

Part 5

Candidate Vacancy and Vacancy and Temporary Absence in Elected Office

20A-1-501 Candidate vacancies -- Procedure for filling.

- (1) As used in this section, "central committee" means:
 - (a) the state central committee of a political party, for a candidate for:
 - (i) United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, or state auditor; or
 - (ii) state legislator if the legislative district encompasses all or a portion of more than one county; or
 - (b) the county central committee of a political party, for a party candidate seeking an office, other than an office described in Subsection (1)(a), elected at an election held in an even-numbered year.
- (2) Except as provided in Subsection (6), the central committee may certify the name of another candidate to the appropriate election officer if:
 - (a) for a registered political party that will have a candidate on a ballot in a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a), only one or two candidates from that party have filed a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor provides the list described in Subsection 20A-9-403(4)(a); and
 - (b) for a registered political party that does not have a candidate on the ballot in a primary, but will have a candidate on the ballot for a regular general election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409; or
 - (c) for a registered political party with a candidate certified as winning a primary election:
 - (i) after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate, or is disqualified as a candidate; and
 - (ii) the central committee provides written certification of the replacement candidate to the appropriate election officer before the day on which the lieutenant governor makes the certification described in Section 20A-5-409.
- (3) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the central committee of that political party may certify the name of another candidate to the appropriate election officer.
- (4) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

- (5)
 - (a) The name of a candidate who is certified under Subsection (2)(a) after the deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.
 - (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline described in Subsection (2)(b)(ii) may not appear on the general election ballot.
 - (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline described in Subsection (2)(c)(ii) may not appear on the general election ballot.
- (6) A political party may not replace a candidate who is disqualified for failure to timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, or Section 17-16-6.5.
- (7) This section does not apply to a candidate vacancy for a nonpartisan office.

Amended by Chapter 234, 2023 General Session

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

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

- (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
 - (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- (3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:
 - (a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and
 - (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).
- (4)
 - (a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom is a member of the political party of which the prior officeholder was a member at the time the prior officeholder was elected.
 - (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:
 - (i) the vacancy is filled by election under Subsection (1) or (2); or
 - (ii) the six-year term for the senate office ends.
- (5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.
- (6) A vacancy in the office of United States senator does not occur unless the senator:
 - (a) has left the office; or
 - (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

Amended by Chapter 13, 2020 General Session

20A-1-502.5 Midterm vacancy in office of United States representative.

- (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of United States representative, the governor shall, within seven days after the day on which the vacancy occurs, issue a proclamation calling a special congressional election to fill the vacancy that:
 - (a) sets a date for a primary congressional special election, and a later date for a general congressional special election, on the same day as one of the following elections:
 - (i) a municipal general election;
 - (ii) a presidential primary election;
 - (iii) a regular primary election; or
 - (iv) a regular general election;

- (b) sets the date of the primary congressional special election on the same day as the next election described in Subsections (1)(a)(i) through (iv) that is more than 90 days after the day on which the governor issues the proclamation;
 - (c) sets the date of the general special congressional election on the same day as the next election described in Subsection (1)(a) that is more than 90 days after the primary special congressional election described in Subsection (1)(b);
 - (d) provides each registered political party that is not a qualified political party at least 21 days, but no more than 28 days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
 - (e) for each qualified political party, provides at least 21 days, but no more than 28 days:
 - (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
 - (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
 - (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
 - (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- (2) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
- (a) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
 - (b) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- (4) A special congressional election to fill a vacancy in the office of United States representative will not be held if the vacancy occurs fewer than 180 days before the next regular general election.
- (5) An individual who fills a vacancy under this section shall serve until the end of the current term in which the vacancy occurs.
- (6) A vacancy in the office of United States representative does not occur unless the representative:
- (a) has left the office; or
 - (b) submits an irrevocable letter of resignation to the governor or to the speaker of the United States House of Representatives.

Enacted by Chapter 13, 2020 General Session

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.
- (3)
 - (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it 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.
- (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 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.
- (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Amended by Chapter 4, 2019 Special Session 1

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

- (1)
 - (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.
 - (b) The governor shall fill the vacancy until the next regular general election by:
 - (i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or
 - (ii) for a State Board of Education vacancy, if the individual who is being replaced:
 - (A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;
 - (B) was elected at a partisan State Board of Education election, but is not a member of a political party, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103; or
 - (C) was elected at a partisan State Board of Education election, and is a member of a political party, by appointing an individual who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.
- (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

Amended by Chapter 352, 2020 General Session

20A-1-506 Vacancy in the office of justice court judge.

