

**Senator Howard A. Stephenson** proposes the following substitute bill:

**SPECIAL ELECTIONS MODIFICATIONS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Michael T. Morley

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**LONG TITLE**

**General Description:**

This bill limits the date of certain special elections called by a local school board to the first Tuesday after the first Monday in November.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a local political subdivision from holding a local special election for a bond, levy, leeway, or sales tax issue without a unanimous vote of the local legislative body;
- ▶ limits the date of a special election called by a local school board to the first Tuesday after the first Monday in November except when creating a new school district; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2010.

**Utah Code Sections Affected:**

AMENDS:



- 26           17-3-1, as last amended by Laws of Utah 2004, Chapter 371
- 27           20A-1-102, as last amended by Laws of Utah 2009, Chapter 45
- 28           20A-1-203, as last amended by Laws of Utah 2008, Chapter 16
- 29           20A-1-204, as last amended by Laws of Utah 2008, Chapters 16 and 382
- 30           20A-5-400.5, as last amended by Laws of Utah 2008, Chapter 80



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33           Section 1. Section 17-3-1 is amended to read:

34           **17-3-1. By petition -- Election -- Ballots.**

35           Whenever any number of the qualified electors of any portion of any county desire to  
36 have the territory within which they reside created into a new county they may petition therefor  
37 the county legislative body of the county in which they reside. Such petition must be signed by  
38 at least 1/4 of the qualified electors as shown by the registration list of the last preceding  
39 general election, residing in that portion of the county to be created into a new county, and by  
40 not less than 1/4 of the qualified electors residing in the remaining portion of said county.

41 Such petition must be presented on or before the first Monday in May of any year, and shall  
42 propose the name and define the boundaries of such new county. The county legislative body  
43 must cause the proposition to be submitted to the legal voters residing in the county at a special  
44 election to be held according to the ~~[dates]~~ date established in Section 20A-1-204, first causing  
45 30 days' notice of such election to be given in the manner provided by law for giving notice of  
46 general elections. Such election shall be held, the result thereof canvassed, and returns made  
47 under the provisions of the general election laws. The form of ballot to be used at such  
48 election shall be:

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

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

51           Section 2. Section 20A-1-102 is amended to read:

52           **20A-1-102. Definitions.**

53           As used in this title:

54           (1) "Active voter" means a registered voter who has not been classified as an inactive  
55 voter by the county clerk.

56           (2) "Automatic tabulating equipment" means apparatus that automatically examines

57 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

58 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon  
59 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and  
60 secrecy envelopes.

61 (4) "Ballot sheet":

62 (a) means a ballot that:

63 (i) consists of paper or a card where the voter's votes are marked or recorded; and

64 (ii) can be counted using automatic tabulating equipment; and

65 (b) includes punch card ballots, and other ballots that are machine-countable.

66 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that  
67 contain the names of offices and candidates and statements of ballot propositions to be voted  
68 on and which are used in conjunction with ballot sheets that do not display that information.

69 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
70 on the ballot for their approval or rejection including:

71 (a) an opinion question specifically authorized by the Legislature;

72 (b) a constitutional amendment;

73 (c) an initiative;

74 (d) a referendum;

75 (e) a bond proposition;

76 (f) a judicial retention question; or

77 (g) any other ballot question specifically authorized by the Legislature.

78 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
79 20A-4-306 to canvass election returns.

80 (8) "Bond election" means an election held for the purpose of approving or rejecting  
81 the proposed issuance of bonds by a government entity.

82 (9) "Book voter registration form" means voter registration forms contained in a bound  
83 book that are used by election officers and registration agents to register persons to vote.

84 (10) "By-mail voter registration form" means a voter registration form designed to be  
85 completed by the voter and mailed to the election officer.

86 (11) "Canvass" means the review of election returns and the official declaration of  
87 election results by the board of canvassers.

88 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
89 the canvass.

90 (13) "Convention" means the political party convention at which party officers and  
91 delegates are selected.

92 (14) "Counting center" means one or more locations selected by the election officer in  
93 charge of the election for the automatic counting of ballots.

94 (15) "Counting judge" means a poll worker designated to count the ballots during  
95 election day.

96 (16) "Counting poll watcher" means a person selected as provided in Section  
97 20A-3-201 to witness the counting of ballots.

98 (17) "Counting room" means a suitable and convenient private place or room,  
99 immediately adjoining the place where the election is being held, for use by the poll workers  
100 and counting judges to count ballots during election day.

101 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

102 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

103 (20) "County officers" means those county officers that are required by law to be  
104 elected.

