

SPECIAL ELECTION DATES

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to special elections.

Highlighted Provisions:

This bill:

- ▶ requires local and statewide special elections to be held on either the first Tuesday after the first Monday in November or the fourth Tuesday in June; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on November 1, 2004.

Utah Code Sections Affected:

AMENDS:

- 10-3-1203**, as last amended by Chapter 178, Laws of Utah 2001
- 11-14-4**, as last amended by Chapter 22, Laws of Utah 1999
- 17-3-1**, as last amended by Chapter 227, Laws of Utah 1993
- 17-52-202**, as last amended by Chapter 241, Laws of Utah 2001
- 17-52-203.5**, as enacted by Chapter 241, Laws of Utah 2001
- 20A-1-204**, as last amended by Chapter 22, Laws of Utah 1999
- 53A-16-110**, as last amended by Chapter 326, Laws of Utah 1996

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

Section 1. Section **10-3-1203** is amended to read:

10-3-1203. Election requirements and procedure for organization under optional form of government.

(1) A municipality may reorganize under any form of municipal government provided for in this part or under Section 10-3-103, 10-3-104, 10-3-105, or 10-3-106, regardless of the city's class under Section 10-2-301.

(2) Reorganization under Subsection (1) shall be by approval of a majority of registered voters of the municipality voting in a special election held for that purpose.

(3) (a) The proposal may be entered on the ballot by resolution passed by the governing body of the municipality or by initiative as provided for in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures.

(b) The resolution or petition shall state the number, method of election, and initial terms of council members and shall specify the boundaries of districts substantially equal in population if some or all council members are to be chosen from these districts.

(4) (a) The proposal shall be voted upon at a special election to be held not more than twelve months after the resolution is passed or after receipt of a valid initiative petition.

~~[(b) The special election shall be held at least 90 days before or after regular municipal elections.]~~

~~[(c)]~~ (b) The ballot for the special election to adopt or reject one of the forms of municipal government shall be in substantially the following form:

Shall (name of municipality), Utah, adopt	Yes
the (council-mayor) (council-manager)	
(five-member commission) (three-member commission)	
(six-member council) (five-member council) form of	
municipal government?	No

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 ~~[, primary, or other]~~ election held in the municipality or other entity calling the bond election, or at a special election called for the purpose.

(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] The process for calling, the approved purpose, and the date of a special election [may, but need not, be held on the same day as any other election]~~ shall be governed by Sections 20A-1-203 and 20A-1-204.

(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 election officials serving for the other election 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 **17-3-1** is amended to read:

17-3-1. By petition -- Election -- Ballots.

Whenever any number of the qualified electors of any portion of any county desire to have the territory within which they reside created into a new county they may petition therefor the county legislative body of the county in which they reside. Such petition must be signed by at least 1/4 of the qualified electors as shown by the registration list of the last preceding general election, residing in that portion of the county to be created into a new county, and by not less than 1/4 of the qualified electors residing in the remaining portion of said county. Such petition must be presented on or before the first Monday in May of any year, and shall propose the name and define the boundaries of such new county. The county legislative body must cause the proposition to be submitted to the legal voters residing in the county at a special election to be held ~~[in the month of July next following]~~ according to the dates established in Section 20A-1-204, first causing 30 days' notice of such election to be given in the manner provided by law for giving notice of general elections. Such election shall be held, the result thereof canvassed, and returns made under the provisions of the general election laws. The form of ballot to be used at such election shall be:

For the creation of (supplying the name proposed) county.

Against the creation of (supplying the name proposed) county.

Section 4. Section **17-52-202** is amended to read:

**17-52-202. County legislative body initiation of adoption of optional plan --
Procedure.**

(1) A county legislative body may initiate the process of adopting an optional plan by adopting a resolution to submit to the voters the question of whether a study committee should be established as provided in Section 17-52-301.

(2) Each resolution adopted under Subsection (1) shall require the question to be submitted to the registered voters of the county ~~[on one of the election dates specified in Subsection 20A-1-204(1)(a), as the county legislative body determines, no less than 90 days and no more than 180 days]~~ at the next special election scheduled pursuant to Section 20A-1-204

after adoption of the resolution under Subsection (1).

Section 5. Section **17-52-203.5** is amended to read:

17-52-203.5. Election to determine whether study committee should be established.

(1) The county legislative body shall hold an election under this section if:

(a) the county legislative body adopts a resolution under Subsection 17-52-202(1); or

(b) a petition filed under Subsection 17-52-203(1) is certified by the county clerk under Subsection 17-52-203(3).

(2) Each election under Subsection (1) shall be a special election, called and held [on one of the election dates specified in Subsection 20A-1-204(1)(a), as the county legislative body determines, no less than 90 days and no more than 180 days] as required by Sections 20A-1-203 and 20A-1-204 after~~[, as the case may be]~~:

(a) adoption of a resolution under Subsection 17-52-202(1); or

(b) certification of a petition under Subsection 17-52-203(3).

(3) The county clerk shall prepare the ballot for each election under Subsection (1) with a question that asks substantially as follows:

"Shall a study committee be appointed to consider and possibly recommend a change in the form of government of _____ County?"

Section 6. Section **20A-1-204** is amended to read:

20A-1-204. Date of special election -- Legal effect.

(1) (a) The governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

~~[(i) the first Tuesday after the first Monday in February;]~~

~~[(ii) the first Tuesday after the first Monday in May;]~~

~~[(iii)]~~ (i) the fourth Tuesday in June ~~[in even-numbered years]; or~~

~~[(iv) the first Tuesday after the first Monday in August; or]~~

~~[(v)]~~ (ii) the first Tuesday after the first Monday in November.

(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative

body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.

(c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(A) determines and declares that there is ~~[an emergency]~~ a disaster, as defined in Section 63-5-2, requiring that a special election be held on a date other than the ones authorized in statute;

(B) identifies specifically the nature of the ~~[emergency]~~ disaster, as defined in Section 63-5-2, and the reasons for holding the special election on that other date; and

(C) votes unanimously to hold the special election on that other date.

(ii) The legislative body of a local political subdivision may not call a local special election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.

(d) Nothing in this section prohibits:

(i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

(ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

(2) ~~(a) [If two]~~ Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day~~[, those entities]~~ as:

(i) another special election;

(ii) a regular general election; or

(iii) a municipal general election.

(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

~~[(a)]~~ (i) polling places;

~~[(b)]~~ (ii) ballots;

~~[(c)]~~ (iii) election officials; and

~~[(d)]~~ (iv) other administrative and procedural matters connected with the election.

Section 7. Section **53A-16-110** is amended to read:

53A-16-110. Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

(1) (a) ~~[Prior to May 2 of any year, a]~~ A local school board may, by following the process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.

(b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.

(2) The board shall give reasonable notice of the election and follow the same procedure used in elections for the issuance of bonds.

(3) If a majority of those voting on the proposition vote in favor of the tax, it is levied in addition to those authorized under Sections 53A-17a-145 and 53A-21-103 and computed on the valuation of the county assessment roll for that year.

(4) (a) Within 20 days after the election, the board shall certify the amount of the approved tax to the governing body of the county in which the school district is located.

(b) The governing body shall acknowledge receipt of the certification and levy and collect the special tax.

(c) It shall then distribute the collected taxes to the business administrator of the school district at the end of each calendar month.

(5) The special tax becomes due and delinquent and attaches to and becomes a lien on real and personal property at the same time as state and county taxes.

Section 8. Effective date.

This bill takes effect on November 1, 2004.