- (1) As used in this section:
 - (a) "Appointing authority" means:
 - (i) for a county:
 - (A) the chair of the county commission in a county having the county commission or expanded county commission form of county government; and
 - (B) the county executive in a county having the county executive-council form of government; and
 - (ii) for a city or town, the mayor of the city or town.
 - (b) "Local legislative body" means:
 - (i) for a county, the county commission or county council; and
 - (ii) for a city or town, the council of the city or town.
- (2)
 - (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of the judge's term of office, the appointing authority:
 - (i) shall fill the vacancy by following the procedures and requirements for appointments in Section 78A-7-202; and

- (ii) may contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services until the vacancy is filled.
 - (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an appointment of a municipal justice court judge under this section within 30 days after the appointment is made.
- (3)
- (a) If a vacancy occurs in the office of a county justice court judge before the completion of the judge's term of office, the appointing authority shall fill the vacancy by following the procedures and requirements for appointments in Section 78A-7-202.
 - (b) The appointing authority shall notify the Administrative Office of the Courts in writing of an appointment of a county justice court judge under this section within 30 days after the appointment is made.
- (4)
- (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:
 - (i) advertise the vacancy and solicit applications for the vacancy;
 - (ii) appoint the best qualified candidate to office based solely upon fitness for office;
 - (iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting Employment of Relatives, in making appointments to fill the vacancy; and
 - (iv) submit the name of the appointee to the local legislative body.
 - (b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Amended by Chapter 25, 2018 General Session

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 36, Uniform Fiscal Procedures Act for Counties, 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 17-33-5(4) 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.
- (3)
- (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (3).
 - (b)
 - (i) To appoint an interim replacement, the county legislative body shall, within 10 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party of the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.

- (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual the party selects in accordance with the party's constitution or bylaws to serve as the interim replacement.
 - (iii) The county legislative body shall, no later than five days after the day on which a party liaison submits the name of the individual to serve as the interim replacement, appoint the individual to serve out the unexpired term.
 - (c)
 - (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter that:
 - (A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and
 - (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
 - (ii) The governor shall, within 10 days after the day on which the governor receives the letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an interim replacement to fill the vacancy.
 - (d) An individual appointed as interim replacement under this Subsection (3) shall hold office until a successor is elected and has qualified.
- (4)
- (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.
 - (b)
 - (i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as practicable, but no later than 180 days before the next regular general election, notify the public and each registered political party that the vacancy exists.
 - (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of candidacy in accordance with:
 - (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
 - (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (5)
- (a) The requirements of this Subsection (5) apply to all county offices that become vacant if:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 days before the regular primary election.
 - (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 days before the next regular primary election, notify the public and each registered political party:
 - (i) that the vacancy exists; and

- (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)(d)(ii).
 - (c)
 - (i) An individual intending to become a party candidate for a vacant office shall, within five days after the day on which the notice is given, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:
 - (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
 - (ii) The county central committee of each party shall:
 - (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
 - (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but before 5 p.m. no later than 60 days before the day of the regular primary election.
 - (d)
 - (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a vacant office who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
 - (ii)
 - (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is before 5 p.m. no later than 65 days before the day of the next regular general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection (5)(d)(i).
 - (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
 - (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
 - (i) if the vacant office has an unexpired term of two years or more; and
 - (ii) when 75 days or less remain before the day of the regular primary election but more than 65 days remain before the day of the regular general election.
 - (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as practicable, notify the public and each registered political party:
 - (i) that the vacancy exists; and
 - (ii) of the deadlines established under Subsection (6)(d).
 - (c)
 - (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county central committee of each registered political party that wishes to submit a candidate for the office shall certify the name of one candidate to the county clerk for placement on the regular general election ballot.
 - (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