105 (21) "Election" means a regular general election, a municipal general election, a  
106 statewide special election, a local special election, a regular primary election, a municipal  
107 primary election, and a local district election.

108 (22) "Election Assistance Commission" means the commission established by Public  
109 Law 107-252, the Help America Vote Act of 2002.

110 (23) "Election cycle" means the period beginning on the first day persons are eligible to  
111 file declarations of candidacy and ending when the canvass is completed.

112 (24) "Election judge" means a poll worker that is assigned to:

113 (a) preside over other poll workers at a polling place;

114 (b) act as the presiding election judge; or

115 (c) serve as a canvassing judge, counting judge, or receiving judge.

116 (25) "Election officer" means:

117 (a) the lieutenant governor, for all statewide ballots;

118 (b) the county clerk or clerks for all county ballots and for certain ballots and elections

119 as provided in Section 20A-5-400.5;

120 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
121 provided in Section 20A-5-400.5;

122 (d) the local district clerk or chief executive officer for certain ballots and elections as  
123 provided in Section 20A-5-400.5; and

124 (e) the business administrator or superintendent of a school district for certain ballots  
125 or elections as provided in [~~Section 20A-5-400.5~~] Subsection 20A-1-204(1)(a)(iii).

126 (26) "Election official" means any election officer, election judge, or poll worker.

127 (27) "Election results" means, for bond elections, the count of those votes cast for and  
128 against the bond proposition plus any or all of the election returns that the board of canvassers  
129 may request.

130 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
131 and overseas absentee voter registration and voting certificates, one of the tally sheets, any  
132 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
133 spoiled ballots, the ballot disposition form, and the total votes cast form.

134 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
135 device or other voting device that records and stores ballot information by electronic means.

136 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

137 (b) "Electronic voting device" includes a direct recording electronic voting device.

138 (31) "Inactive voter" means a registered voter who has been sent the notice required by  
139 Section 20A-2-306 and who has failed to respond to that notice.

140 (32) "Inspecting poll watcher" means a person selected as provided in this title to  
141 witness the receipt and safe deposit of voted and counted ballots.

142 (33) "Judicial office" means the office filled by any judicial officer.

143 (34) "Judicial officer" means any justice or judge of a court of record or any county  
144 court judge.

145 (35) "Local district" means a local government entity under Title 17B, Limited Purpose  
146 Local Government Entities - Local Districts, and includes a special service district under Title  
147 17D, Chapter 1, Special Service District Act.

148 (36) "Local district officers" means those local district officers that are required by law  
149 to be elected.

150 (37) "Local election" means a regular municipal election, a local special election, a  
151 local district election, and a bond election.

152 (38) "Local political subdivision" means a county, a municipality, a local district, or a  
153 local school district.

154 (39) "Local special election" means a special election called by the governing body of a  
155 local political subdivision in which all registered voters of the local political subdivision may  
156 vote.

157 (40) "Municipal executive" means:

158 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;  
159 and

160 (b) the mayor in the council-manager form of government defined in Subsection  
161 10-3b-103(6).

162 (41) "Municipal general election" means the election held in municipalities and local  
163 districts on the first Tuesday after the first Monday in November of each odd-numbered year  
164 for the purposes established in Section 20A-1-202.

165 (42) "Municipal legislative body" means the council of the city or town in any form of  
166 municipal government.

167 (43) "Municipal officers" means those municipal officers that are required by law to be  
168 elected.

169 (44) "Municipal primary election" means an election held to nominate candidates for  
170 municipal office.

171 (45) "Official ballot" means the ballots distributed by the election officer to the poll  
172 workers to be given to voters to record their votes.

173 (46) "Official endorsement" means:

174 (a) the information on the ballot that identifies:

175 (i) the ballot as an official ballot;

176 (ii) the date of the election; and

177 (iii) the facsimile signature of the election officer; and

178 (b) the information on the ballot stub that identifies:

179 (i) the poll worker's initials; and

180 (ii) the ballot number.

181 (47) "Official register" means the official record furnished to election officials by the  
182 election officer that contains the information required by Section 20A-5-401.

183 (48) "Paper ballot" means a paper that contains:

184 (a) the names of offices and candidates and statements of ballot propositions to be  
185 voted on; and

186 (b) spaces for the voter to record his vote for each office and for or against each ballot  
187 proposition.

188 (49) "Political party" means an organization of registered voters that has qualified to  
189 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
190 Formation and Procedures.

191 (50) (a) "Poll worker" means a person assigned by an election official to assist with an  
192 election, voting, or counting votes.

193 (b) "Poll worker" includes election judges.

194 (c) "Poll worker" does not include a watcher.

