

1 **Legislator Replacement Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor: Keven J. Stratton

2 **LONG TITLE**3 **General Description:**

4 This bill address vacancies in elected office.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines the term "interim vacancy period" to mean the period of time between a general
8 election and the start of a newly elected officeholder's term of office;9 ▶ requires certain vacancies in elected office to be filled by appointment of an individual
10 selected by the political party of which the prior officeholder was a member at the time
11 the prior officeholder was last elected or appointed, including:12 • a vacancy in the office of United States senator, state legislator, or State Board of
13 Education member, to be filled by the governor; and

14 • a vacancy in a county office, to be filled by a county legislative body;

15 ▶ for a vacancy in a municipal office, local school board office, or elected special district
16 office that exists during an interim vacancy period, prohibits the local legislative body
17 from appointing an individual to fill the vacancy until the interim vacancy period ends;
18 and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**25 **AMENDS:**26 **17B-1-302**, as last amended by Laws of Utah 2024, Chapter 38827 **17B-1-306**, as last amended by Laws of Utah 2025, Chapters 39, 16128 **17B-2a-905**, as last amended by Laws of Utah 2024, Chapter 38829 **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
46 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 (ii) if applicable, the boundaries of the division of the special district from which the
51 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
54 bears, as close as mathematically possible, the same proportion to all members of
55 the board that the number of seasonally occupied homes bears to all residences
56 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
61 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
63 special district are seasonally occupied homes, the requirement under Subsection
64 (1)(b) is replaced, for a proportional number of members of the board of trustees,

65 with the requirement that the member be an owner of land, or an agent or officer of
66 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
69 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
73 fourth, fifth, or sixth class, that has within the district's boundaries fewer than one
74 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
77 board of trustees may replace the requirement under Subsection (1)(b) with the
78 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:
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
84 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
88 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
90 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
92 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the
93 individual, is not subject to the requirements described in Subsection (1)(b) if the elected
94 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
96 legislative body may appoint to the special district board one of the county legislative
97 body's own members, regardless of whether the member resides within the boundaries
98 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, [Subseetion 20A-1-512(1)(a)(ii) or

102 Subseetion 20A-1-512(2)] Subsection 20A-1-512(2)(a)(ii) or Subsection

103 20A-1-512(6);

104 (b) fewer qualified candidates timely file to be considered for appointment to the special

105 district board than are necessary to fill the board;

106 (c) the county legislative body appoints each of the qualified candidates who timely filed

107 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

109 board, in accordance with Subsection 17B-1-304(6) or Subsection [20A-1-512(1)(e)]

110 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

113 geographic area of the special district; or

114 (iii) if the special district is divided into divisions under Section 17B-1-306.5, elected

115 from a division of the county that includes more than 50% of the geographic area

116 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

118 within a county of the fourth, fifth, or sixth class because the term of a majority of the

119 members of the board has expired without new trustees having been elected or appointed

120 as required by law, even if sufficient qualified candidates timely file to be considered for

121 a vacancy on the board, the county legislative body may appoint to the special district

122 board no more than one of the county legislative body's own members who does not

123 satisfy the requirements of Subsection (1).

124 (8)(a) Except as otherwise provided by statute, the number of members of each board of

125 trustees of a special district that has nine or fewer members shall have an odd number

126 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

128 members may be odd or even.

129 (9) For a newly created special district, the number of members of the initial board of

130 trustees shall be the number specified:

131 (a) for a special district whose creation was initiated by a petition under Subsection

132 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
134 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
136 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)
138 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
144 provided in this section.

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,
147 as applicable; and
148 (ii) at polling places designated by the special district board in consultation with the
149 county clerk for each county in which the special district is located, which polling
150 places shall coincide with municipal general election or regular general election
151 polling places, as applicable, whenever feasible.

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

155 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under
156 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
157 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
159 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
160 Subsection (2)(a)(ii).

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

164 (i) each elective position of the special district to be filled at the next municipal
165 general election or regular general election, as applicable;
166 (ii) the constitutional and statutory qualifications for each position; and

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

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.

- (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:
 - (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;
 - (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
 - (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.
- (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.
- (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:
 - (i) the individual is located outside of the state during the entire filing period;
 - (ii) the designated agent appears in person before the official designated by the special district; and

(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.

(d)(i) Before the filing officer may accept any declaration of candidacy from an individual, the filing officer shall:

- (A) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and
- (B) require the individual to state whether the individual meets those requirements.

(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.

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

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

"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.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
of _____, ____.

(Signed) _____

(Clerk or Notary Public). "[.]

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

(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.

(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.

(i) If only one candidate files a declaration of candidacy and there is no write-in

235 candidate who complies with Section 20A-9-601, the board, in accordance with
236 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
242 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,
245 as applicable; and
246 (ii) according to the procedures for primary elections provided under Title 20A,
247 Election Code.

248 (7)(a) Except as provided in Subsection (7)(c), within one business day after the

249 deadline for filing a declaration of candidacy, the special district clerk shall certify
250 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
252 20A-6-109 and 20A-6-110, the clerk of each county in which the special district is
253 located and the special district clerk shall coordinate placement of the name of
254 each candidate for special district office in the nonpartisan section of the ballot
255 with the appropriate election officer.

256 (ii) If consolidation of the special district election ballot with the municipal general
257 election ballot or the regular general election ballot, as applicable, is not feasible,
258 the special district board of trustees, in consultation with the county clerk, shall
259 provide for a separate special district election ballot to be administered by poll
260 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
262 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
265 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
268 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

273 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 (9) Except as otherwise provided by this section, the election of special district board

278 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

280 special district board shall serve a four-year term, beginning at noon on the January 1

281 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

284 the county or municipality holding an election under this section for the costs of the

285 election attributable to that special district.

286 (b) Each irrigation district shall bear the district's own costs of each election the district

287 holds under this section.

288 (12) This section does not apply to an improvement district that provides electric or gas

289 service.

290 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,

291 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

295 members on the board.

296 (b) If a board desires to hold elections for membership on the board at a regular general

297 election instead of a municipal general election[-], or at a municipal general election

298 instead of a regular general election, the board may submit an application to the

299 lieutenant governor that:

300 (i) requests permission to change the election year for membership on the board in a

301 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

(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.