- (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of candidacy described in Section 20A-9-601.
- (d)
 - (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are before 5 p.m. no later than 65 days before the day of the next regular general election by which:
 - (A) a registered political party is required to certify a name under Subsection (6)(c)(i);
 - (B) an individual who does not wish to affiliate with a registered political party is required to submit a certificate of nomination under Subsection (6)(c)(ii); and
 - (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c)(iii).
 - (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general election ballot.
 - (e) An individual who is certified as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- (7)
 - (a) The requirements of this Subsection (7) apply to all county offices that become vacant:
 - (i) if the vacant office has an unexpired term of less than two years; or
 - (ii) if the vacant office has an unexpired term of two years or more but 65 days or less remain before the day of the next regular general election.
 - (b)
 - (i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.
 - (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.
 - (iii) The county legislative body shall, no later than five days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.
 - (c)
 - (i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:
 - (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and
 - (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
 - (ii) The governor shall, within 10 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.
 - (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.

- (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.
- (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.
- (10)
 - (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.
 - (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.

Amended by Chapter 13, 2022 General Session
Amended by Chapter 166, 2022 General Session
Amended by Chapter 177, 2022 General Session

20A-1-509 Definitions applicable to Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

As used in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3:

- (1) "County clerk" means:
 - (a) for a single county, the county clerk of that county; and
 - (b) for a prosecution district, the county clerk of the most populous county within the prosecution district.
- (2) "County legislative body" includes each legislative body with the power to participate in the selection of a district attorney as provided in the interlocal prosecution district agreement.

Repealed and Re-enacted by Chapter 139, 1997 General Session

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

- (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.
- (2)
 - (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.
 - (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.
 - (c) All persons intending to become candidates for the vacant office shall:
 - (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
 - (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and
 - (iii) if elected, complete the unexpired term of the person who created the vacancy.

- (d) If the vacancy occurs during the declaration of candidacy filing period described in Section 20A-9-201.5:
 - (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m. seven days after the last day of the filing period described in Section 20A-9-201.5; and
 - (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- (3)
 - (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 days before the regular primary election.
 - (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
 - (i) notify the public and each registered political party that the vacancy exists; and
 - (ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.
 - (c) All persons intending to become candidates for the vacant office shall:
 - (i) before 5 p.m. within five days after the day on which the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
 - (ii) if elected, complete the unexpired term of the person who created the vacancy.
 - (d) The county central committee of each party shall:
 - (i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
 - (ii) certify the name of the candidate or candidates to the county clerk:
 - (A) before 5 p.m. no later than 60 days before the day of the regular primary election; or
 - (B) electronically, before midnight no later than 60 days before the day of the regular primary election.
- (4)
 - (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of two years or more; and
 - (ii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.
 - (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall, not later than five days after the day on which the vacancy occurs, certify the name of one candidate to the county clerk for placement on the regular general election ballot.
 - (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- (5)
 - (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:
 - (i) the vacant office has an unexpired term of less than two years; or
 - (ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

- (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.
 - (c) That county central committee shall, within 30 days after the day on which the county legislative body gives the notice described in Subsection (5)(b), submit to the county legislative body the names of three nominees to fill the vacancy.
 - (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.
 - (e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:
 - (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and
 - (ii) contains the list of nominees submitted by the party central committee.
 - (f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.
 - (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.
- (6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Amended by Chapter 13, 2022 General Session

20A-1-509.2 Procedure for filling vacancy in county or district with fewer than 15 attorneys.

- (1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.
- (2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:
 - (a) informs the attorney of the vacancy;
 - (b) invites the attorney to apply for the vacancy; and
 - (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.
- (3)
 - (a)
 - (i) If, before the deadline described in Subsection (2)(c), more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior officeholder.
 - (ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.
 - (b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body before 5 p.m. within 20 days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).

- (c) The county legislative body shall appoint one of the nominees to fill the vacant position.
 - (d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.
 - (e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:
 - (i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and
 - (ii)
 - (A) the list of nominees, if any, submitted by the central committee of the political party; or
 - (B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.
 - (f) The governor shall appoint, within 30 days after the day on which the governor receives the letter, a person from the list to fill the vacancy.
- (4)
- (a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:
 - (i) appoint one of them to be county or district attorney; or
 - (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).
 - (b)
 - (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.
 - (ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.
 - (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall:
 - (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
 - (ii) provide the governor with a list of all the applicants.
 - (d) The governor shall appoint a person to fill the vacancy within 30 days after the day on which the governor receives the notification.
- (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

Amended by Chapter 255, 2019 General Session

20A-1-509.3 Procedure for making interim replacement.