195 (51) "Pollbook" means a record of the names of voters in the order that they appear to  
196 cast votes.

197 (52) "Polling place" means the building where voting is conducted.

198 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
199 in which the voter marks his choice.

200 (54) "Provisional ballot" means a ballot voted provisionally by a person:

201 (a) whose name is not listed on the official register at the polling place;

202 (b) whose legal right to vote is challenged as provided in this title; or

203 (c) whose identity was not sufficiently established by a poll worker.

204 (55) "Provisional ballot envelope" means an envelope printed in the form required by  
205 Section 20A-6-105 that is used to identify provisional ballots and to provide information to  
206 verify a person's legal right to vote.

207 (56) "Primary convention" means the political party conventions at which nominees for  
208 the regular primary election are selected.

209 (57) "Protective counter" means a separate counter, which cannot be reset, that is built  
210 into a voting machine and records the total number of movements of the operating lever.

211 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the

212 duties of the position for which the person was elected.

213 (59) "Receiving judge" means the poll worker that checks the voter's name in the  
214 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
215 after the voter has voted.

216 (60) "Registration form" means a book voter registration form and a by-mail voter  
217 registration form.

218 (61) "Regular ballot" means a ballot that is not a provisional ballot.

219 (62) "Regular general election" means the election held throughout the state on the first  
220 Tuesday after the first Monday in November of each even-numbered year for the purposes  
221 established in Section 20A-1-201.

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

225 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

226 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
227 and distributed as provided in Section 20A-5-405.

228 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
229 punch the ballot for one or more candidates who are members of different political parties.

230 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
231 which the voter places the ballot after he has voted it in order to preserve the secrecy of the  
232 voter's vote.

233 (68) "Special election" means an election held as authorized by Section 20A-1-204.

234 (69) "Spoiled ballot" means each ballot that:

235 (a) is spoiled by the voter;

236 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

237 (c) lacks the official endorsement.

238 (70) "Statewide special election" means a special election called by the governor or the  
239 Legislature in which all registered voters in Utah may vote.

240 (71) "Stub" means the detachable part of each ballot.

241 (72) "Substitute ballots" means replacement ballots provided by an election officer to  
242 the poll workers when the official ballots are lost or stolen.

243 (73) "Ticket" means each list of candidates for each political party or for each group of  
244 petitioners.

245 (74) "Transfer case" means the sealed box used to transport voted ballots to the  
246 counting center.

247 (75) "Vacancy" means the absence of a person to serve in any position created by  
248 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
249 or other cause.

250 (76) "Valid voter identification" means:

251 (a) a form of identification that bears the name and photograph of the voter which may  
252 include:

253 (i) a currently valid Utah driver license;

254 (ii) a currently valid identification card that is issued by:

255 (A) the state; or

256 (B) a branch, department, or agency of the United States;

257 (iii) a currently valid Utah permit to carry a concealed weapon;

258 (iv) a currently valid United States passport; or

259 (v) a valid tribal identification card, whether or not the card includes a photograph of  
260 the voter;

261 (b) two forms of identification that bear the name of the voter and provide evidence  
262 that the voter resides in the voting precinct, which may include:

263 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
264 election;

265 (ii) a bank or other financial account statement, or a legible copy thereof;

266 (iii) a certified birth certificate;

267 (iv) a valid Social Security card;

268 (v) a check issued by the state or the federal government or a legible copy thereof;

269 (vi) a paycheck from the voter's employer, or a legible copy thereof;

270 (vii) a currently valid Utah hunting or fishing license;

271 (viii) a currently valid United States military identification card;

272 (ix) certified naturalization documentation;

273 (x) a currently valid license issued by an authorized agency of the United States;

274 (xi) a certified copy of court records showing the voter's adoption or name change;

275 (xii) a Bureau of Indian Affairs card;

276 (xiii) a tribal treaty card;

277 (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

278 (xv) a currently valid identification card issued by:

279 (A) a local government within the state;

280 (B) an employer for an employee; or

281 (C) a college, university, technical school, or professional school located within the

282 state;

283 (xvi) a current Utah vehicle registration; or

284 (xvii) a form of identification listed in Subsection (76)(a) that does not contain a

285 photograph, but establishes the name of the voter and provides evidence that the voter resides

286 in the voting precinct, if at least one other form of identification listed in Subsection (76)(b)(i)

287 through (xv) is also presented.

288 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in

289 candidate by following the procedures and requirements of this title.

290 (78) "Voter" means a person who meets the requirements for voting in an election,

291 meets the requirements of election registration, is registered to vote, and is listed in the official

292 register book.

293 (79) "Voter registration deadline" means the registration deadline provided in Section

294 20A-2-102.5.

