

**JOINT RESOLUTION REGARDING  
ELIGIBILITY FOR LEGISLATIVE OFFICE**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. McCoy**

House Sponsor: Kay L. McIff

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to amend a provision relating to legislator eligibility.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ specify that the time for calculating residency requirements for a person appointed to fill mid-term vacancies in the office of senator or representative is the time of appointment rather than the time for filing for the office;
- ▶ clarify that a provision prohibiting a senator or representative from continuing to serve after ceasing to be a resident of the applicable district applies also to a person appointed to fill a mid-term vacancy; and
- ▶ make technical changes.

**Special Clauses:**

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

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

**Utah Constitution Sections Affected:**

AMENDS:

**ARTICLE VI, SECTION 5**

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

30 Section 1. It is proposed to amend Utah Constitution Article VI, Section 5, to read:

31 **Article VI, Section 5. [Who is eligible as a legislator.]**

32 ~~[No]~~ (1) (a) A person ~~[shall be]~~ is not eligible to the office of senator or representative  
33 [who] unless the person is [not]:

34 (a) a citizen of the United States;

35 (b) at least twenty-five years of age;

36 (c) a qualified voter in the district from which the person is chosen;

37 (d) a resident of the state for three consecutive years immediately prior to:

38 (i) the last date provided by statute for filing for the office, for a person seeking  
39 election to the office; or

40 (ii) the person's appointment to the office, for a person appointed to fill a mid-term  
41 vacancy; and

42 (e) (i) a resident of the district from which the person is elected for six consecutive  
43 months immediately prior to the last date provided by statute for filing for the office~~[- No]; or~~

44 (ii) a resident of the district for which the person is appointed for six consecutive  
45 months immediately prior to the person's appointment, for a person appointed to fill a mid-term  
46 vacancy.

47 (2) A person elected or appointed to the office of senator or representative ~~[shall]~~ may  
48 not continue to serve in that office after ceasing to be a resident of the district from which  
49 elected or for which appointed.

50 **Section 2. Submittal to voters.**

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

53 **Section 3. Effective date.**

54 If the amendment proposed by this joint resolution is approved by a majority of those  
55 voting on it at the next regular general election, the amendment shall take effect on January 1,  
56 2011.

**Legislative Review Note**  
as of 2-2-09 3:04 PM

**Office of Legislative Research and General Counsel**