

HB0186S01 compared with HB0186

~~text~~ shows text that was in HB0186 but was deleted in HB0186S01.

Inserted text shows text that was not in HB0186 but was inserted into HB0186S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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

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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 office -- Mayor and recorder limitations.

(1) As used in this section:

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

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

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

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

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

Subsection [+]~~1~~(2)(a)(i).

(b) The municipal clerk shall publish the notice described in Subsection [+]~~1~~(2)(a):

- (i) on the Utah Public Notice Website established by Section 63F-1-701; and
- (ii) in at least one of the following ways:

(A) at the principal office of the municipality;

(B) in a newspaper of general circulation within the municipality at least once a week

for two successive weeks in accordance with Section 45-1-101;

(C) in a newsletter produced by the municipality;

(D) on a website operated by the municipality; or

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(E) with a utility enterprise fund customer's bill.

~~[(2)]~~ [(3)] (a) A person filing a declaration of candidacy for a municipal office shall meet the requirements of Section 20A-9-203.

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

(A) Saturday or Sunday; or

(B) state holiday as listed in Section 63G-1-301.

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

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

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

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

~~[(4)]~~ [(5)] (a) ~~{ }~~ Each ~~{ }~~ Except as provided in Subsections (4)(b)(ii) and (iii), each elected officer of a municipality shall maintain ~~[residency within { } the boundaries of]~~ a principal place of residence within the municipality during the officer's term of office.

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

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

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

(ii) ~~{except as provided in Subsection (5), resides}~~ resides at a secondary residence outside the municipality ~~{ during the officer's term of office }~~ for a continuous period of more than 60 days while still maintaining a principal place of residence within the municipality;

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

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

~~(iv) fails to respond to a request {from the county clerk or the lieutenant governor relating to a determination of the elected officer's residency}, within 30 days after the day on which the elected officer receives the request{.~~

~~—— (5) An{, from the county clerk or the lieutenant governor seeking information to determine the officer's residency.~~

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

~~(i) reside at a secondary residence outside the municipality while still maintaining a principal place of residence within the municipality for a continuous period of up to one year during the {elected municipal } officer's term of office {if, before the 60-day period described in Subsection (4)(b)(ii) expires:~~

~~—— (a) the municipal legislative body consents by majority vote at a public meeting to the elected municipal officer residing outside}; or~~

~~(ii) be absent from the municipality for a continuous period {that does not exceed one year; and~~

~~—— (b) before taking a vote described in Subsection (5)(a); of up to one year during the officer's term of office.~~

~~(b) At a public meeting, the municipal legislative body {takes} may give the consent described in Subsection (6)(a) by majority vote after taking public comment {at a public meeting on} regarding:~~

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

~~(ii) the length of time {that} to which the {municipal} legislative body should consent{~~

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~~to the elected municipal officer residing outside the municipality.~~

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

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

†

Legislative Review Note

~~Office of Legislative Research and General Counsel~~