

1 **SPECIAL ELECTION DATES**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Curtis S. Bramble**

5

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies provisions related to special elections.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ requires local and statewide special elections to be held on either the first Tuesday
12 after the first Monday in November or the fourth Tuesday in June; and

13 ▶ makes technical changes.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **10-3-1203**, as last amended by Chapter 178, Laws of Utah 2001

21 **11-14-4**, as last amended by Chapter 22, Laws of Utah 1999

22 **17-3-1**, as last amended by Chapter 227, Laws of Utah 1993

23 **17-52-202**, as last amended by Chapter 241, Laws of Utah 2001

24 **17-52-203.5**, as enacted by Chapter 241, Laws of Utah 2001

25 **20A-1-204**, as last amended by Chapter 22, Laws of Utah 1999

26 **53A-16-110**, as last amended by Chapter 326, Laws of Utah 1996

27



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

29 Section 1. Section **10-3-1203** is amended to read:

30 **10-3-1203. Election requirements and procedure for organization under optional**
31 **form of government.**

32 (1) A municipality may reorganize under any form of municipal government provided
33 for in this part or under Section 10-3-103, 10-3-104, 10-3-105, or 10-3-106, regardless of the
34 city's class under Section 10-2-301.

35 (2) Reorganization under Subsection (1) shall be by approval of a majority of
36 registered voters of the municipality voting in a special election held for that purpose.

37 (3) (a) The proposal may be entered on the ballot by resolution passed by the governing
38 body of the municipality or by initiative as provided for in Title 20A, Chapter 7, Part 5, Local
39 Initiatives - Procedures.

40 (b) The resolution or petition shall state the number, method of election, and initial
41 terms of council members and shall specify the boundaries of districts substantially equal in
42 population if some or all council members are to be chosen from these districts.

43 (4) (a) The proposal shall be voted upon at a special election to be held not more than
44 twelve months after the resolution is passed or after receipt of a valid initiative petition.

45 ~~[(b) The special election shall be held at least 90 days before or after regular municipal~~
46 ~~elections.]~~

47 ~~[(c)]~~ (b) The ballot for the special election to adopt or reject one of the forms of
48 municipal government shall be in substantially the following form:

50 Shall (name of municipality), Utah, adopt	Yes
51 the (council-mayor) (council-manager)	
52 (five-member commission) (three-member commission)	
53 (six-member council) (five-member council) form of	
54 municipal government?	No

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

57 **11-14-4. Election procedure -- Time for election -- Equipment -- Election officials**
58 **-- Combining precincts.**

59 (1) (a) The governing body shall:

60 (i) designate the voting places to be used;

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

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

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

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

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

73 (ii) A bond election may not be held, nor a proposition for issuance of bonds be
74 submitted, at the Western States Presidential Primary election established in Title 20A, Chapter
75 9, Part 8, Western States Presidential Primary.

76 (b) [A] The process for calling, the approved purpose, and the date of a special election
77 [may, but need not, be held on the same day as any other election] shall be governed by
78 Sections 20A-1-203 and 20A-1-204.

79 (c) Where a bond election is being held on the same day as any other election held in
80 the municipality or entity calling the bond election or in some part of that municipality or
81 entity, the election officials serving for the other election may also serve as election officials
82 for the bond election.

83 (3) (a) Voting precincts may be combined for purposes of bond elections.

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

86 Section 3. Section **17-3-1** is amended to read:

87 **17-3-1. By petition -- Election -- Ballots.**

88 Whenever any number of the qualified electors of any portion of any county desire to
89 have the territory within which they reside created into a new county they may petition therefor

90 the county legislative body of the county in which they reside. Such petition must be signed by
91 at least 1/4 of the qualified electors as shown by the registration list of the last preceding
92 general election, residing in that portion of the county to be created into a new county, and by
93 not less than 1/4 of the qualified electors residing in the remaining portion of said county.
94 Such petition must be presented on or before the first Monday in May of any year, and shall
95 propose the name and define the boundaries of such new county. The county legislative body
96 must cause the proposition to be submitted to the legal voters residing in the county at a special
97 election to be held [~~in the month of July next following~~] according to the dates established in
98 Section 20A-1-204, first causing 30 days' notice of such election to be given in the manner
99 provided by law for giving notice of general elections. Such election shall be held, the result
100 thereof canvassed, and returns made under the provisions of the general election laws. The
101 form of ballot to be used at such election shall be:

102 For the creation of (supplying the name proposed) county.

103 Against the creation of (supplying the name proposed) county.

104 Section 4. Section **17-52-202** is amended to read:

105 **17-52-202. County legislative body initiation of adoption of optional plan --**

106 **Procedure.**

107 (1) A county legislative body may initiate the process of adopting an optional plan by
108 adopting a resolution to submit to the voters the question of whether a study committee should
109 be established as provided in Section 17-52-301.

110 (2) Each resolution adopted under Subsection (1) shall require the question to be
111 submitted to the registered voters of the county [~~on one of the election dates specified in~~
112 ~~Subsection 20A-1-204(1)(a), as the county legislative body determines, no less than 90 days~~
113 ~~and no more than 180 days]~~ at the next special election scheduled pursuant to Section
114 20A-1-204 after adoption of the resolution under Subsection (1).

