

Proposal to Amend Utah Constitution - Term of Office

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor:

LONG TITLE**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution by imposing term limits for state elected officials.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- limit officials elected to a state office to no more than eight years in the office; and
- provide for how to calculate the limitation.

Other Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2027 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

Article VI, Section 6**Article VI, Section 30****Article VII, Section 3****Article VII, Section 11**

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article VI, Section 6, to read:

Article VI, Section 6 . [Who is ineligible as legislator.]

(1) No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

(2)(a) Subject to Subsections (2)(b) through (2)(d), no person elected as a legislator may

31 serve in the same house for more than eight cumulative years.

32 (b) The eight-year limitation applies to years served on or after January 1, 2027.

33 (c) The eight-year limitation does not apply to the years served when the person is
34 elected or appointed to fill a mid-term vacancy in the Legislature before the person is
35 elected to a full term as a legislator.

36 (d)(i) A person may not be elected or appointed to a remaining term of a member of
37 the Senate or the House of Representatives if serving the remaining term would
38 cause the person to serve for more than eight years in that respective house.

39 (ii) A person may not be elected to the Senate or the House of Representatives if
40 serving a full term would cause the person to serve for more than eight years in
41 that respective house.

42 Section 2. It is proposed to amend Utah Constitution, Article VI, Section 30, to read:

43 **Article VI, Section 30 . [Continuity in government.]**

- 44 (1) Notwithstanding any general or special provisions of the Constitution other than the
45 eight-year service limitation provisions, in order to insure continuity of state and local
46 government operations when such operations are seriously disrupted as a result of
47 natural or man-made disaster or disaster caused by enemy attack, the Legislature may:
48 (a) provide for prompt and temporary succession to the powers and duties of any elected
49 or appointed public office, the incumbents of which may become unavailable for
50 carrying on the powers and duties of such offices; and
51 (b) adopt measures necessary and proper for insuring the continuity of governmental
52 operations including, but not limited to, the financing thereof.
- 53 (2) The Legislature may provide a successor who exceeds the eight-year service limitation
54 provisions if the Legislature determines that no eligible person is available.
- 55 (3) Subsection (1) does not permit these temporary public officers to act or these temporary
56 measures to be contrary to the Constitution and applicable law.

57 Section 3. It is proposed to amend Utah Constitution, Article VII, Section 3, to read:

58 **Article VII, Section 3 . [Qualifications of officers.]**

- 59 (1) To be eligible for the office of Governor or Lieutenant Governor a person shall be 30
60 years of age or older at the time of election.
- 61 (2) To be eligible for the office of Attorney General a person shall be 25 years of age or
62 older, at the time of election, admitted to practice before the Supreme Court of the State
63 of Utah, and in good standing at the bar.
- 64 (3) To be eligible for the office of State Auditor or State Treasurer a person shall be 25

years of age or older at the time of election.

- (4) No person is eligible to any of the offices provided for in Section 1 unless at the time of election that person is a qualified voter and has been a resident citizen of the state for five years next preceding the election.

(5)(a) Subject to Subsection (5)(b), no person elected to an office identified in Article VII, Section 1, may serve in that position for more than eight cumulative years.

(b) The eight-year limitation applies to years of office served on or after January 1, 2027.

(c) A person may not be elected or appointed to the office of Lieutenant Governor if the person has previously served as Governor for more than one term.

Section 4. It is proposed to amend Utah Constitution, Article VII, Section 11, to read:

Article VII, Section 11 . [Vacancy in office of Governor -- Determination of disability.]

- (1) A vacancy in the office of Governor occurs when:

- (a) the Governor dies, resigns, is removed from office following impeachment, ceases to reside within the state, or is determined, as provided in Subsection (6), to have a disability that renders the Governor unable to discharge the duties of office for the remainder of the Governor's term of office; or
- (b) the Governor-elect fails to take office because of the Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (6), that renders the Governor-elect unable to discharge the duties of office for the Governor-elect's full term of office.