- (1) Until the vacancy is filled as provided in Section 20A-1-509.1 or 20A-1-509.2 and the new county attorney or district attorney has qualified, the county legislative body may appoint an

interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (1).

- (a) The county legislative body shall appoint a deputy county or district attorney to serve as acting county or district attorney if there are at least three deputies in the office that has the vacancy.
- (b) The county legislative body may contract with any member of the Utah State Bar in good standing to be acting county or district attorney if:
 - (i) there are not at least three deputies in the office that has the vacancy; or
 - (ii) there are three or more deputies in the office but none of the deputies is willing to serve.
- (2) An individual appointed as interim replacement under this section shall hold office until a successor is selected and has qualified.

Amended by Chapter 18, 2022 General Session

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

- (1)
 - (a) As used in this section:
 - (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.
 - (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
 - (b) Except as otherwise provided in this section, if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the municipality who meets the qualifications for office described in Section 10-3-301 to fill the unexpired term of the vacated office.
 - (c) Before acting to fill the vacancy, the municipal legislative body shall:
 - (i) 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;
 - (ii) identify, in the notice:
 - (A) the date, time, and place of the meeting where the vacancy will be filled;
 - (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and
 - (C) the deadline for submitting an interested individual's name; and
 - (iii) 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.
 - (d)
 - (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of the candidates interviewed under Subsection (1)(c)(iii).
 - (ii)
 - (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in the initial vote, as determined by the tie-breaking procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
 - (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be reduced to one by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the candidate

that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection (1)(d)(ii)(B).

- (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
 - (D) A coin toss required under this Subsection (1)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
 - (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).
 - (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.
 - (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the lieutenant governor shall:
 - (i) notify the municipal legislative body of the violation; and
 - (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
 - (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
 - (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
 - (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- (2)
- (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 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)
- (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) 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) continues to:

- (i) act as a council member; and
 - (ii) vote at council meetings.
- (4)
- (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) interview an individual whose name is submitted for consideration under Subsection (1)(c)(iii) or (2)(b)(ii); and
 - (B) vote on the appointment of an individual to fill the vacancy.
 - (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is removed from office in accordance with state law may not cast a vote under Subsection (4)(a)(i).
 - (b) A member of a municipal legislative body who submits his or her resignation to the municipal legislative body may not rescind the resignation.
 - (c) A member of a municipal legislative body may not vote on an appointment under this section for himself or herself to fill a vacancy in the municipal legislative body.
- (5) In a municipality operating under the council-mayor form of government, the mayor may not:
- (a) participate in the vote to fill a vacancy;
 - (b) veto a decision of the council to fill a vacancy; or
 - (c) vote in the case of a tie.
- (6) A mayor whose resignation from the municipal legislative body is due to election or appointment as mayor may, in the case of a tie, participate in the vote under this section.
- (7) A municipal legislative body may, consistent with the provisions of state law, adopt procedures governing the appointment, interview, and voting process for filling vacancies in municipal offices.

Amended by Chapter 438, 2024 General Session

Amended by Chapter 450, 2024 General Session

20A-1-510.1 Candidate vacancies in local office.

- (1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision may be filled in accordance with the requirements of this section if:
- (a) a nonpartisan primary election is held for the office;
 - (b) the vacancy occurs after the date of the primary election but before:
 - (i) for a county office, August 31; or
 - (ii) for all other offices, 65 days before the day of the applicable general election; and
 - (c) after the vacancy occurs, the number of remaining candidates for the office is less than or equal to the number of open positions to be filled for that office in the applicable general election.
- (2) An election officer shall:
- (a) fill a candidate vacancy described in Subsection (1) by certifying the next available candidate for the office for the general election ballot who received the highest number of votes in the primary election without receiving a sufficient number of votes to qualify for the general election ballot; and
 - (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is certified for the general election ballot.

Enacted by Chapter 365, 2018 General Session

20A-1-511 Midterm vacancy on a local school board.

