



# HB0391 compared with HB0391S01

20           ▸ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27           **17B-1-302** , as last amended by Laws of Utah 2024, Chapter 388

28           **17B-1-306** , as last amended by Laws of Utah 2025, Chapters 39, 161

29           **17B-2a-905** , as last amended by Laws of Utah 2024, Chapter 388

30           **20A-1-502** , as last amended by Laws of Utah 2025, Chapter 448

31           **20A-1-503** , as last amended by Laws of Utah 2025, Chapters 90, 448

32           **20A-1-504** , as last amended by Laws of Utah 2025, Chapter 90

33           **20A-1-508** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

34           **20A-1-509.1** , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

35           **20A-1-509.2** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

36           **20A-1-510** , as last amended by Laws of Utah 2025, Chapters 90, 448

37           **20A-1-511** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

38           **20A-1-512** , as last amended by Laws of Utah 2025, Chapters 161, 448

39           **20A-11-204** , as last amended by Laws of Utah 2025, Chapters 90, 448

40           **20A-11-1303** , as last amended by Laws of Utah 2025, Chapters 90, 448

41

---

---

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

43           Section 1. Section **17B-1-302** is amended to read:

44           **17B-1-302. Board member qualifications -- Number of board members.**

45 (1) Except as provided in Section 17B-2a-905, each member of a special district board of trustees shall  
be:

47 (a) a registered voter at the location of the member's residence; and

48 (b) except as otherwise provided in Subsection (2), (3), or (4), a resident within:

49 (i) the boundaries of the special district; and

50

## HB0391 compared with HB0391S01

(ii) if applicable, the boundaries of the division of the special district from which the member is elected or appointed.

52 (2)

(a) As used in this Subsection (2):

53 (i) "Proportional number" means the number of members of a board of trustees that bears, as close as mathematically possible, the same proportion to all members of the board that the number of seasonally occupied homes bears to all residences within the district that receive service from the district.

57 (ii) "Seasonally occupied home" means a single-family residence:

58 (A) that is located within the special district;

59 (B) that receives service from the special district; and

60 (C) whose owner occupies the residence on a temporary or seasonal basis, rather than as the principal place of residence as defined in Section 20A-2-105.

62 (b) If over 50% of the residences within a special district that receive service from the special district are seasonally occupied homes, the requirement under Subsection (1)(b) is replaced, for a proportional number of members of the board of trustees, with the requirement that the member be an owner of land, or an agent or officer of the owner of land:

67 (i) that receives, or intends to receive, service from the district; and

68 (ii) that is located within the special district and, if applicable, the division from which the member is elected.

70 (3)

(a) Subsection (3)(b) applies to a board of trustees member in:

71 (i) a basic special district;

72 (ii) any other type of special district that is located solely within a county of the fourth, fifth, or sixth class, that has within the district's boundaries fewer than one residential dwelling unit per 10 acres of land; or

75 (iii) an infrastructure financing district.

76 (b) For a board of trustees member in a special district listed in Subsection (3)(a), the board of trustees may replace the requirement under Subsection (1)(b) with the requirement that the member be:

79 (i) a resident within the boundaries of the special district; or

80 (ii) an owner of land, or an agent or officer of the owner of land, that:

## HB0391 compared with HB0391S01

- 81 (A) is located within the special district ; and  
82 (B) receives, or is expected to receive, service from the district.
- 83 (4) A board member of an infrastructure financing district is not required to be a resident within the  
boundary of the infrastructure financing district if:
- 85 (a) all owners of surface property within the district waive the residency requirement;  
86 (b) the district boundary does not include any residents; or  
87 (c)
- (i) in the case of an appointed board position, no qualified individual timely files to be considered for  
appointment to the board; or
- 89 (ii) in the case of an elected board position, no qualified individual files a declaration of candidacy for  
the board position under Subsection 17B-1-306(5).
- 91 (5) A member of the board of trustees of a service area described in Subsection 17B-2a-905(2)(a)  
or (3)(a), who is an elected official of the county appointing the individual, is not subject to the  
requirements described in Subsection (1)(b) if the elected official was elected at large by the voters  
of the county.
- 95 (6) Notwithstanding Subsection (1)(b) and except as provided in Subsection (7), the county legislative  
body may appoint to the special district board one of the county legislative body's own members,  
regardless of whether the member resides within the boundaries described in Subsection (1)(b), if:
- 99 (a) the county legislative body satisfies the procedures to fill a vacancy described in:
- 100 (i) for the appointment of a new board member, Subsections 17B-1-304(2) and (3); or  
101 (ii) for an appointment to fill a midterm vacancy, [~~Subsection 20A-1-512(1)(a)(ii) or Subsection  
20A-1-512(2)~~] Subsection 20A-1-512(2)(a)(ii) or Subsection 20A-1-512(6);
- 104 (b) fewer qualified candidates timely file to be considered for appointment to the special district board  
than are necessary to fill the board;
- 106 (c) the county legislative body appoints each of the qualified candidates who timely filed to be  
considered for appointment to the board; and
- 108 (d) the county legislative body appoints a member of the body to the special district board, in  
accordance with Subsection 17B-1-304(6) or Subsection [~~20A-1-512(1)(e)~~] 20A-1-512(4), who was:
- 111 (i) elected at large by the voters of the county;  
112 (ii) elected from a division of the county that includes more than 50% of the geographic area of the  
special district; or

## HB0391 compared with HB0391S01

- 114 (iii) if the special district is divided into divisions under Section 17B-1-306.5, elected from a division of  
the county that includes more than 50% of the geographic area of the division of the special district  
in which there is a board vacancy.
- 117 (7) If it is necessary to reconstitute the board of trustees of a special district located solely within a  
county of the fourth, fifth, or sixth class because the term of a majority of the members of the board  
has expired without new trustees having been elected or appointed as required by law, even if  
sufficient qualified candidates timely file to be considered for a vacancy on the board, the county  
legislative body may appoint to the special district board no more than one of the county legislative  
body's own members who does not satisfy the requirements of Subsection (1).
- 124 (8)
- (a) Except as otherwise provided by statute, the number of members of each board of trustees of a  
special district that has nine or fewer members shall have an odd number of members that is no  
fewer than three.
- 127 (b) If a board of trustees of a special district has more than nine members, the number of members may  
be odd or even.
- 129 (9) For a newly created special district, the number of members of the initial board of trustees shall be  
the number specified:
- 131 (a) for a special district whose creation was initiated by a petition under Subsection 17B-1-203(1)(a),  
(b), (c), or (d), in the petition; or
- 133 (b) for a special district whose creation was initiated by a resolution under Subsection 17B-1-203(1)(e)  
or (f), in the resolution.
- 135 (10)
- (a) For an existing special district, the number of members of the board of trustees may be changed by a  
two-thirds vote of the board of trustees.
- 137 (b) No change in the number of members of a board of trustees under Subsection (10)(a) may:
- 139 (i) violate Subsection (8); or
- 140 (ii) serve to shorten the term of any member of the board.
- 141 Section 2. Section **17B-1-306** is amended to read:
- 142 **17B-1-306. Special district board -- Election procedures -- Notice.**
- 143 (1) Except as provided in Subsection (12), each elected board member shall be selected as provided in  
this section.

## HB0391 compared with HB0391S01

- 145 (2)
- (a) Each election of a special district board member shall be held:
- 146 (i) at the same time as the municipal general election or the regular general election, as applicable;  
and
- 148 (ii) at polling places designated by the special district board in consultation with the county clerk  
for each county in which the special district is located, which polling places shall coincide with  
municipal general election or regular general election polling places, as applicable, whenever  
feasible.
- 152 (b) The special district board, in consultation with the county clerk, may consolidate two or more  
polling places to enable voters from more than one district to vote at one consolidated polling place.
- 155 (c)
- (i) Subject to Subsections (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in  
an election of board members of an irrigation district shall be one polling place per division of the  
district, designated by the district board.
- 158 (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall  
coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).
- 161 (3)
- (a) The clerk of each special district with a board member position to be filled at the next municipal  
general election or regular general election, as applicable, shall provide notice of:
- 164 (i) each elective position of the special district to be filled at the next municipal general election or  
regular general election, as applicable;
- 166 (ii) the constitutional and statutory qualifications for each position; and
- 167 (iii) the dates and times for filing a declaration of candidacy.
- 168 (b) If the election is to be held at the same time as the municipal general election, a declaration of  
candidacy shall be filed between June 1 and June 7 of any odd-numbered year.
- 171 (c) If the election is to be held at the same time as the regular general election, a declaration of  
candidacy shall be filed between June 1 and June 7 of any even-numbered year.
- 174 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a) for the special  
district, as a class A notice under Section 63G-30-102, for at least 10 days before the first day for  
filing a declaration of candidacy.
- 177 (5)

