance with the provisions of Subparagraph (1)(a) of this Subsection shall become effective when it is filed with the secretary of state. The effect of the withdrawal shall be as provided in R.S. 18:502.



Maine

**Me. Rev.  
Stat. tit.  
21-A, §§  
367, 374-  
A, 374-B,  
375**

§ 367. Candidate withdrawal

A candidate who wishes to withdraw from an elective race shall notify the Secretary of State in writing of the candidate's intent to withdraw. This notice must be signed by the candidate and submitted to the Secretary of State by the appropriate deadline provided in article 2. The notice may be submitted by facsimile or scanned image.

§ 374-A. General election candidates; vacancy

1. Vacancy and replacement of nominees. The Secretary of State shall declare the vacancy as provided in section 362-A and a political committee may make a replacement nomination for the general election only if a person nominated for an office at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general election in accordance with section 367;

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, as long as the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request that describes the illness, condition or injury and is signed by a licensed physician; or

C. Dies prior to the general election.

2. Deadline for replacement of nominee. A political committee may make a replacement nomination for the general election:

A. No later than 5 p.m. of the 4th Monday in July preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C.

2-A. Ballot procedure for replacement candidates. If a political party makes a replacement nomination for the general election by the deadline established in subsection 2, the Secretary of State shall produce new general election ballots or amend or supplement general election ballots already printed in accordance with section 376 or 604.

3. Deadline for removal of candidate's name from general election ballot. The name of a candidate for an office on the general election ballot who withdraws for any reason 70 days or more before the general election must be removed from the ballot. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and meets the criteria of subsection 1, paragraph B or C, the candidate's name must be removed from the general election ballot in accordance with section 376 or the general election ballot must be amended or supplemented in accordance with section 604. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of withdrawal required by section

367, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website.

§ 374-B. Special election candidates

If a candidate for an office on a special election ballot dies or withdraws for any reason, the candidate's name will not be removed from the ballot. The Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or has withdrawn must also be posted on the Secretary of State's publicly accessible website.

§ 375. Presidential and vice-presidential candidates chosen by petition

1. Candidate for President; death; withdrawal; disqualification. If a candidate for President who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws or becomes disqualified, the nomination of the presidential, vice-presidential and presidential electoral candidates is terminated.

2. Candidate for Vice President; death; withdrawal; disqualification. If a candidate for Vice President who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws at least 70 days before the election or becomes disqualified, the vacancy may be filled by a new vice-presidential candidate, if the following conditions are met:

A. Written resignation is filed with the Secretary of State by the previous vice-presidential candidate, if the mental and physical condition of the candidate allows;

B. Written consent is filed with the Secretary of State by the new vice-presidential candidate;

C. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by the presidential candidate; and

D. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by each of the presidential

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|                  |   | <p>electors.</p> <p>3. Candidate for presidential elector; death; withdrawal; disqualification. If a presidential elector, who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws or becomes disqualified, the vacancy may be filled by a new presidential elector, if the following conditions are met:</p> <p>A. Written resignation is filed with the Secretary of State by the previous presidential elector, if the mental and physical condition of the elector allows;</p> <p>B. Written consent is filed with the Secretary of State by the new presidential elector; and</p> <p>C. Written acceptance of the new presidential elector is filed with the Secretary of State by the presidential candidate.</p> <p>This subsection does not apply to a vacancy as described in section 804.</p>  |
| <p>Minnesota</p> | <p><b>Minn. Stat. Ann. § 204B.13 (West)</b></p> | <p>204B.13. Vacancy in nomination; partisan officeSubdivision 1. Partisan office. (a) A vacancy in nomination for a partisan office must be filled in the manner provided by this section. A vacancy in nomination exists for a partisan office when a major political party candidate who has been nominated in accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:(1) dies;(2) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least one day prior to the general election with the same official who received the affidavit of candidacy; or(3) is determined to be ineligible to hold the office the candidate is seeking, pursuant to a court order issued under section 204B.44.(b) An affidavit of withdrawal filed under paragraph (a), clause (2), must state that the candidate has been diagnosed with a catastrophic illness that will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought, if elected. The affidavit must be accompanied by a certificate verifying the candidate's illness meets the requirements of this paragraph, signed by at least</p> |

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|                    |   | <p>two licensed physicians. The affidavit and certificate may be filed by the candidate or the candidate's legal guardian.</p>   |
| <p>Mississippi</p> | <p><b>Miss. Code Ann. §§ 23-15-295; 23-15-296; 23-15-317; 23-15-363; 23-15-1089; 23-15-1091; 23-15-1095</b></p> | <p>§ 23-15-295. Withdrawal of candidacy<br/> When any person has qualified in the manner provided by law as a candidate for party nomination in any primary election, such person shall have the right to withdraw his or her name as a candidate by giving notice of his or her withdrawal in writing to the secretary of the proper executive committee at any time before the printing of the official ballots, and in the event of such withdrawal the name of the candidate shall not be printed on the ballot. When a candidate for party nomination for a state or district office who has qualified with the state executive committee withdraws as a candidate as is herein set forth after the sample of the official ballot has been approved and certified by the state executive committee the secretary or chair of the State Executive Committee shall forthwith notify the county executive committee of each county affected or involved of the fact of the withdrawal and such notification shall authorize the county executive committees to omit the name of the withdrawn candidate from the ballot if such notification is received before the printing of the ballot. In the case of the withdrawal of any candidate, the fee paid by the candidate shall be retained by the state or county executive committee, as the case may be.</p> <p>§ 23-15-296. Notice of candidacy and withdrawal<br/> All political parties registered with the Secretary of State shall notify the Secretary of State in writing within two (2) working days of each qualifying deadline of the name, mailing address and office sought of all candidates for statewide, state district and legislative office who have submitted qualifying papers to the political party on or before the qualifying deadline, and all political parties shall notify the Secretary of State of any such candidate who withdraws his candidacy within two (2) working days of receiving written notice of the withdrawal.</p> <p>§ 23-15-317. Vacancies<br/> If any person nominated for office in a primary election shall die, be removed after his or her nomination or withdraw or resign from his or her candidacy for a legitimate nonpolitical reason as defined in this section, and the vacancy in nomination shall occur between the primary election and the ensuing general election, then the municipal, county or state executive committee with which the original nominee qualified</p> |

as a candidate in the primary election shall nominate a nominee for such office. Where such a party nominee is unopposed each political party registered with the State Board of Election Commissioners shall have the privilege of nominating a candidate for the office involved. Such nominee shall be duly certified by the respective executive committee chair. Within two (2) days after such nomination is made by the appropriate executive committee, such committee shall formally notify the Secretary of State of the name of the nominee. The Secretary of State shall thereupon officially notify the appropriate officials charged with conducting the election for the office wherein the vacancy occurred of the name of the nominee. All nominations made pursuant to the provisions of this section shall have the same force and effect and shall entitle the nominees to all rights and privileges that would accrue to them as if they had been nominated in the regular primary election.

“Legitimate nonpolitical reason” as used in this section shall be limited to the following:

- (a) Reasons of health, which shall include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he or she continued.
- (b) Family crises, which shall include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business.
- (c) Substantial business conflict, which shall include the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his or her capability to properly carry out the functions of the office being sought.

Any candidate who withdraws based upon a “legitimate nonpolitical reason” which is not covered by the above definition shall have the strict burden of proof for his or her reason.

A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his or her reason by sworn affidavit. Such affidavit shall be filed with the state party chair of the nominee's party and the State Board of Election Commissioners. No substitution of candidates shall be authorized, except for death or disqualification, unless the State Board of Election Commissioners approves the affidavit as constituting a “legitimate nonpolitical reason” for the candidate's resignation within five (5) days of the date the affidavit is submitted to the board.

Immediately upon approval or disapproval of such affidavit, the State Board of Election Commissioners shall notify the respective executive committee of same.

§ 23-15-363. Withdrawal of candidates

After the proper officer has knowledge of or has been notified of the nomination, as provided, of any candidate for office, the officer shall not omit his name from the ballot, unless upon the written request of the candidate nominated, made at least ten (10) days before the election, and in no case after such ballot has been printed; and every ballot shall contain the names of all candidates nominated as specified, and not duly withdrawn.

§ 23-15-1089. Names on ballot

The Secretary of State shall place the name of a candidate upon the presidential preference primary ballot when the Secretary of State shall have determined that such a candidate is qualified under Section 23-15-1093.

On or after January 15 immediately preceding a presidential preference primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential preference primary election. Following this announcement he shall not add candidates to his selection, and he shall not delete any candidate whose name appears on the announced list, unless the candidate dies or has withdrawn as a candidate as provided in this chapter.

§ 23-15-1091. Notice to candidate

When the Secretary of State places the name of a candidate on the ballot pursuant to Section 23-15-1093, he shall notify the candidate that his name will appear on the ballot of this state in the presidential preference primary election.

The secretary shall also notify the candidate that he may withdraw his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 23-15-1095 no later than the sixtieth day before that election.

§ 23-15-1095. Withdrawal

A candidate's name shall be printed on the appropriate primary ballot unless he or she submits to the Secretary of State before the printing of the official sample ballot, an affidavit stating without qualification that he or she is not now and does not presently intend to become a candidate for the Office of President of the United States at the upcoming nominating convention of his or her political party. If a candidate withdraws pursuant to this section, the Secretary of State shall notify the state executive committee of the political party of such candidate that the candidate's name will not be placed on the ballot.

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**Nev.  
Rev.  
Stat.  
Ann. §  
293.165**

293.165. Procedure for filling certain vacancies in major or minor political party nomination or nonpartisan nomination; deadline for making changes to general election ballot

1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee required by NRS 293.193 after 8 a.m. on the third Monday in June, or if the third Monday in June is a legal holiday, on the day immediately following the third Monday in June, and before 5 p.m. on the fourth Friday in July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. Each designation of a candidate provided for in this section must be filed with the appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and

pay the filing fee required by NRS 293.193 before 5 p.m. on the date the designation is filed.



South  
Carolina

**S.C.  
Code  
Ann. §§  
7-11-50,  
7-11-53,  
7-11-55**

§ 7-11-50. Substitution when party nominee dies, becomes disqualified, or resigns for legitimate nonpolitical reason.

If a party nominee who was nominated by a method other than party primary election dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in this section and sufficient time does not remain to hold a convention to fill the vacancy or to nominate a nominee to enter a special election, the respective state or county party executive committee may nominate a nominee for the office, who must be duly certified by the respective county or state chairman.

“Legitimate nonpolitical reason” as used in this section is limited to:

- (a) reasons of health, which include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued;
- (b) family crises, which include circumstances which would substantially alter the duties and responsibilities of the candidate to the family or to a family business;
- (c) substantial business conflict, which includes the policy of an employer prohibiting employees being candidates for public offices and an employment change which would result in the ineligibility of the candidate or which would impair his capability to carry out properly the functions of the office being sought.

A candidate who withdraws based upon a legitimate nonpolitical reason which is not covered by the inclusions in (a), (b) or (c) has the strict burden of proof for his reason. A candidate who wishes to withdraw for a legitimate nonpolitical reason shall submit his reason by sworn affidavit.

This affidavit must be filed with the state party chairman of the nominee's party and also with the board of voter registration and elections of the county if the office concerned is countywide or less and with the State Election Commission if the office is statewide, multi-county, or for a member of the General Assembly. A substitution of candidates is not authorized, except for death or disqualification, unless the election commission to which the affidavit is submitted approves the affidavit as constituting a legitimate nonpolitical reason for the candidate's resignation within ten days of the date the affidavit is submitted to the commission. However, where this party nominee is unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election. If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month

following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty-eight day period in the manner authorized by Section 7-13-190(D).§ 7-11-55. Substitution of candidates when nominee selected by primary election.

If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7-11-50 and was selected through a party primary election, the vacancy must be filled in a special primary election to be conducted as provided in this section. The filing period for this special primary election opens the second Tuesday after the death, disqualification, or approval of the resignation for one week. The special primary election then must be conducted on the second Tuesday immediately following the close of the filing period. A runoff, if necessary, must be held two weeks after the first primary. The nomination must be certified not less than two weeks before the date of the general election. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election.

If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty-eight day period in the manner authorized by Section 7-13-190(D). The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7-11-50.

Where the party nominee was unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section.

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**Tenn.  
Code  
Ann. §§  
2-5-  
101(g)(1)  
, 2-5-204,  
2-13-204**

§ 2-5-101. Filing [This section is operative where nominee withdraws for primary OR general under § 2-5-204]

(g)(1) If a candidate in a primary election or nonpartisan general election, after the qualifying deadline but on or before sixty (60) days before the primary or general election:

- (A) Dies;
- (B) Withdraws because of military call up;
- (C) Withdraws because of physical or mental disability, such physical or mental disability being properly documented by competent medical authority;
- (D) Withdraws because such candidate is forced to change residence by the candidate's employer for a job-related reason;
- (E) Is declared ineligible or disqualified by a court;
- (F) Is declared disqualified by the peace officer standards and training (POST) commission pursuant to § 8-8-102(e);
- (G) Is declared disqualified by the Tennessee highway officials certification board pursuant to § 54-7-104; or
- (H) Is disqualified by the political party executive committee under § 2-5-204;

leaving no candidates for nomination or office, additional candidates may qualify for the election or that nomination by filing their petitions as provided by law no later than twelve o'clock (12:00) noon, prevailing time, seven (7) calendar days after the occurrence of such an event listed under this subdivision (g)(1); provided, that, if a candidate is disqualified by the political party executive committee under § 2-5-204, the qualifying deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, seven (7) calendar days after the final determination of the appeal process under § 2-5-204(b)(2)(B). If a qualifying deadline is extended pursuant to this subdivision (g)(1), there shall not be a withdrawal period.

(2) If the qualifying deadline falls on a Saturday, Sunday, or state holiday, the qualifying deadline shall be twelve o'clock (12:00) noon, prevailing time, on the previous business day.

(3) Candidates may withdraw for reasons other than those listed in subdivision (g)(1); however, no additional candidates may qualify.

(h)(1) This subsection (h) shall be known and may be cited as the "Anti-Skullduggery Act of 1991."