- (2) If a vacancy in the office of Governor occurs, the Lieutenant Governor shall become Governor, to serve:

- (a) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or
- (b) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

- ~~(3)(a)~~ [In] Subject to Subsection (3)(b), in the event of simultaneous vacancies in the offices of Governor and Lieutenant Governor, the President of the Senate shall become Governor, to serve:

- (i) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(b) ~~[In]~~ Subject to Subsection (3)(c), in the event of simultaneous vacancies in the offices of Governor, Lieutenant Governor, and President of the Senate, or if the President of the Senate has previously served as Governor and filling the vacancy will result in the President of the Senate serving more than eight years as Governor, the Speaker of the House of Representatives shall become Governor, to serve:

(i) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(c) If the Speaker of the House of Representatives has previously served as Governor and filling the vacancy will result in the Speaker of the House of Representatives serving more than eight years as Governor, succession to the vacancy shall be as provided in statute, provided that the succession plan recognizes the eight-year limitation on service as Governor.

(4) If a vacancy in the office of Governor occurs during the first year of the term of office, an election shall be held at the next regular general election after the vacancy occurs to elect a Governor and Lieutenant Governor, as provided in Article VII, Section 2, to serve the remainder of the unexpired term.

(5)(a) If the Governor is temporarily unable to discharge the duties of the office because of the Governor's temporary disability, as determined under Subsection (6), or if the Governor-elect is temporarily unable to assume the office of Governor because of the Governor-elect's temporary disability, as determined under Subsection (6), the powers and duties of the Governor shall be discharged by the Lieutenant Governor who, in addition to discharging the duties of the office of Lieutenant Governor, shall, without additional compensation, act as Governor until the disability ceases.

(b)(i) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), a vacancy in the office of Lieutenant Governor occurs or the Lieutenant Governor is temporarily unable to discharge the duties of the office of Governor because of the Lieutenant Governor's temporary disability, as determined under Subsection (6), the powers and duties of the Governor shall be discharged by the President of the Senate who shall act as Governor until the

Governor or Governor-elect's disability ceases or, in the case of the Lieutenant Governor's temporary disability, the Lieutenant Governor's disability ceases, whichever occurs first.

(ii) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), neither the Lieutenant Governor nor the President of the Senate is able to discharge the duties of the office of Governor because of a vacancy in the office of Lieutenant Governor or President of the Senate, or both, or because of a temporary disability of either or both officers, as determined under Subsection (6), or a combination of vacancy and temporary disability, the powers and duties of the Governor shall be discharged by the Speaker of the House of Representatives who shall act as Governor until the Governor's disability ceases or until the vacancy, if applicable, in the office of President of the Senate is filled or the temporary disability, if applicable, of the Lieutenant Governor or President of the Senate ceases, whichever occurs first.

(c)(i) During the time that the President of the Senate acts as Governor under this Subsection (5), the President may not exercise the powers and duties of President of the Senate or Senator. The powers and duties of President of the Senate may be exercised during that time by an acting President, chosen by the Senate.

(ii) During the time that the Speaker of the House of Representatives acts as Governor under this Subsection (5), the Speaker may not exercise the powers and duties of Speaker of the House of Representatives or Representative. The powers and duties of Speaker of the House of Representatives may be exercised during that time by an acting Speaker, chosen by the House of Representatives.

(d) When acting as Governor under this Subsection (5), the President of the Senate or Speaker of the House of Representatives, as the case may be, shall be entitled to receive the salary and emoluments of the office of Governor.

(6)(a) A disability of the Governor, Governor-elect, or person acting as Governor shall be determined by:

(i) the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, stating an inability to discharge the powers and duties of the office; or

(ii) a majority of the Supreme Court upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives.

(b) The Governor or person acting as Governor shall resume or, in the case of a Governor-elect, shall assume the powers and duties of the office following a temporary disability upon the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, that no disability exists, unless the Supreme Court, upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives, or upon its own initiative, determines that the temporary disability continues and that the Governor, Governor-elect, or person acting as Governor is unable to discharge the powers and duties of the office.

(c) Each determination of a disability under Subsection (6)(a) shall be final and conclusive.

(7) The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Section 5. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 6. Contingent effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2027.