

1                                   **SPECIAL DISTRICT ELECTION PROCEDURE**

2   2000 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Eli H. Anderson**

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

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

9 AMENDS:

10           **17A-1-305**, as last amended by Chapters 21 and 360, Laws of Utah 1999

11           **20A-9-601**, as last amended by Chapter 113, Laws of Utah 1998

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

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

14           **17A-1-305. Special district board -- Election procedures.**

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

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

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

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

21           (b) (i) Subject to Subsections (4)(e) and (f), the number of polling places under Subsection  
22 (2)(a)(ii) in an election of board members of an irrigation district established under Part 7,  
23 Irrigation Districts, shall be one polling place per division of the district, designated by the district  
24 board.

25           (ii) Each polling place designated by an irrigation district board under Subsection (2)(b)(i)  
26 shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

27           (3) (a) The clerk of each special district with a board member position to be filled at the

28 next regular general election shall provide notice of:

29 (i) each elective position of the special district to be filled at the next regular general  
30 election;

31 (ii) the constitutional and statutory qualifications for each position; and

32 (iii) the dates and times for filing a declaration of candidacy.

33 (b) The notice required under Subsection (3)(a) shall be:

34 (i) posted in at least five public places within the special district at least ten days before  
35 the first day for filing a declaration of candidacy; or

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

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

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

43 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing officer  
44 shall:

45 (A) read to the prospective candidate the constitutional and statutory qualification  
46 requirements for the office that the candidate is seeking; and

47 (B) require the candidate to state whether or not the candidate meets those requirements.

48 (ii) If the prospective candidate does not meet the qualification requirements for the office,  
49 the filing officer may not accept the declaration of candidacy.

50 (iii) If it appears that the prospective candidate meets the requirements of candidacy, the  
51 filing officer shall accept the declaration of candidacy.

52 (d) (i) Except as provided in Subsection (4)(d)(ii), the declaration of candidacy shall  
53 substantially comply with the following form:

54 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
55 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if  
56 any) \_\_\_\_\_; that I am a registered voter and qualified elector of the special district; that  
57 I am a candidate for the office of \_\_\_\_\_(stating the term) to be voted upon at the  
58 November regular general election to be held on Tuesday, the \_\_\_\_\_ day of November, \_\_\_\_\_, and

59 I hereby request that my name be printed upon the official ballot for that election.

60 (Signed) \_\_\_\_\_

61 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of  
62 \_\_\_\_\_, \_\_\_\_\_.

63 (Signed) \_\_\_\_\_

64 (Clerk or Notary Public)"

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

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

70 [(e)] (f) If at least one person does not file a declaration of candidacy as required by this  
71 section, a person shall be appointed to fill that board position by following the procedures and  
72 requirements for appointment established in Section 20A-1-512.

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

76 (5) There shall be no primary election.

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

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

84 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of  
85 an irrigation district established under Part 7, Irrigation Districts.

86 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
87 prescribe the form of the ballot for each board member election.

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

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

92 (ii) Each voter at an election for a board member of an irrigation district established under  
93 Part 7, Irrigation Districts, shall meet the requirements to vote established by the district.

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

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

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

98 (9) (a) A person elected to serve on a special district board shall serve a four-year term,  
99 beginning on the January 1 after the person's election.

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

101 (10) The term of a person serving on a special district board as of May 1, 2000, whose  
102 election falls on an odd-numbered year is extended one year so that the person's election will be  
103 on the next November election day in an even-numbered year.

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

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

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

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

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

117 (13) This section does not apply to a county improvement district under Chapter 2, Part  
118 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, that  
119 provides electric or gas service.

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

121           **20A-9-601. Qualifying as a write-in candidate.**

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

125           (b) (i) The filing officer shall:

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

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

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

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

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

---

---

**Legislative Review Note**

**as of 1-12-00 10:47 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**