(c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the if:

- (i) the lieutenant governor concludes that changing the election year is beneficial based on the criteria described in Subsection (14)(b)(ii); and
- (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).

(d) If the lieutenant governor approves a board's application described in this section:

- (i) all future elections for membership on the board shall be held at the time of the general election specified in the application; and
- (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).

(15)(a) This Subsection (15) applies to a special district if:

- (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
- (ii) the special district was created before January 1, 2020.

(b) The board of a special district described in Subsection (15)(a) may conduct an election:

- (i) to fill a board member position that expires at the end of the term for that board member's position; and

(ii) notwithstanding Subsection 20A-1-512(1)(a)(ii) 20A-1-512(2)(a)(ii), to fill a vacancy in an unexpired term of a board member.

(c) An election under Subsection (15)(b) may be conducted as determined by the special district board, subject to Subsection (15)(d).

(d)(i) The special district board shall provide to property owners eligible to vote at the special district election:

(A) notice of the election; and

(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
338 submit a nomination form.
339 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
340 after the board provides the notice and nomination form under Subsection
341 (15)(d)(i).
342 (iii)(A) After the deadline for submitting nomination forms, the special district
343 board shall provide a ballot to all property owners eligible to vote at the special
344 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
347 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
352 unincorporated area of a single county may, as stated in the petition or resolution
353 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,
358 the board may adopt a resolution providing for future board members to be
359 appointed, as provided in Section 17B-1-304, or elected, as provided in Section
360 17B-1-306; and
361 (iii) members of the board of trustees of a service area shall be elected, as provided in
362 Section 17B-1-306, if:
363 (A) the service area is not entirely within the unincorporated area of a single
364 county;
365 (B) a petition is filed with the board of trustees requesting that board members be
366 elected, and the petition is signed by registered voters within the service area
367 equal in number to at least 10% of the number of registered voters within the
368 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

371 Subsection (1)(a)(iii)(C) because of a bond election:

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

373 (ii) the board of trustees shall:

374 (A) establish a process to enable potential candidates to file a declaration of

375 candidacy sufficiently in advance of the election; and

376 (B) provide a ballot for the election of board members separate from the bond

377 ballot; and

378 (iii) except as provided in this Subsection (1)(b), the election shall be held as

379 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

385 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

388 described in Subsection (2)(a), whether in conjunction with the creation of the

389 service area or by later annexation, shall appoint up to three members to the board

390 of trustees.

391 (ii) Each municipality with an area that is included within a service area described in

392 Subsection (2)(a), whether in conjunction with the creation of the service area or

393 by later service area annexation or municipal incorporation or annexation, shall

394 appoint one member to the board of trustees, unless the area of the municipality is

395 withdrawn from the service area.

396 (iii) Each member that a county or municipality appoints under Subsection (2)(b)(i)

397 or (ii) shall be an elected official of the appointing county or municipality,

398 respectively.

399 (c) Notwithstanding Subsection 17B-1-302(8), the number of members of a board of

400 trustees of a service area described in Subsection (2)(a) shall be the number resulting

401 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

404 services;

405 (ii) in the creation of the service area, an election was not required under Subsection
406 17B-1-214(3)(d); and
407 (iii) each municipality with an area that is included within the service area or county
408 with unincorporated area, whether in whole or in part, that is included within a
409 service area is a party to an agreement:
410 (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation
411 Act, with all the other municipalities or counties with an area that is included in
412 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
415 each applicable municipal or county legislative body in accordance with
416 Subsection 17B-1-203(1)(e).

417 (b)(i) Each county with unincorporated area, whether in whole or in part, that is
418 included within a service area described in Subsection (3)(a), whether in
419 conjunction with the creation of the service area or by later annexation, shall
420 appoint one member to the board of trustees.
421 (ii) Each municipality with an area that is included within a service area described in
422 Subsection (3)(a), whether in conjunction with the creation of the service area or
423 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)
425 or (ii) shall be an elected official of the appointing county or municipality,
426 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
429 trustees of a service area described in Subsection (3)(a) is the number resulting from
430 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
433 agreement between the service area and the municipality in accordance with Title
434 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
437 authority to appoint one member of the board of trustees of the service area; and
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
440 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
444 20A-1-512(2) through (5);
445 (ii) the governing body may not appoint an individual who is not a registered voter
446 residing within the municipality;
447 (iii) the district boundary requirement in Subsection 17B-1-302(1) does not apply to
448 the governing body's appointee;
449 (iv) the governing body and the service area board of trustees may not shorten the
450 term of office of any member of the board due to the governing body's
451 appointment;
452 (v) notwithstanding Subsection 17B-1-302(8), the number of members of the board
453 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
455 governing body's appointment, the member that the governing body appoints may
456 replace a member whose term is expiring or who otherwise leaves a vacancy on
457 the board or, if no expiring term or vacancy exists:
458 (A) the number of board members may temporarily be even, including the
459 member that the governing body appoints, until an expiring term or vacancy
460 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
462 board membership to an odd number.

463 (c)(i) The service area board of trustees may rescind the approval described in
464 Subsection (4)(a) at any time.
465 (ii) If the service area board of trustees rescinds the approval described in Subsection
466 (4)(a) during the term of a board member that the governing body appointed, the
467 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 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of
471 United States senator, the governor shall, within seven calendar days after the day on
472 which the vacancy occurs, issue a proclamation calling a special congressional election

473 to fill the vacancy that:

474 (a) sets a date for a primary congressional special election, and a later date for a general
475 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
481 next election described in Subsections (1)(a)(i) through (iv) that is more than 90
482 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
484 election described in Subsection (1)(a) that is more than 90 calendar days after the
485 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
487 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
488 manner determined by the registered political party, as a candidate for the registered
489 political party;

490 (e) for each qualified political party, provides at least 21 calendar days, but no more than
491 28 calendar days:
492 (i) for the qualified political party to select one candidate, using the convention
493 process described in Section 20A-9-407, as a candidate for the qualified political
494 party; and
495 (ii) for a member of the qualified political party to submit signatures to qualify as a
496 candidate for the qualified political party using the signature-gathering process
497 described in Section 20A-9-408;

498 (f) consistent with the requirements of this section, establishes the deadlines, time
499 frames, and procedures for filing a declaration of candidacy, giving notice of an
500 election, and other election requirements; and

501 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
502 Military and Overseas Voters Act.

503 (2)(a) The governor may set a date for a primary special congressional election or a
504 general special congressional election on a date other than a date described in
505 Subsection (1)(a) if:
506 (i) on the same day on which the governor issues the proclamation described in

507 Subsection (1) the governor calls a special session for the Legislature to
508 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
510 January 1, but before the end of the general session of the Legislature, and
511 requests in the proclamation described in Subsection (1) that the Legislature
512 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
514 election on a different day, the proclamation described in Subsection (1) is void and
515 the governor shall, within seven calendar days after the day on which the Legislature
516 declines to appropriate money to hold the election on a different day, issue a
517 proclamation, in accordance with Subsection (1), that sets the special congressional
518 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
520 will not be held if:
521 (a) the next regular general election that occurs after the day on which the vacancy
522 occurs is the regular general election that occurs immediately before the six-year term
523 for the senate office ends; and
524 (b) the vacancy occurs after August 1 of the year before the regular general election
525 described in Subsection (3)(a).

526 (4)(a) The governor shall appoint an individual to temporarily fill a vacancy in the office
527 of United States senator from one of three individuals nominated by the Legislature,
528 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
531 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
533 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.
536 (5) An individual elected to fill a vacancy under this section shall serve until the end of the
537 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.

Section 5. Section **20A-1-503** is amended to read:

20A-1-503 . Midterm vacancies in the Legislature.

(1) As used in this section:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(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.

(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;

(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.

(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.

(4)(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:

(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:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

- (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
 - (A) on the lieutenant governor's website; and
 - (B) to each registered political party.
- (b) A person intending to obtain a position on the ballot for the vacant office shall:
 - (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
 - (ii) run in the regular general election if:
 - (A) nominated as a party candidate; or
 - (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.
- (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.

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).~~

- (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 under Subsection 20A-11-303(3)(a), make a complete conflict of interest disclosure on the website described in Section 20A-11-1602.5.
- (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the individual:
 - (i)(A) currently holds the office of senator and is seeking appointment as a representative; or
 - (B) currently holds the office of representative and is seeking appointment as a senator;
 - (ii) already, that same year, filed a conflict of interest disclosure for the office

609 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
611 statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii)
612 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
614 individual described in Subsection (6)(a) available for public inspection in accordance
615 with Subsection 20A-11-1603(4).

616 (8) A vacancy in the office of senator or representative of the Legislature does not occur
617 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,
624 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
626 treasurer, state auditor, or State Board of Education member, the vacancy shall be
627 filled for the unexpired term at the next regular general election.

628 [(b) The governor shall fill the vacaney until the next regular general election by:]
629 [(i) appointing a person who meets the qualifications for the office from three persons
630 nominated by the state central committee of the same political party as the prior
631 officeholder; or]

632 [(ii) for a State Board of Education vacaney, if the individual who is being replaeed:]

633 [(A) was elected at a nonpartisan State Board of Education election, by
634 appointing, with the advice and consent of the Senate, an individual who meets
635 the qualifications and residency requirements for filling the vacaney described
636 in Section 20A-14-103;]
637 [(B) was elected at a partisan State Board of Education election, but is not a
638 member of a political party, by appointing, with the advice and consent of the
639 Senate, an individual who meets the qualifications and residency requirements
640 for filling the vacaney described in Section 20A-14-103; or]

641 [(C) was elected at a partisan State Board of Education election, and is a member
642 of a political party, by appointing an individual who meets the qualifications

643 for the office from three persons nominated by the state central committee of
644 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
646 election by immediately appointing the individual whose name is submitted by the
647 party liaison of the registered political party of which the prior officeholder was a
648 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
650 advice and consent of the Senate, appoint a person to hold the office until the next
651 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
653 a vacancy described in this section shall make a complete conflict of interest
654 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,
656 or state auditor, no later than the deadline for the individual to file an interim
657 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
659 deadline for the individual to file an interim report under Subsection
660 20A-11-1303(2)(a).

661 (b) An individual described in Subsection (3)(a) is not required to comply with
662 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
665 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
666 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
667 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
668 is updated and accurate as of the date of the written statement.

669 (4) The lieutenant governor shall make each conflict of interest disclosure made by an
670 individual described in Subsection (3)(a) available for public inspection in accordance
671 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
673 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:

20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**-- Interim replacement.**

(1) As used in this section:

(a)(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.

(ii) "County offices" does not include the office of county attorney, district attorney, or judge.

(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.

(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:

(i) for a county office with one chief deputy, the chief deputy;

(ii) for a county office with more than one chief deputy:

(A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or

(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 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

(iii) for a county office without a chief deputy:

(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;

(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

(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.

- (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).
- (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office:
 - (i) may not take an oath of office for the county office as a temporary manager;
 - (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget ordinances and policies;
 - (iii) unless approved by the county legislative body, may not change the compensation of an employee;
 - (iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;
 - (v) may terminate an employee only if the termination is conducted in accordance with:
 - (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative body; and
 - (B) applicable law;
 - (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;
 - (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation; and
 - (viii) if approved by the county legislative body, may receive a performance award after:
 - (A) the county legislative body appoints an interim replacement under Subsection (3); and
 - (B) the interim replacement is sworn into office.
- (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- (a) Until a replacement is selected as provided in this section and has qualified, the

745 county legislative body shall appoint an interim replacement to fill the vacant office
746 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
748 county auditor in a county of the first class is subject to the requirements described in
749 Section 17-69-202.

