

Andrew Stoddard proposes the following substitute bill:

1 **Municipal Office Vacancy Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor:

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2 **LONG TITLE**

3 **General Description:**

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

5 **Highlighted Provisions:**

6 This bill:

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

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 **AMENDS:**

18 **20A-1-510**, as last amended by Laws of Utah 2025, Chapters 90, 448

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

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

21 **20A-1-510 . Midterm vacancies in municipal offices.**

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

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

24 ~~[(ii) "Vacancy," if due to resignation, occurs:]~~

25 ~~[(A) for a municipal executive, on the effective date of an irrevocable letter of~~  
~~resignation submitted by the municipal executive to the municipal legislative~~  
~~body; or]~~

30 [ (B) for a member of a municipal legislative body, on the effective date of an  
31 irrevocable letter of resignation submitted by the member to the municipal  
32 legislative body.]

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

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

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

40 [(ii) give public notice of the vacancy at least 14 calendar days before the day on  
41 which the municipal legislative body meets to fill the vacancy;]

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

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

44 [(B) the person to whom an individual interested in being appointed to fill the  
45 vacancy may submit the interested individual's name for consideration; and]

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

47 [(iv) in an open meeting, interview each individual whose name is submitted for  
48 consideration, and who meets the qualifications for office, regarding the  
49 individual's qualifications.]

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

52 [(ii)(A) If no candidate receives a majority vote of the municipal legislative body  
53 in the initial vote described in Subsection (1)(d)(i), the two candidates that  
54 received the most votes in the initial vote, as determined by the tie-breaking  
55 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,  
56 shall be placed before the municipal legislative body for a second vote to fill  
57 the vacancy.]

58 [(B) If the initial vote results in a tie for second place, the candidates tied for  
59 second place shall be reduced to one by a coin toss conducted in accordance  
60 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection  
61 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the  
62 initial vote and the candidate that wins the coin toss described in this  
63 Subsection (1)(d)(ii)(B).]

64 [C) If the initial vote results in a tie among three or more candidates for first  
65 place, the candidates tied for first place shall be reduced to two by a coin toss  
66 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote  
67 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that  
68 remain after the coin toss described in this Subsection (1)(d)(ii)(C).]

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

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

75 [(e) If the municipal legislative body does not timely comply with Subsections (1)(b)  
76 through (d), the municipal clerk or recorder shall immediately notify the lieutenant  
77 governor.]

78 [(f) After receiving notice that a municipal legislative body has failed to timely comply  
79 with Subsections (1)(b) through (d), the lieutenant governor shall:]

80 [(i) notify the municipal legislative body of the violation; and]

81 [(ii) direct the municipal legislative body to, within 30 calendar days after the day on  
82 which the lieutenant governor provides the notice described in this Subsection  
83 (1)(f), appoint an eligible individual to fill the vacancy in accordance with  
84 Subsections (1)(e) and (d).]

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

87 [(i) the lieutenant governor shall notify the governor of the municipality's failure to  
88 fill the vacancy; and]

89 [(ii) the governor shall, within 45 calendar days after the day on which the governor  
90 receives the notice described in Subsection (1)(g)(i), provide public notice  
91 soliciting candidates to fill the vacancy in accordance with Subsection (1)(e) and  
92 appoint an individual to fill the vacancy.]

93 (1) As used in this section:

94 (a) "Letter of resignation" means:

95 (i) a letter submitted to a municipal legislative body by a municipal executive, that:

96 (A) states that the municipal executive is resigning from office, effective  
97 immediately; or

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

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

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

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

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

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

(A) for a municipal executive:

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

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

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

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

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

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

Before acting to fill a vacancy in a municipal office, the municipal legislative body shall:

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

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

(c) identify, in the notice:

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

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

(iii) the deadline for submitting an interested individual's name;

132 (d) in an open meeting, interview each individual whose name is submitted for  
133 consideration, and who meets the qualifications for office, regarding the individual's  
134 qualifications; and

135 (e) subject to Subsection (6)(c), before the meeting described in Subsection (3)(d), pass  
136 a resolution or ordinance identifying a fair and transparent method that the municipal  
137 body will use:

138 (i) in the event of a tie between three or more candidates, to eliminate candidates, by  
139 lot, where each tied candidate has an equal chance of elimination, until only two  
140 candidates remain; or

141 (ii) in the event that one candidate receives the most votes, but not a majority of the  
142 votes, and two or more candidates tie for receiving the second most votes, to  
143 eliminate candidates tied for receiving the second most votes, by lot, where each  
144 tied candidate has an equal chance of elimination, until only one of the tied  
145 candidates remains.

146 (4)(a) The municipal legislative body shall take an initial vote to fill the vacancy from  
147 among the names of the candidates interviewed under Subsection (3)(d).

148 (b) If no candidate receives a majority vote of the municipal legislative body in the  
149 initial vote described in Subsection (4)(a), the municipal legislative body shall:

150 (i) take another vote between the two candidates who received the most votes in the  
151 initial vote; or

152 (ii) if, due to a tie, the municipal legislative body cannot identify only two candidates  
153 as receiving the most votes in the initial vote, take another vote between the two  
154 candidates who remain after applying the applicable method identified under  
155 Subsection (3)(e).

