

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

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

provided in Section 20A-2-105 outside the municipality during [~~his~~] the officer's term of office, the office is automatically vacant.

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