(2) Notwithstanding any provision of this section to the contrary, additional candidates may qualify for an office by qualifying as provided by law no later than twelve o'clock (12:00) noon, prevailing time, on the seventh day after the original withdrawal deadline, if an incumbent of such office is a candidate for a primary or a nonpartisan general election and if such incumbent dies or properly withdraws on the last day for qualifying or prior to twelve o'clock (12:00) noon, prevailing time, on the seventh day after the qualifying deadline.

(3) If an incumbent withdraws during the period specified in subdivision (h)(2), this subsection (h) shall operate to:

- (A) Extend the period to qualify for the primary election of each political party holding a primary for that office;

(B) Extend the period during which a political party that would have been authorized by law to nominate a candidate for the office by a means other than primary election, but did not do so prior to the withdrawal of the incumbent; and

(C) Extend the period a person may qualify for a nonpartisan general election.

(4) Any request to withdraw by such additional candidates shall be filed no later than twelve o'clock (12:00) noon, prevailing time, on the fourth day after the new qualifying deadline.

§ 2-5-204. Names on ballots; requests to withdraw; disqualification of candidate; appeals; candidates who become deceased

Currentness

(a) Each qualified candidate's name shall be placed on the ballot as it appears on the candidate's nominating petitions unless the candidate dies before the ballots are printed, or unless the candidate requests in writing that the candidate's name not appear on the ballot and files the request with each of the officers with whom the candidate filed nominating petitions or to whom the candidate's nomination was certified as a political party nominee, or unless the executive committee with which a primary candidate filed the original petition determines that the candidate is not qualified under § 2-13-104.

(b)(1) A candidate's request to withdraw shall be filed no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline for the election. A candidate who qualifies pursuant to § 2-5-101(g)(1) or who is nominated pursuant to § 2-13-204(c) must file any request to withdraw no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline.

(2)(A) An executive committee that determines that a candidate is not qualified under § 2-13-104 shall file the committee's determination with the coordinator of elections no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline for the election. The coordinator of elections shall notify each county election commission on whose ballots the candidate's name would otherwise appear prior to the election commission printing the ballot.

(B) If an executive committee submits a candidate's name to be excluded from the ballot pursuant to subdivision (b)(2)(A), the executive committee shall provide the candidate written notice of the exclusion within two (2) days after submission. The executive committee shall mail the notice by certified mail, return receipt requested, or any form of expedited mail that requires a signature at receipt, to the residential address or the business address of the candidate as listed on the candidate's nominating petition. The executive committee shall retain the return receipts, or other documentation of timely notification, for a period of not less than one (1) year from the date the notification was sent. The candidate may appeal the

determination in writing and must file the original appeal with the executive committee and a copy of the appeal with the coordinator of elections within two (2) days of receipt of the notice from the executive committee. Unless the coordinator of elections receives a letter from the executive committee withdrawing the committee's determination of the candidate's disqualification no later than the close of business seven (7) days after the original withdrawal deadline, the candidate's name must be excluded from the ballot. The executive committee may file the withdrawal letter with the coordinator of elections by fax, email, hand delivery, or through a priority mail process.

(C) The appeal process described in subdivision (b)(2)(B) does not apply to a special primary or special general election to fill the vacancy for members of the general assembly or the office of representatives in congress.

(c) If no less than four (4) members of the county election commission vote in the affirmative that a candidate's name on the ballot would be confusing or misleading, the county election commission may require further identifying information or may omit any confusing or misleading portion of the name. In an election where the candidate's name will appear on the ballot in more than one (1) county, this authority shall rest with the state election commission.

(d) No titles may be printed with the candidate's name.

(e) If a candidate dies within forty (40) days before the election, the decedent's name shall remain on the ballot. If the deceased candidate receives the necessary votes to otherwise be elected, then a vacancy shall exist. The vacancy shall be filled as otherwise provided for by law.

#### § 2-13-204. Replacement nominations

(a) If a political party's candidate for any office dies or withdraws because of military call-up for the draft, or physical or mental disability, such physical or mental disability being properly documented by competent medical authority, or is forced to change residence by the candidate's employer for a job-related reason, or is declared ineligible or disqualified by a court, a new nomination may be made by the former nominee's party by any method of nomination authorized by § 2-13-203. A political party's candidate may withdraw for reasons other than those stated in the preceding sentence, but the political party may make no further nomination for the position in question.

(b)(1) If the office is to be filled by the voters of the entire state, the party's state executive committee shall determine the method of nomination.

(2) If the office is to be filled by the voters of more than one (1) county, the party's chairs of its county executive committees in those counties whose voters will fill the office shall form a committee to determine the method of nomination. However, if the office to be filled is for the house of representatives of the United States congress in a district which consists of more than one (1) county, the chair of the congressional district's

convention for that political party shall convene a convention in accordance with the party's rules within fourteen (14) days of the date of the vacancy to determine the method of nomination.

Texas

**Tex.  
Elec.  
Code  
Ann. §§  
192.061,  
192.062,  
192.065**

§ 192.061. Withdrawal, Death, or Ineligibility Generally  
With respect to withdrawal, death, or ineligibility of a presidential or vice-presidential candidate in a general election, this subchapter supersedes Subchapter A, Chapter 145 [This subchapter deals with withdrawal of non-presidential candidates], to the extent of any conflict.

§ 192.062. Presidential or Vice-Presidential Party Nominee

(a) The secretary of state shall certify in writing the name of a political party's replacement nominee for president or vice-president of the United States as follows :

(1) for placement on the ballot for an original nominee who withdraws, dies, or is declared ineligible on or before the 74th day before presidential election day if

the party's state chair delivers certification of the replacement nominee's name, signed by the state chair, to the secretary of state not later than 5 p.m. of the 71st day before presidential election day; or

(2) to the nominating party's presidential elector candidates for an original nominee who withdraws, dies, or is declared ineligible after the 74th day before presidential election day if the party's state chair delivers certification of the replacement nominee's name, signed by the state chair, to the secretary of state not later than 2 p.m. on the Monday after the second Wednesday in December of a presidential election year.

(b) If the state chair's certification of a replacement nominee is delivered by mail, it is considered to be delivered at the time of its receipt by the secretary of state.

(c) The name of a nominee who has withdrawn, died, or been declared ineligible shall be omitted from the ballot and the name of the replacement nominee placed on the ballot if a replacement nominee is certified for placement on the ballot as provided by this section. Otherwise, the withdrawn, deceased, or ineligible nominee's name shall be placed on the ballot.

(d) A vote for a withdrawn, deceased, or ineligible nominee whose name appears on the ballot shall be counted as a vote for the nominating political party's presidential elector candidates.

§ 192.065. Certification of Winning Candidate's Inability to Serve; Affirmation or Denial by Electors  
Currentness

(a) The secretary of state shall certify on the seventh day before the meeting of electors that a candidate for president or vice president who received the most votes in this state in the general presidential election is willing and able to serve in the position for which the candidate was elected, unless the secretary of state has received a written certification from one of the following individuals, in order of precedence, that the candidate is unable or unwilling to serve:

(1) the candidate;

(2) the executive director of the candidate's campaign; or

(3) the candidate's spouse or, if the candidate does not have a surviving spouse, the person to whom the candidate's estate

would descend under Section 201.001, Estates Code.

(b) Upon receipt of a certification under Subsection (a), the secretary of state shall notify the party of the candidate who submitted the certification and post the certification on the secretary of state's Internet website.

(c) The secretary of state may promulgate a form for a certification under this section of inability or unwillingness to serve.

(d) If before the meeting of electors the secretary of state receives a certification under Subsection (a) that a candidate is unwilling or unable to serve, the electors shall first vote on the issue of whether that candidate is willing and able to serve in the position for which the candidate was elected. If a majority of electors vote that the candidate is not willing or able to serve in the position for which the candidate was elected, Sections 192.102, 192.103(b), 192.103(d), and 192.104(d) and (e) do not apply to that meeting of electors with respect to that candidate.



Wisconsin

Wis.  
Stat.  
Ann. §  
8.35

8.35. Vacancies after nomination

(1) Any person who files nomination papers and qualifies to appear on the ballot may not decline nomination. The name of that person shall appear upon the ballot except in case of death of the person. A person who is appointed to fill a vacancy in nomination or who is nominated by write-in votes is deemed to decline nomination if he or she fails to file a declaration of candidacy within the time prescribed under sub. (2)(c) or s. 8.16(2).

(2)(a) If a vacancy occurs after nomination due to the death of a candidate of a recognized political party for a partisan office, the vacancy may be filled by the chairperson of the committee of the proper political party under s. 7.38, or the candidate committee, if any, in the case of independent candidates.

Similar vacancies in nominations of candidates for nonpartisan local offices may be filled by a candidate committee or, if there is none, by the body which governs the local governmental unit in which the deceased person was a candidate for office. The chairperson, chief officer of the candidate committee, or clerk of the body making an appointment shall file a certificate of appointment with the official or agency with whom declarations of candidacy for the office are filed. For purposes of this paragraph, the official or agency need not recognize members of a candidate committee whose names were not filed under s. 11.0203(1)(c) prior to the death of the candidate.

(b) If a vacancy in nomination occurs due to the death of a candidate, the officer or agency with whom nomination papers are filed for the office shall promptly notify the chairperson, committee or body, if any, that the vacancy may be filled within 4 days of the date of the notice, as shown by the postmark if the notice is mailed. The chairperson, committee or body may file a sworn certificate of nomination with the official or agency within the 4-day period.

(c) The official or agency with whom a proper certificate is filed under par. (b) shall promptly notify the candidate who is nominated and transmit to the candidate a declaration of candidacy form and, in the case of a candidate for state or local office, a registration statement form under s. 11.0203(1). No later than 5 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the new nominee by the official or agency, the nominee shall file a declaration of candidacy and, in the case of a candidate for state or local office, a registration statement under s. 11.0203(1). No later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to a new nominee for state office or municipal judge by the official or agency, the nominee shall file a statement of economic interests under s. 19.43(4). If the nominee fails to file the declaration of candidacy, the official or agency may refuse to place the candidate's name on the ballot. If the nominee fails to file the registration statement or statement of economic interests, the official or agency may not place the candidate's name on the ballot.

(d) If the ballots have been prepared, the committees or body

filling the vacancy shall supply stickers as provided under s. 7.38(3). No vacancy in a nomination occurs prior to the time of the primary election for an office, unless no primary is required for the office for which the nomination is made.

(e) This subsection does not apply in the event of the death of a candidate for nonpartisan office who has no opponent appearing on the election ballot.

(3) Whenever a nominee dies after the election ballots are prepared, and no nomination is made under this section, the votes cast for the deceased shall be counted and returned. If he or she receives a plurality of the votes cast, the vacancy shall be filled as in the case of a vacancy occurring by death after election.

(4)(a)1. When a candidate is appointed to fill a vacancy under this section, the funds remaining in the former candidate's depository after payment of the former candidate's lawful campaign debts, if any, shall be:

a. Donated to the former candidate's local or state political party if the former candidate was a partisan candidate or donated to the charitable organization of the former candidate's choice or the charitable organization chosen by the former candidate's next of kin if the former candidate is deceased, or if no choice is made returned to the donors on a proportional basis; or

b. If the former candidate was a nonpartisan candidate, donated to the charitable organization of the former candidate's choice or the charitable organization chosen by the former candidate's next of kin if the former candidate is deceased; or

c. If no choice is made, returned to the donors on a proportional basis, with contributions which cannot be identified donated in accordance with subd. 1. a. or b.

2. A petitioner or personal representative may make the choice under subd. 1.a. or b. where subd. 1.c. applies.

(c) The treasurer of the former candidate's committee shall submit to the appropriate filing officer a special report detailing the disposition of funds under par. (a)1. If the former candidate is deceased and was serving as the treasurer of his or her own campaign committee, the former candidate's petitioner or personal representative shall file the report. The report shall include a complete statement of all contributions, disbursements, and incurred obligations, pursuant to s.

11.0204(1), covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

(d) The newly appointed candidate shall file his or her report at the next appropriate interval under s. 11.0204 after his or her appointment. The appointed candidate shall include any transferred funds in his or her first report.

(e) Any person who violates this subsection may be punished as provided under s. 11.1400 or 11.1401.

