

Effective 7/1/2021

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.
- (2)
 - (a) On or before May 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 (2)(a)(i).
 - (b) The municipal clerk shall publish the notice described in Subsection (2)(a):
 - (i) on the Utah Public Notice Website established by Section 63A-16-601; and
 - (ii) in at least one of the following ways:
 - (A) at the principal office of the municipality;
 - (B) in a newsletter produced by the municipality;
 - (C) on a website operated by the municipality; or
 - (D) with a utility enterprise fund customer's bill.
- (3)
 - (a) An individual who files a declaration of candidacy for a municipal office shall comply with the requirements described in Section 20A-9-203.
 - (b)
 - (i) Except as provided in Subsection (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(3)(a)(i) and (c)(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 (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 from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- (4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.
- (5)
 - (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.
 - (b) 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 outside the district that the elected officer represents;
 - (ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;
 - (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
 - (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, 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 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 district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or
 - (ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.
 - (b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:
 - (i) whether the legislative body should give the consent; and
 - (ii) the length of time to which the legislative body should consent.
- (7)
- (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.
 - (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.
 - (d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session
Amended by Chapter 355, 2021 General Session