

**BOND ELECTION DATES**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: J. Morgan Philpot**

**This act modifies provisions on bond election dates by restricting the dates for bond elections under the Utah Municipal Bond Act to regular and municipal primary and general elections. This act amends provisions allowing for statewide and local special elections to exclude bond or debt issues.**

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

**AMENDS:**

**11-14-3**, as last amended by Chapter 270, Laws of Utah 2000

**11-14-4**, as last amended by Chapter 22, Laws of Utah 1999

**11-14-7**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

**20A-1-203**, as last amended by Chapter 4, Laws of Utah 2002, Fifth Special Session

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

Section 1. Section **11-14-3** is amended to read:

**11-14-3. Notice of election -- Contents -- Publication -- Mailing.**

(1) (a) Notice of the election shall be published once a week during three consecutive weeks in a newspaper designated in accordance with Section 11-14-21, the first publication to be not less than 21 nor more than 35 days before the election.

(b) If no official newspaper is designated, the notices shall be published in a newspaper published in the municipality, or if no newspaper is published in the municipality, the notices shall be published in a newspaper having general circulation in the municipality.

~~[(2) When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the governing body shall, at least seven days but not more than 30 days before the bond election, if the bond election is not held on the date of a regular primary election, a~~



~~municipal primary election, a regular general election, or a municipal general election, either mail:]~~

~~[(a) written notice of the bond election on a minimum three inch by five inch postcard to every household containing a registered voter who is eligible to vote on the bonds; or]~~

~~[(b) a voter information pamphlet prepared by the governing body, if one is prepared, that includes the information required by Subsection (4).]~~

~~[(3)]~~ (2) (a) Except as provided in Subsection ~~[(3)]~~ (2)(b), election notice given for any bond election held in this state need not be posted by any persons.

(b) (i) In third class cities or towns where no newspaper is published, the governing body may require that notice of a bond election be given by posting in lieu of the publication requirements of Subsection (1).

(ii) When the governing body imposes a posting requirement, the city recorder, town clerk, or other officer designated by the governing body shall post notice of the bond election in at least five public places in the city or town at least 21 days before the election.

~~[(4)]~~ (3) The printed, posted, and mailed notice required by this section shall identify:

(a) the date and place of the election;

(b) the hours during which the polls will be open; and

(c) the purpose for which the bonds are to be issued, the maximum amount of bonds to be issued, and the maximum number of years to maturity of the bonds.

~~[(5)]~~ (4) The governing body shall pay the costs associated with the printed, posted, and mailed notice required by this section.

Section 2. Section **11-14-4** is amended to read:

**11-14-4. Election procedure -- Time for election -- Equipment -- Election officials -- Combining precincts.**

(1) (a) The governing body shall:

(i) designate the voting places to be used;

(ii) fix the hours during which the polls are to be open, which, if the election is a special election, shall be those provided by law for the conduct of regular general elections;

(iii) cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment, and supplies needed for the election as determined by the governing body; and

(iv) unless the election officials to serve at each voting place are otherwise appointed

under the provisions of general law, appoint three election officials, who shall be qualified electors of the municipality or other entity calling the election, to serve at each voting place.

(b) The governing body may appoint one or more alternate election officials to so serve in case of the absence for any cause of the designated election officials.

(2) (a) (i) A bond election may be held and the proposition for the issuance of bonds may be submitted at any ~~[general,]~~ regular primary~~[-, or other]~~ election ~~[held in the municipality or other entity calling the bond election, or at a special election called for the purpose],~~ municipal primary election, regular general election, or municipal general election.

(ii) A bond election may not be held, nor a proposition for issuance of bonds be submitted, at the Western States Presidential Primary election established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary.

~~[(b) A special election may, but need not, be held on the same day as any other election.]~~

~~[(c) Where a bond election is being held on the same day as any other election held in the municipality or entity calling the bond election or in some part of that municipality or entity, the]~~

(b) The election officials serving for [the other] a primary or general election held in the municipality may also serve as election officials for the bond election.

(3) (a) Voting precincts may be combined for purposes of bond elections.

(b) The governing body may designate whatever voting places that it considers best suited, so long as no voter is required to vote outside the county in which he resides.

Section 3. Section **11-14-7** is amended to read:

**11-14-7. Election -- Registration of voters -- Special registration not required --  
Registration lists supplied by clerk.**

(1) (a) There shall be no special registration of voters for a bond election and the official register last made or revised shall constitute the register for ~~[such]~~ the bond election ~~[except that: (a) if the bond election is held on the same day as a general, special, primary, or other election held in the municipality or other bond-issuing entity or in part of the municipality or entity, all],~~

(b) All persons registered to vote in ~~[such other]~~ the applicable regular or municipal primary or general election shall be considered registered to vote in the bond election~~[-, and]~~.

~~[(b) if the bond election is not to be held on the same day as any other election, the county clerk of each county in which the municipality or entity is wholly or partly located shall register at his office during regular office hours except Saturdays, Sundays, and holidays, and except during the 20-day period immediately preceding the bond election, any person who on the day of the bond election will be a qualified elector, such person to be registered in the same manner as provided by law for registration by satellite registrars.]~~

(2) The county clerk of each county in which a municipality or entity holding the bond election is located shall make registration lists or copies of ~~[such]~~ the lists available at each polling place for use by registered electors entitled to use ~~[such]~~ the voting place.

(3) If the registration lists furnished include electors who do not reside within the municipality or entity whose bonds are being voted upon, the county clerk or the municipality or other entity shall cause to be indicated on the registration lists the names of the registered electors who do not reside in ~~[such]~~ the municipality or entity, but the failure to so indicate or any inaccuracy in ~~[such]~~ the indication ~~[shall]~~ may not be considered an irregularity or ground for invalidating the bond election.

Section 4. Section **20A-1-203** is amended to read:

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

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

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

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

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

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

(b) the purpose for the statewide special election.

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

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

(b) the purpose for the statewide special election.

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

123 [~~(i) a vote on a bond or debt issue;~~]

124 [~~(ii)~~] (i) a vote on a voted leeway program authorized by Section 53A-17a-133 or  
125 53A-17a-134;

126 [~~(iii)~~] (ii) a referendum authorized by Title 20A, Chapter 7, Part 6;

127 [~~(iv)~~] (iii) an initiative authorized by Title 20A, Chapter 7, Part 5; or

128 [~~(v)~~] (iv) if required or authorized by federal law, a vote to determine whether or not  
129 Utah's legal boundaries should be changed.

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

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

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

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**Legislative Review Note**  
**as of 2-17-03 8:02 AM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Bill Number**   **HB0304****Bond Election Dates***19-Feb-03**11:48 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**No fiscal impact.

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**Office of the Legislative Fiscal Analyst**