

Senator Evan J. Vickers proposes the following substitute bill:

**LOCAL GOVERNMENT OFFICE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- prohibits an individual from, at the same time, holding a county elected office and a municipal elected office.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**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:



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 May 1 in a year in which there is a municipal general election, the  
37 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) (a) An individual who files a declaration of candidacy for a municipal office shall  
51 comply with the requirements described in Section [20A-9-203](#).

52           (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of  
53 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in

54 Subsections [20A-9-203](#)(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 (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 from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
64 via the contact information described in Subsection (2)(b)(ii)(A).

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

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

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

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

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

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

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

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

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

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

87 (b) At a public meeting, the municipal legislative body may give the consent described

88 in Subsection (6)(a) by majority vote after taking public comment regarding:

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

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

91 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or  
92 treasurer.

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

94 (c) An individual who holds a county elected office may not, at the same time, hold a  
95 municipal elected office.

96 (d) The restriction described in Subsection (7)(c) applies regardless of whether the  
97 individual is elected to the office or appointed to fill a vacancy in the office.

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

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

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

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

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

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

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

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

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

115 (A) county treasurer;

116 (B) county recorder;

117 (C) county surveyor; and

118 (D) county assessor; and

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

120 (c) If a county legislative body consolidates two or more county offices in accordance  
121 with Section 17-16-3, and the consolidated offices are on conflicting election schedules, the  
122 county legislative body shall pass an ordinance that sets the election schedule for the  
123 consolidated offices in a reasonable manner that staggers the terms of county officers as  
124 provided in this Subsection (2).

125 (3) An individual who holds a municipal elected office may not, at the same time, hold  
126 a county elected office.

127 (4) The restriction described in Subsection (3) applies regardless of whether the  
128 individual is elected to the office or appointed to fill a vacancy in the office.

129 Section 3. **Effective date.**

130 This bill takes effect on January 1, 2020.