## HB0391 compared with HB0391S01

- (a) Except as provided in Subsection (5)(c), to become a candidate for an elective special district board position, an individual shall file a declaration of candidacy in person with an official designated by the special district within the candidate filing period for the applicable election year in which the election for the special district board is held and:
- 182 (i) during the special district's standard office hours, if the standard office hours provide at least three consecutive office hours each day during the candidate filing period that is not a holiday or weekend;
- 185 (ii) if the standard office hours of a special district do not provide at least three consecutive office hours each day, a three-hour consecutive time period each day designated by the special district during the candidate filing period that is not a holiday or weekend; or
- 189 (iii) during the special district's standard office hours if the special district has adopted a four day standard work week with standard office hours of at least eight hours each of those days.
- 192 (b) When the candidate filing deadline falls on a Saturday, Sunday, holiday, or a day that is not a regular business day for the special district pursuant to Subsection (5)(a)(iii), the filing time shall be extended until the close of normal office hours on the following regular business day.
- 196 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a declaration of candidacy with the official designated by the special district if:
- 198 (i) the individual is located outside of the state during the entire filing period;
- 199 (ii) the designated agent appears in person before the official designated by the special district; and
- 201 (iii) the individual communicates with the official designated by the special district using an electronic device that allows the individual and official to see and hear each other.
- 204 (d)
- (i) Before the filing officer may accept any declaration of candidacy from an individual, the filing officer shall:
- 206 (A) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and
- 208 (B) require the individual to state whether the individual meets those requirements.
- 209 (ii) If the individual does not meet the qualification requirements for the office, the filing officer may not accept the individual's declaration of candidacy.
- 211 (iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

## HB0391 compared with HB0391S01

- 213 (e) The declaration of candidacy shall be in substantially the following form:  
214 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
\_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
office of board of trustees member for \_\_\_\_\_ (state the name of the special  
district); that I am a candidate for that office to be voted upon at the next election; and that, if filing  
via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and  
I hereby request that my name be printed upon the official ballot for that election.
- 222 (Signed) \_\_\_\_\_  
223 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_.
- 225 (Signed) \_\_\_\_\_  
226 (Clerk or Notary Public). "[ ]
- 227 (f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).  
229 (g) Each individual wishing to become a valid write-in candidate for an elective special district board  
position is governed by Section 20A-9-601.
- 231 (h) If at least one individual does not file a declaration of candidacy as required by this section,  
an individual shall be appointed to fill that board position in accordance with the appointment  
provisions of Section 20A-1-512.
- 234 (i) If only one candidate files a declaration of candidacy and there is no write-in candidate who  
complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:  
237 (i) consider the candidate to be elected to the position; and  
238 (ii) cancel the election.
- 239 (6)
- (a) A primary election may be held if:  
240 (i) the election is authorized by the special district board; and  
241 (ii) the number of candidates for a particular local board position or office exceeds twice the  
number of persons needed to fill that position or office.
- 243 (b) The primary election shall be conducted:  
244 (i) on the same date as the municipal primary election or the regular primary election, as applicable; and  
246 (ii) according to the procedures for primary elections provided under Title 20A, Election Code.



## HB0391 compared with HB0391S01

- 248 (7)
- (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the special district clerk shall certify the candidate names to the clerk of each county in which the special district is located.
- 251 (b)
- (i) Except as provided in Subsection (7)(c) and in accordance with Sections 20A-6-109 and 20A-6-110, the clerk of each county in which the special district is located and the special district clerk shall coordinate placement of the name of each candidate for special district office in the nonpartisan section of the ballot with the appropriate election officer.
- 256 (ii) If consolidation of the special district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the special district board of trustees, in consultation with the county clerk, shall provide for a separate special district election ballot to be administered by poll workers at polling places designated under Subsection (2).
- 261 (c)
- (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 263 (ii) The board of an irrigation district shall:
- 264 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for a board member election;
- 266 (B) ensure that the ballot is in a nonpartisan format; and
- 267 (C) ensure that the name of each candidate is placed on the ballot in accordance with Sections 20A-6-109 and 20A-6-110.
- 269 (8)
- (a) Each voter at an election for a board of trustees member of a special district shall:
- 270 (i) be a registered voter within the district, except for an election of:
- 271 (A) an irrigation district board of trustees member; or
- 272 (B) a basic special district board of trustees member who is elected by property owners; and
- 274 (ii) meet the requirements to vote established by the district.
- 275 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 276 (c) The candidates who receive the highest number of votes are elected.
- 277

## HB0391 compared with HB0391S01

- (9) Except as otherwise provided by this section, the election of special district board members is governed by Title 20A, Election Code.
- 279 (10)
- (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a special district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.
- 282 (b) A person elected shall be sworn in as soon as practical after January 1.
- 283 (11)
- (a) Except as provided in Subsection (11)(b), each special district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that special district.
- 286 (b) Each irrigation district shall bear the district's own costs of each election the district holds under this section.
- 288 (12) This section does not apply to an improvement district that provides electric or gas service.
- 290 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 292 (14)
- (a) As used in this Subsection (14), "board" means:
- 293 (i) a special district board; or
- 294 (ii) the administrative control board of a special service district that has elected members on the board.
- 296 (b) If a board desires to hold elections for membership on the board at a regular general election instead of a municipal general election[-], or at a municipal general election instead of a regular general election, the board may submit an application to the lieutenant governor that:
- 300 (i) requests permission to change the election year for membership on the board in a manner described in this Subsection (14)(b);
- 302 (ii) indicates that a change in the election year is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason; and
- 304 (iii) if a change in the election year may result in shortening a board member's term of office, indicates that the members of the board unanimously support the lieutenant governor taking that action.
- 307 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the if:

## HB0391 compared with HB0391S01

- 309 (i) the lieutenant governor concludes that changing the election year is beneficial based on the criteria  
described in Subsection (14)(b)(ii); and
- 311 (ii) for an application that may result in shortening a board member's term of office, the application  
satisfies the unanimity requirement described in Subsection (14)(b)(iii).
- 314 (d) If the lieutenant governor approves a board's application described in this section:
- 315 (i) all future elections for membership on the board shall be held at the time of the general election  
specified in the application; and
- 317 (ii) the board may not hold elections at the time of an election other than the general election specified  
in the application, unless the board receives permission from the lieutenant governor to change the  
election under the same procedure, and by applying the same criteria, described in this Subsection  
(14).
- 321 (15)
- (a) This Subsection (15) applies to a special district if:
- 322 (i) the special district's board members are elected by the owners of real property, as provided in  
Subsection 17B-1-1402(1)(b); and
- 324 (ii) the special district was created before January 1, 2020.
- 325 (b) The board of a special district described in Subsection (15)(a) may conduct an election:
- 327 (i) to fill a board member position that expires at the end of the term for that board member's position;  
and
- 329 (ii) notwithstanding Subsection [~~20A-1-512(1)(a)(i)~~] 20A-1-512(2)(a)(i), to fill a vacancy in an  
unexpired term of a board member.
- 331 (c) An election under Subsection (15)(b) may be conducted as determined by the special district board,  
subject to Subsection (15)(d).
- 333 (d)
- (i) The special district board shall provide to property owners eligible to vote at the special district  
election:
- 335 (A) notice of the election; and
- 336 (B) a form to nominate an eligible individual to be elected as a board member.
- 337 (ii)
- (A) The special district board may establish a deadline for a property owner to submit a nomination  
form.

## HB0391 compared with HB0391S01

339 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides  
the notice and nomination form under Subsection (15)(d)(i).

342 (iii)

(A) After the deadline for submitting nomination forms, the special district board shall provide a ballot  
to all property owners eligible to vote at the special district election.

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

346 (iv) A special district board shall certify the results of an election under this Subsection (15) during an  
open meeting of the board.

348 Section 3. Section **17B-2a-905** is amended to read:

349 **17B-2a-905. Service area board of trustees.**

350 (1)

(a) Except as provided in Subsection (2), (3), or (4):

351 (i) the initial board of trustees of a service area located entirely within the unincorporated area of a  
single county may, as stated in the petition or resolution that initiated the process of creating the  
service area:

354 (A) consist of the county legislative body;

355 (B) be appointed, as provided in Section 17B-1-304; or

356 (C) be elected, as provided in Section 17B-1-306;

357 (ii) if the board of trustees of a service area consists of the county legislative body, the board may  
adopt a resolution providing for future board members to be appointed, as provided in Section  
17B-1-304, or elected, as provided in Section 17B-1-306; and

361 (iii) members of the board of trustees of a service area shall be elected, as provided in Section  
17B-1-306, if:

363 (A) the service area is not entirely within the unincorporated area of a single county;

365 (B) a petition is filed with the board of trustees requesting that board members be elected, and the  
petition is signed by registered voters within the service area equal in number to at least 10% of the  
number of registered voters within the service area who voted at the last gubernatorial election; or

369 (C) an election is held to authorize the service area's issuance of bonds.