115 Section 5. Section **17-52-203.5** is amended to read:

116 **17-52-203.5. Election to determine whether study committee should be**
117 **established.**

118 (1) The county legislative body shall hold an election under this section if:

119 (a) the county legislative body adopts a resolution under Subsection 17-52-202(1); or

120 (b) a petition filed under Subsection 17-52-203(1) is certified by the county clerk under

121 Subsection 17-52-203(3).

122 (2) Each election under Subsection (1) shall be a special election, called and held [on
123 ~~one of the election dates specified in Subsection 20A-1-204(1)(a), as the county legislative~~
124 ~~body determines, no less than 90 days and no more than 180 days]~~ as required by Sections
125 20A-1-203 and 20A-1-204 after~~[-, as the case may be]:~~

126 (a) adoption of a resolution under Subsection 17-52-202(1); or

127 (b) certification of a petition under Subsection 17-52-203(3).

128 (3) The county clerk shall prepare the ballot for each election under Subsection (1)

129 with a question that asks substantially as follows:

130 "Shall a study committee be appointed to consider and possibly recommend a change in
131 the form of government of _____ County?"

132 Section 6. Section **20A-1-204** is amended to read:

133 **20A-1-204. Date of special election -- Legal effect.**

134 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
135 calling a statewide special election or local special election under Section 20A-1-203 shall
136 schedule the special election to be held on:

137 [~~(i) the first Tuesday after the first Monday in February;~~]

138 [~~(ii) the first Tuesday after the first Monday in May;~~]

139 [~~(iii) (i) the fourth Tuesday in June [in even-numbered years]; or~~]

140 [~~(iv) the first Tuesday after the first Monday in August; or~~]

141 [~~(v)~~] (ii) the first Tuesday after the first Monday in November.

142 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
143 body of a local political subdivision calling a statewide special election or local special election
144 under Section 20A-1-203 may not schedule a special election to be held on any other date.

145 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
146 local political subdivision may call a local special election on a date other than those specified
147 in this section if the legislative body:

148 (A) determines and declares that there is [~~an emergency~~] a disaster, as defined in
149 Section 63-5-2, requiring that a special election be held on a date other than the ones
150 authorized in statute;

151 (B) identifies specifically the nature of the [~~emergency~~] disaster, as defined in Section

152 63-5-2, and the reasons for holding the special election on that other date; and

153 (C) votes unanimously to hold the special election on that other date.

154 (ii) The legislative body of a local political subdivision may not call a local special
155 election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential
156 Primary, for Utah's Western States Presidential Primary.

157 (d) Nothing in this section prohibits:

158 (i) the governor or Legislature from submitting a matter to the voters at the regular
159 general election if authorized by law; or

160 (ii) a local government from submitting a matter to the voters at the regular municipal
161 election if authorized by law.

162 (2) (a) [~~If two~~] Two or more entities shall comply with Subsection (2)(b) if those
163 entities hold a special election within a county on the same day[~~, those entities~~] as:

164 (i) another special election;

165 (ii) a regular general election; or

166 (iii) a municipal general election.

167 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

168 [~~(a)~~] (i) polling places;

169 [~~(b)~~] (ii) ballots;

170 [~~(c)~~] (iii) election officials; and

171 [~~(d)~~] (iv) other administrative and procedural matters connected with the election.

172 Section 7. Section **53A-16-110** is amended to read:

173 **53A-16-110. Special tax to buy school building sites, build and furnish**
174 **schoolhouses, or improve school property.**

175 (1) (a) [~~Prior to May 2 of any year, a~~] A local school board may, by following the
176 process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special
177 election to determine whether a special property tax should be levied for one or more years to
178 buy building sites, build and furnish schoolhouses, or improve the school property under its
179 control.

180 (b) The tax may not exceed .2% of the taxable value of all taxable property in the
181 district in any one year.

182 (2) The board shall give reasonable notice of the election and follow the same

183 procedure used in elections for the issuance of bonds.

184 (3) If a majority of those voting on the proposition vote in favor of the tax, it is levied
185 in addition to those authorized under Sections 53A-17a-145 and 53A-21-103 and computed on
186 the valuation of the county assessment roll for that year.

187 (4) (a) Within 20 days after the election, the board shall certify the amount of the
188 approved tax to the governing body of the county in which the school district is located.

189 (b) The governing body shall acknowledge receipt of the certification and levy and
190 collect the special tax.

191 (c) It shall then distribute the collected taxes to the business administrator of the school
192 district at the end of each calendar month.

193 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on
194 real and personal property at the same time as state and county taxes.

Legislative Review Note
as of 10-9-03 7:36 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0115

Special Election Dates

29-Jan-04

11:32 AM

State Impact

It is estimated that passage of this bill will save election costs in counties, cities, and school districts. Any additional fiscal impact is contingent on the extent that election dates and bond issue dates may impact interest rates and construction costs.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst