

Superseded 5/13/2014

17B-1-306 Local district board -- Election procedures.

- (1) Except as provided in Subsection (11), each elected board member shall be selected as provided in this section.
- (2)
 - (a) Each election of a local district board member shall be held:
 - (i) at the same time as the municipal general election; and
 - (ii) at polling places designated by the county clerk in consultation with the local district for each county in which the local district is located, which polling places shall coincide with municipal general election polling places whenever feasible.
 - (b)
 - (i) Subject to Subsections (4)(f) and (g), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.
 - (ii) Each polling place designated by an irrigation district board under Subsection (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).
- (3)
 - (a) The clerk of each local district with a board member position to be filled at the next municipal general election shall provide notice of:
 - (i) each elective position of the local district to be filled at the next municipal general election;
 - (ii) the constitutional and statutory qualifications for each position; and
 - (iii) the dates and times for filing a declaration of candidacy.
 - (b) The notice required under Subsection (3)(a) shall be:
 - (i) posted in at least five public places within the local district at least 10 days before the first day for filing a declaration of candidacy; or
 - (ii)
 - (A) published in a newspaper of general circulation within the local district at least three but no more than 10 days before the first day for filing a declaration of candidacy; and
 - (B) published, in accordance with Section 45-1-101, for 10 days before the first day for filing a declaration of candidacy.
- (4)
 - (a) To become a candidate for an elective local district board position, the prospective candidate shall file a declaration of candidacy in person with the local district, during office hours and not later than the close of normal office hours between July 1 and July 15 of any odd-numbered year.
 - (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.
 - (c)
 - (i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:
 - (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
 - (B) require the candidate to state whether or not the candidate meets those requirements.
 - (ii) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy.
 - (iii) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy.
 - (d) The declaration of candidacy shall substantially comply with the following form: "I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City

of _____, County of _____, State of Utah, (Zip Code) _____,
(Telephone Number, if any) _____; that I meet the qualifications for the office of
board of trustees member for _____ (state the name of the local
district); that I am a candidate for that office to be voted upon at the next election, and I
hereby request that my name be printed upon the official ballot for that election.

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
of _____, _____.

(Clerk or Notary Public)"

- (e) Each person wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.
- (f) If at least one person does not file a declaration of candidacy as required by this section, a person shall be appointed to fill that board position by following the procedures and requirements for appointment established in Section 20A-1-512.
- (g) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:
 - (i) consider the candidate to be elected to the position; and
 - (ii) cancel the election.
- (5)
 - (a) A primary election may be held if:
 - (i) the election is authorized by the local district board; and
 - (ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.
 - (b) The primary election shall be conducted:
 - (i) on the same date as the municipal primary election, as provided for in Section 20A-1-201.5; and
 - (ii) according to the procedures for municipal primary elections provided under Title 20A, Election Code.
- (6)
 - (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the candidate names to the clerk of each county in which the local district is located no later than August 20 of the municipal election year.
 - (b)
 - (i) Except as provided in Subsection (6)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the municipal general election ballot with the municipal election clerk.
 - (ii) If consolidation of the local district election ballot with the municipal general election ballot is not feasible, the county clerk shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2).
 - (c)
 - (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
 - (ii)
 - (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.

(B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.

(C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.

(7)

(a) Each voter at an election for a board of trustees member of a local district shall:

(i) be a registered voter within the district, except for an election of:

(A) an irrigation district board of trustees member; or

(B) a basic local district board of trustees member who is elected by property owners; and

(ii) meet the requirements to vote established by the district.

(b) Each voter may vote for as many candidates as there are offices to be filled.

(c) The candidates who receive the highest number of votes are elected.

(8) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.

(9)

(a) A person elected to serve on a local district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.

(b) A person elected shall be sworn in as soon as practical after January 1.

(10)

(a) Except as provided in Subsection (10)(b), each local district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that local district.

(b) Each irrigation district shall bear its own costs of each election it holds under this section.

(11) This section does not apply to an improvement district that provides electric or gas service.

(12) The provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.