

**LOCAL GOVERNMENT OFFICE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Brady Brammer

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**LONG TITLE**

**General Description:**

This bill prohibits an individual from serving in certain local government offices at the same time.

**Highlighted Provisions:**

This bill:

▶ prohibits an individual from serving as a member of the governing body of a municipality at the same time the individual serves as a member of a county commission.

**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 2017, Chapters 91 and 137

**17-16-6**, as last amended by Laws of Utah 2018, Chapter 68

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*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) As used in this section:

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

33 (b) "Principal place of residence" means the same as that term is defined in Section  
34 [20A-2-105](#).

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

37 (2) (a) On or before May 1 in a year in which there is a municipal general election, the  
38 municipal clerk shall publish a notice that identifies:

39 (i) the municipal offices to be voted on in the municipal general election; and

40 (ii) the dates for filing a declaration of candidacy for the offices identified under  
41 Subsection (2)(a)(i).

42 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

43 (i) on the Utah Public Notice Website established by Section [63F-1-701](#); and

44 (ii) in at least one of the following ways:

45 (A) at the principal office of the municipality;

46 (B) in a newspaper of general circulation within the municipality at least once a week  
47 for two successive weeks in accordance with Section [45-1-101](#);

48 (C) in a newsletter produced by the municipality;

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

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

51 (3) (a) An individual who files a declaration of candidacy for a municipal office shall  
52 comply with the requirements described in Section [20A-9-203](#).

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

56 (A) Saturday or Sunday; or

57 (B) state holiday as listed in Section [63G-1-301](#).

58 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that

59 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection  
60 (3)(b)(i) without maintaining office hours by:

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

64 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
65 via the contact information described in Subsection (2)(b)(ii)(A).

66 (4) An individual elected to municipal office shall be a registered voter in the  
67 municipality in which the individual is elected.

68 (5) (a) Each elected officer of a municipality shall maintain a principal place of  
69 residence within the municipality during the officer's term of office.

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

72 (i) establishes a principal place of residence outside the municipality;

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

76 (iii) is absent from the municipality for a continuous period of more than 60 days; or

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

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

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

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

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

- 90 (i) whether the legislative body should give the consent; and
- 91 (ii) the length of time to which the legislative body should consent.
- 92 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
- 93 treasurer.
- 94 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 95 (c) A member of a county commission may not also serve as a member of the
- 96 governing body of a municipality.

97 Section 2. Section 17-16-6 is amended to read:

98 **17-16-6. County officers -- Time of holding elections -- County commissioners --**  
99 **Terms of office.**

100 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,  
101 Changing Forms of County Government:

102 (a) each elected county officer shall be elected at the regular general election every four  
103 years in accordance with Section 20A-1-201, except as otherwise provided in this title;

104 (b) county commissioners shall be elected at the times, in the manner, and for the terms  
105 provided in Section 17-52a-201; and

106 (c) an elected officer shall hold office for the term for which the officer is elected,  
107 beginning at noon on the first Monday in January following the officer's election and until a  
108 successor is elected or appointed and qualified, except as provided in Section 17-16-1.

109 (2) (a) The terms of county officers shall be staggered in accordance with this  
110 Subsection (2).

111 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

112 (i) the following county officers shall be elected to one six-year term and thereafter  
113 elected to a four-year term:

114 (A) county treasurer;

115 (B) county recorder;

116 (C) county surveyor; and

117 (D) county assessor; and

118 (ii) all other county officers shall be elected to a four-year term.

119 (c) If a county legislative body consolidates two or more county offices in accordance  
120 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the

121 county legislative body shall pass an ordinance that sets the election schedule for the  
122 consolidated offices in a reasonable manner that staggers the terms of county officers as  
123 provided in this Subsection (2).

124 (3) A member of the governing body of a municipality may not also serve as a member  
125 of a county commission.