

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-86—sSB 393

Government Administration and Elections Committee

**AN ACT CONCERNING SPECIAL ELECTIONS TO FILL VACANCIES
DUE TO THE DEATH OF CERTAIN ELECTED OFFICIALS**

SUMMARY: This act delays when the governor may issue a writ calling for a special election to fill vacancies in certain offices due to the death of the elected official or member elect. The act keeps the existing timeline for vacancies created for other reasons, such as resignations.

Under prior law, the governor generally had to issue these writs within 10 days after a vacancy in the office of U.S. senator, U.S. representative, or state legislator. The act instead requires him to do so between 7 and 17 days after the death, subject to certain existing exceptions unchanged by the act (see BACKGROUND).

For a probate judge vacancy created by the judge's death, the act requires the governor to wait at least seven days after the death before issuing the writ, if he chooses to do so. State law gives the governor discretion to call a special election to fill a probate court vacancy, but previously did not set a timeline or deadline for issuing these writs.

EFFECTIVE DATE: October 1, 2026

BACKGROUND

Special Election Writ Exceptions

In certain circumstances, the law directs when the (1) governor must issue a special election writ and (2) special election must occur. For example, for General Assembly vacancies created between 49 and 125 days before the next regular election, the writs must be issued 46 days before that regular election and the special election must coincide with it. The law has similar provisions for congressional offices.

The law also directs the governor to not issue the writs for congressional or state legislative offices if the vacancy occurs within a certain period before the upcoming regular election for that office, in which case the vacancy is filled then.