750 (c)(i) To appoint an interim replacement, the county legislative body shall, within 10
751 calendar days after the day on which the vacancy occurs, give notice of the
752 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
755 liaison of the registered political party of which the prior officeholder was a
756 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
758 (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
760 least 30 calendar days after the day on which the party liaison receives the notice
761 described in Subsection (3)(c)(i)(B), or if the party liaison does not receive the
762 notice, no later than 5 p.m. on the first business day that is at least 40 calendar
763 days after the day on which the vacancy occurs, submit to the county legislative
764 body the name of an individual the party selects in accordance with the party's
765 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
767 on which a party liaison submits the name of the individual to serve as the interim
768 replacement, appoint the individual to serve out the unexpired term.

769 (d)(i) If the county legislative body fails to appoint an interim replacement to fill the
770 vacancy in accordance with Subsection (3)(c)(iv), the county clerk shall, no later
771 than seven calendar days after the day of the deadline described in Subsection
772 (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
774 replacement within the statutory time period; and
775 (B) contains the name of the individual submitted by the party liaison to fill the
776 vacancy.

777 (ii) The governor shall, within 10 calendar days after the day on which the governor
778 receives the letter described in Subsection (3)(d)(i), appoint the individual named

779 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
781 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
783 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
786 before the first day of the declaration of candidacy filing period described in
787 Section 20A-9-201.5.

788 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
789 shall as soon as practicable, but no later than 180 calendar days before the next
790 regular general election, notify the public and each registered political party that
791 the vacancy exists.

792 (ii) An individual intending to become a party candidate for the vacant office shall
793 file a declaration of candidacy in accordance with:

794 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
795 and
796 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if
797 applicable.

798 (iii) An individual who is nominated as a party candidate, who qualifies as an
799 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
800 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
801 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
802 general election.

803 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
804 vacant if:

805 (i) the vacant office has an unexpired term of two years or more; and
806 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
807 period described in Section 20A-9-201.5, but more than 75 calendar days before
808 the regular primary election.

809 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
810 soon as practicable, but no later than 70 calendar days before the next regular primary
811 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
814 under Subsection (5)(d)(ii).

815 (c)(i) An individual intending to become a party candidate for a vacant office shall,
816 no later than 5 p.m. on the first business day that is at least five calendar days after
817 the day on which the notice is given, file a declaration of candidacy for the vacant
818 office in accordance with:

819 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
820 and

821 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if
822 applicable.

823 (ii) The county central committee of each party shall:

824 (A) select a candidate or candidates from among those qualified candidates who
825 have filed declarations of candidacy; and

826 (B) certify the name of the candidate or candidates to the county clerk as soon as
827 practicable, but no later than 5 p.m. on the last business day that is at least 60
828 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
830 candidate for a vacant office who does not wish to affiliate with a registered
831 political party shall file a verified certificate of nomination described in Section
832 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
833 not Affiliated with a Party.

834 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
835 deadline that is no later than 5 p.m. on the last business day that is at least 65
836 calendar days before the day of the next regular general election by which an
837 individual who is not affiliated with a registered political party is required to
838 submit a certificate of nomination under Subsection (5)(d)(i).

839 (B) The county clerk shall establish the deadline described in Subsection
840 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
841 opportunity to access the regular general election ballot.

842 (e) An individual who is nominated as a party candidate for the vacant office, who
843 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
844 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
845 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
846 general election.

847 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
848 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
851 election but more than 65 calendar days remain before the day of the regular
852 general election.

853 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
854 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
858 (6)(d)(i)(A), the county central committee of each registered political party that
859 wishes to submit a candidate for the office shall certify the name of one candidate
860 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),
862 a candidate who does not wish to affiliate with a registered political party shall file
863 a verified certificate of nomination described in Section 20A-9-502 with the
864 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
865 a Party.

866 (iii) Before the deadline that the county clerk establishes under Subsection
867 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
868 candidacy described in Section 20A-9-601.

869 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
870 that are no later than 5 p.m. on the last business day that is at least 65 calendar
871 days before the day of the next regular general election by which:
872 (A) a registered political party is required to certify a name under Subsection
873 (6)(c)(i);
874 (B) an individual who does not wish to affiliate with a registered political party is
875 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
877 Subsection (6)(c)(iii).

878 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
879 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
880 access the regular general election ballot.

881 (e) An individual who is certified as a party candidate for the vacant office, who
882 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
883 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
884 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
885 general election.

886 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
887 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
890 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
892 legislative body shall as soon as practicable, but no later than 10 calendar days
893 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
896 liaison of the registered political party of which the prior officeholder was a
897 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
899 (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
901 least 30 calendar days after the day on which the party liaison receives the notice
902 described in Subsection (7)(b)(i)(B), or if the party liaison does not receive the
903 notice, no later than 5 p.m. on the first business day that is at least [-]40 calendar
904 days after the day on which the vacancy occurs, submit to the county legislative
905 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
907 on which a party liaison submits the name of the individual to fill the vacancy,
908 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
910 accordance with Subsection (7)(b)(iv), the county clerk shall send to the governor
911 a letter that:

912 (A) informs the governor that the county legislative body has failed to appoint an
913 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.

(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.

An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.

cept as otherwise provided by law, the county legislative body may appoint placements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

thing 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.

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.

Nothing in this section may be construed to contradict or alter the provisions of Section 17-66-202.

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:

- (i) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- (ii) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

An individual described in Subsection (11)(a) is not required to comply with Subsection (11)(a) if the individual:

- (i) currently holds an office described in Subsection (1)(a)(i);
- (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (11)(b)(i), in accordance with Section 17-70-509; and
- (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written notice submitted to the county clerk, that the conflict of interest disclosure statement described in Subsection (11)(b)(ii) is updated and accurate as of the date of the written notice.

949 (12)(a) The county clerk shall make each conflict of interest disclosure statement made
950 by an individual described in Subsection (11)(a) available for public inspection by
951 posting an electronic copy of the statement on the county's website for at least 10
952 calendar days after the day on which the county legislative body:
953 (i) appoints an interim replacement under Subsection (3); or
954 (ii) appoints an individual to fill a vacancy under Subsection (7).
955 (b) The county clerk shall post the electronic statement described in Subsection (12)(a)
956 no later than two business days after the day on which the county clerk receives the
957 statement.

958 (13) A vacancy in a county office does not occur unless the individual occupying the office:
959 (a) has left the office; or
960 (b) submits an irrevocable letter of resignation to the county legislative body.

961 Section 8. Section **20A-1-509.1** is amended to read:

962 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15
963 or more attorneys.**

964 (1) When a vacancy occurs in the office of county or district attorney in a county or district
965 having 15 or more attorneys who are licensed active members in good standing with the
966 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
967 section.

968 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
969 or district attorney becomes vacant and:

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
972 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
974 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
977 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
979 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
980 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

983 described in Section 20A-9-201.5:

984 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
985 extended until 5 p.m. on the first business day that is no later than seven calendar
986 days after the last day of the applicable declaration of candidacy filing period
987 described in Section 20A-9-201.5; and
988 (ii) the county clerk shall notify the public and each registered political party that the
989 vacancy exists.

990 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
991 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
994 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
998 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
1001 the day on which the county clerk gives the notice described in Subsection (3)(b)(i),
1002 file a declaration of candidacy for the vacant office as required by Chapter 9, Part
1003 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
1007 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
1010 before the day of the regular primary election; or
1011 (B) electronically, before midnight no later than 60 calendar days before the day
1012 of the regular primary election.

1013 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
1014 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

1017 65 calendar days remain before the regular general election.

1018 (b) When the conditions established in Subsection (4)(a) are met, the county central
1019 committees of each registered political party that wishes to submit a candidate for the
1020 office shall, not later than five calendar days after the day on which the vacancy
1021 occurs, certify the name of one candidate to the county clerk for placement on the
1022 regular general election ballot.

1023 (c) The candidate elected shall complete the unexpired term of the person who created
1024 the vacancy.

1025 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
1026 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
1029 or less remain before the next regular general election.

1030 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
1031 body shall give notice of the vacancy to:
1032 (i) the county clerk; and
1033 ~~(ii) [the county central committee of the same political party of the prior officeholder]~~
1034 ~~the county central committee of the registered political party of which the prior~~
1035 ~~officeholder was a member at the time the prior officeholder was last elected or~~
1036 ~~appointed.~~

1037 (c) The county legislative body shall invite the committee described in Subsection
1038 (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
1040 the county legislative body gives the notice described in Subsection (5)(b)(ii), submit
1041 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,
1043 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
1045 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
1047 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
1050 within 30 calendar days after the day on which the governor receives the letter

1051 described in Subsection (5)(f).

1052 (h) A person appointed to fill the vacancy under this Subsection (5) shall complete the
1053 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
1055 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
1057 17-70-304; and
1058 (b) submit the conflict of interest disclosure statement to the county legislative body and
1059 the county clerk.

1060 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
1061 a person described in Subsection (6) available for public inspection by posting an
1062 electronic copy of the statement on the county's website for at least 10 calendar days
1063 after the day on which the county legislative body appoints a person to fill the
1064 vacancy.

1065 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no
1066 later than two business days after the day on which the county clerk receives the
1067 statement.

1068 (8) A vacancy in the office described in Subsection (1) does not occur unless the person
1069 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
1073 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
1076 15 attorneys.**

1077 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
1078 created by the failure of a person to file as a candidate for the office of county or district
1079 attorney in an election, in a county or district having fewer than 15 attorneys who are
1080 licensed, active members in good standing with the Utah State Bar and registered voters,
1081 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
1083 who is a licensed, active member in good standing with the Utah State Bar and a
1084 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

1088 business day that is at least 10 calendar days after the day on which the county clerk

1089 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

1091 attorneys who are licensed, active members in good standing with the Utah State

1092 Bar and registered voters in the county or district have applied for the vacancy, the

1093 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the

1094 applications to the county central committee ~~[of the same political party of the~~

1095 ~~prior officeholder]~~ of the registered political party of which the prior officeholder

1096 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

1098 county central committee of each county within the prosecution district.

1099 (b) The central committee shall nominate three of the applicants and forward the

1100 applicants' names to the county legislative body no later than 5 p.m. on the first

1101 business day that is at least 20 calendar days after the day on which the county clerk

1102 submits the applicants' names under Subsection (3)(a).

1103 (c) The county legislative body shall appoint one of the nominees to fill the vacant

1104 position.

1105 (d) If the central committee of the political party fails to submit at least three names to

1106 the county legislative body before the deadline described in Subsection (3)(b), the

1107 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

1109 calendar days after the day on which the vacancy occurs, the county clerk shall mail

1110 to the governor:

1111 (i) a letter informing the governor that the county legislative body has failed to

1112 appoint a person to fill the vacancy; and

1113 (ii)(A) the list of nominees, if any, submitted by the central committee of the

1114 political party; or

1115 (B) if the party central committee has not submitted a list of at least three

1116 nominees within the required time, the names of the persons who submitted

1117 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

1119 governor receives the letter described in Subsection (3)(e), a person from the list to
1120 fill the vacancy.

1121 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
1122 are licensed, active members in good standing with the Utah State Bar and registered
1123 voters in the county or district have applied for the vacancy, the county legislative
1124 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
1127 in Subsection (4)(b).

1128 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
1129 Utah State Bar and registered voters in the county or district submit applications,
1130 the county legislative body may publicly solicit and accept additional applications
1131 for the position from licensed, active members in good standing of the Utah State
1132 Bar who are not residents of the county or prosecution district.

1133 (ii) The county legislative body shall consider the applications submitted by the
1134 attorneys who are residents of and registered voters in the county or prosecution
1135 district and the applications submitted by the attorneys who are not residents of
1136 the county or prosecution district and shall appoint one of the applicants to be
1137 county attorney or district attorney.

1138 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar
1139 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
1141 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
1144 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
1146 who created the vacancy.

1147 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the
1148 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
1150 17-70-304; and
- 1151 (b) submit the conflict of interest disclosure statement to the county legislative body and
1152 the county clerk.

1153 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
1154 a person described in Subsection (6) available for public inspection by posting an
1155 electronic copy of the statement on the county's website for at least 10 calendar days
1156 after the day on which the county legislative body appoints a person to fill the
1157 vacancy.