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| <p>Alaba<br/>ma</p> | <p><b>Ala.<br/>Code §§<br/>17-6-21,<br/>17-13-<br/>104</b></p> | <p>17-6-21"A nomination for a candidate in a primary or general election shall be finalized by the respective state executive committees not later than 76 days before the primary or general election." Only discusses timeline for withdrawal. § 17-13-104. Notice to candidate of qualification; withdrawal by candidate.<br/>Whenever the chair shall receive petitions, timely filed, which appear to qualify the name of a candidate for President to be placed on the ballot, he or she shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless the candidate withdraws his or her name from the ballot no later than 76 days before the primary, it will appear on the ballot of the party at such presidential preference primary. If a candidate signifies the desire to withdraw his or her name within the above time limit, it shall not be printed on the ballot.<br/>Credits<br/>COMMENT<br/>Ballots are printed 40 days ahead of the election. A candidate who withdraws after that date will have their name printed on the ballot. Extending the date of withdrawal from 10 days to 60 days will prevent confusion as to the candidates' names appearing on the ballot but having withdrawn.</p> |
| <p>Arizon<br/>a</p> | <p><b>Ariz.<br/>Rev.<br/>Stat.<br/>Ann. §<br/>16-343</b></p>   | <p>§ 16-343. Filling vacancy caused by death or incapacity or withdrawal of candidate<br/>A. A vacancy occurring due to death, mental incapacity or voluntary withdrawal of a candidate after the close of petition filing but before a primary or general election shall be filled by the political party with which the candidate was affiliated as follows:<br/>1. In the case of a United States senator or statewide candidate, the state executive committee of the candidate's political party shall nominate a candidate of the party's choice and shall file a nomination paper and declaration complying with the requirements for candidates as stated in § 16-311 in order to fill the vacancy.</p>  |

Connecticut

Conn. Gen. Stat. Ann. §§ 9-329b, 9-460, 9-472

§ 9-329b. Removal of candidate's name from ballot(a) At any time prior to a primary held before April 1, 2024, and pursuant to sections 9-423, 9-425 and 9-464, or a special act, or prior to any election held before April 1, 2024, the Superior Court may issue an order removing a candidate from a ballot where it is shown that such candidate is improperly on the ballot.(b) At any time prior to the commencement of the period of early voting at a primary held on or after April 1, 2024, and pursuant to sections 9-423, 9-425 and 9-464, or a special act, or prior to the commencement of the period of early voting at any election held on or after April 1, 2024, the Superior Court may issue an order removing a candidate from a ballot where it is shown that such candidate is improperly on the ballot. § 9-460. Vacancy in nomination; withdrawal procedure. Certification of replacement nomination; time limitations. Ballots<Section effective Jan. 1, 2024. See, also, section § 9-460 effective until Jan. 1, 2024.>If any party has nominated a candidate for office, or, on and after November 4, 1981, if a candidate has qualified to appear on any ballot by nominating petition under a reserved party designation, in accordance with the provisions of this chapter, and such nominee thereafter, but prior to forty-six days before the opening of the polls on the day of the election for which such nomination has been made, dies, withdraws such nominee's name or for any reason becomes disqualified to hold the office for which such nominee has been nominated d (1) such party or, on and after November 4, 1981, the party designation committee may make a nomination to fill such vacancy or provide for the making of such nomination as its rules prescribe, and (2) if another party that is qualified to nominate a candidate for such office does not have a nominee for such office, such party may also nominate a candidate for such office as its rules prescribe. No withdrawal, and no nomination to replace a candidate who has withdrawn, under this section shall be valid unless the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the Secretary of the State in the case of a state or district office or the office of state senator or state representative from any district, or with the municipal clerk in the case of a municipal office other than state senator or state representative. If a nominee dies within forty-six days before the election, but prior to twenty-four hours before the commencement of the period of early voting at the election for which such nomination has been made, the vacancy may be filled in the manner prescribed in this section by two o'clock p.m. of the day before the first day of such period of early voting with the municipal clerk or the Secretary of the State, as the case may be.If a nominee dies within twenty-four hours before the commencement of the period of early voting at the election and prior to the close of the polls on the day of the election for which such nomination has been made, such nominee shall not be replaced and the votes cast for such nominee shall be canvassed and counted, and if such nominee receives a plurality of the votes cast, a vacancy shall exist in the office for

which the nomination was made. The vacancy shall then be filled in a manner prescribed by law. A copy of such certification to the municipal clerk shall also be filed with the Secretary of the State. Such nomination to fill a vacancy due to death or disqualification shall include a statement setting forth the reason for such vacancy. If at the time such nomination is certified to the Secretary of the State or to the municipal clerk, as the case may be, the ballots have already been printed, the Secretary of the State shall direct the municipal clerk in each municipality affected to (A) have the ballots reprinted with the nomination thus made included thereon, (B) cause printed stickers to be affixed to the ballots so that the name of any candidate who has died, withdrawn or been disqualified is deleted and the name of any candidate chosen to fill such vacancy appears in the same position as that in which the vacated candidacy appeared, or (C) cause blank stickers to be so affixed if the vacancy is not filled. § 9-472. Vacancy on ballot due to candidate death. If, after determination of the order of candidates on the ballot, a candidate dies, his name shall not appear on such ballot; provided that the position of each remaining candidate on the ballot shall not be altered by the deletion of such name. The secretary may authorize the use of blank stickers on the ballot by town clerks in order to comply with the provisions of this section.

Hawaii

**Haw.  
Rev.  
Stat.  
Ann. §§  
11-117,  
11-118**

§ 11-118. Vacancies; new candidates; insertion of names on ballots

Currentness

(a) In case of death, withdrawal, or disqualification of any party candidate, the vacancy so caused may be filled by the party.

The party shall be notified by the chief election officer or the clerk in the case of a county office immediately after the death, withdrawal, or disqualification.

(b) If the party fills the vacancy, and so notifies the chief election officer or clerk not later than 4:30 p.m. on the third day after the vacancy occurs, but not later than 4:30 p.m. on the fiftieth day prior to a primary or special primary election or not later than 4:30 p.m. on the fortieth day prior to a special, general, or special general election, the name of the replacement shall be printed in an available and appropriate place on the ballot, not necessarily in alphabetical order; provided that the replacement candidate fills out an application for nomination papers, signs the proper certifications on the nomination paper, and takes either an oath or affirmation as provided by law. If the party fails to fill the vacancy pursuant to this subsection, no candidate's name shall be printed on the ballot for the party for that race.

(c) If the ballots have been printed and it is not reasonably possible to insert an alternate's name, the chief election officer shall issue a proclamation informing the public that the votes cast for the vacating candidate shall be counted and the results interpreted as follows:

(1) In a primary or special primary election:

(A) In partisan races, if, but for candidate's vacancy, the vacating candidate would have been nominated pursuant to section 12-41(a), a vacancy shall exist in the party's nomination, to be filled in accordance with subsection (b); and  
(B) In nonpartisan races, if, but for the candidate's vacancy, the vacating candidate would have qualified as a candidate for the general or special general election ballot pursuant to section 12-41(b), the nonpartisan candidate who received the next highest number of votes shall be placed on the ballot; provided that the candidate also meets the requirements of section 12-41(b);

(2) In a special, general, or special general election, if, but for the candidate's vacancy, the vacating candidate would have been elected, a vacancy shall exist in the office for which the race in question was being held, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term because of death, withdrawal, or removal; and

(3) In any other case where, but for the candidate's vacancy, the vacating candidate would have been deemed elected, a vacancy shall exist in the office for which the candidate has filed, to be filled in the manner provided by law for vacancies in office arising from the failure of an elected official to serve the official's full term in office because of death, withdrawal, or removal.

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|  |  | <p>(d) The parties shall adopt rules to comply with this provision, and those rules shall be submitted to the chief election officer.</p> |
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|  |  | <p>(e) The chief election officer or county clerk in county elections may waive any or all of the foregoing requirements in special circumstances as provided in the rules adopted by the chief election officer.</p> |
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|  |  | <p>(f) For the purposes of this section, "party candidate" means the person or persons who would be the candidate or candidates of the party under section 12-41(a).</p> |
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Illinois

**10 Ill.  
Comp.  
Stat.  
Ann.  
5/7-11,  
5/10-7,  
5/10-11**

5/7-11. Presidential candidates; names upon primary ballot of political party; vote as advisory to delegates to national convention

§ 7-11. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the general primary, in any year in which a Presidential election is to be held, a petition signed by not less than 3000 or more than 5000 primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States, who fails to comply with the provisions of this Article shall have his name printed upon any primary ballot: Provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for President of the United States in a presidential preference primary, the Chair of the State central committee of such national political party shall notify the State Board of Elections in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed in accordance with the delegate selection plan adopted by the state central committee of such national political party.

Provided, further, unless rules or policies of a national political party otherwise provide, the vote for President of the United States, as herein provided for, shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the state at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the national conventions of the respective political parties.5/10-7. Withdrawal of candidate; name of candidate on more than one certificate; public inspection of certificates

§ 10-7. Except as otherwise provided in this Code, any person whose name has been presented as a candidate, including nonpartisan and independent candidates, may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and presented to the principal office or permanent branch office of the Board, the election authority, or the local election official, as the case may be, not later than the date for certification of candidates for the ballot. No name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. If such a request for withdrawal is received after the date for certification of the candidates for the ballot, then the votes cast for the withdrawn candidate are invalid and shall not be reported by the election authority. If the name of the same person has been presented as a candidate



for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the ballot, for any office. However, nothing in this section shall be construed as precluding a judge who is seeking retention in office from also being a candidate for another judicial office. Except as otherwise herein provided, in case the certificate of nomination or petition as provided for in this Article shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office), then and in that case the Board or election authority or local election official, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certificates or petitions and that within 3 days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to make such election, then and in that case the Board or election authority or local election official, as the case may be, shall permit the name of said candidate to appear or be printed or placed upon said ballot only under the political party appellation or group appearing on the certificate of nomination or petition, as the case may be, first filed, and shall strike or cause to be stricken the name of said candidate from all certificates of nomination and petitions filed after the first such certificate of nomination or petition. Whenever the name of a candidate for an office is withdrawn from a new political party petition, it shall constitute a vacancy in nomination for that office which may be filled in accordance with Section 10-11 of this Article; provided, that if the names of all candidates for all offices on a new political party petition are withdrawn or such petition is declared invalid by an electoral board or upon judicial review, no vacancies in nomination for those offices shall exist and the filing of any notice or resolution purporting to fill vacancies in nomination shall have no legal effect.

Whenever the name of an independent candidate for an office is withdrawn or an independent candidate's petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist and the filing of any notice or resolution purporting to fill a vacancy in nomination shall have no legal effect.

All certificates of nomination and nomination papers when presented or filed shall be open, under proper regulation, to public inspection, and the State Board of Elections and the several election authorities and local election officials having charge of nomination papers shall preserve the same in their respective offices not less than 6 months.

5/10-11. Vacancies in nomination

§ 10-11. Any vacancy in the nomination of a new political party candidate occurring prior to the date of certification of candidates for the ballot by the certifying board or officer must be filled prior to the date of certification. The resolution to fill such vacancy shall be sent by U.S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U.S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3 day limit, the notice or resolution shall be deemed filed within such 3 day limit. Failure to so transmit the notice or resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate.

Vacancies shall be filled by the new political party officers.

Any vacancy in nomination occurring after certification but prior to 15 days before a regular election shall be filled by the new political party officers within 8 days after the event creating the vacancy in the manner heretofore prescribed.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgements of deeds and shall include, upon its face, the following information:

- (a) the name of the original nominee and the office vacated;
- (b) the date on which the vacancy occurred;
- (c) the name and address of the nominee selected to fill the vacancy and the date of selection.

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 10-5, completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.1 The provisions of Sections 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before a regular election shall not be filled. In this event the certification of the original candidate shall stand and his name shall appear on the official ballot to be voted at the election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of Section 10-2 dies before the election, or declines the nomination; provided that nomination may become vacant for other reasons.

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| <p>Indian<br/>a</p> | <p><b>Ind.<br/>Code<br/>Ann. §§<br/>3-10-4-5,<br/>3-10-4-6</b></p> | <p><u>3-10-4-5 Certification of nominees and electors</u><br/> <u>Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.</u><br/> <u>3-10-4-6 Cessation of candidacy</u></p> <p>Sec. 6. (a) If a nominee for President or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and the state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee and the successor's name shall be printed upon all ballots.</p> <p>(b) If a nominee for President or Vice President of the United States ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee. However, the ballots must reflect the original nominee's name, and any vote cast in the election for the original nominee shall be considered a vote for the successor.</p> |
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Maryland

**Md. Code, Elec. Law §§ 5-501, 5-502, 5-503, 5-504, 5-901, 5-1302**

§ 5-501. Withdrawal of candidacy  
An individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal as provided in this subtitle.

§ 5-502. Time for withdrawal of candidacy  
In general (a) Subject to § 5-402 of this title, an individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within 10 days after the filing date established under § 5-303 of this title.

§ 5-503. Filing of withdrawal of candidacy  
In general (a) Except as provided in subsection (b) of this section, the certificate of withdrawal shall be filed with the appropriate board with which the individual filed the certificate of candidacy.

§ 5-504. Effect of withdrawal of candidacy  
In general (a) If a certificate of withdrawal is filed under this subtitle: (1) the certificate of candidacy to which the certificate of withdrawal relates is void; (2) the name of the candidate may not be submitted to the voters for nomination and election to the office to which the certificate relates unless the individual files a new certificate of candidacy within the time limit prescribed for filing; and (3) except as provided in § 5-402 of this title, the filing fee for the certificate of candidacy may not be refunded.

§ 5-901. Offices other than Governor and Lieutenant Governor; no filed candidate  
Governor and Lieutenant Governor unit  
(a) This section does not apply to a vacancy in nomination in the office of a Governor and Lieutenant Governor unit.  
Application of section  
(b) This section applies to a vacancy in candidacy for a primary election that occurs because:  
(1) of the death, disqualification, or withdrawal of an unopposed candidate; or  
(2) no candidate for the political party files a certificate of candidacy for the election.  
Offices covering more than one county  
(c)(1) Except for a vacancy in candidacy for the election of a member of the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this subsection, the vacancy in candidacy for a political party that is entitled to have a candidate on the ballot for an office elected by the voters of more than one county shall be filled by the State central committee or governing body of that political party.  
(2)(i) In a State legislative district or a State delegate district comprising more than one county, a vacancy in candidacy for a political party that is entitled to have a candidate on the ballot shall be filled by a vote of the central committee in the counties in the district.  
(ii) In filling the vacancy in candidacy under subparagraph (i) of this paragraph, the central committee of each county where the vacancy occurs shall cast a vote proportionate to its share of

the total registered voters of the district as reported in the most recent statistical report by the State Board.

(iii) If no person receives a majority of the votes cast under subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees, the vacancy in candidacy shall be filled by the State central committee of the political party.

Offices within a county

(d) For any public or party office not described in subsection (c) of this section, a vacancy in candidacy under this section shall be filled by the central committee of the political party in the county in which the office is located.

Certificate of designation required from central committee

(e)(1) A central committee authorized to fill a vacancy in candidacy for an office under this section because of the withdrawal of an unopposed candidate or because no candidate filed for the office shall file a certificate of designation of candidacy with the appropriate board designated to receive the certificate of candidacy for that office 4 days after the withdrawal date provided in § 5-502 of this title.

(2) A central committee authorized to fill a vacancy in candidacy for an office under this section because of the death or disqualification of an unopposed candidate shall file a certificate of designation with the appropriate board designated to receive the certificate of candidacy for that office 4 days after the death or disqualification becomes known to the applicable board in accordance with § 5-504 of this title.

Certificate of candidacy required of nominee to fill vacancy

(f) The individual designated by a central committee under subsection (e) of this section to fill a vacancy shall file a certificate of candidacy in accordance with Subtitle 3 of this title with the appropriate board by the date specified for the applicable central committee to file a certificate of designation under subsection (e) of this section.