370 (b) If members of the board of trustees of a service area are required to be elected under Subsection (1)  
(a)(iii)(C) because of a bond election:

372 (i) board members shall be elected in conjunction with the bond election;

## HB0391 compared with HB0391S01

- 373 (ii) the board of trustees shall:
- 374 (A) establish a process to enable potential candidates to file a declaration of candidacy sufficiently in  
advance of the election; and
- 376 (B) provide a ballot for the election of board members separate from the bond ballot; and
- 378 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided in Section  
17B-1-306.
- 380 (2)
- (a) This Subsection (2) applies to a service area created on or after May 5, 2003, if:
- 381 (i) the service area was created to provide:
- 382 (A) fire protection, paramedic, and emergency services; or
- 383 (B) law enforcement service;
- 384 (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3)  
(d); and
- 386 (iii) the service area is not a service area described in Subsection (3).
- 387 (b)
- (i) Each county with unincorporated area that is included within a service area described in Subsection  
(2)(a), whether in conjunction with the creation of the service area or by later annexation, shall  
appoint up to three members to the board of trustees.
- 391 (ii) Each municipality with an area that is included within a service area described in Subsection (2)(a),  
whether in conjunction with the creation of the service area or by later service area annexation or  
municipal incorporation or annexation, shall appoint one member to the board of trustees, unless the  
area of the municipality is withdrawn from the service area.
- 396 (iii) Each member that a county or municipality appoints under Subsection (2)(b)(i) or (ii) shall be an  
elected official of the appointing county or municipality, respectively.
- 399 (c) Notwithstanding Subsection 17B-1-302(8), the number of members of a board of trustees of a  
service area described in Subsection (2)(a) shall be the number resulting from application of  
Subsection (2)(b).
- 402 (3)
- (a) This Subsection (3) applies to a service area created on or after May 14, 2013, if:
- 403 (i) the service area was created to provide fire protection, paramedic, and emergency services;
- 405

## HB0391 compared with HB0391S01

- (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3) (d); and
- 407 (iii) each municipality with an area that is included within the service area or county with  
unincorporated area, whether in whole or in part, that is included within a service area is a party  
to an agreement:
- 410 (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with all the other  
municipalities or counties with an area that is included in the service area;
- 413 (B) to provide the services described in Subsection (3)(a)(i); and
- 414 (C) at the time a resolution proposing the creation of the service area is adopted by each applicable  
municipal or county legislative body in accordance with Subsection 17B-1-203(1)(e).
- 417 (b)
- (i) Each county with unincorporated area, whether in whole or in part, that is included within a service  
area described in Subsection (3)(a), whether in conjunction with the creation of the service area or  
by later annexation, shall appoint one member to the board of trustees.
- 421 (ii) Each municipality with an area that is included within a service area described in Subsection (3)(a),  
whether in conjunction with the creation of the service area or by later annexation, shall appoint one  
member to the board of trustees.
- 424 (iii) Each member that a county or municipality appoints under Subsection (3)(b)(i) or (ii) shall be an  
elected official of the appointing county or municipality, respectively.
- 427 (iv) A vote by a member of the board of trustees may be weighted or proportional.
- 428 (c) Notwithstanding Subsection 17B-1-302(8), the number of members of a board of trustees of  
a service area described in Subsection (3)(a) is the number resulting from the application of  
Subsection (3)(b).
- 431 (4)
- (a) This Subsection (4) applies to a service area if:
- 432 (i) the service area provides a service to a municipality in accordance with an agreement between  
the service area and the municipality in accordance with Title 11, Chapter 13, Interlocal  
Cooperation Act;
- 435 (ii) the municipality is not included within the service area's boundary;
- 436 (iii) the governing body of the municipality petitions the service area to request authority to appoint  
one member of the board of trustees of the service area; and

## HB0391 compared with HB0391S01

- 438 (iv) the service area board of trustees approves the petition.
- 439 (b) The governing body of a municipality described in Subsection (4)(a) may appoint a member of a  
service area board of trustees as follows:
- 441 (i) the governing body shall make the appointment in accordance with:
- 442 (A) Section 17B-1-304; or
- 443 (B) to fill a mid-term vacancy, [~~Subsection 20A-1-512(1)~~] Subsections 20A-1-512(2) through (5);
- 445 (ii) the governing body may not appoint an individual who is not a registered voter residing within the  
municipality;
- 447 (iii) the district boundary requirement in Subsection 17B-1-302(1) does not apply to the governing  
body's appointee;
- 449 (iv) the governing body and the service area board of trustees may not shorten the term of office of any  
member of the board due to the governing body's appointment;
- 452 (v) notwithstanding Subsection 17B-1-302(8), the number of members of the board of trustees of a  
service area described in Subsection (4)(a) may be odd or even; and
- 454 (vi) if the number of members of a service area board of trustees is odd before the governing body's  
appointment, the member that the governing body appoints may replace a member whose term is  
expiring or who otherwise leaves a vacancy on the board or, if no expiring term or vacancy exists:
- 458 (A) the number of board members may temporarily be even, including the member that the governing  
body appoints, until an expiring term or vacancy exists that restores the board membership to an odd  
number; and
- 461 (B) no appointing authority may fill the expiring term or vacancy that restores the board membership to  
an odd number.
- 463 (c)
- 465 (i) The service area board of trustees may rescind the approval described in Subsection (4)(a) at any  
time.
- 465 (ii) If the service area board of trustees rescinds the approval described in Subsection (4)(a) during the  
term of a board member that the governing body appointed, the appointee shall remain on the board  
for the remainder of the appointee's term.

468 Section 4. Section **20A-1-502** is amended to read:

469 **20A-1-502. Midterm vacancy in office of United States senator.**

470

## HB0391 compared with HB0391S01

- (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of United States senator, the governor shall, within seven calendar days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:
- 474 (a) sets a date for a primary congressional special election, and a later date for a general congressional  
special election, on the same day as one of the following elections:
- 476 (i) a municipal general election;
- 477 (ii) a presidential primary election;
- 478 (iii) a regular primary election; or
- 479 (iv) a regular general election;
- 480 (b) sets the date of the primary congressional special election on the same day as the next election  
described in Subsections (1)(a)(i) through (iv) that is more than 90 calendar days after the day on  
which the governor issues the proclamation;
- 483 (c) sets the date of the general special congressional election on the same day as the next election  
described in Subsection (1)(a) that is more than 90 calendar days after the primary special  
congressional election described in Subsection (1)(b);
- 486 (d) provides each registered political party that is not a qualified political party at least 21 calendar  
days, but no more than 28 calendar days, to select one candidate, in a manner determined by the  
registered political party, as a candidate for the registered political party;
- 490 (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar  
days:
- 492 (i) for the qualified political party to select one candidate, using the convention process described in  
Section 20A-9-407, as a candidate for the qualified political party; and
- 495 (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the  
qualified political party using the signature-gathering process described in Section 20A-9-408;
- 498 (f) consistent with the requirements of this section, establishes the deadlines, time frames, and  
procedures for filing a declaration of candidacy, giving notice of an election, and other election  
requirements; and
- 501 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and  
Overseas Voters Act.
- 503 (2)



## HB0391 compared with HB0391S01

- (a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
- 506 (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
- 509 (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- 513 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven calendar days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- 519 (3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:
- 521 (a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and
- 524 (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).
- 526 (4)
- (a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom:
- 529 (i) meets the qualifications for the office; and
- 530 (ii) is a member of the registered political party of which the prior officeholder was a member at the time the prior officeholder was [elected] last elected or appointed.
- 532 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:
- 534 (i) the vacancy is filled by election under Subsection (1) or (2); or
- 535 (ii) the six-year term for the senate office ends.

## HB0391 compared with HB0391S01

- 536 (5) An individual elected to fill a vacancy under this section shall serve until the end of the current term  
in which the vacancy filled by the election occurs.
- 538 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 539 (a) has left the office; or
- 540 (b) submits an irrevocable letter of resignation to the governor or to the president of the United States  
Senate.
- 542 Section 5. Section **20A-1-503** is amended to read:
- 543 **20A-1-503. Midterm vacancies in the Legislature.**
- 544 (1) As used in this section:
- 545 (a) "Filing deadline" means the final date for filing:
- 546 (i) a declaration of candidacy as provided in Section 20A-9-202; and
- 547 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 548 (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant  
governor on all matters relating to the political party's relationship with the state as required by  
Section 20A-8-401.
- 551 (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor  
shall fill the vacancy [~~by immediately appointing the person whose name was submitted by the  
party liaison of the same political party as the prior representative.~~] by immediately appointing the  
individual whose name is submitted by the party liaison of the registered political party of which the  
prior officeholder was a member at the time the prior officeholder was last elected or appointed;
- 557 (3)
- (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator  
in the Legislature, [~~it~~] the vacancy shall be filled for the unexpired term at the next regular general  
election.
- 560 (b) The governor shall fill the vacancy until the next regular general election [~~by immediately  
appointing the person whose name was submitted by the party liaison of the same political party as  
the prior senator.~~] by immediately appointing the individual whose name is submitted by the party  
liaison of the registered political party of which the prior officeholder was a member at the time the  
prior officeholder was last elected or appointed.
- 566 (4)

## HB0391 compared with HB0391S01

- (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
- 569 (i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 calendar days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
- 573 (A) a declaration of candidacy; or
- 574 (B) a certificate of nomination; and
- 575 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 576 (A) on the lieutenant governor's website; and
- 577 (B) to each registered political party.
- 578 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 579 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
- 583 (ii) run in the regular general election if:
- 584 (A) nominated as a party candidate; or
- 585 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- 587 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection 20A-9-202(1)(b) and before August 31~~[-]~~ of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for placement on the regular general election ballot.
- 593 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term [~~by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.~~] in accordance with Subsection (3)(b).
- 598 (6)
- (a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill a vacancy described in this section shall, no later than the deadline for the individual to file an interim report

## HB0391 compared with HB0391S01

under Subsection 20A-11-303(3)(a), make a complete conflict of interest disclosure on the website described in Section 20A-11-1602.5.