1158 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no
1159 later than two business days after the day on which the county clerk receives the
1160 statement.

1161 (8) A vacancy in the office described in Subsection (1) does not occur until the person
1162 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.**

1167 (1)[(a)] As used in this section:

1168 (a) "Interim vacancy period" means the period of time that:

1169 (i) begins on the day on which an election is held to elect a municipal executive or
1170 member of a municipal legislative body; and
1171 (ii) ends on the day on which an individual elected to an office described in
1172 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
1174 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
1177 resignation submitted by the municipal executive to the municipal legislative
1178 body; or

1179 [(B)] (ii) for a member of a municipal legislative body, on the effective date of an
1180 irrevocable letter of resignation submitted by the member to the municipal
1181 legislative body.

1182 [(b)] (2)(a) Except as otherwise provided in this section, if [any] a vacancy occurs in the
1183 office of municipal executive or member of a municipal legislative body, the
1184 municipal legislative body shall, within 30 calendar days after the day on which the
1185 vacancy occurs, appoint a registered voter in the municipality who meets the
1186 qualifications for office described in Section 10-3-301 to fill the unexpired term of

1187 the vacated office.

1188 (b)(i) If a vacancy described in Subsection (2)(a) exists at any time during an interim
1189 vacancy period, a municipal legislative body:

1190 (A) may not appoint an individual to fill the vacancy during the interim vacancy
1191 period; and

1192 (B) shall, within 30 calendar days after the day on which the interim vacancy
1193 period ends, appoint a registered voter described in Subsection (2)(a) to fill the
1194 unexpired term of the vacated office.

1195 (ii) A municipal legislative body may not take an action under Subsection (2)(c) or (d)
1196 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 (ii) give public notice of the vacancy at least 14 calendar days before the day on
1200 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
1204 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
1207 consideration, and who meets the qualifications for office, regarding the
1208 individual's qualifications.

1209 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
1210 among the names of the candidates interviewed under Subsection [(1)(e)(iv)]
1211 (2)(c)(iv).

1212 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
1213 in the initial vote described in Subsection [(1)(d)(i)] (2)(d)(i), the two
1214 candidates that received the most votes in the initial vote, as determined by the
1215 tie-breaking procedures described in Subsections [(1)(d)(ii)(B)] (2)(d)(ii)(B)
1216 through (D) if necessary, shall be placed before the municipal legislative body
1217 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
1219 second place shall be reduced to one by a coin toss conducted in accordance
1220 with Subsection [(1)(d)(ii)(D)] (2)(d)(ii)(D), and the second vote described in

1221 Subsection [(1)(d)(ii)(A)] (2)(d)(ii)(A) shall be between the candidate that
1222 received the most votes in the initial vote and the candidate that wins the coin
1223 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,
1225 the candidates tied for first place shall be reduced to two by a coin toss
1226 conducted in accordance with Subsection [(1)(d)(ii)(D)] (2)(d)(ii)(D), and the
1227 second vote described in Subsection [(1)(d)(ii)(A)] (2)(d)(ii)(A) shall be
1228 between the two candidates that remain after the coin toss described in this
1229 Subsection (1)(d)(ii)(C).

1230 (D) A coin toss required under this Subsection [(1)(d)] (2)(d) shall be conducted by
1231 the municipal clerk or recorder in the presence of the municipal legislative
1232 body.

1233 (iii) If, in the second vote described in Subsection [(1)(d)(ii)(A)] (2)(d)(ii)(A), neither
1234 candidate receives a majority vote of the municipal legislative body, the vacancy
1235 shall be determined by a coin toss between the two candidates in accordance with
1236 Subsection [(1)(d)(ii)(D)] (2)(d)(ii)(D).

1237 (e) If the municipal legislative body does not timely comply with Subsections [(1)(b)]
1238 (2)(a) through (d), the municipal clerk or recorder shall immediately notify the
1239 lieutenant governor.

1240 (f) After receiving notice that a municipal legislative body has failed to timely comply
1241 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
1244 which the lieutenant governor provides the notice described in this Subsection [
1245 (1)(f)] (2)(f), appoint an eligible individual to fill the vacancy in accordance with
1246 Subsections [(1)(e)] (2)(c) and (d).

1247 (g) If the municipality fails to timely comply with a directive described in Subsection [
1248 (1)(f)] (2)(f):

1249 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
1250 the vacancy; and
1251 (ii) the governor shall, within 45 calendar days after the day on which the governor
1252 receives the notice described in Subsection [(1)(g)(i)] (2)(g)(i), provide public
1253 notice soliciting candidates to fill the vacancy in accordance with Subsection [
1254 (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
1256 legislative body shall be filled by an interim appointment, followed by an election to
1257 fill a two-year term, if:
1258 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
1259 executive at least 14 calendar days before the deadline for filing for election in an
1260 odd-numbered year; and
1261 (ii) two years of the vacated term will remain after the first Monday of January
1262 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
1266 consideration, and who meets the qualifications for office, regarding the
1267 individual's qualifications.

1268 [({3})] (4)(a) [In] Except as provided in Subsection (4)(b), in a municipality operating under
1269 the council-mayor form of government, as defined in Section 10-3b-102:
1270 (i) the council may appoint an individual to fill a vacancy in the office of mayor
1271 before the effective date of the mayor's resignation by making the effective date of
1272 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
1274 appointment under Subsection [({1}) or (2)] (2) or (3) to fill the vacancy, the
1275 remaining council members shall, by majority vote, [shall] appoint a council
1276 member to serve as acting mayor during the time between the creation of the
1277 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
1279 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)
1281 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
1285 in this section, the municipal legislative body member whose resignation creates
1286 the vacancy on the municipal legislative body may:
1287 (A) interview an individual whose name is submitted for consideration under
1288 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

1291 who is removed from office in accordance with state law may not cast a vote

1292 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

1294 municipal legislative body may not rescind the resignation.

1295 (c) A member of a municipal legislative body may not vote on an appointment under

1296 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

1298 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

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

1303 or appointment as mayor may, in the case of a tie, participate in the vote under this

1304 section.

1305 [§7] (8) A municipal legislative body may, consistent with the provisions of state law, adopt

1306 procedures governing the appointment, interview, and voting process for filling

1307 vacancies in municipal offices.

1308 [§8] (9)(a) Except as provided in Subsection [(8)(b)] (9)(b), an individual seeking

1309 appointment to fill a vacancy under this section shall, no later than the deadline for

1310 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

1312 10-3-301.5; and

1313 (ii) submit the conflict of interest disclosure statement to the municipal legislative

1314 body and the municipal clerk or recorder.

1315 (b) An individual described in Subsection [(8)(a)] (9)(a) is not required to comply with

1316 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

1319 office described in Subsection [(8)(b)(i)] (9)(b)(i), in accordance with Section

1320 10-3-1313; and

1321 (iii) no later than the deadline described in Subsection [(8)(a)] (9)(a), indicates, in a

1322 written notice submitted to the municipal clerk or recorder, that the conflict of

1323 interest disclosure statement described in Subsection [(8)(b)(ii)] (9)(b)(ii) is
1324 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
1326 disclosure statement made by an individual described in Subsection [(8)(a)] (9)(a)
1327 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
1330 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
1333 two business days after the day on which the municipal recorder or clerk receives
1334 the statement; and
1335 (ii) ensure that the electronic statement remains posted on the website described in
1336 Subsection [(9)(a)] (10)(a) for at least 10 calendar days after the day on which the
1337 municipal legislative body 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)(a) ~~A local school board shall fill a vacancy on the local school board by~~
1341 ~~appointment, except as otherwise provided in Subsections (1)(b) and (2).~~]
1342 [(b) ~~The county legislative body, or municipal legislative body in a city district, shall fill~~
1343 ~~a vacancy on a local school board by appointment if the local school board fails to~~
1344 ~~make an appointment to fill the vacancy.~~]
1345 [(i) ~~except as provided in Subsection (1)(b)(ii), within 30 calendar days after a~~
1346 ~~vacancy occurs on the local school board; or~~]
1347 [(ii) ~~within 45 calendar days after a vacancy occurs on the local school board due to~~
1348 ~~the death of a local school board member.~~]
1349 [(e) ~~A member appointed and qualified under this Subsection (1) shall serve until a~~
1350 ~~successor is elected or appointed and qualified.~~]
1351 (1) As used in this section, "interim vacancy period" means the period of time that:
1352 (a) begins on the day on which an election is held to elect a member of a local school
1353 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
1356 school board member, the local school board shall appoint an individual to fill the

1357 vacancy:

1358 (a) within 30 calendar days after the day on which the vacancy occurs; or
1359 (b) if the vacancy occurs due to the death of a local school board member, within 45
1360 calendar days after the day on which the vacancy occurs.

1361 (3)(a) If a vacancy described in Subsection (2) exists at any time during an interim
1362 vacancy period, the local school board:

1363 (i) may not appoint an individual to fill the vacancy during the interim vacancy
1364 period; and
1365 (ii) shall, within 45 calendar days after the day on which the interim vacancy period
1366 ends, appoint an individual to fill the vacated office.

1367 (b) A local school board may not take an action under Subsection (7) during an interim
1368 vacancy period.

1369 (4) If a local school board does not timely comply with Subsection (2) or (3), the county
1370 legislative body, or municipal legislative body in a city district, shall appoint an
1371 individual to fill the vacancy.

1372 (5) A member appointed and qualified under Subsection (2), (3), or (4) shall serve until a
1373 successor is elected or appointed and qualified.

1374 [~~(2)~~] (6)(a) A vacancy on the board shall be filled by an interim appointment, followed
1375 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,
1377 at least 14 calendar days before the deadline for filing a declaration of candidacy;
1378 and
1379 (ii) two years of the vacated term will remain after the first Monday of January
1380 following the next school board election.

1381 (b) A member elected under this Subsection [~~(2)~~] (6) shall serve for the remaining two
1382 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
1384 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
1387 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

1391 being appointed to fill the vacancy may submit the individual's name for
1392 consideration; and

1393 (d) in an open meeting, interview each individual whose name is submitted for
1394 consideration and who meets the qualifications for office, regarding the individual's
1395 qualifications.

1396 ~~[4] (8)(a) [Subject to Subsection (4)(b), a local school board may appoint an individual
1397 to fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a
1398 member of the local school board submits a letter of resignation] Except as provided
1399 in Subsection (8)(b), if a member of a local school board submits a letter of
1400 resignation, the local school board may appoint an individual to fill the vacancy
1401 before the effective date of the member's resignation if the local school board makes
1402 the effective date of the appointment the same as the effective date of the member's
1403 resignation.~~

1404 ~~[b) An individual appointed under Subsection (4)(a) may not take office until on or
1405 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
1407 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
1409 Subsection ~~[4](a) (8)(a)~~ may not rescind the resignation after the local school board
1410 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,
1412 no later than the deadline for the individual to file a financial report under Section
1413 17-70-403:~~

1414 (a) complete a conflict of interest disclosure statement in accordance with Section
1415 17-70-304; and
1416 (b) submit the conflict of interest disclosure statement to the county legislative body and
1417 the county clerk.

1418 ~~[6] (10)(a) The county clerk shall make each conflict of interest disclosure statement
1419 made by an individual described in Subsection ~~[5] (9)~~ available for public inspection
1420 by posting an electronic copy of the statement on the county's website for at least 10
1421 calendar days after the day on which the county legislative body appoints an
1422 individual to fill the vacancy.~~

1423 (b) The county clerk shall post the electronic statement described in Subsection ~~[6](a)~~
1424 ~~(10)(a)~~ no later than two business days after the day on which the county clerk

1425 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
1430 board; and

1431 (b) ends on the day on which the member-elect begins the member's term of office.

1432 [(4)] (2)(a) [When] Except as provided in Subsection (2)(b), if a vacancy occurs on any
1433 special district board for any reason, the following shall, within 90 calendar days
1434 after the day on which the vacancy occurs, appoint a replacement to serve out the
1435 unexpired term in accordance with this section:

1436 (i) the special district board, if the person vacating the position was elected; or
1437 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
1438 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
1440 interim vacancy period, the special district board:

1441 (A) may not appoint an individual to fill the vacancy during the interim vacancy
1442 period; and

1443 (B) shall, within 90 calendar days after the day on which the interim vacancy
1444 period ends, appoint an individual to complete the elected board member's term
1445 of office.

