

**SPECIAL DISTRICT ELECTIONS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: John E. Swallow**

AN ACT RELATING TO SPECIAL DISTRICTS AND ELECTION CODE; MODIFYING NOTICE REQUIREMENTS FOR SPECIAL DISTRICT OFFICES TO BE FILLED AT AN ELECTION; CHANGING THE DATE FOR SPECIAL DISTRICT ELECTIONS FROM THE MUNICIPAL ELECTION DATE TO THE REGULAR GENERAL ELECTION DATE; REQUIRING POLLING PLACES FOR SPECIAL DISTRICT ELECTIONS TO BE THE SAME AS THE REGULAR GENERAL ELECTION; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

**17A-1-304**, as enacted by Chapter 273, Laws of Utah 1991

**17A-1-305**, as last amended by Chapter 130, Laws of Utah 1997

**20A-1-201**, as last amended by Chapter 21, Laws of Utah 1994

**20A-1-202**, as last amended by Chapter 21, Laws of Utah 1994

**20A-5-101**, as last amended by Chapter 24, Laws of Utah 1997

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

Section 1. Section **17A-1-304** is amended to read:

**17A-1-304. Notice of offices to be filled -- Notice of elections.**

(1) On or before February 1 of each regular general election year, the board of each special district shall prepare and transmit to the clerk of each county in which any part of the district is located a written notice that:

(a) designates the offices to be filled at that year's regular general election; and

(b) identifies the dates for filing a declaration of candidacy for those offices.

~~[(1)]~~ (2) (a) At least 45 days before any election involving any special district, the special

1 district board shall prepare a notice of election that contains:

2        ~~[(a)]~~ (i) the date of the election;

3        ~~[(b)]~~ (ii) the purpose of the election;

4        ~~[(c)]~~ (iii) the hours during which the polls will be open~~[-(d)]~~ and the location of the  
5 polling places for each voting district; and

6        ~~[(e)]~~ (iv) the qualifications required for persons to vote in the election.

7        ~~[(2)-The]~~ (b) Each special district board holding an election shall:

8        ~~[(a)]~~ (i) post the notice of election and a sample ballot at each polling location within the  
9 special district at least ten days before the date of the election;

10       ~~[(b)]~~ (ii) post the notice of election and a sample ballot at five public locations within the  
11 special district at least ten days before the date of the election; and

12       ~~[(c)]~~ (iii) either publish the notice of election and a sample ballot in a newspaper of general  
13 circulation within the special district for five consecutive days before the date of the election or  
14 publish the notice of election and a sample ballot in a local weekly newspaper within the special  
15 district in the week before the election.

16       Section 2. Section **17A-1-305** is amended to read:

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

18       (1) ~~[(Any)]~~ Each elected board member shall be selected as provided in this section.

19       (2) ~~[(a)]~~ The election for members of the special district board shall be held on the same  
20 day and at the same polling places within the special district as the [municipal] regular general  
21 election.

22       ~~[(b) (i) The special district board shall fix the polling places for the election.]~~

23       ~~[(ii) If appropriate, the special district board may consolidate voting districts or ballots~~  
24 ~~with the municipal governing body.]~~

25       (3) (a) To become a candidate for an elective special district board position, the  
26 prospective candidate shall file a declaration of candidacy in person with the special district,  
27 during office hours and not later than 5 p.m. between July 15 and August 15 of any odd numbered  
28 year.

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

31       (c) Before the filing officer may accept any declaration of candidacy, the filing officer

1 shall:

2 (i) read to the prospective candidate the constitutional and statutory qualification  
3 requirements for the office that the candidate is seeking;

4 (ii) require the candidate to state whether or not the candidate meets those requirements;

5 (iii) if the prospective candidate does not meet the qualification requirements for the  
6 office, the filing officer may not accept the declaration of candidacy; and

7 (iv) if it appears that the prospective candidate meets the requirements of candidacy, the  
8 filing officer shall accept the declaration of candidacy.

9 (d) (i) The declaration of candidacy shall substantially comply with the following form:

10 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
11 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if  
12 any) \_\_\_\_\_; that I am a registered voter and qualified elector of the special district; that  
13 I am a candidate for the office of \_\_\_\_\_(stating the term) to be voted upon at the  
14 November municipal election to be held on Tuesday, the \_\_\_\_\_ day of November, 19\_\_\_\_, and  
15 I hereby request that my name be printed upon the official ballot for that election.

16 (Signed) \_\_\_\_\_

17 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of  
18 \_\_\_\_\_, 19 \_\_\_\_.

19 (Signed) \_\_\_\_\_

20 (Clerk or Notary Public)"

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

24 (4) There shall be no primary election.

25 (5) (a) The special district board shall:

26 (i) provide election supplies; and

27 (ii) appoint election judges before election day.

