

Part 2 Elections: General and Special

20A-1-201 Date and purpose of regular general elections.

- (1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.
- (2) At the regular general election, the voters shall:
 - (a) choose persons to serve the terms established by law for the following offices:
 - (i) electors of President and Vice President of the United States;
 - (ii) United States Senators;
 - (iii) Representatives to the United States Congress;
 - (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
 - (v) senators and representatives to the Utah Legislature;
 - (vi) county officers;
 - (vii) State School Board members;
 - (viii) local school board members;
 - (ix) except as provided in Subsection (3), local district officers, as applicable; and
 - (x) any elected judicial officers; and
 - (b) approve or reject:
 - (i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;
 - (ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and
 - (iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.
- (3) This section:
 - (a) applies to a special service district for which the county legislative body or the municipal legislative body, as applicable, has delegated authority for the special service district to an administrative control board; and
 - (b) does not apply to a special service district for which the county legislative body or the municipal legislative body, as applicable, has not delegated authority for the special service district to an administrative control board.

Amended by Chapter 362, 2014 General Session

20A-1-201.5 Primary election dates.

- (1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:
 - (a) national, state, school board, and county offices; and
 - (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.
- (2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for municipal offices.
- (3) If the Legislature makes an appropriation for a Western States Presidential Primary election, the Western States Presidential Primary election shall be held throughout the state on the first Tuesday in February in the year in which a presidential election will be held.

Amended by Chapter 296, 2015 General Session

Amended by Chapter 352, 2015 General Session

20A-1-202 Date and purpose of municipal general election.

- (1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities, and local districts as applicable, on the first Tuesday after the first Monday in November of each odd-numbered year.
- (2) At the municipal general election, the voters shall:
 - (a)
 - (i) choose persons to serve as municipal officers; and
 - (ii) for a local district that holds an election during an odd-numbered year, choose persons to serve as local district officers; and
 - (b) approve or reject:
 - (i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and
 - (ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 362, 2014 General Session

20A-1-203 Calling and purpose of special elections -- Two-thirds vote limitations.

- (1) Statewide and local special elections may be held for any purpose authorized by law.
- (2)
 - (a) Statewide special elections shall be conducted using the procedure for regular general elections.
 - (b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.
- (3) The governor may call a statewide special election by issuing an executive order that designates:
 - (a) the date for the statewide special election; and
 - (b) the purpose for the statewide special election.
- (4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:
 - (a) the date for the statewide special election; and
 - (b) the purpose for the statewide special election.
- (5)
 - (a) The legislative body of a local political subdivision may call a local special election only for:
 - (i) a vote on a bond or debt issue;
 - (ii) a vote on a voted local levy authorized by Section 53A-16-110 or 53A-17a-133;
 - (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
 - (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
 - (v) if required or authorized by federal law, a vote to determine whether or not Utah's legal boundaries should be changed;
 - (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
 - (vii) a vote to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53A-2-117, following the creation of a new school district under Section 53A-2-118.1;
 - (viii) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;
 - (ix) a vote to create a new county under Section 17-3-1;

- (x) a vote on the creation of a study committee under Sections 17-52-202 and 17-52-203.5;
 - (xi) a vote on a special property tax under Section 53A-16-110;
 - (xii) a vote on the incorporation of a city in accordance with Section 10-2a-210;
 - (xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or
 - (xiv) a vote on incorporation or annexation as described in Section 10-2a-404.
- (b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:
- (i) the date for the local special election as authorized by Section 20A-1-204; and
 - (ii) the purpose for the local special election.
- (c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:
- (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
 - (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
 - (iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Amended by Chapter 111, 2015 General Session

Amended by Chapter 352, 2015 General Session

20A-1-204 Date of special election -- Legal effect.

- (1)
- (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:
- (i) the fourth Tuesday in June; or
 - (ii) the first Tuesday after the first Monday in November.
- (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.
- (c)
- (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:
 - (A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute;
 - (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and
 - (C) votes unanimously to hold the special election on that other date.
 - (ii) The legislative body of a local political subdivision may not call a local special election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.
- (d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.
- (e) Nothing in this section prohibits:
- (i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

- (ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.
- (2)
- (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:
 - (i) another special election;
 - (ii) a regular general election; or
 - (iii) a municipal general election.
 - (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:
 - (i) polling places;
 - (ii) ballots;
 - (iii) election officials; and
 - (iv) other administrative and procedural matters connected with the election.

Amended by Chapter 111, 2015 General Session

Amended by Chapter 352, 2015 General Session

20A-1-206 Cancellation of local election -- Municipalities -- Local districts -- Notice.

- (1) A municipal legislative body may cancel a local election if:
- (a)
 - (i)
 - (A) all municipal officers are elected in an at-large election under Subsection 10-3-205.5(1); and
 - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed; or
 - (ii)
 - (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);
 - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed the number of open at-large municipal offices for which the candidates have filed; and
 - (C) each municipal officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each district is unopposed;
 - (b) there are no other municipal ballot propositions; and
 - (c) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:
 - (i) each municipal officer candidate is:
 - (A) unopposed; or
 - (B) a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large municipal offices; and
 - (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- (2) A municipal legislative body that cancels a local election in accordance with Subsection (1) shall give notice that the election is cancelled by posting notice:
- (a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;
 - (b) if the municipality has a public website, on the municipality's public website for 15 days before the day of the scheduled election;

- (c) if the municipality publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and
 - (d)
 - (i) at least twice in a newspaper of general circulation within the municipality before the day of the scheduled election; or
 - (ii) if there is no newspaper of general circulation within the municipality, in at least three conspicuous places within the boundaries of the municipality at least 10 days before the day of the scheduled election.
- (3) A local district board may cancel an election as described in Section 17B-1-306 if:
- (a)
 - (i)
 - (A) any local district officers are elected in an at-large election; and
 - (B) the number of local district officer candidates for the at-large local district offices, including any eligible write-in candidates under Section 20A-9-601, does not exceed the number of open at-large local district offices for which the candidates have filed; or
 - (ii)
 - (A) the local district has divided the local district into divisions under Section 17B-1-306.5;
 - (B) the number of local district officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large local district offices within the local district, if any, does not exceed the number of open at-large local district offices for which the candidates have filed; and
 - (C) each local district officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each division of the local district is unopposed;
 - (b) there are no other local district ballot propositions; and
 - (c) the local district governing body, no later than 20 days before the day of the scheduled election, adopts a resolution that cancels the election and certifies that:
 - (i) each local district officer candidate is:
 - (A) unopposed; or
 - (B) a candidate for an at-large local district office for which the number of candidates does not exceed the number of open at-large local district offices; and
 - (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.
- (4) A local district that cancels a local election in accordance with Subsection (3) shall give notice that the election is cancelled by posting notice:
- (a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;
 - (b) if the local district has a public website, on the local district's public website for 15 days before the day of the scheduled election;
 - (c) if the local district publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and
 - (d)
 - (i) at least twice in a newspaper of general circulation within the local district before the day of the scheduled election; or
 - (ii) if there is no newspaper of general circulation within the local district, in at least three conspicuous places within the boundaries of the local district at least 10 days before the day of the scheduled election.
- (5) A municipal legislative body that posts a notice in accordance with Subsection (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for a notice that

fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Amended by Chapter 97, 2012 General Session