

MUNICIPAL CANDIDACY RESIDENCY

AMENDMENT

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Terry R. Spencer

AN ACT RELATING TO CITIES AND TOWNS; MODIFYING RESIDENCY

REQUIREMENTS FOR PERSONS SEEKING MUNICIPAL OFFICE; **§ CLARIFYING RESIDENCY**

REQUIREMENTS IN A NEWLY INCORPORATED MUNICIPALITY; § AND MAKING

TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-3-301, as last amended by Chapters 1 and 21, Laws of Utah 1994

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

Section 1. Section **10-3-301** is amended to read:

10-3-301. Eligibility and residency requirements for elected municipal office.

(1) (a) A person filing a declaration of candidacy for a municipal office shall:

(i) have been a resident of the municipality in which the person seeks office for at least

~~one year~~ 365 **§ CONSECUTIVE** § days immediately before the date of the election; and

(ii) meet the other requirements of Section 20A-9-203.

(b) A person living in an area annexed to a municipality meets the residency requirement of this subsection if that person resided within the area annexed to the municipality for at least ~~one year~~ 365 **§ CONSECUTIVE** § days before the date of the election.

§ (c) FOR PURPOSES OF DETERMINING WHETHER A PERSON MEETS THE RESIDENCY

REQUIREMENT OF SUBSECTION (1)(a)(i) IN A MUNICIPALITY THAT WAS INCORPORATED LESS

THAN 365 DAYS BEFORE THE ELECTION, THE MUNICIPALITY SHALL BE CONSIDERED TO HAVE

BEEN INCORPORATED 365 DAYS BEFORE THE ELECTION. §

(2) Any person elected to municipal office shall be a registered voter in the municipality in which ~~he~~ the person was elected.

(3) (a) Each elected officer of a municipality shall maintain residency within the

25 boundaries of the municipality during [~~his~~] the officer's term of office.

26 (b) If an elected officer of a municipality establishes [~~his~~] a principal place of residence

27 as provided in Section 20A-2-105 outside the municipality during [~~his~~] the officer's term of office,

28 the office is automatically vacant.

29 (4) If an elected municipal officer is absent from the municipality any time during [his]
30 the officer's term of office for a continuous period of more than 60 days without the consent of the
31 municipal legislative body, the municipal office is automatically vacant.

Legislative Review Note
as of 9-17-99 11:20 AM

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

Office of Legislative Research and General Counsel