28 (b) At least one day before [~~the~~] an election under this section, and without expense to the  
29 special district, the county clerk shall provide the special district clerk with a certified list of  
30 registered voters who:

31 (i) reside in the special district; and

1 (ii) are entitled to vote.

2 (6) (a) The special district board shall prescribe the form of ballot for the special district  
3 board election.

4 (b) The ballot shall be a nonpartisan format.

5 (7) (a) Only qualified electors of the special district who are registered to vote and who  
6 are entitled to vote may vote.

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

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

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

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

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

14 (10) The term of a person serving on a special district board as of [~~April 29, 1991~~] May  
15 1, 2000, whose election falls on an [~~even-numbered~~] odd-numbered year is extended one year so  
16 that the person's election will be on the next November election day in an [~~odd-numbered~~]  
17 even-numbered year.

18 (11) (a) If the application of Subsection (10) causes a disproportionate number of elected  
19 and appointed terms to expire at the same time, or if for any other reason a disproportionate  
20 number of positions expire at the same time, a number of elected terms shall be extended to  
21 January 1 following the next municipal election, or, in the case of appointed terms, a number of  
22 appointed terms shall be extended to January 1 following the normal expiration of appointed terms,  
23 to equalize, to the extent possible, the number of board positions expiring at the same time.

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

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

26 Section 3. Section **20A-1-201** is amended to read:

27 **20A-1-201. Date and purpose of regular general elections.**

28 (1) A regular general election shall be held throughout the state on the first Tuesday after  
29 the first Monday in November of each even-numbered year.

30 (2) At the regular general election, the voters shall:

31 (a) choose persons to serve the terms established by law for the following offices:

- 1 (i) electors of President and Vice President of the United States;  
2 (ii) United States Senators;  
3 (iii) Representatives to the United States Congress;  
4 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;  
5 (v) senators and representatives to the Utah Legislature;  
6 (vi) county officers;  
7 (vii) special district officers;  
8 [(vii)] (viii) State School Board members;  
9 [(viii)] (ix) local school board members; and  
10 [(ix)] (x) any elected judicial officers; and

11 (b) approve or reject:

- 12 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot  
13 under procedures established in the Utah Code;  
14 (ii) any proposed initiatives or referenda that have qualified for the ballot under procedures  
15 established in the Utah Code; and  
16 (iii) any other ballot propositions submitted to the voters that are authorized by the Utah  
17 Code.

18 Section 4. Section **20A-1-202** is amended to read:

19 **20A-1-202. Date and purpose of local elections.**

20 (1) A municipal general election shall be held in municipalities [~~and special districts~~] on  
21 the first Tuesday after the first Monday in November of each odd-numbered year.

22 (2) At the municipal general election, the voters shall:

23 (a) choose persons to serve as municipal [~~and special district~~] officers; and

24 (b) approve or reject:

25 (i) any proposed initiatives or referenda that have qualified for the ballot as provided by  
26 law; and

27 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah  
28 Code.

29 Section 5. Section **20A-5-101** is amended to read:

30 **20A-5-101. Notice of election.**

31 (1) On or before February 1 in each regular general election year, the lieutenant governor

1 shall prepare and transmit a written notice to each county clerk that:

- 2 (a) designates the offices to be filled at the regular general election;
- 3 (b) identifies the dates for filing a declaration of candidacy for those offices; and
- 4 (c) contains a description of any ballot propositions to be decided by the voters that have
- 5 qualified for the ballot as of that date.

6 (2) (a) No later than February 10, each county clerk shall:

7 [(a)] (i) publish a [~~list of the offices that will be voted on in that election in that county~~]

8 notice once in a newspaper published in that county; or

9 [(b)] (ii) if no newspaper is published in that county:

10 [(i)] (A) cause a copy of the notice to be posted in a conspicuous place most likely to give

11 notice of the election to the voters in each voting precinct within the county; and

12 [(ii)] (B) prepare an affidavit of that posting, showing a copy of the notice and the places

13 where the notice was posted.

14 (b) The notice required by Subsection (2)(a) shall:

15 (i) designate the offices to be voted on in that election in that county; and

16 (ii) identify the dates for filing a declaration of candidacy for those offices.

17 (3) Before each election, the election officer shall give written or printed notice of:

- 18 (a) the date and place of election;
- 19 (b) the hours during which the polls will be open;
- 20 (c) the polling places for each voting precinct; and
- 21 (d) the qualifications for persons to vote in the election.

22 (4) To provide the notice required by Subsection (2), the election officer shall publish the

23 notice at least two days before the election in a newspaper of general circulation common to the

24 area or in which the election is being held.

25 **Section 6. Effective date.**

26 This act takes effect on January 1, 2000.

**Legislative Review Note**  
**as of 11-25-97 10:22 AM**

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

**Office of Legislative Research and General Counsel**