295 (80) "Voting area" means the area within six feet of the voting booths, voting

296 machines, and ballot box.

297 (81) "Voting booth" means:

298 (a) the space or compartment within a polling place that is provided for the preparation

299 of ballots, including the voting machine enclosure or curtain; or

300 (b) a voting device that is free standing.

301 (82) "Voting device" means:

302 (a) an apparatus in which ballot sheets are used in connection with a punch device for

303 piercing the ballots by the voter;

304 (b) a device for marking the ballots with ink or another substance;

305 (c) an electronic voting device or other device used to make selections and cast a ballot  
306 electronically, or any component thereof;

307 (d) an automated voting system under Section 20A-5-302; or

308 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
309 by means of automatic tabulating equipment.

310 (83) "Voting machine" means a machine designed for the sole purpose of recording  
311 and tabulating votes cast by voters at an election.

312 (84) "Voting poll watcher" means a person appointed as provided in this title to  
313 witness the distribution of ballots and the voting process.

314 (85) "Voting precinct" means the smallest voting unit established as provided by law  
315 within which qualified voters vote at one polling place.

316 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
317 poll watcher, and a testing watcher.

318 (87) "Western States Presidential Primary" means the election established in Title 20A,  
319 Chapter 9, Part 8.

320 (88) "Write-in ballot" means a ballot containing any write-in votes.

321 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the  
322 ballot according to the procedures established in this title.

323 Section 3. Section **20A-1-203** is amended to read:

324 **20A-1-203. Calling and purpose of special elections.**

325 (1) Statewide and local special elections may be held for any purpose authorized by  
326 law.

327 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
328 general elections.

329 (b) Except as otherwise provided in this title, local special elections shall be conducted  
330 using the procedures for regular municipal elections.

331 (3) The governor may call a statewide special election by issuing an executive order  
332 that designates:

333 (a) the date for the statewide special election; and

334 (b) the purpose for the statewide special election.

335 (4) The Legislature may call a statewide special election by passing a joint or

336 concurrent resolution that designates:

337 (a) the date for the statewide special election; and

338 (b) the purpose for the statewide special election.

339 (5) (a) The legislative body of a local political subdivision may call a local special  
340 election only for:

341 (i) a vote on a bond or debt issue;

342 (ii) a vote on a voted leeway or levy program authorized by Section 53A-16-110,  
343 53A-17a-133, or 53A-17a-134;

344 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedure;

345 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

346 (v) if required or authorized by federal law, a vote to determine whether or not Utah's  
347 legal boundaries should be changed;

348 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

349 (vii) a vote to elect members to school district boards for a new school district and a  
350 remaining school district, as defined in Section 53A-2-117, following the creation of a new  
351 school district under Section 53A-2-118.1; or

352 (viii) an election of town officers of a newly incorporated town under Subsection  
353 10-2-125(9).

354 (b) The legislative body of a local political subdivision may call a local special election  
355 by adopting an ordinance or resolution that designates:

356 (i) the date for the local special election; and

357 (ii) the purpose for the local special election.

358 (c) A local political subdivision may not call a local special election unless the  
359 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
360 unanimous vote of all members of the legislative body, if the local special election is for:

361 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

362 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

363 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
364 (5)(a)(vi).

365 Section 4. Section **20A-1-204** is amended to read:

366 **20A-1-204. Date of special election -- Legal effect.**

367 (1) (a) ~~(i)~~ [The] Except as provided by Subsection (1)(a)(ii), the governor, Legislature,  
368 or the legislative body of a local political subdivision calling a statewide special election or a  
369 local special election under Section 20A-1-203 shall schedule the special election to be held  
370 on:

371 ~~[(i)]~~ (A) the fourth Tuesday in June; or

372 ~~[(ii)]~~ (B) the first Tuesday after the first Monday in November; or

373 ~~[(iii)]~~ (C) for an election of town officers of a newly incorporated town under  
374 Subsection 10-2-125(9), on any date that complies with the requirements of that subsection.

375 (ii) Notwithstanding the provisions of Subsection (1)(a)(i), and except as provided by  
376 Subsection (1)(a)(iii), a local school board calling a local special election under Section  
377 20A-1-203 shall schedule the special election to be held on the first Tuesday after the first  
378 Monday in November.

379 (iii) The local school board calling a local special election under Section 20A-1-203  
380 may schedule the special election to be held on the fourth Tuesday in June for a vote to elect  
381 members to local school district boards in a new school district and a remaining school district,  
382 as defined in Section 53A-2-117, immediately following the creation of a new school district  
383 under Section 53A-2-118.1.

