

1                                   **CHANGE OF DATE OF SPECIAL DISTRICT**

2   **ELECTION**

3   2000 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Sheryl L. Allen**

6 AN ACT RELATING TO SPECIAL DISTRICTS; MOVING THE ELECTION FOR SPECIAL  
7 DISTRICT OFFICERS FROM THE REGULAR GENERAL ELECTION DATE TO THE  
8 MUNICIPAL GENERAL ELECTION DATE; MODIFYING COUNTY CLERK DUTIES WITH  
9 RESPECT TO SPECIAL DISTRICT ELECTION; AND MAKING TECHNICAL CHANGES.

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

11 AMENDS:

12                   **17A-1-304**, as repealed and reenacted by Chapter 362, Laws of Utah 1998

13                   **17A-1-305**, as last amended by Chapters 21 and 360, Laws of Utah 1999

14                   **20A-1-201**, as last amended by Chapter 362, Laws of Utah 1998

15                   **20A-1-202**, as last amended by Chapter 362, Laws of Utah 1998

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

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

18                   **17A-1-304. Notice of offices to be filled.**

19                   On or before February 1 of each [~~regular general~~] municipal election year, the board of each  
20 special district shall prepare and transmit to the clerk of each county in which any part of the  
21 district is located a written notice that:

22                   (1) designates the offices to be filled at that year's [~~regular~~] municipal general election; and

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

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

25                   **17A-1-305. Special district board -- Election procedures.**

26                   (1) Except as provided in Subsection [~~(13)~~] (11), each elected board member shall be  
27 selected as provided in this section.

28 (2) (a) Each election of a special district board member shall be held:  
29 (i) in conjunction with the [regular] municipal general election; and  
30 (ii) at polling places designated by the clerk of each county in which the special district  
31 is located.

32 (b) (i) Subject to Subsections (4)(e) and (f), the number of polling places under Subsection  
33 (2)(a)(ii) in an election of board members of an irrigation district established under Part 7,  
34 Irrigation Districts, shall be one polling place per division of the district, designated by the district  
35 board.

36 (ii) Each polling place designated by an irrigation district board under Subsection (2)(b)(i)  
37 shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

38 (3) (a) The clerk of each special district with a board member position to be filled at the  
39 next [regular] municipal general election shall provide notice of:

40 (i) each elective position of the special district to be filled at the next [regular] municipal  
41 general election;

42 (ii) the constitutional and statutory qualifications for each position; and  
43 (iii) the dates and times for filing a declaration of candidacy.

44 (b) The notice required under Subsection (3)(a) shall be:

45 (i) posted in at least five public places within the special district at least ten days before  
46 the first day for filing a declaration of candidacy; or  
47 (ii) published in a newspaper of general circulation within the special district at least three  
48 but no more than ten days before the first day for filing a declaration of candidacy.

49 (4) (a) To become a candidate for an elective special district board position, the  
50 prospective candidate shall file a declaration of candidacy in person with the special district, during  
51 office hours and not later than 5 p.m. between July 15 and August 15 of any [even] odd-numbered  
52 year.

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

55 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing officer  
56 shall:

57 (A) read to the prospective candidate the constitutional and statutory qualification  
58 requirements for the office that the candidate is seeking; and

59 (B) require the candidate to state whether or not the candidate meets those requirements.

60 (ii) If the prospective candidate does not meet the qualification requirements for the office,  
61 the filing officer may not accept the declaration of candidacy.

62 (iii) If it appears that the prospective candidate meets the requirements of candidacy, the  
63 filing officer shall accept the declaration of candidacy.

64 (d) (i) Except as provided in Subsection (4)(d)(ii), the declaration of candidacy shall  
65 substantially comply with the following form:

66 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
67 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if  
68 any) \_\_\_\_\_; that I am a registered voter and qualified elector of the special district; that  
69 I am a candidate for the office of \_\_\_\_\_(stating the term) to be voted upon at the  
70 November [regular] municipal general election to be held on Tuesday, the \_\_\_\_\_ day of  
71 November, \_\_\_\_\_, and I hereby request that my name be printed upon the official ballot for that  
72 election.

73 (Signed) \_\_\_\_\_

74 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of  
75 \_\_\_\_\_, \_\_\_\_\_.