Michigan

**Mich.  
Comp.  
Laws  
Ann. §§  
168.94,1  
68.95,  
168.134,  
168.135**

168.94. Candidates; withdrawal  
Sec. 94. After the filing of a nominating petition by or in behalf of a proposed candidate for United States senator, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

168.95. Candidates; death; selection of new candidate; ballots  
Sec. 95. If a candidate of a political party for the office of United States senator, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for the office of United States senator, a candidate to fill the vacancy may be selected by the state central committee and the name of the candidate selected shall be transmitted to the secretary of state and to the county officials required by law to print and distribute ballots. The name of the candidate shall be printed on the ballots, but if the ballots have been printed, the county officials shall have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall be distributed to the various voting precincts within their respective counties.

168.134. Candidates; withdrawal  
Sec. 134. After the filing of a nominating petition by or in behalf of a proposed candidate for representative in congress, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom the petition was filed or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

168.135. Candidates; death; selection of new candidate; ballots  
Sec. 135. If a candidate of a political party for the office of representative in congress, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for the office of representative in congress, a candidate to fill the vacancy may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator in a state representative or state senatorial district of the candidate's political party from within the boundaries of the congressional district. If the district comprises more than 1 county, the meeting shall be called and conducted by the chairperson of the state central committee or his or her authorized representative. The name of the candidate selected shall be transmitted to the county officials required by law to print and distribute ballots. The name of the candidate shall be printed on the ballots, but if the ballots have been printed, the county officials shall have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall

be distributed to the various voting precincts within their respective counties



Missouri

**Mo.  
Ann.  
Stat. §  
115.359;  
115.361;  
115.379;  
115.399**

115.359. Withdrawal of candidacy, deadline for, how made

1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to sections 115.363 to 115.377 may withdraw as a candidate no later than 5:00 p.m. on the fifth day after being named as the party candidate for a different office by the party nominating committee.

2. Except as provided for in section 115.247, if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the time limits set forth in subsection 1 of this section but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.

3. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 or 2 of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

115.361. Filing to be reopened, when--death or withdrawal of only candidate to create vacancy on ballot, when--removal of name from ballot, when

1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which the candidate is the incumbent or the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the tenth Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00

p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the tenth Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which the candidate is the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the tenth Tuesday prior to the primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for the position of political party committeeman or committeewoman becomes disqualified after the tenth Tuesday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal within two working days prior to the deadline for the close of filing set forth in section 115.349, the time of filing for that office shall cease at said deadline. There shall be a reopening of filing on the first Tuesday after the deadline for the close of filing set forth in section 115.349 which shall last until 5:00 p.m. on the Friday immediately following the first Tuesday after said deadline.

15.379. Death of candidate after filing deadline and before election, procedure to be followed

1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his or her name shall be printed on the primary, general or special election ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after 5:00 p.m. on the eighth Tuesday prior to the election, his or her name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle the candidate to nomination or election had the candidate not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

2. Whenever a candidate for nomination or election to an office is disqualified after 5:00 p.m. on the eighth Tuesday prior to a

primary election, general election or special election to fill a vacancy, his or her name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the disqualified candidate to entitle him or her to nomination or election had the candidate not become disqualified, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

3. Except as provided in subsection 3 of section 115.359, subsection 2 of section 115.361 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to a primary election, general election or special election to fill a vacancy, all appropriate election authorities shall see that such candidate's name is removed from the primary, general or special election ballot, as the case may be.

115.399. Presidential and vice-presidential candidates, when certified to secretary of state--declaration of candidacy of presidential electors, form of

1. Not later than the twelfth Tuesday prior to each presidential election, or notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven working days after choosing its nominees for president and vice president of the United States, whichever is later, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for president and vice president of the United States.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each state committee, and the number of nominees for presidential elector named by each state committee shall equal the number to which the state is entitled.

3. When submitted for filing, each certification made by a state committee pursuant to the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy for each candidate for presidential elector. Each declaration of candidacy shall state the candidate's full name, residence address, office for which such person proposes to be a candidate and that if elected the person will qualify...

Montana

**Mont. Code Ann. §§ 13-10-325; 13-1-403; 13-10-327**

13-10-325. Withdrawal from nomination

(1)(a) A candidate for nomination or a candidate for election to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom the candidate's declaration, petition, or acceptance of nomination was filed. The statement must contain all information necessary to identify the candidate and the office sought. Unless filed electronically with the secretary of state, the statement of withdrawal from nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(b) A candidate may not withdraw after the candidate filing deadline established in 13-10-201(7).

(2) Filing fees paid by the candidate may not be refunded.

13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal--election cancellation--election by acclamation

(1) Consistent with the candidate filing deadline in 13-10-201(7) for primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline for election to a local government office is no sooner than 145 days and no later than 85 days before the election.

(2) A declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the 65th day before the date of the election.

(3) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not withdraw after the candidate filing deadline provided in subsection (1).

(4) Except as provided in subsection (5)(b) and unless otherwise specifically provided by law, if the number of candidates filing for election is equal to or less than the number of positions to be filled, the election administrator shall notify the governing body of the local government in writing that the election is not necessary and the governing body may by resolution cancel the election.

(5)(a) If an election has been canceled and there is only one candidate for a position, the governing body of the local government shall declare the candidate elected to the position by acclamation.

(b) If an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government shall fill the position by appointment. The term of an appointed member must be the same as if the member were elected.

13-10-327. Vacancy after primary and prior to general election

(1) Except as provided in 13-10-328 for a vacancy in the candidacy of either governor or lieutenant governor caused by the death of a candidate, if a party candidate dies or withdraws after the primary and before the general election, or if a candidate is disqualified pursuant to 13-37-126 from having the

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|                               |  | <p>candidate's name appear on a general election ballot, the affected political party shall appoint someone to replace the candidate in one of the following ways:</p> <p>(a) For offices to be filled by the state at large, the state central committee shall make the appointment as provided by the rules of the party.</p> <p>(b) For offices to be filled in districts including more than one county, a committee appointed by the county central committees of all counties in the district shall make the appointment. Procedures for the appointment of the committee and making the appointment must be provided in party rules.</p> <p>(c) For offices to be filled in counties, municipalities, or districts wholly within a county, the appointment must be made under rules adopted by the county central committee.</p> <p>(2) Except as provided in this section, appointments to fill vacancies must be made no later than 76 days before the election. A candidate may not officially withdraw 85 days or less before a general election. However, if a candidate for partisan office dies less than 85 days before the general election, the affected political party shall appoint a candidate within 5 days after being notified of the vacancy. One of the procedures provided in 13-12-204 must be used to place the name of the appointee on the ballot if necessary.</p> <p>(3) The appointing committee shall send a certificate to the officer with whom a declaration for nomination for the office would be filed, with the information required on a declaration for nomination and the name of the candidate for whom the appointee is to be substituted. The appointee shall send a signed and acknowledged acceptance of the appointment and the filing fee for the office.</p> <p>(4) The officer receiving the certificate of appointment, accompanied by a statement of acceptance and the filing fee, shall certify the name of the appointee for the ballot.</p> |
| <p>New<br/>Hamps<br/>hire</p> | <p><b>N.H.<br/>Rev.<br/>Stat.<br/>Ann. §§<br/>656:21,<br/>655:38,<br/>655:39</b></p> | <p>656:21 Pastors; Substitute Candidates.</p> <p>In the event that a candidate dies or is disqualified as provided in RSA 655:38 or 655:39, the name of the substitute candidate shall be printed on the state general election ballot. If the state general election ballots have already been prepared and time will permit, the secretary of state may authorize adhesive slips or pasters with the name of the substitute candidate thereon to be printed and sent to the town or city clerks representing the territory wherein the deceased or disqualified candidate was to be voted for. Such paster shall be affixed to the ballots as provided in RSA 658:34. The name of the substitute candidate shall be received by the secretary of state no later than the Tuesday prior to the election in order for a substitute name to be placed on the ballot.</p> <p>655:38 Disqualification of Candidate.</p> <p>If a candidate to be voted for at the general election shall make oath between the date of the candidate's nomination and the day of the election that he or she does not qualify for the public office which he or she seeks because of age, domicile, or</p>  |

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|                       |  | <p>incapacitating physical or mental disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. Any such oath citing an incapacitating physical or mental disability shall be accompanied by a letter from a licensed physician confirming such a condition. A new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of disqualification. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.</p> <p>655:39 Death of Candidate.<br/>If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of death. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.</p>  |
| <p>New<br/>Jersey</p> | <p><b>N.J.<br/>Stat.<br/>Ann. §§<br/>19:13-16,<br/>19:13-18,<br/>19:13-20,<br/>19:14-2</b></p> | <p>19:13-16. Notice to election official; time forWhen a person nominated as herein provided by direct petition or State convention for election to public office at the general election shall, at least 81 days before the day of the general election, in a writing signed by him and duly acknowledged, notify the officer with whom the original petition or certificate of nomination was filed that he declines the nomination, the nomination shall be void.19:13-18. In generalWhen a person so declines his nomination, or if a petition or certificate of nomination, or if any nomination, be insufficient or inoperative, or if a nominee shall die, or for any reason vacate his nomination, the vacancy so occasioned may be filled in the manner outlined in the succeeding sections.19:13-20. Vacancies among primary election nominees; procedure for fillingIn the event of a vacancy, howsoever caused, among candidates nominated at a primary election for the general election, which vacancy shall occur not later than the 70th day before the general election, or in the event of inability to select a candidate because of a tie vote at such primary, a candidate shall be selected in the following manner:a. (1) In the case of an office to be filled by the voters of the entire State, the candidate shall be selected by the State committee of the political party wherein such vacancy has occurred.19:14-2. Contents; names of candidates; public questionsThere shall be a single or blanket form of ballot, upon which shall be printed the names of all the candidates of every party or group of petitioners having candidates to be voted for at such election. The name of a candidate nominated at the primary who shall fail to accept his nomination, or file the oath of allegiance executed, in the manner herein provided shall not be printed on the ballot. The name of a candidate whose nomination has been vacated as hereinbefore provided shall not be printed on the ballot. The name of a candidate shall appear but once upon the ballot for the same office.Except as to the requirements of section 19:14-</p> |

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|  |  | <p>15 of this Title as to State-wide propositions, any public question which is to be submitted to the people of the State, county or municipality at the general election, shall be printed in a separate space at the foot of the ballot with appropriate instructions to the voter.</p> |
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New  
Mexico

**N.M.  
Stat.  
Ann. §§  
1-8-7, 1-  
8-8, 1-8-  
47, 1-10-  
6**

§ 1-8-7. Vacancy on general election ballot; death of candidate or resignation or death of office holder before primary

A. Vacancies on the general election ballot may be filled as provided in Subsection B of this section if after a primary election there is no nominee of a major political party for a public office to be filled in the general election and if the vacancy was caused by:

- (1) the death of a candidate after filing of the declaration of candidacy or after certification as a convention-designated nominee and before the primary election;
- (2) the failure of a major political party to nominate a candidate for lieutenant governor; provided that the major political party nominated a candidate for governor; or
- (3) the resignation or death of a person holding a public office after the last Friday before the first Tuesday in March, when such office was not included in the general election proclamation and is required by law to be filled at the next succeeding general election after the vacancy is created.

B. The vacancy may be filled subsequent to the primary election by the central committee of the state or county political party, as the case may be, as provided by Subsection A of Section 1-8-8 NMSA 1978.

C. Appointments to fill vacancies in the list of a party's nominees for the general election ballot shall be made and filed with the proper filing officer on the twenty-third day after the primary election using the form prescribed by the secretary of state, along with the declaration of candidacy subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act.

D. When the name of a nominee is filed as provided in this section, the name shall be placed on the general election ballot as the party's candidate for that office.

§ 1-8-8. Vacancy on general election ballot; occurring after primary

A. If after a primary election, but ninety or more days before the general election, a vacancy occurs, for any cause, in the list of the nominees of a qualified political party for any public office to be filled in the general election, or a vacancy occurs because of the resignation or death of a person holding a public office not included in the secretary of state's general election proclamation and which office is required by law to be filled at the next succeeding general election, or a vacancy occurs because a new public office is created and was not included in the secretary of state's general election proclamation but is capable by law of being filled at the next succeeding general election, the vacancy on the general election ballot may be filled by:

- (1) the central committee of the state political party filing the name of its nominee for the office with the proper filing officer when the office is a federal office, state office, district office or multicounty legislative district office; and
- (2) the central committee of the county political party filing the

name of its nominee for the office with the proper filing officer when the office is a magistrate office, county office or legislative district office where the district is entirely within the boundaries of a single county.

B. Appointments made pursuant to Subsection A of this section shall qualify pursuant to Section 1-8-18 NMSA 1978.

C. The county or state central committee members making the appointment pursuant to Subsection A of this section shall be as provided for in the rules of the respective party; provided that, at a minimum, the committee shall include those members residing within the boundaries of the area to be represented by the public office.

D. Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer on or before the seventieth day prior to a general election using the form prescribed by the secretary of state, along with the declaration of candidacy form subscribed and sworn by the selected nominee and the form for candidates pursuant to the Campaign Reporting Act.

E. When the name of a nominee is filed as provided in this section, the name shall be placed on the general election ballot as the party's candidate for that office.

§ 1-8-47. Independent candidates for general or United States representative special elections; withdrawal of name  
The provisions of the Election Code pertaining to the withdrawal of candidates from the general election shall apply to the withdrawal of independent candidates.

§ 1-10-6. Ballots; name to be printed; order of names; similar names; names not to be printed

A. In the preparation of ballots for a statewide election, the candidate's name shall be printed on the ballot as it appears on the candidate's certificate of registration that is on file in the county clerk's office on the day the secretary of state issues the proclamation for that election; provided that:

- (1) the last name printed on the ballot shall match the candidate's legal last name;
- (2) academic, honorific and elected titles shall not be printed;
- (3) periods after initials shall not be printed;
- (4) punctuation common to names, other than a period, shall be printed as it appears on the candidate's certificate of registration; and
- (5) only letters and punctuation used in roman typefaces shall be printed.

B. The order of candidates for the same office in a statewide election shall be determined using a randomization method provided by rule.

C. If it appears that the names of two or more candidates for any office to be voted on at the election are the same or are so similar as to tend to confuse the voter as to the candidates' identities, the candidates shall be differentiated on the ballot in accordance with rules adopted by the secretary of state.