- (1)
 - (a) A local school board shall fill a vacancy on the local school board by appointment, except as otherwise provided in Subsections (1)(b) and (2).
 - (b) The county legislative body, or municipal legislative body in a city district, shall fill a vacancy on a local school board by appointment if the local school board fails to make an appointment to fill the vacancy:
 - (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs on the local school board; or
 - (ii) within 45 days after a vacancy occurs on the local school board due to the death of a local school board member.
 - (c) A member appointed and qualified under this Subsection (1) shall serve until a successor is elected or appointed and qualified.
- (2)
 - (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:
 - (i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and
 - (ii) two years of the vacated term will remain after the first Monday of January following the next school board election.
 - (b) A member elected under this Subsection (2) shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.
- (3) Before appointing an individual to fill a vacancy under this section, the local school board shall:
 - (a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;
 - (b) identify, in the public notice:
 - (i) the date, time, and place of the meeting where the vacancy will be filled; and
 - (ii) the person to whom and the date and time before which an individual interested in being appointed to fill the vacancy may submit the individual's name for consideration; and
 - (c) 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.
- (4)
 - (a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board submits a letter of resignation.
 - (b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.
 - (c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may not rescind the resignation after the local school board makes an appointment to fill the vacancy created by the resignation.

Amended by Chapter 271, 2020 General Session

20A-1-512 Midterm vacancies on local district boards -- Notice.

- (1)
 - (a) When a vacancy occurs on any special district board for any reason, the following shall appoint a replacement to serve out the unexpired term in accordance with this section:

- (i) the special district board, if the person vacating the position was elected; or
 - (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the appointing authority appointed the person vacating the position.
- (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the special district board or appointing authority shall:
- (i) give public notice of the vacancy for at least two weeks before the special district board or appointing authority meets to fill the vacancy by publishing the notice, as a class A notice under Section 63G-30-102, for the special district; and
 - (ii) identify, in the notice:
 - (A) the date, time, and place of the meeting where the vacancy will be filled;
 - (B) the individual to whom an individual who is interested in an appointment to fill the vacancy may submit the individual's name for consideration; and
 - (C) any submission deadline.
- (c) An appointing authority is not subject to Subsection (1)(b) if:
- (i)
 - (A) the appointing authority appoints one of the appointing authority's own members; and
 - (B) that member meets all applicable statutory board member qualifications; or
 - (ii) the vacancy is on the board of trustees of an infrastructure financing district with no residents within the district's boundary.
- (d) When a vacancy occurs on the board of a water conservancy district located in more than one county:
- (i) the board shall give notice of the vacancy to the county legislative bodies that nominated the vacating trustee as provided in Section 17B-2a-1005;
 - (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively compile a list of three nominees to fill the vacancy; and
 - (iii) the governor shall, with the advice and consent of the Senate, appoint an individual to fill the vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).
- (2) If, 90 days after a vacancy occurs, the special district board has failed to appoint an individual to complete an elected board member's term, the vacancy shall be filled:
- (a) in accordance with the procedure for a special district described in Subsection (1)(b); and
 - (b) by, as applicable:
 - (i) the legislative body of the county or municipality that created the special district; or
 - (ii) for a vacancy on a board of trustees of an infrastructure financing district, the legislative body of the county whose unincorporated area contains or the municipality whose boundary contains more of the area within the infrastructure financing district than is contained within the unincorporated area of any other county or within the boundary of any other municipality.

Amended by Chapter 388, 2024 General Session

20A-1-513 Temporary absence in elected office of a political subdivision for military service.

- (1) As used in this section:
- (a)
 - (i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
 - (ii) "Armed forces" includes the National Guard.
 - (b)

- (i) "Elected official" means an individual who holds an office of a political subdivision that is required by law to be filled by an election.
 - (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).
 - (c) "Elected official reservist" means an elected official who is:
 - (i) a member of the armed forces reserves component;
 - (ii) a member of the National Guard; or
 - (iii) a retired member of the armed forces who may be called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces.
 - (d)
 - (i) "Military leave" means the temporary absence from an office:
 - (A) by an elected official reservist called to active, full-time duty in the armed forces; and
 - (B) for a period of time that exceeds 30 days and does not exceed 400 days.
 - (ii) "Military leave" includes the time an individual on leave, as described in Subsection (1)(d)(i), spends for:
 - (A) out processing;
 - (B) an administrative delay;
 - (C) accrued leave; and
 - (D) on rest and recuperation leave program of the armed forces.
 - (e) "Political subdivision's governing body" means:
 - (i) for a county, city, or town, the legislative body of the county, city, or town;
 - (ii) for a special district, the board of trustees of the special district;
 - (iii) for a local school district, the local school board;
 - (iv) for a special service district:
 - (A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
 - (B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and
 - (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body that governs the affairs of the political subdivision.
 - (f) "Temporary replacement" means the individual appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of an elected official reservist who takes military leave.
- (2) An elected official reservist who takes military leave in accordance with this section does not create a vacancy in the elected official's office.
- (3)
 - (a) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's governing body of the elected official's orders no later than five days after the day on which the elected official receives the orders.
 - (b) An elected official reservist described in Subsection (3)(a) may:
 - (i) if the period of active, full-time duty does not exceed 270 days:
 - (A) continue to carry out the elected official's duties if possible while on active, full-time duty;
 - or
 - (B) take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave; or

