

ELECTION LAW - SUBSTANTIVE REVISIONS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Lowell A. Nelson

AN ACT RELATING TO ELECTIONS; MODIFYING REQUIREMENTS FOR CANVASSING RETURNS; CLARIFYING REQUIREMENTS FOR WRITE-IN CANDIDATES; AND MAKING TECHNICAL CORRECTIONS.

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

AMENDS:

20A-4-301, as last amended by Chapter 2, Laws of Utah 1994

20A-9-601, as last amended by Chapters 130 and 183, Laws of Utah 1997

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

Section 1. Section **20A-4-301** is amended to read:

20A-4-301. Board of canvassers.

- (1) (a) Each county legislative body is the board of county canvassers for the county.
 - (b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at noon on the Monday after the election.
 - (c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:
 - (i) the county treasurer;
 - (ii) the county assessor; or
 - (iii) the county sheriff.
 - (d) The board of county canvassers shall always consist of three acting members.
 - (e) The county clerk is the clerk of the board of county canvassers.
- (2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.
- (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body no sooner than three days and no later than seven days

after the election.

(3) (a) The governing board of a special district is the board of canvassers for that special district.

(b) The special district board of canvassers shall meet to canvass the returns at the usual place of meeting of the special district governing board no sooner than three days and no later than seven days after the election.

(4) (a) This part does not apply to bond elections.

(b) Persons responsible for canvassing bond elections shall comply with the canvassing procedures and requirements of Title 11, Chapter 14, Utah Municipal Bond Act.

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

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

(1) (a) [~~Except as provided in Subsection (2), each~~] 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 [~~third-class cities;~~] 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.