156 (c) If, in the second vote described in Subsection (4)(b), neither candidate receives a  
157 majority vote of the municipal legislative body, the vacancy shall be determined by a  
158 coin toss between the two candidates.

159 (d) The breaking of a tie by lot under Subsection (4)(b)(ii), or by coin toss under  
160 Subsection (4)(c), shall be conducted by the municipal clerk or recorder, at a public  
161 meeting, in the presence of the municipal legislative body.

162 (e) A vote taken by a municipal legislative body under this section shall:

163 (i) be immediately disclosed to the public; and  
164 (ii) disclose how each member voted.

165 (5)(a) If the municipal legislative body does not timely comply with Subsections (2)

166 through (4), the municipal clerk or recorder shall immediately notify the lieutenant  
167 governor.

168 (b) After receiving notice that a municipal legislative body has failed to timely comply  
169 with Subsections (2) through (4), the lieutenant governor shall:  
170 (i) notify the municipal legislative body of the failure; and  
171 (ii) direct the municipal legislative body to, within 30 calendar days after the day on  
172 which the lieutenant governor provides the notice described in this Subsection  
173 (5)(b), appoint an eligible individual to fill the vacancy in accordance with  
174 Subsections (3) and (4).

175 (c) If the municipality fails to timely comply with a directive described in Subsection  
176 (5)(b):  
177 (i) the lieutenant governor shall notify the governor of the municipality's failure to  
178 timely fill the vacancy; and  
179 (ii) the governor shall, within 45 calendar days after the day on which the governor  
180 receives the notice described in Subsection (5)(c)(i):  
181 (A) provide public notice soliciting candidates to fill the vacancy in accordance  
182 with Subsections (3)(b) and (c); and  
183 (B) appoint an individual to fill the vacancy.

184 (6)(a) An individual appointed under this section to fill a vacancy in the office of  
185 municipal executive or member of a municipal legislative body shall take office on  
186 the later of:

187 (i) the day after the individual is appointed; or  
188 (ii) the day after the day on which the vacancy occurs.

189 (b) A majority vote under Subsections (3) through (5):  
190 (i) means a majority of the members currently serving on the municipal legislative  
191 body;  
192 (ii) includes a member described in Subsection (1)(a)(ii)(B) if the vote is taken before  
193 the date of vacancy specified in the letter; and  
194 (iii) includes the mayor, if the mayor has legal authority under Subsection  
195 10-3b-302(1) to break a tie, unless the mayor seeks, and is under consideration, to  
196 fill the vacancy.

197 (c) The tie breaking provisions that are conducted by coin toss or lot under this section  
198 do not apply if the tie can be broken under Subsection (6)(b)(iii).  
199 (d) A municipal legislative body, or the governor, may not appoint the individual who

vacated the office to fill the vacancy.

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

- (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 calendar days before the deadline for filing for election in an odd-numbered year; and
- (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

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

- (i) comply with the notice requirements of this section; and
- (ii) in an open meeting, interview each individual whose name is submitted for consideration, and who meets the qualifications for office, regarding the individual's qualifications.

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

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

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

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

- (i) act as a council member; and
- (ii) vote at council meetings.

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

[**(A)**] (i) interview an individual whose name is submitted for consideration under Subsection [(1)(e)(iv) or (2)(b)(ii)] (3)(d) or (7)(b)(ii); and

234 [B] (ii) vote on the appointment of an individual to fill the vacancy.

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

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

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

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

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

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

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

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

- 257 (i) complete a conflict of interest disclosure statement in accordance with Section  
258 10-3-301.5; and
- 259 (ii) submit the conflict of interest disclosure statement to the municipal legislative  
260 body and the municipal clerk or recorder.

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

- 263 (i) currently holds an office described in Subsection [(1)(b)] (2);
- 264 (ii) already, that same year, filed a conflict of interest disclosure statement for the  
265 office described in Subsection [(8)(b)(i)] (13)(b)(i), in accordance with Section  
266 10-3-1313; and
- 267 (iii) no later than the deadline described in Subsection [(8)(a)] (13)(a), indicates, in a

written notice submitted to the municipal clerk or recorder, that the conflict of interest disclosure statement described in Subsection [§ 8(b)(ii)] (13)(b)(ii) is updated and accurate as of the date of the written notice.

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

- (i) the municipality's website; or
- (ii) if the municipality does not have a website, on the website of the county in which the municipality is located.

(b) The municipal clerk or recorder shall:

- (i) post the electronic statement described in Subsection [(9)(a)] (14)(a) no later than two business days after the day on which the municipal recorder or clerk receives the statement; and
- (ii) ensure that the electronic statement remains posted on the website described in Subsection [(9)(a)] (14)(a) for at least 10 calendar days after the day on which the municipal legislative body appoints an individual to fill the vacancy.

## Section 2. Effective Date.

This bill takes effect on May 6, 2026.