

1 **MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A**
2 **POLITICAL SUBDIVISION**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: John L. Valentine**

6 House Sponsor: Christopher N. Herrod

8 **LONG TITLE**

9 **General Description:**

10 This bill amends Title 20A, Election Code, to authorize an elected official of a political
11 subdivision to take military leave.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ authorizes an elected official of a political subdivision to take military leave;
- 16 ▶ authorizes the governing body to:
 - 17 • appoint a temporary replacement from names submitted by the elected official;

18 and

- 19 • establish the distribution of the emoluments of the office between the elected
20 official and the temporary replacement; and

- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides an immediate effective date.

26 **Utah Code Sections Affected:**

27 ENACTS:



28 20A-1-513, Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 20A-1-513 is enacted to read:

32 **Part 5. Candidate Vacancies and Vacancies and Temporary Absences in Elected Offices**

33 **20A-1-513. Temporary absence in elected office of a political subdivision for**
34 **military service.**

35 (1) As used in this section:

36 (a) "Armed forces" means:

37 (i) the Army of the United States;

38 (ii) the United States Navy;

39 (iii) the United States Air Force;

40 (iv) the Marine Corps;

41 (v) the Coast Guard;

42 (vi) the National Guard; or

43 (vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

44 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
45 is required by law to be filled by an election.

46 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office
47 described in Subsection (1)(b)(i).

48 (c) (i) "Military leave" means the temporary absence from an office:

49 (A) by an elected official called to active, full-time duty in the armed forces; and

50 (B) for a period of time that exceeds 30 days and does not exceed 365 days.

51 (ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) is
52 participating in a rest and recuperation leave program of the armed forces.

53 (d) "Political subdivision's governing body" means:

54 (i) for a county, city, or town, the legislative body of the county, city, or town;

55 (ii) for a local district, the board of trustees of the local district;

56 (iii) for a local school district, the local school board;

57 (iv) for a special service district:

58 (A) the legislative body of the county, city, or town that established the special service

59 district, if no administrative control board has been appointed under Section 17D-1-301; or

60 (B) the administrative control board of the special service district, if an administrative
61 control board has been appointed under Section 17D-1-301; and

62 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
63 that governs the affairs of the political subdivision.

64 (e) "Temporary replacement" means the person appointed by the political subdivision's
65 governing body in accordance with this section to exercise the powers and duties of the office
66 of the elected official who takes military leave.

67 (2) An elected official creates a vacancy in the elected official's office if the elected
68 official is called to active, full-time duty in the armed forces unless the elected official takes
69 military leave as provided by this section.

70 (3) An elected official may take military leave if the elected official submits to the
71 political subdivision's governing body:

72 (a) written notice of the intent to take military leave and the expected duration of the
73 military leave, by the later of:

74 (i) 14 days before the military leave begins; or

75 (ii) the next business day after which the elected official receives an order from the
76 armed forces calling the elected official to active, full-time duty; and

77 (b) the names of three people who meet the qualifications required to hold the office
78 for consideration as a temporary replacement.

79 (4) An elected official's military leave:

80 (a) begins the day on which the elected official begins active, full-time duty in the
81 armed forces; and

82 (b) ends the sooner of:

83 (i) the expiration of the elected official's term of office; or

84 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

85 (5) The political subdivision's governing body shall appoint a person whose name is
86 submitted by the elected official under Subsection (3)(b) as a temporary replacement.

87 (6) (a) A temporary replacement shall exercise the powers and duties of the office for
88 which the temporary replacement is appointed for the duration of the elected official's military
89 leave.

90 (b) An elected official may not exercise the powers or duties of the office while on
91 military leave.

92 (7) The political subdivision's governing body may establish the distribution of the
93 emoluments of the office between the elected official and the temporary replacement.

94 Section 2. **Effective date.**

95 If approved by two-thirds of all the members elected to each house, this bill takes effect
96 upon approval by the governor, or the day following the constitutional time limit of Utah
97 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
98 the date of veto override.

Legislative Review Note
as of 2-3-11 9:30 AM

Office of Legislative Research and General Counsel