602 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the individual:

604 (i)

(A) currently holds the office of senator and is seeking appointment as a representative; or

606 (B) currently holds the office of representative and is seeking appointment as a senator;

608 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection (6)(b)(i), in accordance with Section 20A-11-1604; and

610 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii) is updated and accurate as of the date of the written statement.

613 (7) The lieutenant governor shall make each conflict of interest disclosure made by an individual described in Subsection (6)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).

616 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the senator or representative:

618 (a) has left the office; or

619 (b) submits an irrevocable letter of resignation to:

620 (i) for a senator, the president of the Senate; or

621 (ii) for a representative, the speaker of the House of Representatives.

622 Section 6. Section **20A-1-504** is amended to read:

623 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, State Board of Education member, and lieutenant governor.**

625 (1)

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

628 [~~(b) The governor shall fill the vacancy until the next regular general election by:]~~

629 [~~(i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or]~~

## HB0391 compared with HB0391S01

- 632 [~~(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~
- 633 [~~(A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and  
consent of the Senate, an individual who meets the qualifications and residency requirements for  
filling the vacancy described in Section 20A-14-103;]~~
- 637 [~~(B) was elected at a partisan State Board of Education election, but is not a member of a political party,  
by appointing, with the advice and consent of the Senate, an individual who meets the qualifications  
and residency requirements for filling the vacancy described in Section 20A-14-103; or]~~
- 641 [~~(C) was elected at a partisan State Board of Education election, and is a member of a political party, by  
appointing an individual who meets the qualifications for the office from three persons nominated  
by the state central committee of the same political party as the prior officeholder.]~~
- 645 (b) The governor shall fill a vacancy described in Subsection (1)(a) until the next general election by  
immediately appointing the individual whose name is submitted by the party liaison of the registered  
political party of which the prior officeholder was a member at the time the prior officeholder was  
last elected or appointed.
- 649 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and  
consent of the Senate, appoint a person to hold the office until the next regular general election at  
which the governor stands for election.
- 652 (3)
- (a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill a vacancy  
described in this section shall make a complete conflict of interest disclosure on the website  
described in Section 20A-11-1602.5:
- 655 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer, or state  
auditor, no later than the deadline for the individual to file an interim report under Subsection  
20A-11-204(3)(a); or
- 658 (ii) for a vacancy in the office of State Board of Education member, no later than the deadline for  
the individual to file an interim report under Subsection 20A-11-1303(2)(a).
- 661 (b) An individual described in Subsection (3)(a) is not required to comply with Subsection (3)(a) if the  
individual:
- 663 (i) currently holds an office described in Subsection (1)(a) or (2);
- 664 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection  
(3)(b)(i), in accordance with Section 20A-11-1604; and

## HB0391 compared with HB0391S01

- 666 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written statement, that the  
conflict of interest disclosure described in Subsection (3)(b)(ii) is updated and accurate as of the  
667 date of the written statement.
- 669 (4) The lieutenant governor shall make each conflict of interest disclosure made by an individual  
described in Subsection (3)(a) available for public inspection in accordance with Subsection  
20A-11-1603(4).
- 672 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the individual  
occupying the office:
- 674 (a) has left the office; or
- 675 (b) submits an irrevocable letter of resignation to the governor.
- 676 Section 7. Section **20A-1-508** is amended to read:
- 677 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim  
replacement.**
- 679 (1) As used in this section:
- 680 (a)
- 683 (i) "County offices" includes the county executive, members of the county legislative body, the county  
treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county  
surveyor, and the county assessor.
- 685 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
- 687 (b) "Party liaison" means the political party officer designated to serve as a liaison with each county  
legislative body on all matters relating to the political party's relationship with a county as required  
by Section 20A-8-401.
- 688 (2)
- (a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim  
replacement to fill a vacant county office under Subsection (3), the following shall temporarily  
discharge the duties of the county office as a temporary manager:
- 692 (i) for a county office with one chief deputy, the chief deputy;
- 693 (ii) for a county office with more than one chief deputy:
- 694 (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- 696 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office,  
the county officer files with the county clerk a written statement designating one of the county

## HB0391 compared with HB0391S01

officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or

- 701 (iii) for a county office without a chief deputy:
- 702 (A) if one management-level employee serving under the county office has a higher-seniority  
management level than any other employee serving under the county office, that management-level  
employee;
- 705 (B) if two or more management-level employees serving under the county office have the same and  
highest-seniority management level, the highest-seniority management-level employee with the  
most cumulative time served in the employee's current position; or
- 709 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates  
the office, the county officer files with the county clerk a written statement designating one of the  
county officer's employees to discharge the county officer's duties in the event the county officer  
vacates the office, the designated employee.
- 714 (b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who  
temporarily discharges the duties of a county office holds the powers and duties of the county office  
until the county legislative body appoints an interim replacement under Subsection (3).
- 718 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a  
county office:
- 720 (i) may not take an oath of office for the county office as a temporary manager;
- 721 (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget  
ordinances and policies;
- 723 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 725 (iv) unless approved by the county legislative body, may not promote or demote an employee or change  
an employee's job title;
- 727 (v) may terminate an employee only if the termination is conducted in accordance with:
- 729 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative  
body; and
- 731 (B) applicable law;
- 732 (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure  
that was planned before the county office for which the temporary manager discharges duties was  
vacated;

## HB0391 compared with HB0391S01

- 735 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation;  
and
- 737 (viii) if approved by the county legislative body, may receive a performance award after:
- 739 (A) the county legislative body appoints an interim replacement under Subsection (3); and
- 741 (B) the interim replacement is sworn into office.
- 742 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 744 (3)
- (a) Until a replacement is selected as provided in this section and has qualified, the county legislative  
body shall appoint an interim replacement to fill the vacant office by following the procedures and  
requirements of this Subsection (3).
- 747 (b) In addition to this Subsection (3), an interim replacement appointed to the office of county auditor in  
a county of the first class is subject to the requirements described in Section 17-69-202.
- 750 (c)
- (i) To appoint an interim replacement, the county legislative body shall, within 10 calendar days after  
the day on which the vacancy occurs, give notice of the vacancy to:
- 753 (A) the county clerk; and
- 754 (B) ~~[the party liaison of the same political party of the prior office holder]~~ the party liaison of the  
registered political party of which the prior officeholder was a member at the time the prior  
officeholder was last elected or appointed.
- 757 (ii) The county legislative body shall invite the party liaison described in Subsection (3)(c)(i)(B) to  
submit the name of an individual to fill the vacancy.
- 759 (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days  
after the day on which the party liaison receives the notice described in Subsection (3)(c)(i)(B), or  
if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is  
at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative  
body the name of an individual the party selects in accordance with the party's constitution or  
bylaws to serve as the interim replacement.
- 766 (iv) The county legislative body shall, no later than seven calendar days after the day on which a party  
liaison submits the name of the individual to serve as the interim replacement, appoint the individual  
to serve out the unexpired term.
- 769 (d)



## HB0391 compared with HB0391S01

- (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (3)(c)(iv), the county clerk shall, no later than seven calendar days after the day of the deadline described in Subsection (3)(c)(iv), send to the governor a letter that:
- 773 (A) informs the governor that the county legislative body has failed to appoint a replacement within  
the statutory time period; and
- 775 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- 777 (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter  
described in Subsection (3)(d)(i), appoint the individual named by the party liaison as an interim  
replacement to fill the vacancy.
- 780 (e) An individual appointed as interim replacement under this Subsection (3) shall hold office until a  
successor is elected and has qualified.
- 782 (4)
- (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:
- 784 (i) the vacant office has an unexpired term of two years or more; and
- 785 (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first  
day of the declaration of candidacy filing period described in Section 20A-9-201.5.
- 788 (b)
- (i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as  
practicable, but no later than 180 calendar days before the next regular general election, notify the  
public and each registered political party that the vacancy exists.
- 792 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of  
candidacy in accordance with:
- 794 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 796 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 798 (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for  
the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as  
a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in  
the regular general election.
- 803 (5)
- (a) The requirements of this Subsection (5) apply to all county offices that become vacant if:
- 805 (i) the vacant office has an unexpired term of two years or more; and

## HB0391 compared with HB0391S01

- 806 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period  
described in Section 20A-9-201.5, but more than 75 calendar days before the regular primary  
election.
- 809 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as  
practicable, but no later than 70 calendar days before the next regular primary election, notify the  
public and each registered political party:
- 812 (i) that the vacancy exists; and
- 813 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)  
(d)(ii).
- 815 (c)
- (i) An individual intending to become a party candidate for a vacant office shall, no later than 5 p.m. on  
the first business day that is at least five calendar days after the day on which the notice is given, file  
a declaration of candidacy for the vacant office in accordance with:
- 819 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 821 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 823 (ii) The county central committee of each party shall:
- 824 (A) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 826 (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but no  
later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the  
regular primary election.
- 829 (d)
- (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a  
vacant office who does not wish to affiliate with a registered political party shall file a verified  
certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with  
Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 834 (ii)
- (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is no later than  
5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular  
general election by which an individual who is not affiliated with a registered political party is  
required to submit a certificate of nomination under Subsection (5)(d)(i).

