

Municipal Office Vacancy Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Karen Kwan

LONG TITLE

General Description:

This bill modifies the process for filling a vacancy in a municipal office.

Highlighted Provisions:

This bill:

- defines terms;
modifies the process for filling a vacancy in a municipal office and for breaking ties in the voting of a municipal legislative body; and
makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-510, as last amended by Laws of Utah 2025, Chapters 90, 448

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

Section 1. Section 20A-1-510 is amended to read:

20A-1-510 . Midterm vacancies in municipal offices.

[(1)(a) As used in this section:]

[(i) "Vacaney," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.]

[(ii) "Vacaney," if due to resignation, occurs:]

[(A) for a municipal executive, on the effective date of an irrevocable letter of resignation submitted by the municipal executive to the municipal legislative

29 body; or]

30 [(B) for a member of a municipal legislative body, on the effective date of an

31 irrevocable letter of resignation submitted by the member to the municipal

32 legislative body.]

33 [(b) Except as otherwise provided in this section, if any vacancy occurs in the office of

34 municipal executive or member of a municipal legislative body, the municipal

35 legislative body shall, within 30 calendar days after the day on which the vacancy

36 occurs, appoint a registered voter in the municipality who meets the qualifications for

37 office described in Section 10-3-301 to fill the unexpired term of the vacated office.]

38 [(c) Before acting to fill the vacancy, the municipal legislative body shall:]

39 [(i) immediately notify the municipal recorder or clerk;]

40 [(ii) give public notice of the vacancy at least 14 calendar days before the day on

41 which the municipal legislative body meets to fill the vacancy;]

42 [(iii) identify, in the notice:]

43 [(A) the date, time, and place of the meeting where the vacancy will be filled;]

44 [(B) the person to whom an individual interested in being appointed to fill the

45 vacancy may submit the interested individual's name for consideration; and]

46 [(C) the deadline for submitting an interested individual's name; and]

47 [(iv) in an open meeting, interview each individual whose name is submitted for

48 consideration, and who meets the qualifications for office, regarding the

49 individual's qualifications.]

50 [(d)(i) The municipal legislative body shall take an initial vote to fill the vacancy

51 from among the names of the candidates interviewed under Subsection (1)(c)(iv).]

52 [(ii)(A) If no candidate receives a majority vote of the municipal legislative body

53 in the initial vote described in Subsection (1)(d)(i), the two candidates that

54 received the most votes in the initial vote, as determined by the tie-breaking

55 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,

56 shall be placed before the municipal legislative body for a second vote to fill

57 the vacancy.]

58 [(B) If the initial vote results in a tie for second place, the candidates tied for

59 second place shall be reduced to one by a coin toss conducted in accordance

60 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection

61 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the

62 initial vote and the candidate that wins the coin toss described in this

- 63 Subsection (1)(d)(ii)(B).]
- 64 [~~(C) If the initial vote results in a tie among three or more candidates for first~~
- 65 ~~place, the candidates tied for first place shall be reduced to two by a coin toss~~
- 66 ~~conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote~~
- 67 ~~described in Subsection (1)(d)(ii)(A) shall be between the two candidates that~~
- 68 ~~remain after the coin toss described in this Subsection (1)(d)(ii)(C).]~~
- 69 [~~(D) A coin toss required under this Subsection (1)(d) shall be conducted by the~~
- 70 ~~municipal clerk or recorder in the presence of the municipal legislative body.]~~
- 71 [~~(iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate~~
- 72 ~~receives a majority vote of the municipal legislative body, the vacancy shall be~~
- 73 ~~determined by a coin toss between the two candidates in accordance with~~
- 74 ~~Subsection (1)(d)(ii)(D).]~~
- 75 [~~(e) If the municipal legislative body does not timely comply with Subsections (1)(b)~~
- 76 ~~through (d), the municipal clerk or recorder shall immediately notify the lieutenant~~
- 77 ~~governor.]~~
- 78 [~~(f) After receiving notice that a municipal legislative body has failed to timely comply~~
- 79 ~~with Subsections (1)(b) through (d), the lieutenant governor shall:]~~
- 80 [~~(i) notify the municipal legislative body of the violation; and]~~
- 81 [~~(ii) direct the municipal legislative body to, within 30 calendar days after the day on~~
- 82 ~~which the lieutenant governor provides the notice described in this Subsection~~
- 83 ~~(1)(f), appoint an eligible individual to fill the vacancy in accordance with~~
- 84 ~~Subsections (1)(e) and (d).]~~
- 85 [~~(g) If the municipality fails to timely comply with a directive described in Subsection~~
- 86 ~~(1)(f):]~~
- 87 [~~(i) the lieutenant governor shall notify the governor of the municipality's failure to~~
- 88 ~~fill the vacancy; and]~~
- 89 [~~(ii) the governor shall, within 45 calendar days after the day on which the governor~~
- 90 ~~receives the notice described in Subsection (1)(g)(i), provide public notice~~
- 91 ~~soliciting candidates to fill the vacancy in accordance with Subsection (1)(e) and~~
- 92 ~~appoint an individual to fill the vacancy.]~~
- 93 (1) As used in this section:
- 94 (a) "Letter of resignation" means:
- 95 (i) a letter submitted to a municipal legislative body by a municipal executive, that:
- 96 (A) states that the municipal executive is resigning from office, effective

