

Ordinance No. 2020-17

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY: TITLE 2, CHAPTER 2 SECTION 5 ELECTION QUALIFICATIONS

WHEREAS, Park City does not require a filing fee to declare candidacy for its municipal election;

WHEREAS, the City Council supports assessing a \$150 filing fee for mayoral candidates and a \$100 fee for city council candidates, with a fee waiver for candidates who prefer to collect 100 signatures of Park City registered voters;

WHEREAS, implementing a filing fee or signature gathering process can assess a candidate's engagement and desire to participate in the election process;

WHEREAS, City Council seeks a candidate filing process that is open to all who are interested in serving the community by running for mayor or city council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH THAT:

Title 2, Chapter 2, Section 5 of the Municipal Code is amended to read as outlined in Exhibit A. This Ordinance shall become effective upon publication.

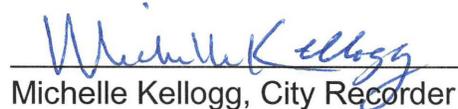
PASSED AND ADOPTED this 19th day of March, 2020.

PARK CITY MUNICIPAL CORPORATION



Mayor Andy Beerman

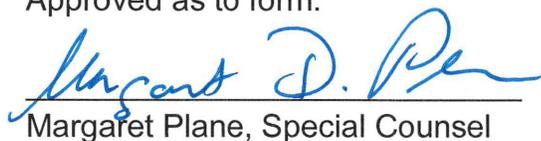
Attest:



Michelle Kellogg, City Recorder



Approved as to form:



Margaret Plane, Special Counsel

Exhibit A:

Park City Municipal Code
Title 2 Administration
Section 2-2 Municipal Government
Chapter 2-2-5 Election Qualifications

A. An ~~person~~ individual seeking to become a candidate for mayor or council shall file a declaration of candidacy with the City Recorder during office hours and not later than 5:00 p.m. between June 1 and June 7 of any odd numbered year, together with the associated filing fee. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5:00 p.m. on the following regular business day.

A.B. ~~An individual may become a candidate if;~~ at the time of filing a declaration of candidacy or submittal of nomination petition shall:

1. the individual is a registered voter;
2. the individual has been a resident of the City for at least 365 consecutive days immediately before the date of the election, or a resident of a recently annexed area of the City for at least 365 days before the date of the election; and

C. In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, or an individual convicted of a felony, or an individual convicted of treason or a crime against the elected franchise, may not hold office until the right to hold office is restored under Utah law.

B.D. An individual seeking to become a candidate must, at the time of filing a declaration of candidacy, either:

1. Pay the filing fee:
 - a. \$150 Mayoral filing fee; or
 - b. \$100 Council filing fee; or
2. Submit a nomination petition signed by at least 100 voters who are registered to vote in the Park City municipal boundaries (84060 zip code).

E. Nomination petitions must be submitted in person on a form provided by the City Recorder, which must include:

1. language that those signing the petition nominate the individual as a candidate in the upcoming City election;
2. the printed names, signatures, addresses, zip code, and phone numbers of those signing the petition; and
3. a signed statement that the candidate has gathered the required number of signatures.

F. The City Recorder shall provide the candidate a receipt for the submission and a copy of the submission for the candidate's records. Upon submission, the City Recorder will seek to verify the signatures within five calendar days after the close of the filing period.

Candidates with fewer than 100 valid signatures will not be allowed to participate in the election.

G. A declaration of candidacy or nomination petition is valid unless a person files a written objection with the City Recorder before 5:00 p.m. within five days after the last day for filing.

1. If an objection is made, the City Recorder shall:

a. Deliver notice of the objection to the affected candidate immediately; and

b. Decide any objection within 48 hours after it is filed.

2. If the City Recorder sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

3. The City Recorder's decision upon objections to form is final.

4. The City Recorder's decision upon substantive matters is reviewable by a court of competent jurisdiction.

~~C.H.~~ A candidate who qualifies for the ballot may withdraw as a candidate by filing a written affidavit with the City Recorder.

~~D.I.~~ Each City Council member of the City shall maintain residency within the incorporated boundaries of the City during their term of office.

~~E.J.~~ If a City Council member is absent from the City any time during their term of office for a continuous period of more than sixty (60) days without the consent of the City Council, their office is automatically vacant.