## HB0391 compared with HB0391S01

- 839 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that  
gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
- 842 (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an  
unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a  
Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in  
Candidates, shall run in the regular general election.
- 847 (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
- 849 (i) if the vacant office has an unexpired term of two years or more; and
- 850 (ii) when 75 calendar days or less remain before the day of the regular primary election but more  
than 65 calendar days remain before the day of the regular general election.
- 853 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as  
practicable, notify the public and each registered political party:
- 855 (i) that the vacancy exists; and
- 856 (ii) of the deadlines established under Subsection (6)(d).
- 857 (c)
- (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county  
central committee of each registered political party that wishes to submit a candidate for the office  
shall certify the name of one candidate to the county clerk for placement on the regular general  
election ballot.
- 861 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate  
who does not wish to affiliate with a registered political party shall file a verified certificate of  
nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9,  
Part 5, Candidates not Affiliated with a Party.
- 866 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-  
in candidate shall submit to the county clerk a declaration of candidacy described in Section  
20A-9-601.
- 869 (d)
- (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are no later than  
5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular  
general election by which:

## HB0391 compared with HB0391S01

- 872 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);  
874 (B) an individual who does not wish to affiliate with a registered political party is required to  
submit a certificate of nomination under Subsection (6)(c)(ii); and  
876 (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c)  
(iii).
- 878 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an  
unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general  
election ballot.
- 881 (e) An individual who is certified as a party candidate for the vacant office, who qualifies as an  
unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a  
Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in  
Candidates, shall run in the regular general election.
- 886 (7)
- (a) The requirements of this Subsection (7) apply to all county offices that become vacant:
- 888 (i) if the vacant office has an unexpired term of less than two years; or  
889 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar days or less  
remain before the day of the next regular general election.
- 891 (b)
- (i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon  
as practicable, but no later than 10 calendar days after the day on which the vacancy occurs, give  
notice of the vacancy to:
- 894 (A) the county clerk; and  
895 (B) ~~[the party liaison of the same political party as the prior office holder]~~ the party liaison of the  
registered political party of which the prior officeholder was a member at the time the prior  
officeholder was last elected or appointed.
- 898 (ii) The county legislative body shall invite the party liaison described in Subsection (7)(b)(i)(B) to  
submit the name of an individual to fill the vacancy.
- 900 (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days  
after the day on which the party liaison receives the notice described in Subsection (7)(b)(i)(B), or  
if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is at

## HB0391 compared with HB0391S01

least [-]40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.

- 906 (iv) The county legislative body shall, no later than seven calendar days after the day on which a party  
liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the  
unexpired term.
- 909 (c)
- (i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with  
Subsection (7)(b)(iv), the county clerk shall send to the governor a letter that:
- 912 (A) informs the governor that the county legislative body has failed to appoint an individual to fill  
the vacancy within the statutory time period; and
- 914 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- 916 (ii) The governor shall, within 10 calendar days after the day on which the governor receives the  
letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the  
vacancy.
- 919 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a  
successor is elected and has qualified.
- 921 (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill  
all vacancies that occur in those offices filled by appointment of the county legislative body.
- 924 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from  
filing a certificate of nomination for a vacant office within the same time limits as a candidate that is  
affiliated with a political party.
- 927 (10)
- (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall  
serve for the remainder of the unexpired term of the individual who created the vacancy and until a  
successor is elected and qualified.
- 930 (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-66-202.
- 932 (11)
- (a) Except as provided in Subsection (11)(b), for an individual seeking appointment to fill a vacancy  
described in Subsection (3) or (7) the individual shall, no later than the deadline for the individual to  
file a financial report under Section 17-70-403:
- 935 (i) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and

## HB0391 compared with HB0391S01

- 937 (ii) submit the conflict of interest disclosure statement to the county legislative body and the county  
938 clerk.
- 939 (b) An individual described in Subsection (11)(a) is not required to comply with Subsection (11)(a) if  
940 the individual:
- 941 (i) currently holds an office described in Subsection (1)(a)(i);
- 942 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in  
943 Subsection (11)(b)(i), in accordance with Section 17-70-509; and
- 944 (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written notice submitted to  
945 the county clerk, that the conflict of interest disclosure statement described in Subsection (11)(b)(ii)  
946 is updated and accurate as of the date of the written notice.
- 947 (12)
- 948 (a) The county clerk shall make each conflict of interest disclosure statement made by an individual  
949 described in Subsection (11)(a) available for public inspection by posting an electronic copy of the  
950 statement on the county's website for at least 10 calendar days after the day on which the county  
951 legislative body:
- 952 (i) appoints an interim replacement under Subsection (3); or
- 953 (ii) appoints an individual to fill a vacancy under Subsection (7).
- 954 (b) The county clerk shall post the electronic statement described in Subsection (12)(a) no later than  
955 two business days after the day on which the county clerk receives the statement.
- 956 (13) A vacancy in a county office does not occur unless the individual occupying the office:
- 957 (a) has left the office; or
- 958 (b) submits an irrevocable letter of resignation to the county legislative body.
- 959 Section 8. Section **20A-1-509.1** is amended to read:
- 960 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more**  
961 **attorneys.**
- 962 (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15  
963 or more attorneys who are licensed active members in good standing with the Utah State Bar and  
964 registered voters, the vacancy shall be filled as provided in this section.
- 965 (2)
- 966 (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney  
967 becomes vacant and:

## HB0391 compared with HB0391S01

- 970 (i) the vacant office has an unexpired term of two years or more; and  
971 (ii) the vacancy occurs before the first day of the applicable declaration of candidacy filing period  
described in Section 20A-9-201.5.
- 973 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public  
and each registered political party that the vacancy exists.
- 975 (c) All persons intending to become candidates for the vacant office shall:  
976 (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2,  
Candidate Qualifications and Declarations of Candidacy;  
978 (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter  
9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and  
981 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 982 (d) If the vacancy occurs during the applicable declaration of candidacy filing period described in  
Section 20A-9-201.5:  
984 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m.  
on the first business day that is no later than seven calendar days after the last day of the applicable  
declaration of candidacy filing period described in Section 20A-9-201.5; and  
988 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- 990 (3)  
(a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney  
becomes vacant and:  
992 (i) the vacant office has an unexpired term of two years or more; and  
993 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than  
75 calendar days before the regular primary election.
- 995 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:  
996 (i) notify the public and each registered political party that the vacancy exists; and  
997 (ii) identify the date and time by which a person interested in becoming a candidate shall file a  
declaration of candidacy.
- 999 (c) All persons intending to become candidates for the vacant office shall:  
1000 (i) no later than 5 p.m. on the first business day that is at least five calendar days after the day on which  
the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy

## HB0391 compared with HB0391S01

for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

- 1004 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1005 (d) The county central committee of each party shall:
- 1006 (i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
- 1008 (ii) certify the name of the candidate or candidates to the county clerk:
- 1009 (A) no later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the regular primary election; or
- 1011 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary election.
- 1013 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:
- 1015 (i) the vacant office has an unexpired term of two years or more; and
- 1016 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar days remain before the regular general election.
- 1018 (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wishes to submit a candidate for the office shall, not later than five calendar days after the day on which the vacancy occurs, certify the name of one candidate to the county clerk for placement on the regular general election ballot.
- 1023 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 1025 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:
- 1027 (i) the vacant office has an unexpired term of less than two years; or
- 1028 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days or less remain before the next regular general election.
- 1030 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to:
- 1032 (i) the county clerk; and



## HB0391 compared with HB0391S01

- 1033 (ii) ~~[the county central committee of the same political party of the prior officeholder]~~ the county central committee of the registered political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.
- 1037 (c) The county legislative body shall invite the committee described in Subsection (5)(b)(ii) to submit the names of three nominees to fill the vacancy.
- 1039 (d) The county central committee shall, within 30 calendar days after the day on which the county legislative body gives the notice described in Subsection (5)(b)(ii), submit to the county legislative body the names of three nominees to fill the vacancy.
- 1042 (e) The county legislative body shall, within 45 calendar days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.
- 1044 (f) If the county legislative body fails to appoint a person to fill the vacancy within 45 calendar days, the county clerk shall send to the governor a letter that:
- 1046 (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and
- 1048 (ii) contains the list of nominees submitted by the party central committee.
- 1049 (g) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 calendar days after the day on which the governor receives the letter described in Subsection (5)(f).
- 1052 (h) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.
- 1054 (6) A person seeking appointment to fill a vacancy described in Subsection (5)(a) shall, no later than the deadline for the person to file a financial report under Section 17-70-403:
- 1056 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 1058 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 1060 (7)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.
- 1065 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.

## HB0391 compared with HB0391S01

- 1068 (8) A vacancy in the office described in Subsection (1) does not occur unless the person occupying the  
office:
- 1070 (a) has left the office; or
- 1071 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1072 (9) Nothing in this section prevents or prohibits independent candidates from filing a declaration of  
candidacy for the office within the required time limits.
- 1074 Section 9. Section **20A-1-509.2** is amended to read:
- 1075 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.**
- 1077 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by  
the failure of a person to file as a candidate for the office of county or district attorney in an election,  
in a county or district having fewer than 15 attorneys who are licensed, active members in good  
standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this  
section.
- 1082 (2) The county clerk shall send a letter to each attorney residing in the county or district who is a  
licensed, active member in good standing with the Utah State Bar and a registered voter that:
- 1085 (a) informs the attorney of the vacancy;
- 1086 (b) invites the attorney to apply for the vacancy; and
- 1087 (c) informs the attorney that if the attorney does not respond before 5 p.m. on the first business day that  
is at least 10 calendar days after the day on which the county clerk sends the letter, the attorney's  
candidacy to fill the vacancy will not be considered.
- 1090 (3)
- (a)
- (i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are  
licensed, active members in good standing with the Utah State Bar and registered voters in  
the county or district have applied for the vacancy, the county clerk shall, except as provided  
in Subsection (3)(a)(ii), submit the applications to the county central committee [~~of the same  
political party of the prior officeholder~~] of the registered political party of which the prior  
officeholder was a member at the time the prior officeholder was last elected or appointed.
- 1097 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central  
committee of each county within the prosecution district.

1099

## HB0391 compared with HB0391S01

- (b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body no later than 5 p.m. on the first business day that is at least 20 calendar days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).
- 1103 (c) The county legislative body shall appoint one of the nominees to fill the vacant position.
- 1105 (d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.
- 1108 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall mail to the governor:
- 1111 (i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and
- 1113 (ii)
- (A) the list of nominees, if any, submitted by the central committee of the political party; or
- 1115 (B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.
- 1118 (f) The governor shall appoint, within 30 calendar days after the day on which the governor receives the letter described in Subsection (3)(e), a person from the list to fill the vacancy.
- 1121 (4)
- (a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:
- 1125 (i) appoint one of them to be county or district attorney; or
- 1126 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).
- 1128 (b)
- (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.

1133

## HB0391 compared with HB0391S01

- (ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.
- 1138 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall:
- 1140 (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
- 1142 (ii) provide the governor with a list of all the applicants.
- 1143 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after the day on which the governor receives the notification described in Subsection (4)(c).
- 1145 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.
- 1147 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the deadline for the person to file a financial report under Section 17-70-403:
- 1149 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 1151 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 1153 (7)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.
- 1158 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.
- 1161 (8) A vacancy in the office described in Subsection (1) does not occur until the person occupying the office:
- 1163 (a) has left the office; or
- 1164 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1165 Section 10. Section **20A-1-510** is amended to read:
- 1166 **20A-1-510. Midterm vacancies in municipal offices.**

## HB0391 compared with HB0391S01

- 1167 (1)
- 1168 [~~(a)~~] As used in this section:
- 1169 (a) "Interim vacancy period" means the period of time that:
- 1171 (i) begins on the day on which an election is held to elect a municipal executive or member of a  
municipal legislative body; and
- 1171 (ii) ends on the day on which an individual elected to an office described in Subsection (1)(a)(i) begins  
the individual's term of office.
- 1173 [~~(i)~~] (b) "Vacancy," subject to Subsection [~~(1)(a)(ii)~~] (1)(c), means the same as that term is defined  
in Section 20A-1-102.
- 1175 [~~(ii)~~] (c) "Vacancy," if due to resignation, occurs:
- 1176 [~~(A)~~] (i) for a municipal executive, on the effective date of an irrevocable letter of resignation submitted  
by the municipal executive to the municipal legislative body; or
- 1179 [~~(B)~~] (ii) for a member of a municipal legislative body, on the effective date of an irrevocable letter of  
resignation submitted by the member to the municipal legislative body.
- 1182 [~~(b)~~] (2)
- (a) Except as otherwise provided in this section, if [~~any~~] a vacancy occurs in the office of municipal  
executive or member of a municipal legislative body, the municipal legislative body shall, within  
30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the  
municipality who meets the qualifications for office described in Section 10-3-301 to fill the  
unexpired term of the vacated office.
- 1188 (b)
- (i) If a vacancy described in Subsection (2)(a) exists at any time during an interim vacancy period, a  
municipal legislative body:
- 1190 (A) may not appoint an individual to fill the vacancy during the interim vacancy period; and
- 1192 (B) shall, within 30 calendar days after the day on which the interim vacancy period ends, appoint a  
registered voter described in Subsection (2)(a) to fill the unexpired term of the vacated office.
- 1195 (ii) A municipal legislative body may not take an action under Subsection (2)(c) or (d) during an interim  
vacancy period.
- 1197 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1198 (i) immediately notify the municipal recorder or clerk;
- 1199

## HB0391 compared with HB0391S01

- (ii) give public notice of the vacancy at least 14 calendar days before the day on which the municipal legislative body meets to fill the vacancy;
- 1201 (iii) identify, in the notice:
- 1202 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1203 (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and
- 1205 (C) the deadline for submitting an interested individual's name; and
- 1206 (iv) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- 1209 (d)
- (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of the candidates interviewed under Subsection [~~(1)(e)(iv)~~] (2)(c)(iv).
- 1212 (ii)
- (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote described in Subsection [~~(1)(d)(i)~~] (2)(d)(i), the two candidates that received the most votes in the initial vote, as determined by the tie-breaking procedures described in Subsections [~~(1)(d)(ii)(B)~~] (2)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
- 1218 (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be reduced to one by a coin toss conducted in accordance with Subsection [~~(1)(d)(ii)(D)~~] (2)(d)(ii)(D), and the second vote described in Subsection [~~(1)(d)(ii)(A)~~] (2)(d)(ii)(A) shall be between the candidate that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection [~~(1)(d)(ii)(B)~~] (2)(d)(ii)(B).
- 1224 (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection [~~(1)(d)(ii)(D)~~] (2)(d)(ii)(D), and the second vote described in Subsection [~~(1)(d)(ii)(A)~~] (2)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1230 (D) A coin toss required under this Subsection [~~(1)(d)~~] (2)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
- 1233

## HB0391 compared with HB0391S01

- (iii) If, in the second vote described in Subsection [~~(1)(d)(ii)(A)~~] (2)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection [~~(1)(d)(ii)(D)~~] (2)(d)(ii)(D).
- 1237 (e) If the municipal legislative body does not timely comply with Subsections [~~(1)(b)~~] (2)(a) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.
- 1240 (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections [~~(1)(b)~~] (2)(a) through (d), the lieutenant governor shall:
- 1242 (i) notify the municipal legislative body of the violation; and
- 1243 (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection [~~(1)(f)~~] (2)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections [~~(1)(e)~~] (2)(c) and (d).
- 1247 (g) If the municipality fails to timely comply with a directive described in Subsection [~~(1)(f)~~] (2)(f):
- 1249 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
- 1251 (ii) the governor shall, within 45 calendar days after the day on which the governor receives the notice described in Subsection [~~(1)(g)(i)~~] (2)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection [~~(1)(e)~~] (2)(c) and appoint an individual to fill the vacancy.
- 1255 [~~(2)~~] (3)
- (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
- 1258 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 calendar days before the deadline for filing for election in an odd-numbered year; and
- 1261 (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.
- 1263 (b) In appointing an interim replacement, the municipal legislative body shall:
- 1264 (i) comply with the notice requirements of this section; and
- 1265 (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.
- 1268 [~~(3)~~] (4)
- (a) [~~It~~] Except as provided in Subsection (4)(b), in a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:
- 1270

## HB0391 compared with HB0391S01

- (i) the council may appoint an individual to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and
- 1273 (ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection [~~(1) or (2)~~] (2) or (3) to fill the vacancy, the remaining council members shall, by majority vote, [~~shall~~] appoint a council member to serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.
- 1278 (b) The council may not make an appointment under Subsection (4)(a)(i) if the effective date of the mayor's resignation occurs during an interim vacancy period.
- 1280 [~~(b)~~] (c) A council member serving as acting mayor under Subsection [~~(3)(a)(ii)~~] (4)(a)(ii) continues to:
- 1282 (i) act as a council member; and
- 1283 (ii) vote at council meetings.
- 1284 [~~(4)~~] (5)
- (a)
- (i) For a vacancy of a member of a municipal legislative body as described in this section, the municipal legislative body member whose resignation creates the vacancy on the municipal legislative body may:
- 1287 (A) interview an individual whose name is submitted for consideration under Subsection [~~(1)(e)(iv)~~] (2)(c)(iv) or [~~(2)(b)(ii)~~] (3)(b)(ii); and
- 1289 (B) vote on the appointment of an individual to fill the vacancy.
- 1290 (ii) Notwithstanding Subsection [~~(4)(a)(i)~~] (5)(a)(i), a member of a legislative body who is removed from office in accordance with state law may not cast a vote under Subsection [~~(4)(a)(i)~~] (5)(a)(i).
- 1293 (b) A member of a municipal legislative body who submits his or her resignation to the municipal legislative body may not rescind the resignation.
- 1295 (c) A member of a municipal legislative body may not vote on an appointment under this section for himself or herself to fill a vacancy in the municipal legislative body.
- 1297 [~~(5)~~] (6) In a municipality operating under the council-mayor form of government, the mayor may not:
- 1299 (a) participate in the vote to fill a vacancy;
- 1300 (b) veto a decision of the council to fill a vacancy; or



