

**Superseded 5/9/2017**

**20A-1-508 Midterm vacancies in county elected offices.**

(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 mean the offices of president and vice president of the United States, United States senators and representatives, members of the Utah Legislature, state constitutional officers, county attorneys, district attorneys, and judges.
- (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) 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 (2).

(b)

- (i) To appoint an interim replacement, the county legislative body shall 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 a person to fill the vacancy.
- (ii) That party liaison shall, within 30 days, submit the name of the person selected in accordance with the party constitution or bylaws as described in Section 20A-8-401 for the interim replacement to the county legislative body.
- (iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person for the interim replacement appoint the person 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 (2)(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 a replacement within the statutory time period; and
- (B) contains the name of the person to fill the vacancy submitted by the party liaison.

(ii) The governor shall appoint the person named by the party liaison as an interim replacement to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed as interim replacement under this Subsection (2) shall hold office until their successor is elected and has qualified.

(3)

(a) The requirements of this Subsection (3) 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 person was elected but before April 10 of the next even-numbered year.

(b)

(i) When the conditions established in Subsection (3)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(ii) All persons intending to become candidates for the vacant office shall:

- (A) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- (B) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general election.

- (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 April 9 of the next even-numbered year but more than 75 days before the regular primary election.
  - (b)
    - (i) When the conditions established in Subsection (4)(a) are met, the county clerk shall notify the public and each registered political party that:
      - (A) the vacancy exists; and
      - (B) identifies the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.
    - (ii) All persons intending to become candidates for the vacant offices shall, within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
    - (iii) 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 at least 60 days before the regular primary election.
- (5)
  - (a) The requirements of this Subsection (5) 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 regular primary election but more than 65 days remain before the regular general election.
  - (b) When the conditions established in Subsection (5)(a) are met, the county central committees of each political party registered under this title that wishes to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.
- (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 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 next regular general election.
  - (b)
    - (i) When the conditions established in Subsection (6)(a) are met, the county legislative body shall 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 a person to fill the vacancy.
    - (ii) That party liaison shall, within 30 days, submit the name of the person to fill the vacancy to the county legislative body.
    - (iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person to fill the vacancy appoint the person to serve out the unexpired term.

- (c)
    - (i) If the county legislative body fails to appoint a person to fill the vacancy in accordance with Subsection (6)(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 a person to fill the vacancy within the statutory time period; and
      - (B) contains the name of the person to fill the vacancy submitted by the party liaison.
    - (ii) The governor shall appoint the person named by the party liaison to fill the vacancy within 30 days after receipt of the letter.
  - (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office until their successor is elected and has qualified.
- (7) 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.
- (8) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the same time limits.
- (9)
  - (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the person 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.