

# CONSTITUTIONAL AMENDMENT

# B

Shall the Utah Constitution be amended to specify that certain requirements that a person must meet to be eligible for the office of senator or representative in the Utah Legislature apply at the time the person is elected or appointed?

## Ballot Title

**FOR**

**AGAINST**

## Legislative Votes

### Utah Senate

27 Yes 0 No 2 Not Present

### Utah House of Representatives

73 Yes 0 No 2 Not Present

## Bill Title & Session

2019 Legislative General Session  
House Joint Resolution (H.J.R.) 4  
*Proposal to Amend Utah  
Constitution -- Legislator  
Qualifications*

## IMPARTIAL ANALYSIS

### Current Provisions of the Utah Constitution

Under the current Utah Constitution, to be eligible for the office of senator or representative in the Utah Legislature a person must be:

- a citizen of the United States;
- at least 25 years old; and
- a qualified voter in the senate or house district that the person will represent.

These requirements apply whether a person seeks election to the office or is appointed to fill a vacancy. The constitution does not specify when a person must meet these eligibility requirements.

### Effect of Constitutional Amendment B

Constitutional Amendment B modifies the Utah Constitution to specify that a person must meet the eligibility requirements at the time of election or appointment. Under the Amendment, a person does not need to meet these requirements at another time, such as when the person submits a declaration of candidacy.

### Effective Date

If approved by voters, Constitutional Amendment B takes effect on January 1, 2021.

### Fiscal Effects

The Legislative Fiscal Analyst has determined that Constitutional Amendment B will have no fiscal effect and will not result in any increase or decrease in revenue or cost to the state or to local governments.

# CONSTITUTIONAL AMENDMENT B

## ARGUMENT IN FAVOR

The State Constitution sets forth that a state legislator must be at least 25 years of age. But it does not specify by when they must be at least 25 years of age. This proposed amendment clarifies that a state legislator must be at least 25 years of age "at the time of election or appointment." The State Constitution is silent on this issue, and therefore unclear. The "or appointment" language is also necessary in the event of a mid-term replacement.

The proposed amendment adds clarity to the Utah State Constitution and sets forth precisely by which day a person must meet the minimum age requirement to become a state legislator.

Vote FOR Constitutional Amendment B

- Representative Craig Hall and Senator Daniel McCay

No rebuttal was submitted to the argument in favor of Constitutional Amendment B.

No argument was submitted against Constitutional Amendment B.

## FULL TEXT OF CONSTITUTIONAL AMENDMENT B

### PROPOSAL TO AMEND UTAH CONSTITUTION -- LEGISLATOR QUALIFICATIONS

2019 General Session

#### Utah Constitution Sections Affected:

AMENDS:

#### ARTICLE VI, SECTION 5

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution, Article VI, Section 5, to read:

#### Article VI, Section 5. [Who is eligible as a legislator.]

(1) A person is not eligible to the office of senator or representative unless the person is:

(a) at the time of election or appointment:

~~(a)~~ (i) a citizen of the United States;

~~(b)~~ (ii) at least twenty-five years of age; and

~~(c)~~ (iii) a qualified voter in the district from which the person is chosen;

~~(d)~~ (b) a resident of the state for three consecutive years immediately prior to:

(i) the last date provided by statute for filing for the office, for a person seeking election to the office; or

(ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and

~~(e)~~ (c) (i) a resident of the district from which the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office; or

(ii) a resident of the district for which the person is appointed to fill a mid-term vacancy for six consecutive months immediately prior to the person's appointment.

(2) A person elected or appointed to the office of senator or representative may not continue to serve in that office after ceasing to be a resident of the district from which elected or for which appointed.

#### Section 2. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

#### Section 3. Contingent effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2021.