

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 third Thursday in March of the even-numbered year.
 - (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 after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b), but no later than the fourth Thursday in March.
- (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) 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 Declaration 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 at least 60 days before 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 summarily 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 of receiving notice from the county legislative body, 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 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 297, 2011 General Session

Amended by Chapter 327, 2011 General Session