

Election Issues

On the Tuesday after the first Monday in November in odd-numbered years, an election is to be held in all municipalities to fill all elective offices vacated by 12 o'clock noon on the first Monday in the January following the election. The officers elected continue in the office to which they were elected for four years except in case of death, resignation, removal, or disqualification from office.

The officers elected begin their term of office at 12 o'clock noon on the first Monday in January following their election. Each elected officer of a municipality holds office for the term for which he is elected and until his successor is chosen and qualified unless the office becomes vacant because an officer holder moves from the community or resigns.

In cities of the third, fourth, and fifth class, the offices of mayor and two council members are to be filled in municipal elections held every four years. The offices of the other three council members shall be filled in the next municipal election held two years later. The terms are for four years. These offices are filled every four years in municipal elections. The officers are elected in at-large elections that are held at the time and in the manner provided for electing municipal officers by the state election code.¹

In towns, the offices of mayor and two council members are to be filled in municipal elections held every four years. The terms are for four years. The offices of the other two council members are to be filled in the next municipal election. The terms are to be for four years. The offices shall be filled in at-large elections that are held at the time and in the manner provided for electing municipal officers.

In municipalities operating under one of the council-mayor or council-manager forms of government, the number of council members and the election cycle may be different. The elections will still be held in odd numbered years.

Where both two and four-year terms are to be filled by election or appointment, the election ballot or appointment must clearly state which persons are to be elected or appointed to the shorter term and to the longer term. A two year term may happen when, by resignation or other reason, an office is vacated during the term.

A person filing a declaration of candidacy for a municipal office must have been a resident of the municipality in which the person seeks office for at least one year immediately before the date of the election and meet the other requirements set out in the election code.² Any person elected to municipal office must be a registered voter in the municipality in which he was elected.

The nominating process for municipal elective offices can be either simple or complicated depending on the municipality. In first and second class cities and in towns,

¹ Utah Code 20A-1-101 et seq.

² Utah Code 20A-9-201 et seq.

the election will always be officially non-partisan. The general process is that all qualified candidates can declare for election, and then the candidates are narrowed down at a primary election. The primary election is not required if the total number of candidates for a particular office do not exceed twice the number needed to fill the office. Generally all candidates for council seats run at-large unless the municipality has adopted an ordinance creating council districts³ or the municipality is operating under one of the alternative forms of government and the voters choose to create council districts.

Cities of the third, fourth, fifth class and towns may by ordinance choose to nominate candidates by using the convention system. This is a method of avoiding a primary by allowing citizens to form into conventions or committees and nominate a slate of candidates.⁴ This usually results in something like the sagebrush party versus the pinecone party. Cities and towns using the convention system are now required by the state statute to allow for the nominating of candidates through a petition process. These cities do have the option of adopting an ordinance setting forth the minimum number of signatures necessary on the petitions to get a person on the ballot. If there is no ordinance, and the city is using a convention system, then the minimum number of signatures necessary on the petition is 25 signatures or 20 percent of the residents, whichever is fewer.

Cities of the third, fourth, and fifth class may also adopt an ordinance and have partisan primary elections for purposes of nominating candidates.⁵ This is the traditional Republican versus Democrat type election campaign. Ordinances creating these options can be repealed. If repealed, the default method is the open primary. This method of nomination has become as rare because it is almost impossible to get anyone in Utah, but the most masochistic gadfly, to self-identify as a Democrat. When Ephraim City finally gives up this method there will probably be no city in Utah that has formal partisan elections-- but do not fear the demise of partisanship. The elections in the larger Utah Cities, which by law are required to be non-partisan, are with the help of the press, and the professional politicians, becoming more and more party oriented every year. Almost all these candidates are identified in the press by party affiliation and run with the support of the local parties even if the election is legally non-partisan.

Individuals can also become write-in candidates. In all municipalities except towns, the candidate must declare his write-in candidacy to the election official 14 days before the election.⁶ The election official then prequalifies the write-in candidate by asking the candidate if he meets the filing requirements. If not prequalified, the votes for the candidate are not counted. This written declaration and prequalification is not necessary in towns.

Once elected, the officer of a municipality must maintain residency within the boundaries of the municipality during his or her term of office. If an elected officer of a municipality

³ Utah Code 10-3-205.5.

⁴ Utah Code 20A-9-404(3).

⁵ Utah Code 20A-9-404(4)(a)

⁶ Utah Code 20A-9-601.

establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If an elected municipal officer is absent from the municipality any time during the 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.⁷

The Utah Legislature requires that each municipality adopt an ordinance establishing campaign finance disclosure requirements for candidates for city office. The ordinance must contain provisions that include a requirement that each candidate for municipal office report his or her itemized and total campaign contributions and expenditures at least once seven days before the election, and at least once within 30 days after an election.⁸

The financial reports must identify, for each contribution of more than \$50, the name of the donor of the contribution and the amount of the contribution, and, for each expenditure, the name of the recipient and the amount of the expenditure.

If any municipality fails to adopt a campaign finance disclosure ordinance, candidates for office in those cities must comply with the financial reporting requirements contained in Utah Code 10-3-208 Subsections (3) through (6). A model ordinance that complies with the minimum requirements of the state law is contained in the appendix.

If a candidate does not comply with the campaign finance disclosure laws, the election clerk is required to remove the candidates name from the ballot.

If an elected local official establishes a campaign fund (or other fund) and does not spend the all the money during the campaign the official may have that fund continue for other purposes or the next campaign. If he or she does so the official needs to comply with the Elected Official Funds Act.⁹ This Act requires the elected official to file a report with the office of the county clerk by January 5, of each year showing the amount in the fund at the end of the year, disbursements from the fund (with date, and identifying information of who got the money), the purpose of the disbursement, and a list of the contributions to the fund during the year (date, who and how much etc.). These reports are public documents and may seen and copied by both friends and enemies so make sure they are filed and are accurate.

⁷ Utah Code 10-3-301.

⁸ Utah Code 10-3-208.

⁹ Utah Code 52-5-101 et seq.