D. A candidate's name shall not be printed on the ballot if at least seventy days before a general election, sixty-three days before a primary election or regular local election or seven days after the filing day for declarations of candidacy for any other election:

(1) the candidate files with the proper filing officer a signed and notarized statement of withdrawal as a candidate in that election;

(2) a judicial determination is made that the candidate does not qualify to be a candidate for the office sought;

(3) the voter registration of the candidate is updated by the candidate in such manner that the candidate does not qualify to be a candidate for the office sought; or

(4) the voter registration of the candidate is canceled for any reason provided in Chapter 1, Article 4 NMSA 1978.

New  
York

**N.Y.  
Elec.  
Law § 6-  
146, 6-  
148, 6-  
150, 6-  
152, 7-  
116**

§ 6-146. Nomination and designation; declination or acceptance

1. A person designated as a candidate for nomination or for party position, or nominated for an office, otherwise than at a primary election, may, in a certificate signed and acknowledged by him, and filed as provided in this article, decline the designation or nomination; provided, however, that, if designated or nominated for a public office other than a judicial office by a party of which he is not a duly enrolled member, or if designated or nominated for a public office other than a judicial office by more than one party or independent body or by an independent body alone, such person shall, in a certificate signed and acknowledged by him, and filed as provided in this article, accept the designation or nomination as a candidate of each such party or independent body other than that of the party of which he is an enrolled member, otherwise such designation or nomination shall be null and void.
2. If any designation or nomination is declined, the officer or board to whom or which notification thereof is given shall forthwith inform by mail or otherwise the committee authorized to fill the vacancy, that the designation or nomination has been declined, and if such declination is filed with the state board of elections after such board has given official notice, pursuant to the provisions of this chapter, to the several boards of elections that the name of the candidate filing such declination is to appear on a ballot, such board also shall give immediate notice by mail or otherwise that such designation or nomination has been declined, to the several boards of elections which prepare the official ballots for election districts affected by such declination.
3. When a person who was not designated for nomination at a primary election receives a nomination for public office at such primary election, the officer or board with whom or which a designating petition for such an office is required to be filed shall forthwith notify, by mail, such person of his nomination, and that he must decline or accept such nomination in writing as hereinafter provided.
4. A person nominated without designation for public office at a primary election may decline such nomination. A person so nominated for public office by a party of which he is not a duly enrolled member, must decline or accept such nomination, otherwise such nomination shall be null and void. Such declinations or acceptances must be filed not later than five days after the mailing of notification of such nomination by such officer or board. If the nomination is declined the vacancy may be filled not later than three days after such declination shall have been filed in the office of the officer or board.
5. A person who has been nominated for public office by a party or parties and who is thereafter nominated for another office by one or more of such parties, or who is thereafter nominated by the party to fill a vacancy caused by such nomination or nominations to fill a vacancy by the party, may decline such first nomination or nominations not later than the third day after the filing of the certificate of his nomination or

nominations for such other office, but such a declination shall not be effective if such other nomination or nominations by the party is duly declined.

6. A person designated as a candidate for two or more party nominations for an office to be filled at the time of a general election who is not nominated at a primary election by one or more such parties may decline the nomination of one or more parties not later than ten days after the primary election.

7. A person designated as a candidate for nomination or for party position, or nominated for an office, may, in a certificate signed and acknowledged by such person and filed no later than the last day to certify the ballot pursuant to section 4-110 or section 4-112 of this chapter, decline the designation or nomination under the following circumstances:

(a) where the person so nominated or designated has been arrested or charged with one or more misdemeanors or felonies by the filing of an accusatory instrument in a state court at any time after such person's designation or nomination; or

(b) where the person so nominated or designated has been arrested or charged with one or more misdemeanors or felonies by the filing of a criminal complaint, information or indictment in federal court at any time after such person's designation or nomination; or

(c) where the person so nominated or designated has been convicted of one or more misdemeanors or felonies under state or federal law at any time after such person's designation or nomination.

#### § 6-148. Nomination and designation; filling vacancies

1. A vacancy in a designation or nomination caused by declination, where a declination is permitted by this article, or by the death or disqualification of the candidate, or by a tie vote at a primary, may be filled by the making and filing of a certificate, setting forth the fact and cause of the vacancy, the title of the office, the name of the original candidate, if any, and the name and address of the candidate newly designated or nominated.

2. A vacancy in a designation or independent nomination, or in a party nomination made otherwise than at a primary, may be filled by a majority of the committee to fill vacancies shown upon the face of the petition or certificate of the designation or nomination in which the vacancy occurs.

3. A vacancy in a nomination made at a primary, or by a tie vote thereat, may be filled by a majority of the members, of the party committee or committees last elected in the political subdivision in which the vacancy occurs, present at a meeting at which there is a quorum, or by a majority of such other committee as the rules of the party may provide.

4. If the vacancy be filled by a committee named in a petition or certificate of nomination, the new certificate shall be signed by a majority of such committee; if filled by any other committee, it shall be signed by the presiding officer and secretary of the committee. Appended to the certificate shall be the affidavit of

the persons signing the certificate that they were a majority of such committee, or such officers, as the case may be, and that the statements in such certificate are true.

5. The certificate designating a person to fill a vacancy in a designation or nomination shall have appended thereto his written consent to be so designated or nominated, duly acknowledged.

6. When a certificate of a new designation or nomination shall be filed with the state board of elections after such board has given official notice, pursuant to the provisions of this chapter, to the several boards of elections, of the names to appear on the ballot at the election to which such new designation or nomination applies, such board shall forthwith certify to the proper board of elections the name of the person designated or nominated by such certificate and such other facts as are required to be stated therein.

§ 6-150. Nomination; vacancy caused by death or disqualification, unfilled at time of general or special election  
If a vacancy shall occur in a nomination, caused by disqualification or death of the candidate subsequent to noon of the Tuesday before a general or special election and prior to the closing of the polls on such election day, such vacancy shall not be filled, and the votes cast for such deceased candidate shall be canvassed and counted, and if he shall receive a plurality of the votes cast, a vacancy shall exist in the office for which such nomination was made to be filled in the manner provided by law for vacancies in office occurring by reason of death after election.

§ 6-152. Vacancies caused by death or disqualification and unfilled at time of primary election  
If a vacancy shall occur in a designation of a candidate for nomination or election at a primary election, caused by the death or disqualification of a candidate subsequent to noon of the seventh day before the primary election and prior to the closing of the polls, such vacancy shall not be filled and the votes cast for such deceased or disqualified candidate shall be canvassed and counted, and, if he shall receive a plurality of the votes cast, another candidate may thereafter be nominated or the vacancy filled as provided by law or the rules of the party.

§ 7-116. Ballots; order of names on

4. If a vacancy in a designation or nomination be filled after the making, in the manner provided in this section, of a determination of the order in which the names of candidates for the office or position are to be printed, to the extent practicable, the name of the candidate designated or nominated to fill such vacancy shall be printed in the place so determined for the original candidate.

6. (a) In cases where a name is added to or removed from the

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|  |  | <p>ballot by court order too late to make a complete adjustment to these requirements feasible, the name may be added at the end of the list of candidates in all election districts, or removed from the ballot in all election districts without changing the previously arranged order of other names and without invalidating the election. Any inadvertent error in the order of names discovered too late to correct the order of the names on the ballots concerned shall not invalidate an election.</p> |
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North  
Caroli  
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N.C.  
Gen.  
Stat.  
Ann. §§  
163-114,  
163-  
182.5,  
163-  
165.3(c)

§ 163-114. Filling vacancies among party nominees occurring after nomination and before election

(a) If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position

President

Vice President Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days

§ 163-182.4. Jurisdiction for certain ballot items

(b) Jurisdiction of State Board of Elections.--As used in this Article, the State Board of Elections shall have jurisdiction over the following:

(1) National offices.

(2) State offices.

(3) District offices (including General Assembly seats) in which the district lies in more than one county.

(4) Superior court judge, district court judge, and district attorney, regardless of whether the district lies entirely in one county or in more than one county.

(5) Referenda in which residents of more than one county are eligible to vote.

(c) For the purposes of this Article, having jurisdiction shall mean that the appropriate board shall do all of the following with regard to the ballot item:

(1) Canvass for the entire electorate for the ballot item.

(2) Prepare abstracts or composite abstracts for the entire electorate for the ballot item.

(3) Issue certificates of nomination and election.

§ 163-165.3. Responsibilities for preparing official ballots

(c) Late Changes in Ballots.--The State Board shall promulgate rules for late changes in ballots. The rules shall provide for the reprinting, where practical, of official ballots as a result of

replacement candidates to fill vacancies in accordance with G.S. 163-114 or other late changes. If an official ballot is not reprinted, a vote for a candidate who has been replaced in accordance with G.S. 163-114 will count for the replacement candidate. before the general election.

North  
Dakota

**N.D.  
Cent.  
Code  
Ann. §§  
16.1-03-  
21, 16.1-  
12-02,  
16.1-12-  
07, 16.1-  
12-10**

§ 16.1-03-21. Organizations allowed to nominate statewide and legislative candidates

[Requires ND Political Party to nominate in re: § 16.1-12-10.]

A political organization may not endorse candidates or have candidates petition for president, vice president, Congress, statewide office, or legislative office as set forth in chapter 16.1-11, unless the organization:

1. Organized according to all requirements of this chapter;
2. Had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president, a candidate for governor, a candidate for attorney general, or a candidate for secretary of state and those candidates for presidential electors, governor, attorney general, or secretary of state received at least five percent of the total vote cast for presidential electors, the office of governor, attorney general, or secretary of state within this state at that election and organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state signed by the number of electors required under section 16.1-11-30 to qualify to endorse candidates or to have candidates petition to be included on the primary election ballot in a consolidated column or on a special election ballot.

§ 16.1-12-02. Certificates of nomination by petition--Form and contents

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. Except for nominees for president of the United States, names of nominees so nominated must appear on the ballot as independent nominations. The names of nominees for president of the United States may appear on the ballot with a designation, not to exceed five words, that names the organization or political party to which the presidential candidate affiliates. The designation may not falsely indicate an affiliation with or the support of any political party organized in accordance with this title or include any substantive word or phrase that is profane or that is already included in or resembles the name of a political party entitled to a separate column under section 16.1-11-30. Except for candidates for the office of president of the United States, each certificate of nomination by petition must meet the specifications for nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to submit to the secretary of state the name of a qualified candidate for the office of the president of the United States may begin gathering the signatures for the certificate of nomination on the first day of January of a presidential election year and shall submit the petition to the secretary of state before four p.m. on the sixty-fourth day before the general election. The signatures on the

petition must be in the following number:

1. Except as provided in subsection 3, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than one thousand signatures.
2. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be at least two percent of the resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
3. If the nomination is for the office of president, there must be no fewer than four thousand signatures and the petition must contain the names of the presidential and vice presidential candidates along with the names of the elector nominees and alternate elector nominees for the office of the North Dakota presidential electors. The elector nominees and alternate elector nominees must be qualified electors of North Dakota.
4. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

§ 16.1-12-07. If nominee declines--Certificate void

Any individual intending to decline a nomination shall do so by filing written notice of that intention with the officer with whom the certificate nominating the individual is filed. If the written notice is filed with the appropriate officer within forty-eight hours after four p.m. on the sixty-fourth day before the election, the nomination is void. If written notice is mailed, it must be in the physical possession of the appropriate officer within forty-eight hours after four p.m. on the sixty-fourth day before the election.

§ 16.1-12-10. Party committee to fill vacancy occurring after nomination for party office

1. If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, the state executive committee of the party that submitted the slate of statewide candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination and the name of the individual who has been nominated to fill the vacancy in place of the original nominee to the various county auditors. If the secretary of state already has forwarded the certificate, the secretary of state shall certify to the county auditors the name and address of the new nominee, the office the new nominee is nominated for, the party or political

principle the new nominee represents, and the name of the individual for whom the new nominee is substituting, as soon as possible. Failure to publish the name of a new nominee does not invalidate the election.

2. If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, the executive committee of the district in which the vacancy occurs and of the party that submitted the slate of legislative candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination to the various county auditors affected by the change by forwarding to the auditors the name of the individual who has been nominated to fill the vacancy in place of the original nominee, as soon as possible. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the individual for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.

3. A vacancy in a nomination following a primary election may not be filled according to subsection 1 or 2 unless the nominated candidate:

- a. Dies;
- b. Would be unable to serve, if elected, as a result of a debilitating illness;
- c. Ceases to be a resident of the state;
- d. Is nominated to be a member of the legislative assembly and, at the time of the election, will not be a resident of the legislative district to be represented; or
- e. Ceases to be qualified to serve, if elected, as otherwise provided by law.

4. Vacancies to be filled according to this section may be filled not later than the sixty-fourth day before the election.

Ohio

**Ohio  
Rev.  
Code  
Ann. §§  
3513.31,  
3513.312**

3513.31 Vacancy by withdrawal or death of nominee; selection of candidate for unexpired term; independent candidates  
(A) If a person nominated in a primary election as a candidate for election at the next general election, whose candidacy is to be submitted to the electors of the entire state, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by the state central committee of the major political party that made the nomination at the primary election, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The meeting shall be called by the chairperson of that committee, who shall give each member of the committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the committee are present at the meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the meeting shall certify in writing and under oath to the secretary of state, not later than the eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy in a party nomination that may be filled by a minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification must be made as in the manner provided for a major political party.  
(G) If a person nominated in a primary election or nominated by petition under section 3517.012 of the Revised Code as a party candidate for election at the next general election dies, the vacancy so created may be filled by the same committee in the same manner as provided in this section for the filling of similar vacancies created by withdrawals or disqualifications under section 3513.052 of the Revised Code, except that the certification, when filling a vacancy created by death, may not be filed with the secretary of state, or with a board of the most populous county of a district, or with the board of a county in which the major portion of the population of a subdivision is located, later than four p.m. of the tenth day before the day of such general election, or with any other board later than four p.m. of the fifth day before the day of such general election.