97 immediately; or

98 (B) specifies a future date on which the municipal executive is resigning from
 99 office, and states that the letter of resignation is irrevocable; or

100 (ii) a letter submitted to a municipal legislative body by a member of the municipal
 101 legislative body, that:

102 (A) states that the member is resigning from office, effective immediately; or

103 (B) specifies a future date on which the member is resigning from office, and
 104 states that the letter of resignation is irrevocable.

105 (b)(i) "Vacancy," subject to Subsection (1)(b)(ii), means the same as that term is
 106 defined in Section 20A-1-102.

107 (ii) "Vacancy," if due to a resignation, occurs on:

108 (A) for a municipal executive:

109 (I) the day on which the municipal executive submits a letter described in
 110 Subsection (1)(a)(i)(A); or

111 (II) the future date specified in a letter described in Subsection (1)(a)(i)(B); or

112 (B) for a member of a municipal legislative body:

113 (I) the day on which the member submits a letter described in Subsection
 114 (1)(a)(ii)(A); or

115 (II) the future date specified in a letter described in Subsection (1)(a)(ii)(B).

116 (2) Except as otherwise provided in this section, if a vacancy occurs, or irrevocably will
 117 occur, in the office of municipal executive or member of a municipal legislative body,
 118 the municipal legislative body shall, in accordance with the requirements of this section,
 119 within 30 calendar days after the day on which the municipal legislative body receives
 120 the letter of resignation, appoint a registered voter in the municipality who meets the
 121 qualifications for office described in Section 10-3-301 to fill the unexpired term of the
 122 vacated office.

123 (3) Before acting to fill a vacancy in a municipal office, the municipal legislative body shall:

124 (a) immediately notify the municipal recorder or clerk of the vacancy;

125 (b) give public notice of the vacancy at least 14 calendar days before the day on which
 126 the municipal legislative body meets to fill the vacancy;

127 (c) identify, in the notice:

128 (i) the date, time, and place of the meeting where the vacancy will be filled;

129 (ii) the person to whom an individual interested in being appointed to fill the vacancy
 130 may submit the interested individual's name for consideration; and

- 131 (iii) the deadline for submitting an interested individual's name;
- 132 (d) in an open meeting, interview each individual whose name is submitted for
- 133 consideration, and who meets the qualifications for office, regarding the individual's
- 134 qualifications; and
- 135 (e) subject to Subsection (6)(c), before the meeting described in Subsection (3)(d), pass
- 136 a resolution or ordinance identifying a fair and transparent method that the municipal
- 137 body will use:
- 138 (i) in the event of a tie between three or more candidates, to eliminate candidates, by
- 139 lot, where each tied candidate has an equal chance of elimination, until only two
- 140 candidates remain; or
- 141 (ii) in the event that one candidate receives the most votes, but not a majority of the
- 142 votes, and two or more candidates tie for receiving the second most votes, to
- 143 eliminate candidates tied for receiving the second most votes, by lot, where each
- 144 tied candidate has an equal chance of elimination, until only one of the tied
- 145 candidates remains.
- 146 (4)(a) The municipal legislative body shall take an initial vote to fill the vacancy from
- 147 among the names of the candidates interviewed under Subsection (3)(d).
- 148 (b) If no candidate receives a majority vote of the municipal legislative body in the
- 149 initial vote described in Subsection (4)(a), the municipal legislative body shall:
- 150 (i) take another vote between the two candidates who received the most votes in the
- 151 initial vote; or
- 152 (ii) if, due to a tie, the municipal legislative body cannot identify only two candidates
- 153 as receiving the most votes in the initial vote, take another vote between the two
- 154 candidates who remain after applying the applicable method identified under
- 155 Subsection (3)(e).
- 156 (c) If, in the second vote described in Subsection (4)(b), neither candidate receives a
- 157 majority vote of the municipal legislative body, the vacancy shall be determined by a
- 158 coin toss between the two candidates.
- 159 (d) The breaking of a tie by lot under Subsection (4)(b)(ii), or by coin toss under
- 160 Subsection (4)(c), shall be conducted by the municipal clerk or recorder, at a public
- 161 meeting, in the presence of the municipal legislative body.
- 162 (e) A vote taken by a municipal legislative body under this section shall:
- 163 (i) be immediately disclosed to the public; and
- 164 (ii) disclose how each member voted.