- (ii) if the period of active, full-time duty exceeds 270 days but does not exceed 400 days, take military leave if the elected official submits to the political subdivision's governing body:
 - (A) written notice of the intent to take military leave and the expected duration of the military leave; and
 - (B) written certification that the secretary of the armed force of which the elected official is a member granted the elected official permission under U.S. Department of Defense Directive 1344.10 to continue to hold the elected official's office while on active, full-time duty.
- (4)
 - (a) An elected official reservist who chooses to continue to carry out the elected official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 days after the day of the elected official's deployment, confirm in writing to the political subdivision's governing body that the elected official has the ability to carry out the elected official's duties.
 - (b) If an elected official reservist does not submit the confirmation to the political subdivision's governing body before the deadline described in Subsection (4)(a), the political subdivision's governing body shall:
 - (i) place the elected official in military leave status; and
 - (ii) appoint a temporary replacement in accordance with Subsection (8).
- (5)
 - (a) An elected official reservist who chooses to take military leave under Subsection (3)(b)(ii) shall, no later than 21 days after the date of the elected official's deployment, submit to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii).
 - (b) If an elected official reservist does not submit the notice and certification to the political subdivision's governing body before the deadline described in Subsection (5)(a):
 - (i) the political subdivision's governing body may not appoint a temporary replacement under Subsection (8); and
 - (ii) the elected official reservist creates a vacancy in the elected official's office.
- (6) An elected official reservist who is called to active, full-time duty in the armed forces under Title 10, U.S.C., Armed Forces, for a period of more than 400 days creates a vacancy in the elected official's office.
- (7) An elected official reservist's military leave:
 - (a) begins:
 - (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
 - (A) the day after the day on which the elected official notifies the political subdivision's governing body of the intent to take military leave;
 - (B) 11 days after the day of the elected official's deployment if no confirmation is received by the political subdivision's governing body in accordance with Subsection (4)(a); or
 - (C) the day on which the elected official begins active, full-time duty in the armed forces; or
 - (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the day on which the elected official submits to the political subdivision's governing body the written notice and certification described in Subsection (3)(b)(ii); and
 - (b) ends the sooner of:
 - (i) the expiration of the elected official reservist's term of office; or
 - (ii) the day on which the elected official reservist ends active, full-time duty in the armed forces.
- (8) A temporary replacement shall:
 - (a) meet the qualifications required to hold the office; and
 - (b) be appointed:

- (i) when an elected official reservist:
 - (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
 - (B) is placed in military leave status under Subsection (4)(b)(i); and
 - (ii) by the political subdivision's governing body:
 - (A) if a registered political party nominated the elected official reservist as a candidate for the office, in the same manner as provided in Subsection 20A-1-508(3) for the appointment of an interim replacement; or
 - (B) if a registered political party did not nominate the elected official reservist as a candidate for the office, after submitting an application in accordance with Subsection (10)(b).
- (9)
- (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official reservist's military leave.
 - (b) An elected reservist may not exercise the powers or duties of the office while on military leave.
 - (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no individual may exercise the powers and duties of the elected official reservist's office during the elected official's military leave.
- (10) The political subdivision's governing body shall establish:
- (a) the distribution of the emoluments of the office between the elected official reservist and the temporary replacement; and
 - (b) an application form and the date and time before which an individual shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.
- (11) This section does not apply to an elected official who is not an elected official reservist.

Amended by Chapter 448, 2024 General Session