

LOCAL GOVERNMENT OFFICIAL RESIDENCY

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to residency requirements for elected municipal officers.

Highlighted Provisions:

This bill:

- ▶ addresses the circumstances under which an elected municipal office is automatically vacant; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-301, as last amended by Laws of Utah 2014, Chapter 38

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

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

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



28 **office -- Mayor and recorder limitations.**

29 (1) (a) On or before February 1 in a year in which there is a municipal general election,
30 the municipal clerk shall publish a notice that identifies:

- 31 (i) the municipal offices to be voted on in the municipal general election; and
- 32 (ii) the dates for filing a declaration of candidacy for the offices identified under
33 Subsection (1)(a)(i).

34 (b) The municipal clerk shall publish the notice described in Subsection (1)(a):

- 35 (i) on the Utah Public Notice Website established by Section 63F-1-701; and
- 36 (ii) in at least one of the following ways:
 - 37 (A) at the principal office of the municipality;
 - 38 (B) in a newspaper of general circulation within the municipality at least once a week
39 for two successive weeks in accordance with Section 45-1-101;
 - 40 (C) in a newsletter produced by the municipality;
 - 41 (D) on a website operated by the municipality; or
 - 42 (E) with a utility enterprise fund customer's bill.

43 (2) (a) A person filing a declaration of candidacy for a municipal office shall meet the
44 requirements of Section 20A-9-203.

45 (b) (i) Except as provided in Subsection (2)(b)(ii), the city recorder or town clerk of
46 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
47 Subsections 20A-9-203(2)(a)(i) and (b)(i) unless the date occurs on a:

- 48 (A) Saturday or Sunday; or
- 49 (B) state holiday as listed in Section 63G-1-301.

50 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
51 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
52 (2)(b)(i) without maintaining office hours by:

- 53 (A) posting the recorder's or clerk's contact information, including a phone number and
54 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
55 and, if available, on the municipal website; and
- 56 (B) being available at that contact information from 8 a.m. to 5 p.m. on the dates
57 described in Subsection (2)(b)(i).

58 (3) Any person elected to municipal office shall be a registered voter in the

59 municipality in which the person was elected.

60 (4) (a) ~~[Each]~~ Except as provided in Subsections (4)(b)(ii) and (iii), each elected officer
 61 of a municipality shall maintain ~~Ĥ→ [residency]~~ **a principal place of residence, as that term is**
 61a **defined in Section 20A-2-105,** ~~←Ĥ~~ within ~~[the boundaries of]~~ the municipality during
 62 the officer's term of office.

63 ~~[(b) If an elected officer of a municipality]~~

64 **(b) An elected municipal office is automatically vacant if the officer elected to the**
 65 **municipal office:**

66 (i) establishes a principal place of residence as provided in Section 20A-2-105 outside
 67 the municipality during the officer's term of office~~;~~ ~~[the office is automatically vacant.];~~

68 (ii) except as provided in Subsection (5), resides outside the municipality during the
 69 officer's term of office for a continuous period of more than 60 days;

70 ~~[(5) If an elected municipal officer]~~

71 (iii) is absent from the municipality any time during the officer's term of office for a
 72 continuous period of more than 60 days without the consent of the municipal legislative body~~;~~
 73 ~~the municipal office is automatically vacant.];~~ ~~Ĥ→ [or]~~ ~~←Ĥ~~

74 (iv) fails to respond to a request from the county clerk or the lieutenant governor
 75 relating to a determination of the elected officer's residency within 30 days after the day on
 76 which the elected officer receives the request ~~Ĥ→ [;]~~ ~~;~~ **or**

76a **(v) maintains a principal place of residence, as that term is defined in**
 76b **Section 20A-2-105, outside of the municipality.** ~~←Ĥ~~

77 (5) An elected municipal officer may reside outside the municipality for a continuous
 78 period of up to one year during the elected municipal officer's term of office if, before the
 79 60-day period described in Subsection (4)(b)(ii) expires:

80 (a) the municipal legislative body consents by majority vote at a public meeting to the
 81 elected municipal officer residing outside the municipality for a continuous period that does not
 82 exceed one year; and

83 (b) before taking a vote described in Subsection (5)(a), the municipal legislative body
 84 takes public comment at a public meeting on:

85 (i) whether the municipal legislative body should consent to the elected municipal
 86 officer residing outside the municipality for longer than a continuous 60-day period; and

87 (ii) the length of time that the municipal legislative body should consent to the elected
 88 municipal officer residing outside the municipality.

89 ~~[(6)(a) A]~~ (6) (a) The mayor of a municipality may not also serve as the municipal

90 recorder or treasurer.

91 (b) The recorder of a municipality may not also serve as the municipal treasurer.

Legislative Review Note
Office of Legislative Research and General Counsel