## HB0391 compared with HB0391S01

- 1301 (c) vote in the case of a tie.
- 1302 [~~(6)~~] (7) A mayor whose resignation from the municipal legislative body is due to election or  
appointment as mayor may, in the case of a tie, participate in the vote under this section.
- 1305 [~~(7)~~] (8) A municipal legislative body may, consistent with the provisions of state law, adopt procedures  
governing the appointment, interview, and voting process for filling vacancies in municipal offices.
- 1308 [~~(8)~~] (9)
- (a) Except as provided in Subsection [~~(8)(b)~~] (9)(b), an individual seeking appointment to fill a vacancy  
under this section shall, no later than the deadline for the individual to file a campaign finance  
statement under Section 10-3-208:
- 1311 (i) complete a conflict of interest disclosure statement in accordance with Section 10-3-301.5; and
- 1313 (ii) submit the conflict of interest disclosure statement to the municipal legislative body and the  
municipal clerk or recorder.
- 1315 (b) An individual described in Subsection [~~(8)(a)~~] (9)(a) is not required to comply with Subsection [~~(8)~~]  
(a) (9)(a) if the individual:
- 1317 (i) currently holds an office described in Subsection [~~(1)(b)~~] (2)(b);
- 1318 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in  
Subsection [~~(8)(b)(i)~~] (9)(b)(i), in accordance with Section 10-3-1313; and
- 1321 (iii) no later than the deadline described in Subsection [~~(8)(a)~~] (9)(a), indicates, in a written notice  
submitted to the municipal clerk or recorder, that the conflict of interest disclosure statement  
described in Subsection [~~(8)(b)(ii)~~] (9)(b)(ii) is updated and accurate as of the date of the written  
notice.
- 1325 [~~(9)~~] (10)
- (a) The municipal clerk or recorder shall make each conflict of interest disclosure statement made by  
an individual described in Subsection [~~(8)(a)~~] (9)(a) available for public inspection by posting an  
electronic copy of the statement on:
- 1328 (i) the municipality's website; or
- 1329 (ii) if the municipality does not have a website, on the website of the county in which the  
municipality is located.
- 1331 (b) The municipal clerk or recorder shall:
- 1332 (i) post the electronic statement described in Subsection [~~(9)(a)~~] (10)(a) no later than two business days  
after the day on which the municipal recorder or clerk receives the statement; and

## HB0391 compared with HB0391S01

- 1335 (ii) ensure that the electronic statement remains posted on the website described in Subsection [(9)  
1336 (a)] (10)(a) for at least 10 calendar days after the day on which the municipal legislative body  
1337 appoints an individual to fill the vacancy.
- 1338 Section 11. Section **20A-1-511** is amended to read:
- 1339 **20A-1-511. Midterm vacancy on a local school board.**
- 1340 [(1)
- 1341 (a) ~~A local school board shall fill a vacancy on the local school board by appointment, except as  
1342 otherwise provided in Subsections (1)(b) and (2).]~~
- 1343 [(b) ~~The county legislative body, or municipal legislative body in a city district, shall fill a vacancy on a  
1344 local school board by appointment if the local school board fails to make an appointment to fill the  
1345 vacancy:]~~
- 1346 [(i) ~~except as provided in Subsection (1)(b)(ii), within 30 calendar days after a vacancy occurs on the  
1347 local school board; or]~~
- 1348 [(ii) ~~within 45 calendar days after a vacancy occurs on the local school board due to the death of a local  
1349 school board member.]~~
- 1350 [(c) ~~A member appointed and qualified under this Subsection (1) shall serve until a successor is elected  
1351 or appointed and qualified.]~~
- 1352 (1) As used in this section, "interim vacancy period" means the period of time that:
- 1353 (a) begins on the day on which an election is held to elect a member of a local school board; and
- 1354 (b) ends on the day on which the member-elect begins the member's term of office.
- 1355 (2) Except as provided in Subsection (3) or (4), if a vacancy occurs in the office of local school board  
1356 member, the local school board shall appoint an individual to fill the vacancy:
- 1357 (a) within 30 calendar days after the day on which the vacancy occurs; or
- 1358 (b) if the vacancy occurs due to the death of a local school board member, within 45 calendar days after  
1359 the day on which the vacancy occurs.
- 1360 (3)
- 1361 (a) If a vacancy described in Subsection (2) exists at any time during an interim vacancy period, the  
1362 local school board:
- 1363 (i) may not appoint an individual to fill the vacancy during the interim vacancy period; and
- 1364 (ii) shall, within 45 calendar days after the day on which the interim vacancy period ends, appoint  
1365 an individual to fill the vacated office.

## HB0391 compared with HB0391S01

- 1367 (b) A local school board may not take an action under Subsection (7) during an interim vacancy period.
- 1369 (4) If a local school board does not timely comply with Subsection (2) or (3), the county legislative  
body, or municipal legislative body in a city district, shall appoint an individual to fill the vacancy.
- 1372 (5) A member appointed and qualified under Subsection (2), (3), or (4) shall serve until a successor is  
elected or appointed and qualified.
- 1374 [(2)] (6)
- (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a  
two-year term if:
- 1376 (i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14  
calendar days before the deadline for filing a declaration of candidacy; and
- 1379 (ii) two years of the vacated term will remain after the first Monday of January following the next  
school board election.
- 1381 (b) A member elected under this Subsection [(2)] (6) shall serve for the remaining two years of the  
vacated term and until a successor is elected and qualified.
- 1383 [(3)] (7) Before appointing an individual to fill a vacancy under this section, the local school board  
shall:
- 1385 (a) immediately notify the county clerk;
- 1386 (b) give public notice of the vacancy at least two weeks before the local school board meets to fill the  
vacancy;
- 1388 (c) identify, in the public notice:
- 1389 (i) the date, time, and place of the meeting where the vacancy will be filled; and
- 1390 (ii) the person to whom and the date and time before which an individual interested in being appointed  
to fill the vacancy may submit the individual's name for consideration; and
- 1393 (d) in an open meeting, interview each individual whose name is submitted for consideration and who  
meets the qualifications for office, regarding the individual's qualifications.
- 1396 [(4)] (8)
- (a) [~~Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy  
described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board  
submits a letter of resignation~~] Except as provided in Subsection (8)(b), if a member of a local  
school board submits a letter of resignation, the local school board may appoint an individual to fill

## HB0391 compared with HB0391S01

the vacancy before the effective date of the member's resignation if the local school board makes the effective date of the appointment the same as the effective date of the member's resignation.

- 1404 ~~[(b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on~~  
~~which the vacancy occurs for which the individual is appointed.]~~
- 1406 (b) A local school board may not make an appointment under Subsection (8)(a) if the effective date of  
the member's resignation occurs during an interim vacancy period.
- 1408 (c) A member of a local school board who submits a letter of resignation under Subsection ~~[(4)(a)]~~ (8)  
(a) may not rescind the resignation after the local school board makes an appointment to fill the  
vacancy created by the resignation.
- 1411 ~~[(5)]~~ (9) An individual seeking appointment to fill a vacancy on a local school board shall, no later than  
the deadline for the individual to file a financial report under Section 17-70-403:
- 1414 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 1416 (b) submit the conflict of interest disclosure statement to the county legislative body and the county  
clerk.
- 1418 ~~[(6)]~~ (10)
- (a) The county clerk shall make each conflict of interest disclosure statement made by an individual  
described in Subsection ~~[(5)]~~ (9) available for public inspection by posting an electronic copy of  
the statement on the county's website for at least 10 calendar days after the day on which the county  
legislative body appoints an individual to fill the vacancy.
- 1423 (b) The county clerk shall post the electronic statement described in Subsection ~~[(6)(a)]~~ (10)(a) no later  
than two business days after the day on which the county clerk receives the statement.
- 1426 Section 12. Section **20A-1-512** is amended to read:
- 1427 **20A-1-512. Midterm vacancies on special district boards -- Notice.**
- 1428 (1) As used in this section, "interim vacancy period" means the period of time that:
- 1429 (a) begins on the day on which an election is held to elect a member of a special district board; and
- 1431 (b) ends on the day on which the member-elect begins the member's term of office.
- 1432 ~~[(1)]~~ (2)
- (a) ~~[When]~~ Except as provided in Subsection (2)(b), if a vacancy occurs on any special district board for  
any reason, the following shall, within 90 calendar days after the day on which the vacancy occurs,  
appoint a replacement to serve out the unexpired term in accordance with this section:
- 1436 (i) the special district board, if the person vacating the position was elected; or

