

Representative Ben C. Ferry proposes the following substitute bill:

SHERIFF CERTIFICATION REQUIREMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Joseph G. Murray

This act modifies provisions relating to Counties and in the Election Code. The act requires county sheriffs to have completed law enforcement officer training or to have passed a certification examination at the time of taking office. The act requires candidates for county sheriff to file a statement certifying peace officer training and provides for the candidate's disqualification from the ballot if the statement is not timely filed. The act requires county clerks to ensure that persons filing a declaration of candidacy for county sheriff meet the qualifications for office. The act requires write-in candidates for sheriff to submit a statement certifying that the candidate has met peace officer standards and training requirements and prohibits county clerks from accepting a declaration of candidacy for a write-in candidate for sheriff unless the statement is filed. The act also makes technical changes.

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

AMENDS:

17-22-1.5, as last amended by Chapter 282, Laws of Utah 1998

20A-9-601, as last amended by Chapter 81, Laws of Utah 2000

ENACTS:

20A-11-1501, Utah Code Annotated 1953

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

Section 1. Section **17-22-1.5** is amended to read:

17-22-1.5. County sheriff qualifications.

(1) In addition to the general qualifications required of county officers by Title 17,



26 Chapter 16, County Officers, each county sheriff [~~must meet each of the following~~
27 ~~qualifications during his term of office~~] shall:

28 (a) [~~Prior to~~] at the time of taking office, [~~a county sheriff must~~] have satisfactorily
29 completed the basic course at a certified law enforcement officer training academy or have
30 passed a certification examination as provided in Section 53-6-206 and be certified as a law
31 enforcement officer according to procedures and requirements of Title 53, Chapter 6, Peace
32 Officer Standards and Training[~~, and shall~~] Act;

33 (b) satisfactorily complete annual certified training as required in Section 53-13-103[~~];~~
34 and

35 [~~(b) After~~] (c) after certification as provided in Subsection (2)(a), [~~each county sheriff~~
36 ~~must~~] remain certified as a law enforcement officer during [~~his~~] the sheriff's term of office.

37 [~~(2)~~] (3) The county legislative body shall declare the office of sheriff to be vacant if at
38 any time the incumbent sheriff fails to meet the legal qualifications for office under Subsection
39 [~~(1)~~] (2).

40 Section 2. Section **20A-9-601** is amended to read:

41 **20A-9-601. Qualifying as a write-in candidate.**

42 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
43 of candidacy with the appropriate filing officer not later than 14 days before the regular general
44 election or municipal general election in which the person intends to be a write-in candidate.

45 (b) (i) The filing officer shall:

46 (A) read to the candidate the constitutional and statutory requirements for the office;
47 and

48 (B) ask the candidate whether or not the candidate meets the requirements.

49 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
50 accept the write-in candidate's declaration of candidacy.

51 (2) A write-in candidate in towns need not prequalify with the filing officer.

52 (3) By November 1 of each regular general election year, the lieutenant governor shall
53 certify to each county clerk the names of all write-in candidates who filed their declaration of
54 candidacy with the lieutenant governor.

55 (4) (a) A person may not become a valid write-in candidate for the office of county
56 sheriff unless the person submits to the county clerk, at the time of filing a declaration of

57 candidacy, a statement from a certified academy, as defined in Section 53-6-102, certifying that
58 the candidate has successfully met the standards and training requirements established for
59 peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification.

60 (b) A county clerk may not accept a declaration of candidacy for a write-in candidate
61 for the office of county sheriff unless the person also files the statement required under
62 Subsection (4)(a).

63 Section 3. Section **20A-11-1501** is enacted to read:

64 **Part 15. Statement of Training for County Sheriff Candidates**

65 **20A-11-1501. County sheriff candidates required to file statement certifying peace**
66 **officer training -- Disqualification for failure to file.**

67 (1) Each candidate for the office of county sheriff shall file with the county clerk a
68 statement from a certified academy, as defined in Section 53-6-102, certifying that the
69 candidate has:

70 (a) successfully met the standards and training requirements established for peace
71 officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification; or

72 (b) been accepted by the certified academy for admission to a training program
73 conducted by the certified academy under Title 53, Chapter 6, Part 2, Peace Officer Training
74 and Certification.

75 (2) The statement required by Subsection (1) shall be filed during the year in which the
76 candidate has filed a declaration of candidacy for county sheriff and at least:

77 (a) seven days before the regular primary election date if a primary election is held for
78 county sheriff; or

79 (b) if there is no primary election for county sheriff, seven days before the regular
80 general election date.

81 (3) If a candidate for county sheriff fails to file the statement required under Subsection
82 (1) at the time specified in Subsection (2):

83 (a) the county clerk, after making a reasonable attempt to discover if the statement was
84 timely mailed:

85 (i) shall:

86 (A) if practicable, remove the name of the candidate by blacking out the candidate's
87 name before the ballots are delivered to voters; or

88 (B) if removing the candidate's name from the ballot is not practicable, inform the
89 voters by any practicable method that the candidate has been disqualified and that votes cast for
90 the candidate will not be counted; and
91 (ii) may not count any votes for that candidate; and
92 (b) the candidate is disqualified and the vacancy on the ballot may be filled as provided
93 in Section 20A-1-501.