- 165 (5)(a) If the municipal legislative body does not timely comply with Subsections (2)
166 through (4), the municipal clerk or recorder shall immediately notify the lieutenant
167 governor.
- 168 (b) After receiving notice that a municipal legislative body has failed to timely comply
169 with Subsections (2) through (4), the lieutenant governor shall:
- 170 (i) notify the municipal legislative body of the failure; and
171 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
172 which the lieutenant governor provides the notice described in this Subsection
173 (5)(b), appoint an eligible individual to fill the vacancy in accordance with
174 Subsections (3) and (4).
- 175 (c) If the municipality fails to timely comply with a directive described in Subsection
176 (5)(b):
- 177 (i) the lieutenant governor shall notify the governor of the municipality's failure to
178 timely fill the vacancy; and
- 179 (ii) the governor shall, within 45 calendar days after the day on which the governor
180 receives the notice described in Subsection (5)(c)(i):
- 181 (A) provide public notice soliciting candidates to fill the vacancy in accordance
182 with Subsections (3)(b) and (c); and
- 183 (B) appoint an individual to fill the vacancy.
- 184 (6)(a) An individual appointed under this section to fill a vacancy in the office of
185 municipal executive or member of a municipal legislative body shall take office on
186 the later of:
- 187 (i) the day after the individual is appointed; or
188 (ii) the day after the day on which the vacancy occurs.
- 189 (b) A majority vote under Subsections (3) through (5):
- 190 (i) means a majority of the members currently serving on the municipal legislative
191 body;
- 192 (ii) includes a member described in Subsection (1)(a)(ii)(B) if the vote is taken before
193 the date of vacancy specified in the letter; and
- 194 (iii) includes the mayor, if the mayor has legal authority under Subsection
195 10-3b-302(1) to break a tie, unless the mayor seeks, and is under consideration, to
196 fill the vacancy.
- 197 (c) The tie breaking provisions that are conducted by coin toss or lot under this section
198 do not apply if the tie can be broken under Subsection (6)(b)(iii).

199 (d) A municipal legislative body, or the governor, may not appoint the individual who
 200 vacated the office to fill the vacancy.

201 [~~2~~] (7)(a) A vacancy in the office of municipal executive or member of a municipal
 202 legislative body shall be filled by an interim appointment, followed by an election to
 203 fill a two-year term, if:

204 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
 205 executive at least 14 calendar days before the deadline for filing for election in an
 206 odd-numbered year; and

207 (ii) two years of the vacated term will remain after the first Monday of January
 208 following the next municipal election.

209 (b) In appointing an interim replacement, the municipal legislative body shall:

210 (i) comply with the notice requirements of this section; and

211 (ii) in an open meeting, interview each individual whose name is submitted for
 212 consideration, and who meets the qualifications for office, regarding the
 213 individual's qualifications.

214 [~~3~~] (8)(a) In a municipality operating under the council-mayor form of government, as
 215 defined in Section 10-3b-102:

216 (i) the council may appoint an individual to fill a vacancy in the office of mayor
 217 before the effective date of the mayor's resignation by making the effective date of
 218 the appointment the same as the effective date of the mayor's resignation; and

219 (ii) if a vacancy in the office of mayor occurs before [~~the effective date of an~~
 220 ~~appointment under Subsection (1) or (2)] the vacancy is filled under Subsection
 221 (6)(a), to fill the vacancy, the remaining council members, by majority vote, shall
 222 appoint a council member to serve as acting mayor during the time between the
 223 creation of the vacancy and the effective date of the appointment to fill the
 224 vacancy.~~

225 (b) A council member serving as acting mayor under Subsection [~~(3)(a)(ii)] (8)(a)(ii)~~
 226 continues to:

227 (i) act as a council member; and

228 (ii) vote at council meetings.

