

MILLCREEK, UTAH
ORDINANCE NO. 21-33

**AN ORDINANCE AMENDING TITLE 2 CHAPTER 11 OF THE MILLCREEK CODE
OF ORDINANCES ENTITLED DECLARATION OF CANDIDACY**

WHEREAS, the Millcreek Council (“Council”) met in regular session on August 9, 2021, to consider among other things, amending Title 2 Chapter 11 of the Millcreek Code of Ordinances entitled Declaration of Candidacy; and

WHEREAS, in 2018 the Utah State Legislature passed H.B. 35 that created a pilot project to permit a municipality to conduct nonpartisan races using instant runoff voting also known as rank choice voting; and

WHEREAS, on April 26, 2021, the Council opted into and adopted instant runoff voting for the 2021 municipal election; and

WHEREAS, after careful consideration the Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City to amend Title 2 Chapter 11 of the Millcreek Code of Ordinances entitled Declaration of Candidacy.

NOW THEREFORE, BE IT ORDAINED by the Council that Title 2 Chapter 11 of the Millcreek Code of Ordinances be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added).

2.11.020 Declaration Of Candidacy

1. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. a person may become a candidate for mayor and council member if the person is a registered voter and:
 1. The person has resided within the city for the twelve (12) consecutive months immediately before the date of the election; or
 2. If the territory in which the person resides was annexed into the city, the person has resided within the annexed territory or the city for twelve (12) consecutive months immediately before the date of the election.
2. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. each person seeking to become a candidate for mayor or council member shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P.M. between June 1 and June 7 of any odd numbered year and pay the fee shown on the city consolidated fee schedule at the time of filing the declaration for elections not involving instant runoff voting. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. each person seeking to become a candidate for mayor or council member shall file a declaration of candidacy with the city recorder

during office hours and not later than five o'clock (5:00) P.M. between the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year and pay the fee shown on the city consolidated fee schedule at the time of filing the declaration for elections involving instant runoff voting. In lieu of the fee, the person may submit to the city recorder, in addition to the declaration of candidacy, a petition signed by fifty (50) residents and registered voters of the city who are at least eighteen (18) years old. Said petition shall be construed as constituting an alternative to payment of the required fee for persons for whom such fee would create a financial hardship.

3. Each candidate shall be a resident of the council district from which the candidate is elected. Resident shall be determined in accordance with Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq.

This Ordinance assigned no. 21-33, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 9th day of August 2021.

MILLCREEK COUNCIL

By: _____

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 21-33: AN ORDINANCE AMENDING TITLE 2 CHAPTER 11 OF THE MILLCREEK CODE OF ORDINANCES ENTITLED DECLARATION OF CANDIDACY
was passed and adopted the 9th day of August, 2021 and certifies that copies of the foregoing Ordinance 21-33 were posted in the following locations within the municipality this ____ day of August, 2021.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Sullivan, City Recorder