76 (Signed) \_\_\_\_\_

77 (Clerk or Notary Public)"

78 (ii) In a declaration of candidacy under Subsection (4)(d)(i) for an election of a board  
79 member of an irrigation district under Part 7, Irrigation Districts, the words "registered voter and"  
80 shall not be included.

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

84 (f) If only one candidate files a declaration of candidacy for a position on the board of an  
85 irrigation district established under Part 7, Irrigation Districts, the board need not hold an election  
86 for that position and may appoint that candidate to the board.

87 (5) There shall be no primary election.

88 (6) (a) Except as provided in Subsection (6)(c), the special district clerk shall certify the  
89 candidate names to the clerk of each county in which the special district is located no later than

90 August 20 of the ~~[regular general]~~ municipal election year.

91 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
92 special district is located shall [list] coordinate the placement of the name of each candidate for  
93 special district office in the nonpartisan section of the ~~[regular]~~ municipal general election ballot  
94 ~~[as provided in Title 20A, Chapter 6, Part 3, Regular General Election Ballots]~~ with the municipal  
95 election clerk.

96 (ii) If consolidation of the special district election ballot with the municipal general  
97 election ballot is not possible, the county clerk shall provide for a separate special district election  
98 ballot to be administered by separate election judges at the same polling locations as the municipal  
99 general election.

100 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of  
101 an irrigation district established under Part 7, Irrigation Districts.

102 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
103 prescribe the form of the ballot for each board member election.

104 (B) Each ballot for an election of an irrigation district board member shall be in a  
105 nonpartisan format.

106 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), only qualified electors of the special  
107 district who are registered to vote and who are entitled to vote may vote.

108 (ii) Each voter at an election for a board member of an irrigation district established under  
109 Part 7, Irrigation Districts, shall meet the requirements to vote established by the district.

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

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

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

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

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

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

120 ~~[(11) (a) If the application of Subsection (10) causes a disproportionate number of elected~~

121 and appointed terms to expire at the same time, or if for any other reason a disproportionate  
 122 number of positions expire at the same time, a number of elected terms shall be extended to  
 123 January 1 following the next regular general election, or, in the case of appointed terms, a number  
 124 of appointed terms shall be extended to January 1 following the normal expiration of appointed  
 125 terms, to equalize, to the extent possible, the number of board positions expiring at the same time.]

126 [~~(b)~~ The board member whose term is to be extended shall be determined by lot.]

127 [~~(c)~~ After this apportionment has taken place, all board terms shall be four years.]

128 [~~(12)~~] (10) (a) Except as provided in Subsection [~~(12)~~] (10)(b), each special district shall  
 129 reimburse the county holding an election under this section for the costs of the election attributable  
 130 to that special district.

131 (b) Each irrigation district established under Part 7, Irrigation Districts, shall bear its own  
 132 costs of each election it holds under this section.

133 [~~(13)~~] (11) This section does not apply to a county improvement district under Chapter 2,  
 134 Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, that  
 135 provides electric or gas service.

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

137 **20A-1-201. Date and purpose of regular general elections.**

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

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

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

142 (i) electors of President and Vice President of the United States;

143 (ii) United States Senators;

144 (iii) Representatives to the United States Congress;

145 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

146 (v) senators and representatives to the Utah Legislature;

147 (vi) county officers;

148 (vii) State School Board members;

149 (viii) local school board members; and

150 (ix) any elected judicial officers; and

151 [~~(x)~~ special district officers; and]

- 152 (b) approve or reject:
- 153 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
- 154 under procedures established in the Utah Code;
- 155 (ii) any proposed initiatives or referenda that have qualified for the ballot under procedures
- 156 established in the Utah Code; and
- 157 (iii) any other ballot propositions submitted to the voters that are authorized by the Utah
- 158 Code.

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

160 **20A-1-202. Date and purpose of local elections.**

161 (1) A municipal general election shall be held in municipalities and special districts on the

162 first Tuesday after the first Monday in November of each odd-numbered year.

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

- 164 (a) (i) choose persons to serve as municipal officers; and
- 165 (ii) choose persons to serve as special district officers; and

- 166 (b) approve or reject:
- 167 (i) any proposed initiatives or referenda that have qualified for the ballot as provided by
- 168 law; and
- 169 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah
- 170 Code.

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**Legislative Review Note**  
**as of 2-10-00 12:13 PM**

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

**Office of Legislative Research and General Counsel**