229 [~~4~~] (9)(a)[~~(i)~~] For a vacancy of a member of a municipal legislative body as
 230 described in this section, the municipal legislative body member whose
 231 resignation creates the vacancy on the municipal legislative body may:

232 [~~A~~] (i) interview an individual whose name is submitted for consideration under

233 Subsection ~~[(1)(e)(iv) or (2)(b)(ii)]~~ (3)(d) or (7)(b)(ii); and
 234 ~~[(B)]~~ (ii) vote on the appointment of an individual to fill the vacancy.

235 ~~[(ii)]~~ (b) Notwithstanding Subsection ~~[(4)(a)(i)]~~ (9)(a), a member of a legislative body
 236 who is removed from office in accordance with state law may not cast a vote under
 237 Subsection ~~[(4)(a)(i)]~~ (9)(a).

238 ~~[(b)]~~ (c) A member of a municipal legislative body who submits ~~[his or her]~~ the member's
 239 resignation to the municipal legislative body may not rescind the resignation.

240 ~~[(e)]~~ (d) A member of a municipal legislative body may not vote on an appointment
 241 under this section for ~~[himself or herself]~~ that member to fill a vacancy in the
 242 municipal legislative body.

243 ~~[(5)]~~ (10) In a municipality operating under the council-mayor form of government, the
 244 mayor may not:

245 (a) participate in the vote to fill a vacancy;
 246 (b) veto a decision of the council to fill a vacancy; or
 247 (c) vote in the case of a tie.

248 ~~[(6)]~~ (11) A mayor whose resignation from the municipal legislative body is due to election
 249 or appointment as mayor may, in the case of a tie, participate in the vote under this
 250 section.

251 ~~[(7)]~~ (12) A municipal legislative body may, consistent with the provisions of state law,
 252 adopt procedures governing the appointment, interview, and voting process for filling
 253 vacancies in municipal offices.

254 ~~[(8)]~~ (13)(a) Except as provided in Subsection ~~[(8)(b)]~~ (13)(b), an individual seeking
 255 appointment to fill a vacancy under this section shall, no later than the deadline for
 256 the individual to file a campaign finance statement under Section 10-3-208:

257 (i) complete a conflict of interest disclosure statement in accordance with Section
 258 10-3-301.5; and

259 (ii) submit the conflict of interest disclosure statement to the municipal legislative
 260 body and the municipal clerk or recorder.

261 (b) An individual described in Subsection ~~[(8)(a)]~~ (13)(a) is not required to comply with
 262 Subsection ~~[(8)(a)]~~ (13)(a) if the individual:

263 (i) currently holds an office described in Subsection ~~[(1)(b)]~~ (2);
 264 (ii) already, that same year, filed a conflict of interest disclosure statement for the
 265 office described in Subsection ~~[(8)(b)(i)]~~ (13)(b)(i), in accordance with Section
 266 10-3-1313; and

267 (iii) no later than the deadline described in Subsection [~~(8)(a)~~] (13)(a), indicates, in a
268 written notice submitted to the municipal clerk or recorder, that the conflict of
269 interest disclosure statement described in Subsection [~~(8)(b)(ii)~~] (13)(b)(ii) is
270 updated and accurate as of the date of the written notice.

271 [~~(9)~~] (14)(a) The municipal clerk or recorder shall make each conflict of interest
272 disclosure statement made by an individual described in Subsection [~~(8)(a)~~] (13)(a)
273 available for public inspection by posting an electronic copy of the statement on:

274 (i) the municipality's website; or

275 (ii) if the municipality does not have a website, on the website of the county in which
276 the municipality is located.

277 (b) The municipal clerk or recorder shall:

278 (i) post the electronic statement described in Subsection [~~(9)(a)~~] (14)(a) no later than
279 two business days after the day on which the municipal recorder or clerk receives
280 the statement; and

281 (ii) ensure that the electronic statement remains posted on the website described in
282 Subsection [~~(9)(a)~~] (14)(a) for at least 10 calendar days after the day on which the
283 municipal legislative body appoints an individual to fill the vacancy.

284 Section 2. **Effective Date.**

285 This bill takes effect on May 6, 2026.