

MUNICIPAL MAYORAL TERM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Patrice M. Arent

LONG TITLE

General Description:

This bill allows certain cities to set an alternative election schedule to fill the office of city mayor.

Highlighted Provisions:

This bill:

- ▶ allows certain cities to set an alternative election schedule to fill the office of city mayor; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2a-410, as last amended by Laws of Utah 2016, Chapter 14 and further amended by Revisor Instructions, Laws of Utah 2016, Chapter 14

10-3-205, as last amended by Laws of Utah 2004, Chapter 202

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

Section 1. Section **10-2a-410** is amended to read:

10-2a-410. Determination of metro township districts -- Determination of metro

29 **township or city initial officer terms -- Adoption of proposed districts.**

30 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
31 accordance with an election held under Section 10-2a-404:

32 (i) each of the five metro township council members shall be elected by district; and

33 (ii) the boundaries of the five council districts for election and the terms of office shall
34 be designated and determined in accordance with this section.

35 (b) If a metro township with a population of less than 10,000 or a town is incorporated
36 at an election held in accordance with Section 10-2a-404, the five council members shall be
37 elected at-large for terms as designated and determined in accordance with this section.

38 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

39 (i) (A) the four members of the council district who are not the mayor shall be elected
40 by district; and

41 (B) the boundaries of the four council districts for election and the term of office shall
42 be designated and determined in accordance with this section; and

43 (ii) the mayor shall be elected at-large for a term designated and determined in
44 accordance with this section.

45 (2) (a) No later than 90 days after the election day on which the metro township, city,
46 or town is successfully incorporated under this part, the legislative body of the county in which
47 the metro township, city, or town is located shall adopt by resolution:

48 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,
49 the council terms for a length of time in accordance with this section; and

50 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
51 the five council districts; and

52 (B) for a city, the boundaries of the four council districts.

53 (b) (i) For each metro township, city, or town, the county legislative body shall set the
54 initial terms of the members of the metro township council, city council, or town council so
55 that:

56 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the
57 council, including the mayor in the case of a city, are elected to serve an initial term, of no less
58 than one year, that allows their successors to serve a full four-year term that coincides with the
59 schedule established in Subsection 10-3-205(1); and

60 (B) the remaining members of the council are elected to serve an initial term, of no less
61 than one year, that allows their successors to serve a full four-year term that coincides with the
62 schedule established in Subsection 10-3-205(2).

63 (ii) For a city that incorporated in a county of the first class in 2016, the term of office
64 for the office of mayor is:

65 (A) three years for the initial term of office; and

66 (B) four years for each subsequent term of office.

67 ~~[(ii)]~~ (iii) For a metro township with a population of 10,000 or more, the county
68 legislative body shall divide the metro township into five council districts that comply with
69 Section 10-3-205.5.

70 ~~[(iii)]~~ (iv) For a city, the county legislative body shall divide the city into four council
71 districts that comply with Section 10-3-205.5.

72 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under
73 Subsection (2), the county clerk shall publish, in accordance with Subsection (3)(b), notice
74 containing:

75 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

76 (A) for a metro township with a population of 10,000 or more, the metro township
77 council districts; or

78 (B) the city council districts;

79 (ii) information about the deadline for filing a declaration of candidacy for those
80 seeking to become candidates for metro township council, city council, town council, or city
81 mayor, respectively; and

82 (iii) information about the length of the initial term of city mayor or each of the metro

83 township, city, or town council offices, as described in the resolution.

84 (b) The notice under Subsection (3)(a) shall be published:

85 (i) in a newspaper of general circulation within the metro township, city, or town at
86 least once a week for two successive weeks; and

87 (ii) in accordance with Section 45-1-101 for two weeks.

88 (c) (i) In accordance with Subsection (3)(b)(i), if there is no newspaper of general
89 circulation within the future metro township, city, or town, the county clerk shall post at least
90 one notice per 1,000 population in conspicuous places within the future metro township, city,
91 or town that are most likely to give notice to the residents of the future metro township, city, or
92 town.

93 (ii) The notice under Subsection (3)(c)(i) shall contain the information required under
94 Subsection (4)(a).

95 (iii) The county clerk shall post the notices under Subsection (3)(c)(i) at least seven
96 days before the deadline for filing a declaration of candidacy under Subsection (3)(d).

97 (d) A person seeking to become a candidate for metro township, city, or town council
98 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with
99 the clerk of the county in which the metro township, city, or town is located for an election
100 described in Section 10-2a-411.

101 Section 2. Section 10-3-205 is amended to read:

102 **10-3-205. Election of officers in municipalities operating under a city council**
103 **form of government.**

104 [~~In each~~] Each municipality operating under a five-member or six-member city council
105 form of government[~~, the election and terms of office shall be as follows~~] shall hold municipal
106 elections to fill, for a term of four years, the following offices in the following years:

107 [~~(1) The offices of mayor and~~]

108 (1) in the year following a year in which a presidential election is held, the offices of:

109 (a) approximately half the council members [shall be filled in municipal elections held

110 ~~in 1977. The terms shall be for four years. These offices shall be filled every four years in~~
111 ~~municipal elections.]; and~~

112 (b) except as provided in Subsection (2)(b) or 10-2a-410(2)(a)(ii), mayor; and

113 (2) [The] in the year preceding a year in which a presidential election is held, the
114 offices of;

115 (a) the remaining council members [shall be filled in a municipal election held in 1979.

116 ~~The terms shall be for four years. These offices shall be filled every four years in municipal~~
117 ~~elections.]; and~~

118 (b) for a municipality that elected a mayor in 2015 for a term of four years, mayor.