

**CALLING LOCAL SPECIAL ELECTIONS FOR
SALES AND USE TAX PURPOSES**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen D. Clark

LONG TITLE

General Description:

This bill amends the Election Code to address calling local special elections for sales and use tax purposes.

Highlighted Provisions:

This bill:

- ▶ addresses the power of a local political subdivision to call a local special election for a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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 **20A-1-203** is amended to read:

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



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

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

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

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

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

37 (b) the purpose for the statewide special election.

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

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

41 (b) the purpose for the statewide special election.

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

44 (i) a vote on a bond or debt issue;

45 (ii) a vote on a voted leeway program authorized by Section 53A-17a-133 or
46 53A-17a-134;

47 (iii) ~~[a referendum]~~ an initiative authorized by ~~[Title 20A,]~~ Chapter 7, Part ~~[6]~~ 5, Local
48 Initiatives - Procedure;

49 (iv) ~~[an initiative]~~ a referendum authorized by ~~[Title 20A,]~~ Chapter 7, Part ~~[5]~~ 6, Local
50 Referenda - Procedures; [or]

51 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
52 legal boundaries should be changed[-]; or

53 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act.

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

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

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

Legislative Review Note
as of 12-7-04 8:44 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 11:48 AM

The Revenue and Taxation Interim Committee recommended this bill.

Fiscal Note
Bill Number HB0020

Calling Local Special Elections for Sales and Use Tax Purposes

14-Jan-05

8:47 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst