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**Special District Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Thomas W. Peterson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to special districts.

**Highlighted Provisions:**

This bill:

- provides for allowing alternate board member selection in certain circumstances;
- reduces certain notice periods;
- amends provisions related to filling a midterm vacancy on a special district board;
- provides for new methods of annexing certain jurisdictions into a special district service area;
- provides a uniform time period for a candidate to file for an elected special district board position; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 17B-1-306**, as last amended by Laws of Utah 2024, Chapters 382, 465
  - 17B-1-416**, as last amended by Laws of Utah 2023, Chapter 15
  - 17B-1-643**, as last amended by Laws of Utah 2024, Chapter 382
  - 17B-2a-1106**, as last amended by Laws of Utah 2024, Chapters 342, 438
  - 20A-1-512**, as last amended by Laws of Utah 2024, Chapter 388
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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **17B-1-306** is amended to read:

30 **17B-1-306 . Special district board -- Election procedures -- Notice.**

31 (1) Except as provided in Subsection (12), each elected board member shall be selected as  
32 provided in this section.

33 (2)(a) Each election of a special district board member shall be held:

34 (i) at the same time as the municipal general election or the regular general election,  
35 as applicable; and

36 (ii) at polling places designated by the special district board in consultation with the  
37 county clerk for each county in which the special district is located, which polling  
38 places shall coincide with municipal general election or regular general election  
39 polling places, as applicable, whenever feasible.

40 (b) The special district board, in consultation with the county clerk, may consolidate two  
41 or more polling places to enable voters from more than one district to vote at one  
42 consolidated polling place.

43 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under  
44 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall  
45 be one polling place per division of the district, designated by the district board.

46 (ii) Each polling place designated by an irrigation district board under Subsection  
47 (2)(c)(i) shall coincide with a polling place designated by the county clerk under  
48 Subsection (2)(a)(ii).

49 (3)(a) The clerk of each special district with a board member position to be filled at the  
50 next municipal general election or regular general election, as applicable, shall  
51 provide notice of:

52 (i) each elective position of the special district to be filled at the next municipal  
53 general election or regular general election, as applicable;

54 (ii) the constitutional and statutory qualifications for each position; and

55 (iii) the dates and times for filing a declaration of candidacy.

56 (b) If the election is to be held at the same time as the municipal general election, a  
57 declaration of candidacy shall be filed [~~on the days specified in Subsection~~  
58 20A-9-203(3)(a)(i)] between June 1 and June 7 of any odd-numbered year.

59 (c) If the election is to be held at the same time as the regular general election, a  
60 declaration of candidacy shall be filed [~~by the deadline stated in Subsection~~  
61 20A-9-201.5(2)] between June 1 and June 7 of any even-numbered year.

- 62 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)  
63 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days  
64 before the first day for filing a declaration of candidacy.
- 65 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
66 special district board position, an individual shall file a declaration of candidacy in  
67 person with an official designated by the special district within the candidate filing  
68 period for the applicable election year in which the election for the special district  
69 board is held and:
- 70 (i) during the special district's standard office hours, if the standard office hours  
71 provide at least three consecutive office hours each day during the candidate filing  
72 period that is not a holiday or weekend; [~~or~~]
- 73 (ii) if the standard office hours of a special district do not provide at least three  
74 consecutive office hours each day, a three-hour consecutive time period each day  
75 designated by the special district during the candidate filing period that is not a  
76 holiday or weekend[-] ; or
- 77 (iii) during the special district's standard office hours if the special district has  
78 adopted a four day standard work week with standard office hours of at least eight  
79 hours each of those days.
- 80 (b) When the candidate filing deadline falls on a Saturday, Sunday, [~~or~~]holiday, or a day  
81 that is not a regular business day for the special district pursuant to Subsection  
82 (5)(a)(iii), the filing time shall be extended until the close of normal office hours on  
83 the following regular business day.
- 84 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
85 declaration of candidacy with the official designated by the special district if:
- 86 (i) the individual is located outside of the state during the entire filing period;  
87 (ii) the designated agent appears in person before the official designated by the  
88 special district; and
- 89 (iii) the individual communicates with the official designated by the special district  
90 using an electronic device that allows the individual and official to see and hear  
91 each other.
- 92 (d)(i) Before the filing officer may accept any declaration of candidacy from an  
93 individual, the filing officer shall:
- 94 (A) read to the individual the constitutional and statutory qualification  
95 requirements for the office that the individual is seeking; and

96 (B) require the individual to state whether the individual meets those requirements.

97 (ii) If the individual does not meet the qualification requirements for the office, the  
98 filing officer may not accept the individual's declaration of candidacy.

99 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
100 officer shall accept the individual's declaration of candidacy.

101 (e) The declaration of candidacy shall be in substantially the following form:

102 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
103 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah,  
104 (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications  
105 for the office of board of trustees member for \_\_\_\_\_ (state the name of  
106 the special district); that I am a candidate for that office to be voted upon at the next election;  
107 and that, if filing via a designated agent, I will be out of the state of Utah during the entire  
108 candidate filing period, and I hereby request that my name be printed upon the official ballot  
109 for that election.

110 (Signed) \_\_\_\_\_

111 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
112 of \_\_\_\_\_, \_\_\_\_\_.

113 (Signed) \_\_\_\_\_

114 (Clerk or Notary Public)".

115 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
116 Subsection (5)(e).

117 (g) Each individual wishing to become a valid write-in candidate for an elective special  
118 district board position is governed by Section 20A-9-601.

119 (h) If at least one individual does not file a declaration of candidacy as required by this  
120 section, an individual shall be appointed to fill that board position in accordance with  
121 the appointment provisions of Section 20A-1-512.

122 (i) If only one candidate files a declaration of candidacy and there is no write-in  
123 candidate who complies with Section 20A-9-601, the board, in accordance with  
124 Section 20A-1-206, may:

125 (i) consider the candidate to be elected to the position; and

126 (ii) cancel the election.

127 (6)(a) A primary election may be held if:

128 (i) the election is authorized by the special district board; and

129 (ii) the number of candidates for a particular local board position or office exceeds

- 130 twice the number of persons needed to fill that position or office.
- 131 (b) The primary election shall be conducted:
- 132 (i) on the same date as the municipal primary election or the regular primary election,
- 133 as applicable; and
- 134 (ii) according to the procedures for primary elections provided under Title 20A,
- 135 Election Code.
- 136 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
- 137 deadline for filing a declaration of candidacy, the special district clerk shall certify
- 138 the candidate names to the clerk of each county in which the special district is located.
- 139 (b)(i) Except as provided in Subsection (7)(c) and in accordance with Section
- 140 20A-6-305, the clerk of each county in which the special district is located and the
- 141 special district clerk shall coordinate the placement of the name of each candidate
- 142 for special district office in the nonpartisan section of the ballot with the
- 143 appropriate election officer.
- 144 (ii) If consolidation of the special district election ballot with the municipal general
- 145 election ballot or the regular general election ballot, as applicable, is not feasible,
- 146 the special district board of trustees, in consultation with the county clerk, shall
- 147 provide for a separate special district election ballot to be administered by poll
- 148 workers at polling places designated under Subsection (2).
- 149 (c)(i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
- 150 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 151 (ii)(A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district
- 152 shall prescribe the form of the ballot for each board member election.
- 153 (B) Each ballot for an election of an irrigation district board member shall be in a
- 154 nonpartisan format.
- 155 (C) The name of each candidate shall be placed on the ballot in the order specified
- 156 under Section 20A-6-305.
- 157 (8)(a) Each voter at an election for a board of trustees member of a special district shall:
- 158 (i) be a registered voter within the district, except for an election of:
- 159 (A) an irrigation district board of trustees member; or
- 160 (B) a basic special district board of trustees member who is elected by property
- 161 owners; and
- 162 (ii) meet the requirements to vote established by the district.
- 163 (b) Each voter may vote for as many candidates as there are offices to be filled.

- 164 (c) The candidates who receive the highest number of votes are elected.
- 165 (9) Except as otherwise provided by this section, the election of special district board  
166 members is governed by Title 20A, Election Code.
- 167 (10)(a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a  
168 special district board shall serve a four-year term, beginning at noon on the January 1  
169 after the person's election.
- 170 (b) A person elected shall be sworn in as soon as practical after January 1.
- 171 (11)(a) Except as provided in Subsection (11)(b), each special district shall reimburse  
172 the county or municipality holding an election under this section for the costs of the  
173 election attributable to that special district.
- 174 (b) Each irrigation district shall bear the district's own costs of each election the district  
175 holds under this section.
- 176 (12) This section does not apply to an improvement district that provides electric or gas  
177 service.
- 178 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,  
179 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 180 (14)(a) As used in this Subsection (14), "board" means:
- 181 (i) a special district board; or
- 182 (ii) the administrative control board of a special service district that has elected  
183 members on the board.
- 184 (b) If a board desires to hold elections for membership on the board at a regular general  
185 election instead of a municipal general election , or at a municipal general election  
186 instead of a regular general election, the board may submit an application to the  
187 lieutenant governor that:
- 188 (i) requests permission to change the election year for membership on the board in a  
189 manner described in this Subsection (14)(b);
- 190 (ii) indicates that a change in the election year is beneficial, based on potential cost  
191 savings, a potential increase in voter turnout, or another material reason; and
- 192 (iii) if a change in the election year may result in shortening a board member's term  
193 of office, indicates that the members of the board unanimously support the  
194 lieutenant governor taking that action.
- 195 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant  
196 governor may approve the if:
- 197 (i) the lieutenant governor concludes that changing the election year is beneficial

- 198 based on the criteria described in Subsection (14)(b)(ii); and
- 199 (ii) for an application that may result in shortening a board member's term of office,
- 200 the application satisfies the unanimity requirement described in Subsection
- 201 (14)(b)(iii).
- 202 (d) If the lieutenant governor approves a board's application described in this section:
- 203 (i) all future elections for membership on the board shall be held at the time of the
- 204 general election specified in the application; and
- 205 (ii) the board may not hold elections at the time of an election other than the general
- 206 election specified in the application, unless the board receives permission from the
- 207 lieutenant governor to change the election under the same procedure, and by
- 208 applying the same criteria, described in this Subsection (14).
- 209 (15)(a) This Subsection (15) applies to a special district if:
- 210 (i) the special district's board members are elected by the owners of real property, as
- 211 provided in Subsection 17B-1-1402(1)(b); and
- 212 (ii) the special district was created before January 1, 2020.
- 213 (b) The board of a special district described in Subsection (15)(a) may conduct an
- 214 election:
- 215 (i) to fill a board member position that expires at the end of the term for that board
- 216 member's position; and
- 217 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
- 218 term of a board member.
- 219 (c) An election under Subsection (15)(b) may be conducted as determined by the special
- 220 district board, subject to Subsection (15)(d).
- 221 (d)(i) The special district board shall provide to property owners eligible to vote at
- 222 the special district election:
- 223 (A) notice of the election; and
- 224 (B) a form to nominate an eligible individual to be elected as a board member.
- 225 (ii)(A) The special district board may establish a deadline for a property owner to
- 226 submit a nomination form.
- 227 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
- 228 after the board provides the notice and nomination form under Subsection
- 229 (15)(d)(i).
- 230 (iii)(A) After the deadline for submitting nomination forms, the special district
- 231 board shall provide a ballot to all property owners eligible to vote at the special

232 district election.

233 (B) A special district board shall allow at least five days for ballots to be returned.

234 (iv) A special district board shall certify the results of an election under this

235 Subsection (15) during an open meeting of the board.

236 Section 2. Section **17B-1-416** is amended to read:

237 **17B-1-416 . Automatic annexation to a district providing fire protection,**  
 238 **paramedic, and emergency services or law enforcement service.**

239 (1) An area outside the boundaries of a special district that is annexed to a municipality or  
 240 added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,  
 241 Annexation, is automatically annexed to the special district if:

242 (a) the special district provides:

243 (i) fire protection, paramedic, and emergency services; or

244 (ii) law enforcement service;

245 (b) the special district is located in a county of the first class, but not otherwise, an  
 246 election for the creation of the special district was not required because of Subsection  
 247 17B-1-214(3)(d); and

248 (c) before the municipal annexation or boundary adjustment, the entire municipality that  
 249 is annexing the area or adding the area by boundary adjustment was included within  
 250 the special district.

251 (2) The effective date of an annexation under this section is governed by Subsection  
 252 17B-1-414(3)(b).

253 Section 3. Section **17B-1-643** is amended to read:

254 **17B-1-643 . Imposing or increasing a fee for service provided by special district.**

255 (1)(a) Before imposing a new fee or increasing an existing fee for a service provided by  
 256 a special district, each special district board of trustees shall first hold a public  
 257 hearing at which:

258 (i) the special district shall demonstrate its need to impose or increase the fee; and

259 (ii) any interested person may speak for or against the proposal to impose a fee or to  
 260 increase an existing fee.

261 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
 262 no earlier than 6 p.m.

263 (c) A public hearing required under this Subsection (1) may be combined with a public  
 264 hearing on a tentative budget required under Section 17B-1-610.

265 (d) Except to the extent that this section imposes more stringent notice requirements, the



- 266 special district board shall comply with Title 52, Chapter 4, Open and Public  
267 Meetings Act, in holding the public hearing under Subsection (1)(a).
- 268 (2)(a) Each special district board shall give notice of a hearing under Subsection (1) as  
269 provided in Subsections (2)(b) and (c) or Subsection (2)(d).
- 270 (b) The special district board shall publish the notice described in Subsection (2)(a) for  
271 the special district, as a class A notice under Section 63G-30-102, for at least [30]  
272 seven days.
- 273 (c) The notice described in Subsection (2)(b) shall state that the special district board  
274 intends to impose or increase a fee for a service provided by the special district and  
275 will hold a public hearing on a certain day, time, and place fixed in the notice, which  
276 shall be not less than seven days after the day the notice is first posted as provided in  
277 Subsection (2)(b) for the purpose of hearing comments regarding the proposed  
278 imposition or increase of a fee and to explain the reasons for the proposed imposition  
279 or increase.
- 280 (d)(i) In lieu of providing notice under Subsection (2)(b), the special district board of  
281 trustees may give the notice required under Subsection (2)(a) by mailing the  
282 notice to those within the district who:
- 283 (A) will be charged the fee for a district service, if the fee is being imposed for the  
284 first time; or
- 285 (B) are being charged a fee, if the fee is proposed to be increased.
- 286 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).
- 287 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing  
288 fee.
- 289 (e) If the hearing required under this section is combined with the public hearing  
290 required under Section 17B-1-610, the notice required under this Subsection (2):
- 291 (i) may be combined with the notice required under Section 17B-1-609; and  
292 (ii) shall be posted or mailed in accordance with the notice provisions of this section.
- 293 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
294 evidence that notice was properly given.
- 295 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)  
296 within 30 days after the date of the hearing, the notice is considered adequate and  
297 proper.
- 298 (h) After holding a public hearing under Subsection (1), a special district board may:
- 299 (i) impose the new fee or increase the existing fee as proposed;

- 300 (ii) adjust the amount of the proposed new fee or the increase of the existing fee and  
 301 then impose the new fee or increase the existing fee as adjusted; or  
 302 (iii) decline to impose the new fee or increase the existing fee.
- 303 (i) This section applies to each new fee imposed and each increase of an existing fee that  
 304 occurs on or after July 1, 1998.
- 305 (j)(i) This section does not apply to an impact fee.
- 306 (ii) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,  
 307 Impact Fees Act.

308 Section 4. Section **17B-2a-1106** is amended to read:

309 **17B-2a-1106 . Municipal services district board of trustees -- Governance.**

- 310 (1) Notwithstanding any other provision of law regarding the membership of a special  
 311 district board of trustees, the initial board of trustees of a municipal services district shall  
 312 consist of the county legislative body.
- 313 (2)(a) If, after the initial creation of a municipal services district, an area within the  
 314 district is incorporated as a municipality as defined in Section 10-1-104 and the area  
 315 is not withdrawn from the district in accordance with Section 17B-1-502 or  
 316 17B-1-505, or an area within the municipality is annexed into the municipal services  
 317 district in accordance with Section 17B-2a-1103, the district's board of trustees shall  
 318 be as follows:
- 319 (i) subject to Subsection (2)(b), a member of that municipality's governing body;  
 320 (ii) one member of the county council of the county in which the municipal services  
 321 district is located; and  
 322 (iii) the total number of board members is not required to be an odd number.
- 323 (b) A member described in Subsection (2)(a)(i) shall be designated by the municipal  
 324 legislative body.
- 325 (c) A municipal or county legislative body may appoint a member of the municipality's  
 326 or the county's legislative body to act as an alternate member of the municipal  
 327 services district board of trustees, to serve in place of the regular board member  
 328 selected pursuant to Subsection (2)(a) or (b) during any period of time when the  
 329 regular board member is absent, unable, or refuses to act as a member of the  
 330 municipal services district board of trustees, provided that:
- 331 (i) the municipal or county legislative body adopts a resolution to make the  
 332 appointment;
- 333 (ii) the alternate member meets all applicable statutory requirements to serve on the

- 334                   board of trustees;
- 335                   (iii) the alternate member takes the oath of office and is covered by crime insurance
- 336                   as provided in Section 17B-1-303; and
- 337                   (iv) the term of the alternate member will be identical to that of the board member
- 338                   described in Subsection (2)(a) who is appointed by the municipality's or the
- 339                   county's legislative body.
- 340           (d) Should a member of the board of trustees who is appointed pursuant to Subsection
- 341                   (2)(a) or (b) and the alternate board member selected as provided in Subsection (2)(c)
- 342                   both be present at a meeting or other official event of the municipal services district,
- 343                   the alternate board member may not act as a member of the board of trustees during
- 344                   the meeting or event.
- 345           (e) An alternate board member designated as provided in Subsection (2)(c) may not
- 346                   chair a meeting of the board of trustees unless only alternate board members are
- 347                   present at the anchor location.
- 348           (f) Compensation under Section 17B-1-307 may equitably be apportioned between a
- 349                   regular board member and an alternate board member.
- 350   (3)(a) As used in this Subsection (3):
- 351           (i) "District participant" means:
- 352                   (A) the county that created a municipal services district under Section
- 353                   17B-2a-1105; or
- 354                   (B) a municipality that is part of the municipal services district.
- 355           (ii) "Proportionate amount" means, for each district participant, the amount that is
- 356                   attributable to the district participant in proportion to the total amount attributable
- 357                   to all district participants.
- 358           (iii) "Trigger date" means the earliest of:
- 359                   (A) the effective date of an annexation of an unincorporated island, as defined in
- 360                   Section 10-2-429, that occurs under Title 10, Chapter 2, Part 4, Annexation,
- 361                   excluding an automatic annexation under Section 10-2-429;
- 362                   (B) the effective date of an incorporation of a community council area, as defined
- 363                   in Section 10-2a-102; and
- 364                   (C) the effective date of an automatic annexation under Section 10-2-429.
- 365           (b) For a board of trustees described in Subsection (2), each board member's vote is
- 366                   weighted:
- 367                   (i) until the trigger date, using the proportion of the municipal services district

- 368 population that resides:
- 369 (A) for each member described in Subsection (2)(a)(i), within that member's
- 370 municipality; and
- 371 (B) for the member described in Subsection (2)(a)(ii), within the unincorporated
- 372 county; and
- 373 (ii) beginning the trigger date:
- 374 (A) 60% according to the proportionate amount of the combined total of sales tax
- 375 revenue and revenue for B and C roads under Section 72-2-108;
- 376 (B) 30% according to the proportionate amount of weighted mileage, as defined in
- 377 Section 72-2-108; and
- 378 (C) 10% according to the proportionate amount of population.
- 379 (4) The board may adopt a resolution providing for future board members to be appointed,
- 380 as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
- 381 (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may
- 382 adopt a resolution to determine the internal governance of the board.
- 383 (6) The municipal services district and the county may enter into an agreement for the
- 384 provision of legal services to the municipal services district.
- 385 Section 5. Section **20A-1-512** is amended to read:
- 386 **20A-1-512 . Midterm vacancies on special district boards -- Notice.**
- 387 (1)(a) When a vacancy occurs on any special district board for any reason, the following
- 388 shall appoint a replacement to serve out the unexpired term in accordance with this
- 389 section:
- 390 (i) the special district board, if the person vacating the position was elected; or
- 391 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
- 392 appointing authority appointed the person vacating the position.
- 393 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
- 394 special district board or appointing authority shall:
- 395 (i) give public notice of the vacancy for at least two weeks before the special district
- 396 board or appointing authority meets to fill the vacancy by publishing the notice, as
- 397 a class A notice under Section 63G-30-102, for the special district; and
- 398 (ii) identify, in the notice:
- 399 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 400 (B) the individual to whom an individual who is interested in an appointment to
- 401 fill the vacancy may submit the individual's name for consideration; and

- 402 (C) any submission deadline.
- 403 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 404 (i)(A) the appointing authority appoints one of the appointing authority's own
- 405 members; and
- 406 (B) that member meets all applicable statutory board member qualifications; or
- 407 (ii) the vacancy is on the board of trustees of an infrastructure financing district with
- 408 no residents within the district's boundary.
- 409 (d) When a vacancy occurs on the board of a water conservancy district located in more
- 410 than one county:
- 411 (i) the board shall give notice of the vacancy to the county legislative bodies that
- 412 nominated the vacating trustee as provided in Section 17B-2a-1005;
- 413 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
- 414 compile a list of three nominees to fill the vacancy; and
- 415 (iii) the governor shall, with the advice and consent of the Senate, appoint an
- 416 individual to fill the vacancy from nominees submitted as provided in Subsection
- 417 17B-2a-1005(2)(c).
- 418 (2) If, 90 days after a vacancy occurs, the special district board has failed to appoint an
- 419 individual to complete an elected board member's term, the vacancy shall be filled:
- 420 (a) in accordance with the procedure for a special district described in Subsection (1)(b);
- 421 and
- 422 (b) by, as applicable:
- 423 (i) the legislative body of the county or municipality that created the special district;
- 424 or
- 425 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the
- 426 legislative body of the county whose unincorporated area contains or the
- 427 municipality whose boundary contains more of the area within the infrastructure
- 428 financing district than is contained within the unincorporated area of any other
- 429 county or within the boundary of any other municipality.
- 430 (3) If the body identified in Subsection (2)(b) has failed to appoint an individual to
- 431 complete an elected board member's term within 90 calendar days after becoming the
- 432 appointing authority under Subsection (2)(b) and a board quorum, as defined in
- 433 Subsection 17B-1-310(1), exists, the vacancy shall be filled by the special district board
- 434 in accordance with the procedure described in Subsection (1)(b).

435 Section 6. **Effective Date.**

436      This bill takes effect on May 7, 2025.