

16-6a-805 Terms of directors generally.

- (1)
 - (a) The bylaws may specify the terms of directors.
 - (b) In the absence of any term specified in the bylaws, the term of each director shall be one year.
 - (c) Unless otherwise provided in the bylaws, directors may be elected for successive terms.
- (2) Unless otherwise provided in the bylaws, the terms of the initial directors of a nonprofit corporation expire at the first meeting at which directors are elected or appointed.
- (3) A decrease in the number of directors or in the term of office does not shorten an incumbent director's term.
- (4) Unless otherwise provided in the bylaws, the term of a director filling a vacancy expires at the end of the unexpired term that the director is filling, except that if a director is elected to fill a vacancy created by reason of an increase in the number of directors, the term of the director shall expire on the later of:
 - (a) the next meeting at which directors are elected; or
 - (b) the term, if any, designated for the director at the time of the creation of the position being filled.
- (5) Unless otherwise provided in the bylaws, despite the expiration of a director's term, a director continues to serve until:
 - (a) the director's successor is elected, appointed, or designated and qualifies; or
 - (b) there is a decrease in the number of directors.
- (6) A director whose term has expired may deliver to the division for filing a statement to that effect pursuant to Section 16-6a-1608.

Amended by Chapter 127, 2001 General Session