## HB0391 compared with HB0391S01

- 1437 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the appointing  
authority appointed the person vacating the position.
- 1439 (b)
- (i) If a vacancy described in Subsection (2)(a)(i) exists at any time during an interim vacancy period,  
the special district board:
- 1441 (A) may not appoint an individual to fill the vacancy during the interim vacancy period; and
- 1443 (B) shall, within 90 calendar days after the day on which the interim vacancy period ends, appoint  
an individual to complete the elected board member's term of office.
- 1446 (ii) A special district board may not take an action under Subsection (3) during an interim vacancy  
period.
- 1448 [~~(b)~~] (3) Except as provided in Subsection [~~(1)(e) or (d)~~] (4) or (5), before acting to fill the vacancy, the  
special district board or appointing authority shall:
- 1450 [~~(i)~~] (a) give public notice of the vacancy for at least two weeks before the special district board or  
appointing authority meets to fill the vacancy by publishing the notice, as a class A notice under  
Section 63G-30-102, for the special district; and
- 1453 [~~(i)~~] (b) identify, in the notice:
- 1454 [~~(A)~~] (i) the date, time, and place of the meeting where the vacancy will be filled;
- 1455 [~~(B)~~] (ii) the individual to whom an individual who is interested in an appointment to fill the vacancy  
may submit the individual's name for consideration; and
- 1457 [~~(C)~~] (iii) any submission deadline.
- 1458 [~~(e)~~] (4) An appointing authority is not subject to Subsection [~~(1)(b)~~] (3) if:
- 1459 [~~(i)~~] (a)
- [~~(A)~~] (i) the appointing authority appoints one of the appointing authority's own members; and
- 1461 [~~(B)~~] (ii) that member meets all applicable statutory board member qualifications; or
- 1462 [~~(i)~~] (b) the vacancy is on the board of trustees of an infrastructure financing district with no residents  
within the district's boundary.
- 1464 [~~(d)~~] (5) When a vacancy occurs on the board of a water conservancy district located in more than one  
county:
- 1466 [~~(i)~~] (a) the board shall give notice of the vacancy to the county legislative bodies that nominated the  
vacating trustee as provided in Section 17B-2a-1005;
- 1468

## HB0391 compared with HB0391S01

1470 [(ii)] (b) the county legislative bodies described in Subsection [(1)(d)(i)] (5)(b) shall collectively  
compile a list of three nominees to fill the vacancy; and

1470 [(iii)] (c) the governor shall, with the advice and consent of the Senate, appoint an individual to fill the  
vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).

1473 [(2)] (6) If the special district board fails to [~~appoint an individual to complete an elected board  
member's term within 90 calendar days after the day on which the vacancy occurs~~] timely comply  
with Subsection (2)(a)(i) or (b)(i), the vacancy shall be filled:

1476 (a) in accordance with the procedure for a special district described in Subsection [(1)(b)] (3); and

1478 (b) by, as applicable:

1479 (i) the legislative body of the county or municipality that created the special district; or

1481 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the legislative body of the  
county whose unincorporated area contains or the municipality whose boundary contains more of  
the area within the infrastructure financing district than is contained within the unincorporated area  
of any other county or within the boundary of any other municipality.

1486 [(3)] (7) If the body identified in Subsection [(2)(b)] (6)(b) has failed to appoint an individual to  
complete an elected board member's term within 90 calendar days after becoming the appointing  
authority under Subsection [(2)(b)] (6)(b) and a board quorum, as defined in Subsection  
17B-1-310(1), exists, the vacancy shall be filled by the special district board in accordance with the  
procedure described in Subsection [(1)(b)] (3).

1491 Section 13. Section **20A-11-204** is amended to read:

1492 **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements**  
**-- Interim reports.**

1494 (1) As used in this section:

1495 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)  
(a) or (c).

1497 (b) "Received" means:

1498 (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state  
office candidate's personal campaign committee;

1500 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is  
negotiated;

1502

## HB0391 compared with HB0391S01

- (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
- 1504 (A) the day on which the state office candidate or a member of the state office candidate's personal  
campaign committee becomes aware of the deposit and the source of the deposit;
- 1507 (B) the day on which the state office candidate or a member of the state office candidate's personal  
campaign committee receives notice of the deposit and the source of the deposit by mail, email, text,  
or similar means; or
- 1510 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 1511 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state  
office candidate.
- 1513 (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the  
following times in any year in which the candidate has filed a declaration of candidacy for a public  
office:
- 1516 (a)
- (i) seven calendar days before the candidate's political convention; or
- 1517 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 1518 (b) seven calendar days before the regular primary election date;
- 1519 (c) September 30; and
- 1520 (d) seven calendar days before the regular general election date.
- 1521 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the  
state office candidate:
- 1523 (a) shall file an interim report:
- 1524 (i) no later than three business days before the day on which the political party of the party for which  
the state office candidate seeks nomination meets to declare a nominee for the governor to appoint  
in accordance with Subsection ~~[20A-1-504(1)(a)]~~ 20A-1-504(1)(b); or
- 1528 (ii) if a state office candidate decides to seek the appointment with less than three business days before  
the day ~~[on which the political party meets]~~ described in Subsection (3)(a)(i), or the political party  
schedules the meeting ~~[to declare a nominee]~~ described in Subsection (3)(a)(i) less than three  
business days before the day of the meeting, no later than 5 p.m. on the last day of business before  
the day on which the political party meets; and
- 1534 (b) is not required to file an interim report at the times described in Subsection (2).

## HB0391 compared with HB0391S01

- 1535 (4) Each interim report shall include the following information:
- 1536 (a) the net balance of the last summary report, if any;
- 1537 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,  
during the calendar year in which the interim report is due;
- 1539 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,  
filed during the calendar year in which the interim report is due;
- 1541 (d) a detailed listing of:
- 1542 (i) for a state office candidate, each contribution received since the last summary report that has not  
been reported in detail on a prior interim report; or
- 1544 (ii) for a state officeholder, each contribution and public service assistance received since the last  
summary report that has not been reported in detail on a prior interim report;
- 1547 (e) for each nonmonetary contribution:
- 1548 (i) the fair market value of the contribution with that information provided by the contributor; and
- 1550 (ii) a specific description of the contribution;
- 1551 (f) a detailed listing of each expenditure made since the last summary report that has not been reported  
in detail on a prior interim report;
- 1553 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1554 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all  
receipts since the last summary report minus all expenditures since the last summary report;
- 1557 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1558 (i) beginning balance;
- 1559 (ii) total contributions and public service assistance received during the period since the last statement;
- 1561 (iii) total contributions and public service assistance received to date;
- 1562 (iv) total expenditures during the period since the last statement; and
- 1563 (v) total expenditures to date; and
- 1564 (j) the name of a political action committee for which the state office candidate or state officeholder is  
designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 1567 (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar  
days before the required filing date of the report.

1569



## HB0391 compared with HB0391S01

- (b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.

1572 Section 14. Section **20A-11-1303** is amended to read:

1573 **20A-11-1303. School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.**

1575 (1)

(a) As used in this section, "received" means:

1576 (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;

1578 (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated;

1580 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

1582 (A) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

1585 (B) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

1588 (C) 31 calendar days after the day on which the direct deposit occurs; or

1589 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

1591 (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

1593 (c) Except as provided in Subsection (2), each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

1596 (i) May 15;

1597 (ii) seven calendar days before the regular primary election date;

1598 (iii) September 30; and

## HB0391 compared with HB0391S01

- 1599 (iv) seven calendar days before the regular general election date.
- 1600 (2) If a school board office candidate is a school board office candidate seeking appointment for a  
1602 midterm vacancy, the school board office candidate:
- 1603 (a) shall file an interim report:
- 1603 [(i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later than three business  
days before the day on which the Senate meets to consider the school board office candidate's  
nomination; or]
- 1606 [(ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):]
- 1607 [(A) no later than three business days before the day on which the political party of the party for which  
the school board office candidate seeks nomination meets to declare a nominee for the governor to  
appoint; or]
- 1610 [(B) if the school board office candidate decides to seek the appointment with less than three business  
days before the day on which the political party meets, or the political party schedules the meeting  
to declare a nominee less than three business days before the day of the meeting, no later than 5 p.m.  
on the last day of business before the day on which the political party meets; and]
- 1615 (i) no later than three business days before the day on which the political party of the party for which  
the school board office candidate seeks nomination meets to declare a nominee for the governor to  
appoint in accordance with Subsection 20A-1-504(1)(b); or
- 1619 (ii) if the school board office candidate decides to seek the appointment with less than three business  
days before the day described in Subsection (2)(a)(i), or the political party schedules the meeting  
described in Subsection (2)(a)(i) less than three business days before the day of the meeting, no later  
than 5 p.m. on the last day of business before the day on which the political party meets; and
- 1624 (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 1625 (3) Each interim report shall include the following information:
- 1626 (a) the net balance of the last summary report, if any;
- 1627 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,  
during the calendar year in which the interim report is due;
- 1629 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,  
filed during the calendar year in which the interim report is due;
- 1631 (d) a detailed listing of:
- 1632

## HB0391 compared with HB0391S01

- (i) for a school board office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 1634 (ii) for a school board officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 1637 (e) for each nonmonetary contribution:
- 1638 (i) the fair market value of the contribution with that information provided by the contributor; and
- 1640 (ii) a specific description of the contribution;
- 1641 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 1643 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1644 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 1647 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1648 (i) beginning balance;
- 1649 (ii) total contributions during the period since the last statement;
- 1650 (iii) total contributions to date;
- 1651 (iv) total expenditures during the period since the last statement; and
- 1652 (v) total expenditures to date; and
- 1653 (j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 1656 (4)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.
- 1658 (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five calendar days before the required filing date of a report required by this section shall be included in the interim report.

1661 Section 15. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

1-27-26 1:36 PM