3513.312 Procedure when nominated candidate dies or withdraws

(A) Notwithstanding section 3513.31 of the Revised Code, if a person nominated in a primary election or nominated by petition under section 3517.012 of the Revised Code as a party candidate for the office of representative to congress for election at the next general election withdraws as such candidate prior to the ninetieth day before the day of such general election, or dies prior to the ninetieth day before the day of such general election, the vacancy in the party nomination so created shall

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|                 |   | <p>be filled in accordance with division (B) of this section as soon as reasonably practicable.</p> <p>(B)(1) Except as otherwise provided in division (B)(2) of this section, the boards of elections of all the counties contained in whole or in part within the congressional district in which a vacancy occurs as described in division (A) of this section shall conduct the special election on a date designated by the secretary of state and give notice of the time and places of holding such election as provided in section 3501.03 of the Revised Code. Such election shall be held and conducted and returns thereof made as in the case of a primary election, except that the secretary of state shall designate the deadline to file a declaration of candidacy or a declaration of intent to be a write-in candidate for the election.</p> <p>(2) If only one person has filed a valid declaration of candidacy for the special election to be held under division (B)(1) of this section, or if no person has filed a valid declaration of candidacy, then no special election shall be held. If one person has filed a valid declaration of candidacy, the secretary of state, upon receiving certification of that fact from the board of elections of the most populous county of the congressional district, shall issue a certificate of nomination to the person and the person's name shall appear on the ballot as that party's candidate at the general election.</p> <p>(C) The state shall pay all costs of any special election held pursuant to this section.</p>  |
| <p>Oklahoma</p> | <p><b>Okla. Stat. Ann. tit. 26, § 1-105</b></p> | <p>§ 1-105. Substitute candidates</p> <p>A. In the event of the death of a political party's nominee for office prior to the date of the General Election, or in the event that a deceased person receives a political party's nomination for office, a substitute candidate will be permitted to have his or her name placed on the General Election ballot as follows:</p> <p>2. If the nominee was a candidate who filed a Declaration of Candidacy with the State Election Board,[ Presidential Nominees qualify under this subsection pursuant to § 20-102. Filing with Secretary of the State Election Board--Qualifications--Petition--Fees—Ballots (“Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board.”)], the state central committee of the party affected shall notify the Secretary of the State Election Board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's state central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office; and</p> <p>3. Provided, if the death of a political party's nominee for an office described in paragraph 1 or 2 of this subsection should occur after the Friday following the date of the Runoff Primary</p> |



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|      |                            | <p>Election, then the election shall proceed with the deceased candidate's name printed on the ballot.</p> <p>B. In the event of the death of an independent candidate for an office described in paragraph 1 or 2 of subsection A of this section, the following procedure shall apply:</p> <ol style="list-style-type: none"> <li>1. If the death occurs on or prior to the Friday following the date of the Runoff Primary Election, the candidate's name shall not be printed on the ballot; and</li> <li>2. If the death occurs after the Friday following the date of the Runoff Primary Election, the candidate's name shall be printed on the ballot.</li> </ol> <p>C. In the event a deceased candidate is certified by the appropriate Election Board as having won an election, a vacancy in the office shall occur upon the date the candidate would have taken office, and the vacancy shall be filled in the manner prescribed by law.</p> <p>D. In the event of the death of a candidate who was unopposed for election, a Special Election shall be called by the Governor. The Special Election shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title.</p>   |
| Utah | Utah Code Ann. § 20A-1-501 | <p>§ 20A-1-501. Candidate vacancies--Procedure for filling</p> <p>(1) As used in this section, "central committee" means:</p> <ol style="list-style-type: none"> <li>(a) the state central committee of a political party, for a candidate for: <ol style="list-style-type: none"> <li>(i) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or</li> <li>(ii) state legislator if the legislative district encompasses all or a portion of more than one county; or</li> </ol> </li> <li>(b) the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.</li> </ol> <p>(2) Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:</p> <ol style="list-style-type: none"> <li>(a) for a registered political party that will have a candidate on a ballot in a primary election: <ol style="list-style-type: none"> <li>(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and</li> <li>(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a); and</li> </ol> </li> <li>(b) for a registered political party that does not have a candidate on the ballot in a primary, but will have a candidate on the ballot for a regular general election: <ol style="list-style-type: none"> <li>(i) after the close of the period for filing a declaration of</li> </ol> </li> </ol> |



candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or

(c) for a registered political party with a candidate certified as winning a primary election:

(i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and

(ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.

(3) 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 central committee of that political party may certify the name of another candidate to the appropriate election officer.

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

(5)(a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.

(6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.

(7) This section does not apply to a candidate vacancy for a nonpartisan office.

Vermont

Vt. Stat.  
Ann. tit.  
17, §§  
2381,  
2412

§ 2381. Applicability of subchapter

(a) A candidate may also be nominated and have the candidate's name printed on the general election ballot in accordance with the provisions set forth in this subchapter, in the following instances:

(1) In case of a vacancy on the general election ballot occasioned by death, removal, or withdrawal of a candidate, or the failure of a major political party to nominate a candidate by primary;

(2) In case a minor political party desires to nominate a candidate for any office for which major political parties nominate candidates by primary or for the offices of President and Vice President of the United States;

(3) In case of nomination for the office of justice of the peace, in the event that such nomination has not already been made by caucus as provided in section 2413 of this chapter.

(b) In no event may any committee nominate a candidate or candidates for statewide office under this subchapter unless the political party has town committees organized in at least 10 towns in this State in accordance with procedures in chapter 45 of this title.

§ 2412. Withdrawal of candidacy

(a)(1) A candidate who has been validly nominated by one of the methods prescribed in this chapter shall have a right to withdraw his or her candidacy up until 5:00 p.m. on the tenth day following the primary by filing a written notice of withdrawal with the town clerk in the case of a candidate for justice of the peace, and with the Secretary of State in the case of all other offices.

(2) The name of a candidate who has withdrawn in accordance with the provisions of this subsection shall not be printed on the ballot.

(b) After the date described in subdivision (a)(1) of this section, if the candidate has filed a written notice of withdrawal, the town clerk or Secretary of State may still remove the candidate's name from the ballot up until the printing deadline.

Virgini  
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**Va.  
Code  
Ann. §§  
24.2-508,  
24.2-539,  
24.2-541**

§ 24.2-508. Powers of political parties in general Each political party shall have the power to (i) make its own rules and regulations, (ii) call conventions to proclaim a platform, ratify a nomination, or for any other purpose, (iii) provide for the nomination of its candidates, including the nomination of its candidates for office in case of any vacancy, (iv) provide for the nomination and election of its state, county, city, and district committees, and (v) perform all other functions inherent in political party organizations. § 24.2-539. Party may nominate when nominee dies, withdraws, or nomination is set aside; duty of party chairman Should the nominee of any party die, withdraw, or have his nomination set aside for any reason, the party may nominate to fill the vacancy in accordance with its own rules. A candidate who has been disqualified for failing to meet the filing requirements of Article 1 (§ 24.2-500 et seq.) of this chapter shall not be renominated. No party shall renominate any person whose nomination has been set aside for fraud knowingly participated in by the candidate. The party chairman or chairmen shall promptly certify the name of any such nominee to the appropriate electoral boards and the nominee shall promptly comply with the filing requirements of Article 1 of this chapter. § 24.2-541. Printing of names on ballot In the case (i) of a candidate who has died if the notice is filed with the proper official at least 25 days before the day on which the election is to be held or (ii) of a candidate who has withdrawn or had his nomination set aside if the notice is filed with the proper official at least 60 days before the day on which the election is to be held, the electoral board or boards having charge of the printing of the ballots for such election shall either: 1. Cause to be printed thereon the name of every person qualifying as provided in this article; or 2. If ballots for the election have already been printed, cause separate ballots to be printed for the office on which shall be printed the name of every person qualifying as provided in this article and of any other party or nonparty candidate for the same office who had already qualified to have his name printed on the ballot. In addition, the electoral board may cause to be stricken from the earlier printed ballots the title of the office involved and the names of all candidates for that office appearing thereon. If the candidate so dying, withdrawing or having his nomination set aside is a candidate for an office to which more than one person is to be elected and none of the candidates was opposed prior to such death, withdrawal, or setting aside, then the ballots shall be so printed as to permit the electors to vote separately for the remaining unopposed candidate or candidates, and for such persons who filed notice of candidacy as provided in this article. Whenever any additional candidate qualifies as provided in this article, no votes previously cast by absentee ballot for a candidate for such office shall be counted, but any person who has so voted shall be entitled to receive a new ballot and to vote for his choice among all the candidates for such office.

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| <p>Alaba<br/>ma</p>  | <p><b>Ala.<br/>Code §§<br/>17-6-21,<br/>17-13-<br/>104</b></p>   | <p>17-6-21"A nomination for a candidate in a primary or general election shall be finalized by the respective state executive committees not later than 76 days before the primary or general election." Only discusses timeline for withdrawal. § 17-13-104. Notice to candidate of qualification; withdrawal by candidate.</p> <p>Whenever the chair shall receive petitions, timely filed, which appear to qualify the name of a candidate for President to be placed on the ballot, he or she shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless the candidate withdraws his or her name from the ballot no later than 76 days before the primary, it will appear on the ballot of the party at such presidential preference primary. If a candidate signifies the desire to withdraw his or her name within the above time limit, it shall not be printed on the ballot.</p> <p>Credits<br/>COMMENT<br/>Ballots are printed 40 days ahead of the election. A candidate who withdraws after that date will have their name printed on the ballot. Extending the date of withdrawal from 10 days to 60 days will prevent confusion as to the candidates' names appearing on the ballot but having withdrawn.</p>  |
| <p>Arkan<br/>sas</p> | <p><b>A.C.A.<br/>§§7-5-<br/>203(a)(2)<br/>, (b)(2);<br/>7-7-<br/>304(a)(2)<br/>, (b)(2);<br/>7-7-106</b></p> | <p>Notice of Withdrawal: The notice from a candidate of his or her desire to withdraw must be in writing, signed by the candidate, and acknowledged before an officer authorized to take acknowledgements. [A.C.A. §§7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]; Withdrawal Before the Certification Deadline/Not Placed on Ballot: If a candidate dies or notifies the Secretary of State or county clerk, depending on the election, of his or her desire to withdraw as a candidate for the office or position, the candidate shall not be certified and shall not be placed on the ballot. [A.C.A. §§ 7- 5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]</p> <p>Withdrawal After the Certification Deadline/Votes Counted: Votes received by a candidate whose name appeared on the ballot and who withdrew or died after the certification of the ballot are counted.</p> <p>[A.C.A. §§7-5- 315(b)(1); 7-7-304(c)(1)] Vacancy in Election: If a candidate withdraws or dies after certification but receives enough votes at the general election to win the election, a vacancy in election shall be declared. [A.C.A. §7-5-315(b)(2)(A)] If a candidate withdraws or dies after certification but receives enough votes to qualify for a runoff election, the person's name must be placed on the runoff election ballot. [A.C.A. §7-5-315(b)(2)(B)(i)]</p> <p>If a candidate withdraws or dies after certification but receives enough votes to win the runoff election, a vacancy in election shall exist. [A.C.A. §7-5-315(b)(2)(B)(ii)] § 7-7-106. Filling vacancies in candidacy for nomination--Preferential primary</p> <p>(a) A political party may fill a vacancy if:</p> <p>(1) A person is running unopposed in a preferential primary</p> |

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|                        |   | <p>and cannot accept the nomination due to death; or</p> <p>(2) A person is running unopposed in a preferential primary and notifies the party that he or she will not accept the nomination due to a serious illness.</p> <p>(b) The vacancy shall be filled in accordance with respective political party rules.</p> <p>(c) If the vacancy is filled more than sixty-six (66) days before the preferential primary election, the name of the person filling the vacancy shall be printed on the ballot instead of the name of the person who vacated the candidacy.</p> <p>(d) If the vacancy is filled less than sixty-six (66) days before the date of the preferential primary election, the name of the person subsequently elected to fill the vacancy in candidacy shall be declared the nominee even if the name of the person who vacated the candidacy appears on the preferential primary ballot.</p> <p>(e) If the vacancy in candidacy is not filled before the date of the preferential primary election, a vacancy in nomination shall be deemed to exist on the date of the preferential primary election and the vacancy in nomination shall be filled under § 7-7-104.</p>  |
| <p><b>Delaware</b></p> | <p><b>Del. Code Ann. tit. 15, §§ 3306, 3183, 4505</b></p> | <p>§ 3306. Supplemental certificates of nomination</p> <p>(a) Whenever it shall be determined, subsequent to the dates specified in §§ 3301 and 3303 of this title, that a duly nominated candidate will be unable to serve if elected because of death, physical, mental or other incapacity, the state, county or city (if a municipality holds its election at the time of the general election) committee shall convene within 24 hours of said determination to authorize the filing of a supplemental certificate of nomination for a substitute candidate, or to decline to issue such a certificate. However, in the case of the death of a candidate, said committee may convene within a reasonable period of time sufficient to have the new candidate's name placed on the ballot, but in no case later than 5 days from the date of death.</p> <p>(b) Such certificate, if issued, shall be delivered to the officer or officers to whom the original certificate was submitted no later than 12:00 noon of the day following that meeting at which the certificate was authorized. However, if said meeting shall occur within 5 days of the day of election, the certificate shall be delivered immediately.</p> <p>§ 3183. Nomination; withdrawal</p> <p>A candidate placed on the ballot pursuant to this subsection, or a candidate already on the ballot pursuant to subsection (a) of this section, may have that candidate's own name removed from the ballot provided that no later than the close of the business day the Friday following the deadline set in accordance with subsection (a) of this section, the candidate files an affidavit with the State Election Commissioner stating that the candidate is not currently and does not intend to become a candidate in any other state's presidential primary and that the candidate is not currently (or is no longer), and</p> |

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|       |  | <p>does not intend to become, a candidate for the presidential nomination of the candidate's party.</p> <p>§ 4505. Substitution of candidate's name after creation of ballots<br/>Whenever a supplemental certificate of nomination is filed naming a substitute candidate, as elsewhere provided in this title, the Department shall promptly notify electors using absentee or mail ballots of the substitution and do either of the following:<br/>(1) Provide new ballots, if there is sufficient time before the election.<br/>(2) Take other appropriate measures if there is insufficient time before the election to provide new ballots.</p>   |
| Idaho | <b>Idaho Code<br/>Ann. §§<br/>34-912,<br/>34-715,<br/>34-717,<br/>24-740,<br/>34-1405A</b> | <p>§ 34-1405A. Withdrawal of candidacy<br/>A candidate for nomination or candidate for election to an office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. A candidate may not withdraw later than forty-six (46) days before an election. § 34-740. Rules<br/>Currentness<br/>The secretary of state as chief election officer may adopt such rules as are necessary to facilitate the operation, accomplishment and purpose of this chapter.</p> <p>§ 34-715. Filling of vacancies occurring before or after primary election<br/>Vacancies that occur during the ten (10) day period before a primary election, or after the primary election but at least ten (10) days before the general election in the slate of candidates of any political party, except candidates for precinct committeeman, shall be filled in the following manner:<br/>(1) By the county central committee if it is a vacancy by a candidate for a county office.<br/>(2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.<br/>(3) By the state central committee if it is a vacancy by a candidate for a federal or a state office.<br/>The county and legislative district central committee shall fill the vacancy within fifteen (15) days from the date the vacancy occurred. The state central committee shall fill the vacancy within thirty (30) days from the date the vacancy occurred. Any political party candidate so appointed by the proper central committee must, in order to have his name on the general ballot, file a declaration of candidacy and pay the</p> |

required filing fee.

Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled. § 34-717. Withdrawal of candidacy

(1) A candidate for nomination or candidate for election to a partisan office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. The filing officer shall immediately notify the proper central committee of the party, if any, of the individual withdrawing. A candidate may not withdraw later than forty-five (45) days before an election, except in the case of a primary election, when the deadline shall be no later than the eighth Friday preceding the primary election, or a general election, when the deadline shall be no later than September 7. Filing fees paid by the candidate shall not be refunded.

(2) Any candidate who has filed a statement of withdrawal pursuant to this section shall not be allowed to be appointed to fill a vacancy unless such vacancy occurs because of the death of a previous candidate.

§ 34-912. Procedure for correction of ballots when vacancy occurs after printing--Notice

When any vacancy occurs after the printing of the ballots and is filled as provided by law, the county clerk shall thereupon have printed a sufficient number of stickers containing the name of the candidate designated to fill the vacancy and shall deliver them to the judges of elections of the precincts interested therein.

The distributing clerk shall affix such stickers on the ballot before it is given to the elector. The sticker shall be placed over the name of the previous candidate. If the vacancy occurs after the deadline for filling the same, the distributing clerk shall cross the name of such candidate off the ballot and no votes shall be cast for the candidate. The county clerk shall notify the precincts of this authorization as soon as a vacancy occurs.



Kentucky

**Ky. Rev. Stat. Ann. § 118.212**

118.212 When candidate's name not to be certified or printed on ballot; effect of death or withdrawal of candidate; notice required at polls; penalty

(1) If, before the time of certification of candidates who will appear on the ballot provided in KRS 118.215, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in writing, signed and properly notarized that he will not accept the nomination or election, the Secretary of State shall not certify his name.

(2) If, after the certification of candidates who will appear on the ballot, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the county clerk dies or notifies the clerk, in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.

(3) If, after the certification of candidates who will appear on the ballot, any candidate whose notification and declaration or certificate or petition of nomination has been filed in the office of the Secretary of State dies or notifies the Secretary of State in the manner described in subsection (1) of this section, that he will not accept the nomination or election, the Secretary of State shall immediately notify the appropriate county clerk, and the clerk shall ensure that notice is provided to the appropriate precincts as provided in subsection (5) of this section.

(4) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall officially withdraw or die, neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate; and, if there is only one (1) remaining candidate on the ballot for that office in a primary election, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a certificate of nomination for that remaining candidate and send a copy to the remaining candidate.

(5) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears on the ballot shall officially withdraw or die, the county clerk shall provide a notice to the precinct election officers who shall see that the notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notice required by this subsection and the precinct officers fail to post the notice at the polling place, the precinct



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|                      |  | <p>officers shall be guilty of a violation subject to a fine of not less than ten dollars (\$10) nor more than two hundred fifty dollars (\$250).</p>   |
| <p>Massachusetts</p> | <p><b>Mass. Gen. Laws Ann. ch. 53, §§ 13, 14</b></p> | <p>§ 13. Withdrawal of nominated candidates: A person nominated as a candidate for any state, city or town office may withdraw his name from nomination by a request signed and duly acknowledged by him before a notary public, and filed with the officer with whom the nomination was filed, within the time prescribed by section eleven for filing objections to certificates of nomination and nomination papers and no such requests for withdrawals shall be received after such time has expired. A person nominated at a city or town preliminary election may withdraw his name from nomination in the same manner, within six days succeeding five o'clock in the afternoon of the day of holding such preliminary election. Unless otherwise provided by the city or town charter, such nominee shall be replaced by the candidate with the next highest number of votes in said preliminary, if such candidate receives a number of votes at least equal to the number of signatures required by law to place his name on the preliminary election ballot.</p> <p>§ 14. Death, withdrawal or ineligibility of nominated candidates; filling vacancies; objections: If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found ineligible, the vacancy, except for city offices where city charters provide otherwise, may be filled by the same political party or persons who made the original nomination, and in the same manner; or, if the time is insufficient therefor, the vacancy may be filled, if the nomination was made by a convention or caucus, in such manner as the convention or caucus may have prescribed, or, if no such provision has been made, by a regularly elected general or executive committee representing the political party or persons who held such convention or caucus. In the event of the death, withdrawal, ineligibility or disqualification of a candidate for governor or lieutenant governor who has been nominated by election nomination papers, except disqualification for insufficient signatures, the vacancy shall be filled by majority vote of the</p> |

committee of five members whose names were placed upon said papers for the purpose before the signatures of voters were obtained thereon. In the event of the withdrawal, death or ineligibility of any candidate of a political party nominated by direct nomination for any office, the vacancy may be filled by a regularly elected general or executive committee representing the election district in which such vacancy occurs, or, if no such committee exists by the members of the town committee in any town comprising such district, by the members of the ward committee or committees in the ward or wards comprising such district if within the limits of a single city, or by delegates chosen as hereinafter provided by and from the members of the ward and town committees in the wards and towns comprising such district if within the limits of more than one municipality, at a meeting to be called by such a member or delegate, as the case may be, designated by the chairman of the state committee, and such member or delegate shall preside until a chairman of such meeting is elected. Each ward and town committee in the wards and towns comprising such a district within the limits of more than one municipality shall, as occasions arise, choose from its members delegates to fill vacancies as hereinbefore provided, in such manner as it may determine by its rules and regulations, to a number not exceeding one for each five hundred votes, or fraction thereof, cast in its ward or town for the candidate of the party for governor at the last state election, and shall forthwith notify the state secretary of the delegates so chosen. Notwithstanding any of the foregoing, when a vacancy occurs, by reason of withdrawal, death or ineligibility in a district comprised of portions of wards of a city or not all precincts of a town, then each ward and town committee which includes the precincts which are part of the district shall choose delegates as hereinabove provided to fill vacancies in such number not exceeding one for each five hundred votes or fractions thereof cast in that portion of the ward or town included in the district for the candidate of that party for governor at the last state election, provided further that said delegate so chosen shall reside in the district where the vacancy occurs. In cities and towns where candidates are nominated by nomination papers, such papers may contain the names of members of a committee of not more than five registered voters who may fill any vacancy caused by the death or physical disability of the candidate whose name appears upon such nomination paper. If a vacancy is caused by withdrawal, certificates of nomination made otherwise than in the original manner shall be filed within seventy-two week day hours in the case of state offices, or within forty-eight week day hours in the case of city or town offices, succeeding five o'clock in the afternoon of the last day for filing withdrawals. They shall be open to objections in the same manner, so far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

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| Nebraska | <b>Neb. Rev. Stat. Ann. §§ 32-614, 32-623, 32-712</b> | <p>32-614. President; petition candidates or advocated or recognized candidates; placing on ballot; affidavit of rejection of candidacy; purged candidate, when</p> <p>The names of persons in the political party (1) who are presented by petition of their supporters to be party candidates for President of the United States or (2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States. This section does not apply if the political party dissolves as provided in subsection (2) of section 32-720.</p> <p>If a person does not want his or her name on the Nebraska primary election ballot, he or she shall, by March 10 of the presidential election year, execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a candidate for office of President of the United States at the next presidential election in Nebraska or any other state. If a presidential candidate files such affidavit removing his or her name and subsequently becomes a presidential candidate in another state, the candidate's affidavit in Nebraska shall be purged and shall have no force and effect. The Secretary of State shall then place such candidate's name on the primary election ballot.</p> <p>32-623. Declination of nomination; deadline; notice, to whom given; vacancy, how filled</p> <p>If any person nominated for elective office for the general election notifies the filing officer with whom the candidate filing form or other acceptance of nomination was filed by filing a statement, in writing and duly acknowledged, that he or she declines such nomination on or before August 1 before the election, the person's name shall not be printed on the ballot, but no declination shall be effective after such date. The filing officer shall inform one or more persons whose names are attached to the nomination if the candidate was nominated by a political party convention or committee or, if nominated at a primary election, the chairperson or secretary of the campaign or political party committee of his or her political party if there is one within the jurisdiction of the filing officer and, if not, at least three of the prominent members of the candidate's political party within the jurisdiction of the filing officer that such candidate has declined the nomination by mailing or delivering to them personally notice of such fact. Such declination shall create a vacancy on the ballot which may be filled pursuant to section 32-627. In lieu of filing a declination with the Secretary of State, the person so nominated may file a declination with the election commissioner or county clerk in the county in which he or she resides. Any election commissioner or county clerk receiving such a declination shall within five days after its receipt forward a copy of the written declination statement to the Secretary of State. The Secretary of State shall make notifications required by this section for all</p> |
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|        |  | <p>individuals for whom he or she receives a copy of the written declination statement.</p> <p>32-712. President and Vice President; candidates; certification of names and addresses; time; Secretary of State; place names on ballot</p> <p>Not later than September 8 prior to any general election at which candidates for President and Vice President of the United States are to be voted upon by the registered voters of the state, the appropriate officers of the various national political party conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot.</p>  |
| Oregon | <b>Or. Rev. Stat. Ann. §§ 249.180, 249.190</b> | <p>249.180. Withdrawal of candidacy</p> <p>Any person who has been nominated at a primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed.</p> <p>249.190. Vacancy in nomination of major party</p> <p>(1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political party candidate may be filled before the date of the general election by that political party in a manner prescribed by party rule (Oregon Democratic Party defers to DNC).</p> <p>(2) Immediately after selecting a new nominee, the party, by the most expeditious means practicable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee.</p> <p>(3) If the filing officer with whom a declaration of candidacy for the office is filed determines that the candidate who has been nominated by a major political party is ineligible to be elected to the office, the officer shall declare the nomination vacant and the political party shall select another candidate to fill the vacancy in the nomination as provided under this section.</p> <p>(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party must notify the filing officer of the name of the new nominee.</p> |

Pennsylvania

25 Pa. Stat. Ann. §§ 2862, 2938, 2938.4, 2939, 2942, 2957

§ 2938. Withdrawal of nominated candidates  
(a) Any person who has been nominated by any political party in accordance with the provisions of this act [ Presidential nominees are done by political parties, pursuant to 25 Pa. Stat. Ann. §§ 2831, 2862], as a candidate for the office of presidential elector, United States Senator, Representative in Congress or for any State office, including that of senator, representative and judge of court of record, may withdraw his name from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgement of deeds, and filed in the office of the Secretary of the Commonwealth. Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by similar request, filed with the county board of elections of the proper county. Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections, as the case may be, at least eighty-five (85) days previous to the day of the general or municipal election. Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than five (5) o'clock P.M. on the last day for filing same, and in the office of any county board of elections not later than the ordinary closing hour of said office on the last day for filing same. No name so withdrawn shall be printed upon the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination.

§ 2938.4. Withdrawal; order of court  
Upon petition to the court of common pleas, or the Commonwealth Court, when a court of common pleas is without jurisdiction, by a candidate for nomination or election, or, in the case of the death of such candidate by the treasurer of his political committee, the court shall order the withdrawal of said candidate's name for nomination or election, except upon a showing of special circumstances.

§ 2939. Substituted nominations by parties  
Any vacancy happening or existing after the date of the primary in any party nomination, by reason of the death or withdrawal of any candidate after nomination, or by reason of the death before or on the day of the primary election of a candidate for nomination who had received a plurality of votes of his party electors cast for the office for which he sought nomination, may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket: Provided, however, That no substitute nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for the same office. Upon the making of any such substituted nomination, in accordance with the party rules, it shall be the duty of the chairman and secretary or secretaries of the party committee

making the nomination to file with the Secretary of the Commonwealth in the case of United States Senator, Representative in Congress and all State officers, including judges of courts of records, senators and representatives, and with the proper county board of elections in the case of other offices, a nomination certificate which shall be signed by the chairman and secretary or secretaries of the said committee, and which shall set forth the following:

(a) The office and district, if any, for which it is filed; (b) the cause of the vacancy; (c) the rule or rules of the political party, setting forth the provisions applicable to a substituted nomination; (d) that a quorum of the committee, caucus or convention, as provided by the party rules, duly convened, and the names of those present at said meeting, or their proxies; that said persons are the duly appointed or elected members of said committee, caucus or convention; (e) the name, residence and occupation of the candidate duly nominated at said meeting. Every such certificate of nomination shall be sworn to or affirmed by the chairman and secretary or secretaries before an officer qualified to administer oaths.

§ 2942. Objections to substituted nomination certificates \*\*  
possible avenue for filing suit against nomination  
substitutions\*\*

All substituted nomination certificates may be objected to, as provided in section 977 of this act,<sup>1</sup> except objections to substituted nomination certificates must, in any case, be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law, shall be received after the day on which the printing of ballots is started

§ 2957. Withdrawals of candidates nominated to fill certain vacancies at a November election

(a) Any person who has been nominated by any political party or political body to fill certain vacancies at a November election in accordance with the provisions of section nine hundred ninety-three of this act<sup>1</sup> may withdraw his name from nomination by a request in writing signed by him and acknowledged before an officer qualified and empowered to administer oaths and filed in the office of the officer or board with whom the nomination certificate or nomination papers were filed within three (3) days next succeeding the last day for filing nomination certificates or papers. Such withdrawals to be effective must be received at the office of the Secretary of the Commonwealth not later than five (5) o'clock P.M. or at the county board of elections not later than the ordinary closing hour of its office on the last day for filing same.

