

MUNICIPAL OFFICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions governing a vacancy in a municipal legislative body.

Highlighted Provisions:

This bill:

- ▶ authorizes a member of a municipal legislative body whose resignation creates a vacancy in the municipal legislative body to, with certain exceptions, vote for the member's replacement;
- ▶ prohibits a member of a legislative body who submits a resignation from the legislative body from rescinding his or her resignation;
- ▶ prohibits a member of a legislative body from voting for himself or herself to fill a vacancy in the municipal legislative body; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-507, as last amended by Laws of Utah 2014, Chapter 338

20A-1-510, as last amended by Laws of Utah 2017, Chapter 91



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section **10-3-507** is amended to read:

10-3-507. Minimum vote required.

(1) The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is a majority of the voting members of the council, regardless of absence or vacancy.

(2) (a) Any ordinance, resolution, or motion of the council having fewer favorable votes than required in this section is defeated and invalid.

(b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a majority vote of the council even though the majority vote is less than that required in this section.

(3) If a vacancy exists in one or more council seats, a majority of the council members [~~presently occupying council seats, regardless of number,~~] may vote to fill the vacancy as provided under Section [20A-1-510](#).

Section 2. Section **20A-1-510** is amended to read:

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 described in Section [10-3-301](#) to fill the unexpired term of the vacated office.

(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 an individual interested in being appointed to fill the vacancy may submit the interested individual's name for consideration; and

(C) the deadline for submitting an interested individual's name; and

(iii) in an open meeting, interview each individual whose name is submitted for

59 consideration, and who meets the qualifications for office, regarding the individual's
60 qualifications.

61 (c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within
62 30 days after the day on which the vacancy occurs, the municipal legislative body shall fill the
63 vacancy from among the names that have been submitted.

64 (ii) The two individuals having the highest number of votes of the municipal legislative
65 body after a first vote is taken shall appear before the municipal legislative body and the
66 municipal legislative body shall vote again.

67 (iii) If neither candidate receives a majority vote of the municipal legislative body at
68 that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

69 (2) (a) A vacancy in the office of municipal executive or member of a municipal
70 legislative body shall be filled by an interim appointment, followed by an election to fill a
71 two-year term, if:

72 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive
73 at least 14 days before the deadline for filing for election in an odd-numbered year; and

74 (ii) two years of the vacated term will remain after the first Monday of January
75 following the next municipal election.

76 (b) In appointing an interim replacement, the municipal legislative body shall:

77 (i) comply with the notice requirements of this section; and

78 (ii) in an open meeting, interview each individual whose name is submitted for
79 consideration, and who meets the qualifications for office, regarding the individual's
80 qualifications.

81 (3) (a) In a municipality operating under the council-mayor form of government, as
82 defined in Section [10-3b-102](#):

83 (i) the council may appoint an individual to fill a vacancy in the office of mayor before
84 the effective date of the mayor's resignation by making the effective date of the appointment
85 the same as the effective date of the mayor's resignation; and

86 (ii) if a vacancy in the office of mayor occurs before the effective date of an
87 appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as
88 acting mayor during the time between the creation of the vacancy and the effective date of the
89 appointment to fill the vacancy.

90 (b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair
91 continues to:

92 (i) act as a council member; and

93 (ii) vote at council meetings.

94 (4) (a) (i) For a vacancy of a member of a municipal legislative body as described in
95 Subsection (1) or (2), the municipal legislative body member whose resignation creates the
96 vacancy on the municipal legislative body may:

97 (A) interview an individual whose name is submitted for consideration under
98 Subsection (1)(b)(iii) or (2)(b)(ii); and

99 (B) vote on the appointment of an individual to fill the vacancy.

100 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
101 removed from office in accordance with state law may not cast a vote under Subsection
102 (4)(a)(i).

103 (b) A member of a municipal legislative body who submits his or her resignation to the
104 municipal legislative body may not rescind the resignation.

105 (c) A member of a municipal legislative body may not vote on an appointment under
106 this section for himself or herself to fill a vacancy in the municipal legislative body.