



LEGISLATIVE
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MUNICIPAL VACANCIES

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FORMS OF MUNICIPAL GOVERNMENT

Form	Description	Utah Code
Council-mayor	Mayor is chief executive with veto power, 5- or 7-member council	Title 10, Chapter 3b, Part 2
5-member council	Mayor is regular voting member of council	Title 10, Chapter 3b, Part 4
6-member council	Mayor is non-voting member of council except in certain circumstances, including ties	Title 10, Chapter 3b, Part 3
Metro township council	Mayor is a regular voting member of the council, elected by the council members	Title 10, Chapter 3b, Part 5



PROCESS TO FILL VACANCIES

2 weeks before meeting

- Council gives notice of the date, time, and place
- Sets deadline for submitting an interested individual's name
- Identify contact for submissions

At the meeting

- Council interviews each individual whose name is submitted and who meets qualifications for office
- Council appoints an individual to fill the vacancy



PROCESS TO FILL VACANCIES

If the council has not filled the vacancy within 30 days after the day on which the vacancy occurs:

- Council votes again on the two individuals with the highest number of votes after a first vote is taken.
- If neither candidate receives a majority of the vote, the vacancy shall be filled by lot.



LEGISLATIVE HISTORY

Prior to passage of 2011 H.B. 305, a member of a municipal legislative body was prohibited from participating in the process to fill a vacancy if that member was being considered to fill the vacancy.

In 2012, H.B. 491 added a requirement to interview each candidate in an open meeting.



Questions?



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