

Representative Lee B. Perry proposes the following substitute bill:

LOCAL GOVERNMENT OFFICIAL RESIDENCY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Wayne A. Harper

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:



26 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
27 **office -- Mayor and recorder limitations.**

28 (1) As used in this section:

29 (a) "Absent" means that an elected municipal officer fails to perform official duties,
30 including the officer's failure to attend each regularly scheduled meeting that the officer is
31 required to attend.

32 (b) "Principal place of residence" means the same as that term is defined in Section
33 [20A-2-105](#).

34 (c) "Secondary residence" means a place where an individual resides other than the
35 individual's principal place of residence.

36 [~~(+)~~] (2) (a) On or before February 1 in a year in which there is a municipal general
37 election, the municipal clerk shall publish a notice that identifies:

38 (i) the municipal offices to be voted on in the municipal general election; and
39 (ii) the dates for filing a declaration of candidacy for the offices identified under
40 Subsection [~~(+)~~] (2)(a)(i).

41 (b) The municipal clerk shall publish the notice described in Subsection [~~(+)~~] (2)(a):

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

50 ~~(3)~~ (3) (a) A person filing a declaration of candidacy for a municipal office shall meet
51 the requirements of Section [20A-9-203](#).

52 (b) (i) Except as provided in Subsection [~~(2)~~] (3)(b)(ii), the city recorder or town clerk
53 of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
54 Subsections [20A-9-203](#)[~~(2)~~](3)(a)(i) and (b)(i) unless the date occurs on a:

55 (A) Saturday or Sunday; or
56 (B) state holiday as listed in Section [63G-1-301](#).

57 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
 58 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
 59 ~~[(2)]~~ (3)(b)(i) without maintaining office hours by:

60 (A) posting the recorder's or clerk's contact information, including a phone number and
 61 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
 62 and, if available, on the municipal website; and

63 (B) being available at that contact information from 8 a.m. to 5 p.m. on the dates
 64 described in Subsection ~~[(2)]~~ (3)(b)(i).

65 ~~[(3)]~~ (4) Any person elected to municipal office shall be a registered voter in the
 66 municipality in which the person was elected.

67 ~~[(4)]~~ (5) (a) Each elected officer of a municipality shall maintain ~~[residency within the~~
 68 ~~boundaries of]~~ a principal place of residence within the municipality during the officer's term
 69 of office.

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

71 (b) Except as provided in Subsection (6), an elected municipal office is automatically
 72 vacant if the officer elected to the municipal office, during the officer's term of office:

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

75 (ii) resides at a secondary residence outside the municipality for a continuous period of
 76 more than 60 days while still maintaining a principal place of residence within the
 77 municipality;

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

79 (iii) is absent from the municipality [any time during the officer's term of office for a
 80 continuous period of more than 60 days without the consent of the municipal legislative body,
 81 the municipal office is automatically vacant.] for a continuous period of more than 60 days; or

82 (iv) fails to respond to a request, within 30 days after the day on which the elected
 83 officer receives the request, from the county clerk or the lieutenant governor seeking
 84 information to determine the officer's residency.

85 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
 86 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
 87 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

88 (i) reside at a secondary residence outside the municipality while still maintaining a
89 principal place of residence within the municipality for a continuous period of up to one year
90 during the officer's term of office; or

91 (ii) be absent from the municipality for a continuous period of up to one year during
92 the officer's term of office.

93 (b) At a public meeting, the municipal legislative body may give the consent described
94 in Subsection (6)(a) by majority vote after taking public comment regarding:

95 (i) whether the legislative body should give the consent; and

96 (ii) the length of time to which the legislative body should consent.

97 ~~[(6)]~~ (7) (a) [A] The mayor of a municipality may not also serve as the municipal
98 recorder or treasurer.

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