

SCHOOL BOARD VACANCY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Joel K. Briscoe

LONG TITLE

General Description:

This bill amends provisions related to filling a midterm vacancy on a local school board.

Highlighted Provisions:

This bill:

- ▶ extends the length of time a local school board has to fill a midterm vacancy on the local school board if the midterm vacancy is due to the death of a local school board member; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-511, as last amended by Laws of Utah 2019, Chapter 255

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

Section 1. Section **20A-1-511** is amended to read:

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

(1) (a) A local school board shall fill ~~[vacancies]~~ a vacancy on the local school board by appointment, except as otherwise provided in ~~[Subsection (2)]~~ Subsections (1)(b) and (2).

30 (b) [~~If the board fails to make an appointment within 30 days after a vacancy occurs,~~
31 ~~the~~] The county legislative body, or municipal legislative body in a city district, shall fill [the
32 vacancy by appointment.] a vacancy on a local school board by appointment if the local school
33 board fails to make an appointment to fill the vacancy:

34 (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs on
35 the local school board; or

36 (ii) within 45 days after a vacancy occurs on the local school board due to the death of
37 a local school board member.

38 (c) A member appointed and qualified under this Subsection (1) shall serve until a
39 successor is elected or appointed and qualified.

40 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
41 an election to fill a two-year term if:

42 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
43 at least 14 days before the deadline for filing a declaration of candidacy; and

44 (ii) two years of the vacated term will remain after the first Monday of January
45 following the next school board election.

46 (b) [~~Members~~] A member elected under this Subsection (2) shall serve for the
47 remaining two years of the vacated term and until a successor is elected and qualified.

48 (3) Before appointing an individual to fill a vacancy under this section, the local school
49 board shall:

50 (a) give public notice of the vacancy at least two weeks before the local school board
51 meets to fill the vacancy;

52 (b) identify, in the public notice:

53 (i) the date, time, and place of the meeting where the vacancy will be filled; and

54 (ii) the person to whom and the date and time before which an individual interested in
55 being appointed to fill the vacancy may submit the individual's name for consideration; and

56 (c) in an open meeting, interview each individual whose name is submitted for
57 consideration and who meets the qualifications for office, regarding the individual's

58 qualifications.

59 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to
60 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the
61 local school board submits a letter of resignation.

62 (b) An individual appointed under Subsection (4)(a) may not take office until on or
63 after the day on which the vacancy occurs for which the individual is appointed.

64 (c) A member of a local school board who submits a letter of resignation under
65 Subsection (4)(a) may not rescind the resignation after the local school board makes an
66 appointment to fill the vacancy created by the resignation.