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

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

390 (A) determines and declares that there is a disaster, as defined in Section 63K-3-102,  
391 requiring that a special election be held on a date other than the ones authorized in statute;

392 (B) identifies specifically the nature of the disaster, as defined in Section 63K-3-102,  
393 and the reasons for holding the special election on that other date; and

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

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

398 (d) Nothing in this section prohibits:

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

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

403 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
404 special election within a county on the same day as:

405 (i) another special election;

406 (ii) a regular general election; or

407 (iii) a municipal general election.

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

409 (i) polling places;

410 (ii) ballots;

411 (iii) election officials; and

412 (iv) other administrative and procedural matters connected with the election.

413 Section 5. Section **20A-5-400.5** is amended to read:

414 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

415 (1) [~~When a voted leeway or bond election is held on the regular general election date~~  
416 ~~or regular primary election date, the~~] The county clerk shall serve as the election officer to  
417 conduct and administer [that election.] the election when a:

418 (a) voted leeway is held on the regular general election date; and

419 (b) bond election is held on the regular general election date or regular primary election  
420 date.

421 (2) (a) When a voted leeway or bond election is held on the municipal general election  
422 date or any other election date permitted for special elections under Section 20A-1-204, and the  
423 local political subdivision calling the election is entirely within the boundaries of the  
424 unincorporated county, the county clerk shall serve as the election officer to conduct and  
425 administer that election subject to Subsection (3).

426 (b) When a voted leeway or bond election is held on the municipal general election  
427 date or any other election date permitted for special elections under Section 20A-1-204, and the  
428 local political subdivision calling the election is entirely within the boundaries of a

429 municipality, the municipal clerk for that municipality shall, except as provided in Subsection  
430 (3), serve as the election officer to conduct and administer that election.

431 (c) When a voted leeway or bond election is held on the municipal general election  
432 date or any other election date permitted for special elections under Section 20A-1-204, and the  
433 local political subdivision calling the election extends beyond the boundaries of a single  
434 municipality:

435 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election  
436 officer to conduct and administer the election for those portions of the local political  
437 subdivision where the municipal general election or other election is being held; and

438 (ii) except as provided in Subsection (3), the county clerk shall serve as the election  
439 officer to conduct and administer the election for the unincorporated county and for those  
440 portions of any municipality where no municipal general election or other election is being  
441 held.

442 (3) When a ~~[voted leeway or]~~ bond election is held on a date when no other election,  
443 other than another ~~[voted leeway or]~~ bond election, is being held in the entire area comprising  
444 the municipality calling the ~~[voted leeway or]~~ bond election:

445 (a) the clerk or chief executive officer of a local district ~~[or the business administrator~~  
446 ~~or superintendent of the school district, as applicable,]~~ shall serve as the election officer to  
447 conduct and administer the bond election for those portions of the municipality in which no  
448 other election, other than another ~~[voted leeway or]~~ bond election, is being held, unless the  
449 local district ~~[or school district]~~ has designated the county clerk, municipal clerk, or both, to  
450 serve as the election officer; and

451 (b) the county clerk, municipal clerk, or both, as determined by the municipality  
452 holding the bond election, shall serve as the election officer to conduct and administer the bond  
453 election for those portions of the municipality in which another election, other than another  
454 ~~[voted leeway or]~~ bond election is being held.

455 (4) (a) In conducting elections under this section:

456 (i) the local political subdivision shall provide and pay for election notices; and

457 (ii) the election officer shall determine polling locations and compile, prepare, and  
458 count the ballots.

459 (b) The county clerk, the municipal clerk, or both shall:

460 (i) establish fees for conducting voted leeway and bond elections for local political  
461 subdivisions; and

462 (ii) bill each local political subdivision for the cost of conducting the voted leeway or  
463 bond election.

464 (c) (i) The fees and charges assessed by a county clerk or a municipal clerk under this  
465 section may not exceed the actual costs incurred by the county clerk or the municipal clerk.

466 (ii) The actual costs shall include:

467 (A) costs of or rental fees associated with the use of election equipment and supplies;

468 and

469 (B) reasonable and necessary administrative costs.

470 (5) An election officer administering and conducting a voted leeway or bond election is  
471 authorized to appoint or employ agents and professional services to assist in conducting and  
472 administering the voted leeway or bond election.

473 (6) The election officer in a voted leeway or bond election shall conduct its procedures  
474 under the direction of the local political subdivision calling the voted leeway or bond election.

475 **Section 6. Effective date.**

476 This bill takes effect on July 1, 2010.

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**S.B. 119 2nd Sub. (Salmon) - Special Elections Modifications**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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