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€ 12-16-98 1:48 PM €

1	COUNTY OFFICERS AMENDMENTS
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Craig W. Buttars
5	AN ACT RELATING TO COUNTIES; REPEALING LANGUAGE RELATING TO THE
6	EFFECT OF AN OFFICER'S ABSENCE FROM THE COUNTY, DISTRICT, PRECINCT, OR
7	PROSECUTION DISTRICT; ESTABLISHING CERTAIN BEHAVIOR AS MALFEASANCE
8	IN OFFICE; AND MAKING TECHNICAL CORRECTIONS.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	AMENDS:
11	17-16-1, as last amended by Chapter 139, Laws of Utah 1997
12	Be it enacted by the Legislature of the state of Utah:
13	Section 1. Section 17-16-1 is amended to read:
14	17-16-1. Eligibility and residency requirements for county, district, precinct, or
15	prosecution district office.
16	(1) A person filing a declaration of candidacy for a county, district, precinct, or prosecution
17	district office shall:
18	(a) be a United States citizen;
19	(b) except as provided in Subsection 17-18-5(1)(d)(ii) with respect to the office of county
20	attorney or district attorney, as of the date of the election have been a resident of the county,
21	district, precinct, or prosecution district in which the person seeks office for at least one year; and
22	(c) be a registered voter in the county, district, precinct, or prosecution district in which the
23	person seeks office.
24	(2) (a) A county, district, precinct, or prosecution district officer shall maintain residency
25	within the county, district, precinct, or prosecution district in which he was elected during his term
26	of office.
27	(b) If a county, district, precinct, or prosecution district officer establishes his principal

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- 28 place of residence as provided in Section 20A-2-105 outside the county, district, precinct, or
- 29 prosecution district in which he was elected, the office is automatically vacant.
- 30 (3) [If] <u>The failure of</u> an elected county, district, precinct, or prosecution district officer
- 31 [is absent from the county, district, precinct, or prosecution district any time during his term of
- 32 office for a continuous period of more than 60 days without the consent of the county legislative
- 33 body or bodies, the county, district, precinct, or prosecution district office is automatically vacant]
- 34 <u>substantially to perform the officer's official duties constitutes malfeasance in office under Section</u>
- 35 <u>77-6-1</u>.

Legislative Review Note as of 12-7-98 11:09 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Political Subdivisions Interim Committee recommended this bill.