

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

- (1)
 - (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section 10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.
 - (b) Before acting to fill the vacancy, the municipal legislative body shall:
 - (i) give public notice of the vacancy at least two weeks before 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 a person interested in being appointed to fill the vacancy may submit the interested person's name for consideration; and
 - (C) the deadline for submitting an interested person's name; and
 - (iii) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.
 - (c)
 - (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall fill the vacancy from among the names that have been submitted.
 - (ii) The two persons having the highest number of votes of the municipal legislative body after a first vote is taken shall appear before the municipal legislative body and the municipal legislative body shall vote again.
 - (iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.
- (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 person whose name was submitted for consideration and meets the qualifications for office regarding the person'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 a person 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 council chair shall 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) While serving as acting mayor under Subsection (3)(a)(ii), the council chair continues to:

- (i) act as a council member; and
- (ii) vote at council meetings.

Amended by Chapter 327, 2012 General Session