

Representative Kerry W. Gibson proposes the following substitute bill:

SPECIAL ELECTIONS MODIFICATIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Michael T. Morley

LONG TITLE

General Description:

This bill provides certain limitations on local special elections called by a local political subdivision.

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 at least two-thirds of all members of the local legislative body calling the local special election; 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:

20A-1-203, as last amended by Laws of Utah 2008, Chapter 16

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



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

27 **20A-1-203. Calling and purpose of special elections.**

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

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

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

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

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

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

38 (4) The Legislature may call a statewide special election by passing a joint or
39 concurrent resolution that designates:

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

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

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

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

45 (ii) a vote on a voted leeway or levy program authorized by Section 53A-16-110,
46 53A-17a-133, or 53A-17a-134;

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

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

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

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

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

55 (viii) an election of town officers of a newly incorporated town under Subsection
56 10-2-125(9).

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

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

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

61 (c) A local political subdivision may not call a local special election unless the
62 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
63 two-thirds majority of all members of the legislative body, if the local special election is for:

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

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

66 (iii) a vote authorized or required for a sales tax issue as described in Subsection

67 (5)(a)(vi).

68 Section 2. **Effective date.**

69 This bill takes effect on July 1, 2010.