

SPECIAL DISTRICT ELECTION PROCEDURE

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Eli H. Anderson

AN ACT RELATING TO SPECIAL DISTRICTS; SUBJECTING WRITE-IN CANDIDATES FOR SPECIAL DISTRICT BOARD POSITIONS TO DECLARATION OF CANDIDACY PROVISIONS; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

17A-1-305, as last amended by Chapters 21 and 360, Laws of Utah 1999

20A-9-601, as last amended by Chapter 113, Laws of Utah 1998

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

Section 1. Section **17A-1-305** is amended to read:

17A-1-305. Special district board -- Election procedures.

(1) Except as provided in Subsection (13), each elected board member shall be selected as provided in this section.

(2) (a) Each election of a special district board member shall be held:

(i) in conjunction with the regular general election; and

(ii) at polling places designated by the clerk of each county in which the special district is located.

(b) (i) Subject to Subsections (4)~~(e)~~(f) and ~~(f)~~(g), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district established under Part 7, Irrigation Districts, 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 special district with a board member position to be filled at the next regular general election shall provide notice of:

(i) each elective position of the special district to be filled at the next regular 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 special district at least ten days before the first day for filing a declaration of candidacy; or

(ii) published in a newspaper of general circulation within the special district at least three but no more than ten days before the first day for filing a declaration of candidacy.

(4) (a) To become a candidate for an elective special district board position, the prospective candidate shall file a declaration of candidacy in person with the special district, during office hours and not later than 5 p.m. between July 15 and August 15 of any even-numbered year.

(b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

(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) (i) Except as provided in Subsection (4)(d)(ii), 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 am a registered voter and qualified elector of the special district; that I am a candidate for the office of _____(stating the term) to be voted upon at the November

regular general election to be held on Tuesday, the _____ day of November, _____, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

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

(Signed) _____

(Clerk or Notary Public)"

(ii) In a declaration of candidacy under Subsection (4)(d)(i) for an election of a board member of an irrigation district under Part 7, Irrigation Districts, the words "registered voter and" shall not be included.

(e) Each person wishing to become a valid write-in candidate for an elective special district board position is governed by Section 20A-9-601.

~~[(e)]~~ (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.

~~[(f)]~~ (g) If only one candidate files a declaration of candidacy for a position on the board of an irrigation district established under Part 7, Irrigation Districts, the board need not hold an election for that position and may appoint that candidate to the board.

(5) There shall be no primary election.

(6) (a) Except as provided in Subsection (6)(c), the special district clerk shall certify the candidate names to the clerk of each county in which the special district is located no later than August 20 of the regular general election year.

(b) Except as provided in Subsection (6)(c), the clerk of each county in which the special district is located shall list the name of each candidate for special district office in the nonpartisan section of the regular general election ballot as provided in Title 20A, Chapter 6, Part 3, Regular General Election Ballots.

(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 Part 7, Irrigation Districts.

(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.

(7) (a) (i) Except as provided in Subsection (7)(a)(ii), only qualified electors of the special district who are registered to vote and who are entitled to vote may vote.

(ii) Each voter at an election for a board member of an irrigation district established under Part 7, Irrigation Districts, shall 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 special district board members is governed by Title 20A, Election Code.

(9) (a) A person elected to serve on a special district board shall serve a four-year term, beginning 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) The term of a person serving on a special district board as of May 1, 2000, whose election falls on an odd-numbered year is extended one year so that the person's election will be on the next November election day in an even-numbered year.

(11) (a) If the application of Subsection (10) causes a disproportionate number of elected and appointed terms to expire at the same time, or if for any other reason a disproportionate number of positions expire at the same time, a number of elected terms shall be extended to January 1 following the next regular general election, or, in the case of appointed terms, a number of appointed terms shall be extended to January 1 following the normal expiration of appointed terms, to equalize, to the extent possible, the number of board positions expiring at the same time.

(b) The board member whose term is to be extended shall be determined by lot.

(c) After this apportionment has taken place, all board terms shall be four years.

(12) (a) Except as provided in Subsection (12)(b), each special district shall reimburse the county holding an election under this section for the costs of the election attributable to that special

district.

(b) Each irrigation district established under Part 7, Irrigation Districts, shall bear its own costs of each election it holds under this section.

(13) This section does not apply to a county improvement district under Chapter 2, Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, that provides electric or gas service.

Section 2. Section **20A-9-601** is amended to read:

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy with the appropriate filing officer not later than 14 days before the regular general election or municipal general election in which the person intends to be a write-in candidate.

(b) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) A write-in candidate in towns [~~and special districts~~] need not prequalify with the filing officer.

(3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.