1446 (ii) A special district board may not take an action under Subsection (3) during an
1447 interim vacancy period.

1448 [(b)] (3) Except as provided in Subsection [(4)(e) or (d)] (4) or (5), before acting to fill the
1449 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
1451 board or appointing authority meets to fill the vacancy by publishing the notice, as a
1452 class A notice under Section 63G-30-102, for the special district; and

1453 [(ii)] (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
1456 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 [(4)(b)] (3) if:

1459 [~~(i)~~] (a)[~~(A)~~] (i) the appointing authority appoints one of the appointing authority's
1460 own members; and
1461 [~~(B)~~] (ii) that member meets all applicable statutory board member qualifications; or
1462 [~~(ii)~~] (b) the vacancy is on the board of trustees of an infrastructure financing district with
1463 no residents within the district's boundary.

1464 [~~(d)~~] (5) When a vacancy occurs on the board of a water conservancy district located in
1465 more than one county:

1466 [~~(i)~~] (a) the board shall give notice of the vacancy to the county legislative bodies that
1467 nominated the vacating trustee as provided in Section 17B-2a-1005;
1468 [~~(ii)~~] (b) the county legislative bodies described in Subsection [~~(1)(d)(i)~~] (5)(b) shall
1469 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
1471 individual to fill the vacancy from nominees submitted as provided in Subsection
1472 17B-2a-1005(2)(c).

1473 [~~(2)~~] (6) If the special district board fails to [appoint an individual to complete an elected
1474 board member's term within 90 calendar days after the day on which the vacancy occurs]
1475 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)~~]
1477 (3); and
1478 (b) by, as applicable:
1479 (i) the legislative body of the county or municipality that created the special district;
1480 or
1481 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the
1482 legislative body of the county whose unincorporated area contains or the
1483 municipality whose boundary contains more of the area within the infrastructure
1484 financing district than is contained within the unincorporated area of any other
1485 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
1487 to complete an elected board member's term within 90 calendar days after becoming the
1488 appointing authority under Subsection [~~(2)(b)~~] (6)(b) and a board quorum, as defined in
1489 Subsection 17B-1-310(1), exists, the vacancy shall be filled by the special district board
1490 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**

1493 **requirements -- Interim reports.**

1494 (1) As used in this section:

1495 (a) "Campaign account" means a separate campaign account required under Subsection
1496 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
1499 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
1501 instrument or check is negotiated;
1502 (iii) for a direct deposit made into a campaign account by a person not associated
1503 with the campaign, the earlier of:
1504 (A) the day on which the state office candidate or a member of the state office
1505 candidate's personal campaign committee becomes aware of the deposit and
1506 the source of the deposit;
1507 (B) the day on which the state office candidate or a member of the state office
1508 candidate's personal campaign committee receives notice of the deposit and the
1509 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
1512 inures to the state office candidate.

1513 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
1514 report at the following times in any year in which the candidate has filed a declaration of
1515 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
1522 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
1525 party for which the state office candidate seeks nomination meets to declare a
1526 nominee for the governor to appoint in accordance with Subsection [

~~20A-1-504(1)(a)~~] 20A-1-504(1)(b); or

(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

(4) Each interim report shall include the following information:

- (a) the net balance of the last summary report, if any;
- (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;
- (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;
- (d) a detailed listing of:
 - (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
 - (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;
- (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
- (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;
- (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- (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;
- (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (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
1565 officeholder is designated as an officer who has primary decision-making authority
1566 under Section 20A-11-601.

1567 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
1568 of five calendar days before the required filing date of the report.

1569 (b) Any negotiable instrument or check received by a state office candidate or state
1570 officeholder more than five calendar days before the required filing date of a report
1571 required by this section shall be included in the interim report.

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

20A-11-1303 . School board office candidate and school board officeholder --

Financial reporting requirements -- Interim reports.

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

(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;

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

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

(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;

(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

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

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

(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).

(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

1595 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

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
1601 appointment for a midterm vacancy, the school board office candidate:

1602 (a) shall file an interim report:

1603 [(i) for a vacaney described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later
1604 than three business days before the day on which the Senate meets to consider the
1605 school board office candidate's nomination; or]

1606 [(ii) for a vacaney 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
1608 of the party for which the school board office candidate seeks nomination
1609 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
1611 than three business days before the day on which the political party meets, or
1612 the political party schedules the meeting to declare a nominee less than three
1613 business days before the day of the meeting, no later than 5 p.m. on the last day
1614 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
1616 party for which the school board office candidate seeks nomination meets to
1617 declare a nominee for the governor to appoint in accordance with Subsection
1618 20A-1-504(1)(b); or

1619 (ii) if the school board office candidate decides to seek the appointment with less
1620 than three business days before the day described in Subsection (2)(a)(i), or the
1621 political party schedules the meeting described in Subsection (2)(a)(i) less than
1622 three business days before the day of the meeting, no later than 5 p.m. on the last
1623 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
1628 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
1630 reports, if any, filed during the calendar year in which the interim report is due;

1631 (d) a detailed listing of:

1632 (i) for a school board office candidate, each contribution received since the last
1633 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
1635 received since the last summary report that has not been reported in detail on a
1636 prior interim report;

1637 (e) for each nonmonetary contribution:

1638 (i) the fair market value of the contribution with that information provided by the
1639 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
1642 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,
1645 if any, plus all receipts since the last summary report minus all expenditures since the
1646 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
1654 or school board officeholder is designated as an officer who has primary
1655 decision-making authority under Section 20A-11-601.

1656 (4)(a) In preparing each interim report, all receipts and expenditures shall be reported as
1657 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
1659 school board officeholder more than five calendar days before the required filing date
1660 of a report required by this section shall be included in the interim report.

1661 **Section 15. Effective Date.**

1662 This bill takes effect on May 6, 2026.