

**DATES FOR BOND ELECTIONS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Glenn Way**

AN ACT RELATING TO BONDING; REQUIRING ALL BOND ELECTIONS TO BE HELD ON SPECIFIED DATES; ESTABLISHING CERTAIN PROCEDURAL REQUIREMENTS; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**11-14-3**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

**11-14-4**, as last amended by Chapter 261, Laws of Utah 1996

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **11-14-3** is amended to read:

**11-14-3. Notice of election -- Publication -- Mailing -- Contents.**

(1) (a) (i) Notice of the election shall be published once a week during three consecutive weeks in a newspaper designated in accordance with Section 11-14-21, the first publication to be not less than 21 nor more than 35 days before the election.

(ii) If no official newspaper is designated, the notices shall be published in a newspaper published in the municipality, or if no newspaper is published in the municipality, the notices shall be published in a newspaper having general circulation in the municipality.

(b) The governing body shall ensure that the notice published closest to the date of the election be in the form of a minimum quarter-page advertisement.

(2) The governing body shall, at least one week before the bond election on a minimum three inch by five inch postcard, mail written notice of the bond election to every household with a registered voter who is eligible to vote on the bonds.

~~[(2) Election]~~ (3) (a) Except as provided in Subsection (3)(b), election notice given for any bond election held in this state need not be posted by any persons~~[, except that in cities of the]~~.

(b) (i) In third class cities or towns where [there is] no newspaper is published [in such city

or town], the governing body may [provide] require that notice of a bond election [therein may] be given by posting in lieu of the publication [of such notice and in such event notice of the bond election shall be posted by] requirements of Subsection (1).

(ii) When the governing body imposes a posting requirement, the city recorder, town clerk, or other officer designated by the governing body shall post notice of the bond election in at least five public places in [said] the city or town at least 21 days before the election.

(4) The printed, posted, and mailed notice required by this section shall identify:

(a) the date and place of the election;

(b) the hours during which the polls will be open; and

(c) the purpose for which the bonds are to be issued, the maximum amount of bonds to be issued, and the maximum number of years from their respective dates for which the bonds may run.

Section 2. Section **11-14-4** is amended to read:

**11-14-4. Dates for bond elections -- Election procedure.**

[~~(1) (a) The governing body shall:~~]

[~~(i) designate the voting places to be used;~~]

[~~(ii) fix the hours during which the polls are to be open, which, if the election is a special election, shall be those provided by law for the conduct of regular general elections;~~]

[~~(iii) cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment, and supplies needed for the election as determined by the governing body; and]~~

[~~(iv) unless the election officials to serve at each voting place are otherwise appointed under the provisions of general law, appoint three election officials, who shall be qualified electors of the municipality or other entity calling the election, to serve at each voting place.]~~

[~~(b) The governing body may appoint one or more alternate election officials to so serve in case of the absence for any cause of the designated election officials.]~~

(1) As used in this section:

(a) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year.

(b) "Municipal primary election" means the election held on the first Tuesday following the

first Monday in October of each odd-numbered year, at which candidates for municipal office are nominated.

(c) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(d) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(2) (a) (i) A bond election may be held and the proposition for the issuance of bonds may be submitted at any [general, primary, or other election held in the municipality or other entity calling the bond election, or at a special election called for the purpose] regular general election, regular primary election, municipal general election, or municipal primary election.

~~[(b) A special election may, but need not, be held on the same day as any other election.]~~

~~[(c) Where a bond election is being held on the same day as any other election held in the municipality or entity calling the bond election or in some part of that municipality or entity, the]~~

(ii) The election officials serving for the other election [may also] shall serve as election officials for the bond election.

(iii) For bond elections held on the same date as a regular general election or regular primary election, the governing body shall ensure that the polling places for the bond election are the same as the polling places for the regular general election or regular primary election.

(iv) For bond elections held on the same date as a municipal general election and municipal primary election, the governing body shall:

(A) use the active polling places within the municipality as polling places for the bond election; and

(B) designate polling places for areas where no polling places exist, so long as no voter is required to vote outside the county in which the voter resides.

(b) Notwithstanding Section 20A-1-204, a bond election may be held and the proposition for the issuance of bonds may be submitted at a special election if it is:

(i) called according to the procedures and requirements of Section 20A-1-203; and

(ii) scheduled for the first Tuesday in March or the fourth Tuesday of June in odd-numbered years.

(3) (a) If the bond election is a special election, the governing body shall:

(i) designate the voting places to be used;

(ii) fix the hours during which the polls are to be open, which, if the election is a special election, shall be those provided by law for the conduct of regular general elections;

(iii) cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment, and supplies needed for the election as determined by the governing body; and

(iv) unless the election officials to serve at each voting place are otherwise appointed under the provisions of general law, appoint three election officials, who shall be qualified electors of the municipality or other entity calling the election, to serve at each voting place.

(b) The governing body may:

(i) appoint one or more alternate election officials to serve in case of the absence for any cause of the designated election officials;

~~[(3)(a)]~~ (ii) [~~Voting precincts may be combined~~] combine voting precincts for purposes of bond elections[-]; and

~~[(b)]~~ (iii) [~~The governing body may~~] designate whatever voting places that it considers best suited, so long as no voter is required to vote outside the county in which he resides.