(b) No name so withdrawn shall be printed on the ballot or ballot labels.

(c) No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination.



Rhode  
Island

**17 R.I.  
Gen.  
Laws  
Ann. §§  
17-12.1-  
4, 17-15-  
38**

§ 17-12.1-4. Presidential candidates [This section only applies to primary nominations and withdrawal. There is no other statute in re: presidential withdrawal of candidacy nor vacancy. Below is a statute that may apply to a general election.]

(a) Any person seeking the endorsement of a national political party for which a primary is being held shall, during the ninety-fourth (94th) through and including the ninety-sixth (96th) day preceding the presidential preference primary being held, provide written notification to the secretary of state of his or her intention to run in the presidential preference primary. When the deadline falls on a Saturday, said written notification may be filed with the secretary of state on that Saturday until noon (12:00) p.m. The notification shall include the candidate's name and address and a statement affirming their eligibility, under the laws and Constitution of the United States, to serve, if elected, in the office of President of the United States. The notification shall also include the name and contact information of the designee authorized by the presidential candidate to act in his/her stead in Rhode Island.

(b)(1) Upon receipt of the notification referred to in subsection (a) of this section, the secretary of state shall, by six o'clock (6:00) p.m. on the same day, prepare petition papers for candidates who are eligible to serve in the office of President of the United States, clearly marked with the candidate's name, party designation, and the office the candidate seeks; provided, however, that for notifications filed on a Saturday deadline by noon (12:00) p.m., petition papers shall be prepared by two o'clock (2:00) p. m. on that Saturday.

(2) The petition papers of a candidate for president shall be signed, in the aggregate, by at least one thousand (1,000) eligible voters and shall be submitted on or before four o'clock (4:00) p.m. in the afternoon of the eighty-second (82nd) day before the presidential preference primary to the local board of the city or town where the signers appear to be voters, and the petition papers shall be checked, processed, and certified to the secretary of state by the local boards before four o'clock (4:00) p.m. in the afternoon of the sixty-ninth (69th) day before the presidential preference primary. When nomination papers have been duly certified by the appropriate local boards of canvassers, they shall be conclusively presumed to be valid, unless written objections to them are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures on them. All objections shall be filed with the state board of elections by four o'clock (4:00) p.m. on the next business day after the last day fixed for local boards to file nomination papers with the secretary of state. Nothing in this section shall be construed to prevent the secretary of state from disqualifying a candidate based on the determination of the secretary of state that the nomination papers or the signatures on them are invalid or insufficient.

(c) The decision of the state board shall be rendered not later than four o'clock (4:00) p.m. on the sixty-third (63rd) day before the presidential preference primary and shall immediately be

certified by the state board to the secretary of state.

(d) If any candidate for presidential nomination does not qualify for ballot placement, the names of delegates committed to this disqualified presidential candidate, who are otherwise qualified, shall appear on the ballot in accordance with party rules.

(e) If any candidate whose name has been announced as a presidential nominee does not thereafter wish his or her name to appear on the ballot, the candidate shall, at least sixty-three (63) days prior to the date for the primary, file an affidavit with the secretary of state stating his or her name may not be placed on the ballot and the secretary of state shall not place that candidate's name on the ballot. Said affidavit must be signed by the presidential candidate or his or her designee on file with the office of the secretary of state. Names of delegates committed to the withdrawn candidate, who are otherwise qualified, shall appear on the ballot in accordance with party rules.

§ 17-15-38. Vacancies among nominees

(a) Whenever the nominee of a party for a particular office dies after the primary, or removes him or herself from the jurisdiction of or as a candidate for the office for which the nominee seeks election, or becomes physically or mentally disabled, the state committee of that party or a duly authorized subcommittee of the state committee in the case of state officers, and the appropriate city, town, ward, or district committee or any duly authorized subcommittee of them in the case of candidates for the other offices covered by § 17-15-7, may file with the appropriate authority the name of its nominee for the office; provided, that except in the case of death, the appropriate committee shall file the name with the appropriate authority no later than four o'clock (4:00) p.m. of the third (3rd) day following the last day for the holding of the party primaries; and provided, further, that any appointed nominee shall have been eligible for the nomination on the dates as required by and pursuant to the requirements of §§ 17-14-1.1, 17-14-2, and 17-14-2.1. The person so named shall be the nominee of the party for the office, and if in case of the death of a nominee time will permit, the secretary of state shall place the name of the nominee upon the election ballot. When the withdrawal or death occurs after the third (3rd) day after the last day for holding primaries, the secretary of state shall not be required to remove from any computer ballot or mail ballot which has already been printed the name of any person who is no longer the nominee of a party for a particular office as provided in this subsection, and any votes cast in any election for that person shall not be counted.

(b) The provisions of this section shall not be construed to permit the state committee of the party, or a duly authorized subcommittee of the state committee in the case of state officers, or the appropriate city, town, ward, or district committee or any duly authorized subcommittee of them in the



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|                         |  | <p>case of candidates for the other offices covered by § 17-15-7, to file the name of a nominee for a vacant office if the vacancy is the result of the failure of candidate(s) of the party to qualify for the public office through the timely filing of sufficient nomination papers.</p>   |
| <p>South<br/>Dakota</p> | <p><b>S.D.<br/>Codified<br/>Laws §§<br/>12-6-55,<br/>12-6-56</b></p> | <p>12-6-55. Withdrawal by nominee--Time and place of filingAny person nominated to <i>any</i> elective office may cause that person's name to be withdrawn from nomination by request in writing, subscribed and sworn to by that person before any officer qualified to administer oaths and take acknowledgments. The request shall be filed with the officer with whom the nominating petition was filed pursuant to § 12-6-4, not later than the first Tuesday in August at 5:00 p.m. before the next election. No person's name withdrawn under this section may be printed upon the ballots for that office unless the same person is subsequently selected to fill the vacancy in accordance with § 12-6-56.12-6-56. Party committee--Party candidate vacanciesIf a vacancy occurs by reason of death or withdrawal after a primary election, a party candidate for public office may be chosen if a meeting of the appropriate party central committee is held and the results are certified to the appropriate official within the times prescribed by § 12-8-6.If the vacancy is a party candidate for presidential elector or statewide office, the vacancy shall be filled by the State Party Central Committee. If the vacancy is a party candidate for public office other than presidential elector or statewide office, the vacancy shall be filled by a vote of county party central committee members in attendance who reside in the affected</p> |

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|                          |  | <p>district. The certification of the results shall be signed by the person responsible for calling the meeting under § 12-6-57 or the person designated to conduct the meeting under § 12-6-57.</p>  |
| <p>Washing<br/>ngton</p> | <p><b>Wash.<br/>Rev.<br/>Code<br/>Ann. §§<br/>29A.24.1<br/>31,<br/>29A.56.3<br/>60</b></p> | <p>29A.24.131. Withdrawal of candidacy<br/>A candidate may withdraw the candidate's declaration of candidacy at any time before 5:00 p.m. on the Monday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that the candidate's name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time the candidate files.</p> <p>29A.56.360. Slate of presidential electors<br/>In a year in which the president and vice president of the United States are to be elected, the secretary of state shall include in the certification prepared under RCW 29A.52.321 the names of all candidates for president and vice president who, no later than the third Tuesday of August, have certified a slate of electors to the secretary of state under RCW 29A.56.320 and have been nominated either (1) by a major political party, as certified by the appropriate authority under party rules, or (2) by a minor party or as independent candidates. Major or minor political parties or independent presidential candidates may substitute a different candidate for vice president for the one whose name appears on the party's certification or nominating petition at any time before seventy-five days before the general election, by certifying the change to the secretary of state. Substitutions must not be permitted to delay the printing of either ballots or a voters' pamphlet. Substitutions are valid only if submitted under oath and signed by the same individual who originally certified the nomination, or his or her documented successor, and only if the substitute candidate consents in writing.</p> |

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§ 3-5-11. Withdrawals; filling vacancies in candidacy; publication

(a) A candidate who has filed a certificate of announcement and wishes to withdraw and decline to stand as a candidate for the office shall file a signed and notarized statement of withdrawal on a form provided by the Secretary of State with the same officer with whom the certificate of announcement was filed. If the notarized statement of withdrawal is received by the proper officer by the deadlines set forth in subsection (b) of this section, the candidate's withdrawal is final and his or her name shall not be certified as a candidate nor printed on any ballot. If a candidate files a notarized statement of withdrawal after the deadlines set forth in subsection (b) of this section, the candidate shall not be withdrawn and the candidate's name shall remain on the ballot.

(b) Deadlines for withdrawing as a candidate:

(1) For primary or special primary elections or nonpartisan elections held in conjunction with a primary election: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period.

(2) For general or special general elections or nonpartisan elections held in conjunction with a general election: The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than eighty-four days before the general election.

(c) Upon request of the candidate's family, the board of ballot commissioners may remove the name of a candidate who dies before the ballots are printed. If a candidate dies after the ballots are printed but before the election, the clerk of the county commission shall give a written notice which shall be posted with the sample ballot at each precinct with the county to the following effect: "To the voter: (name) of (residence), a candidate for (office) is deceased."

(d) If after the time is closed for announcing as a candidate there is a vacancy on the ballot caused by failure of any person of a party to file for each available seat of each available office, the executive committee of the party for the political division within which such candidate was to be voted for, or its chair if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer: Provided, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer. Certification of the appointment by the executive committee or its chair, the candidate's certificate of announcement, and the filing fee must be received by the appropriate filing officer as follows: For an appointment by an executive committee, no later than the second Friday following the close of filing, for an appointment by its chair, no later than

the third Tuesday following the close of filing: Provided, however, That any candidate appointed to an intra-county delegate or senatorial district by a county executive committee for that district pursuant to the process and by the deadline provided in this subsection shall not be refused certification for placement on the 2022 primary election ballot for that reason. A candidate appointed to fill a vacancy on the ballot under this subsection shall have his or her name printed on the primary ballot for that party. No vacancy shall be filled after the date of the primary election, except as provided in § 3-5-19 of this code. (e) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.

§ 3-5-19. Vacancies in nominations; how filled; fees

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section eleven of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: Provided, That if the executive committee holds a duly called meeting in accordance with § 3-1-9 of this code but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee: Provided however, That for a delegate district or senatorial district situated entirely within a single county, the county executive committee, or its chairperson if the committee fails to act, may fill the vacancy and certify the candidate named to the appropriate filing officer.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of announcement is regularly filed for that office.

(3) If a vacancy in nomination will be caused by the failure of a candidate to file for an office, or by withdrawal of a candidate no later than the third Tuesday following the close of candidate filing pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 30 days after the last day to file a certificate of announcement pursuant to section seven of this article: Provided, That in no case shall any such vacancy be filled after the date of the primary election.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than 78 days before the general election. A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than 84 days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than 84 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(6) If a vacancy in nomination is caused by the timely filing of a notarized statement of withdrawal, according to section eleven of this article, of a candidate whose name would otherwise appear on the general election ballot, a replacement on the general election ballot may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election.

(7) If a vacancy in nomination is caused by the death of the candidate occurring no later than 25 days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than 21 days following the date of death or no later than 22 days before the general election, whichever date occurs first.

(b) Except as otherwise provided in § 3-10-1 et seq. of this code, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than 84 days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than 78 days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than 84 days before the general election, a special candidate filing period shall be established. Candidates seeking election

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|  |  | <p>to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county commission no earlier than the first Monday in August and no later than 77 days before the general election.</p> <p>(d) The amendments to this section enacted by the Legislature during the 2022 Regular Session shall be retrospective to January 30, 2022.</p> |
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| Wyoming | Wyo. Stat. Ann. §§ 22-5-401, 22-5-402 | <p>§ 22-5-401. Vacancies in nomination for major parties; procedure for filing generally</p> <p>(a) The vacancy in nomination which occurs if a major party candidate, between primary and general elections, dies, is disqualified to hold the office for which nominated, or files a withdrawal or rejection of nomination with the office where the candidate filed for nomination for election, shall be filled by certificate filed with the office which shall state:</p> <p>(i) The cause of vacancy and name of the former nominee;</p> <p>(ii) The name, age, place of residence, post office address and qualifications of the successor nominee; and</p> <p>(iii) The office and term for which nominated.</p> <p>(b) The certificate shall be prepared and filed by:</p> <p>(i) The state central committee of the political party of the former nominee for a partisan office to be voted for by the electors of the entire state;</p> <p>(ii) The county central committee of the political party of the former nominee for a partisan office to be voted for by the electors of a county or a subdivision thereof, except as provided in paragraph (iv) of this subsection;</p> <p>(iii) Repealed by Laws 2004, ch. 42, § 2, and Laws 2004, ch. 94, § 4.</p> <p>(iv) For nominees for the state legislature, the state central committee of the political party of the former nominee for a partisan office shall:</p> <p>(A) Notify the precinct committeemen and committeewomen for that party for each precinct within the legislative district of the vacancy and arrange a meeting of those precinct committeemen and committeewomen at which a successor nominee shall be selected by them. The state central committee of each party may delegate the authority to call a meeting under this subparagraph;</p> <p>(B) Prepare and file the certificate required under subsection (a) of this section.</p> <p>(c) Repealed by Laws 1985, ch. 204, § 2.</p> <p>(d) Notwithstanding subsections (a) and (b) of this section, the vacancy in nomination created by failure of the qualified write-in nominee to accept nomination shall remain vacant.</p> <p>(e) A candidate may withdraw only by filing a written withdrawal in the filing office in which he filed his application for nomination. If a candidate withdraws after the ballots are finalized and approved for printing by a county clerk in any county where the candidate's name will appear on the ballot, the county clerk shall not be required to remove the candidate's name from the ballot, but shall post a notice at each polling place announcing that the named candidate is not the party's nominee for the office designated.</p> <p>§ 22-5-402. Procedure after ballots and labels printed</p> <p>(a) If any major, minor or provisional party vacancy is filled after official ballots are finalized and approved for printing by a county clerk in any county where the candidate's name will</p> |
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|  |  | <p>appear on the ballot, the county clerk shall not be required to add the new candidate's name to the ballot.</p> |
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