

1 **SPECIAL ELECTION DATES**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: David L. Hogue**

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies provisions related to special elections.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ permits a local legislative body to call a special election for a referendum on a land
12 use law under certain circumstances.

13 **Monies Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **20A-1-204**, as last amended by Chapter 371, Laws of Utah 2004

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

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

23 **20A-1-204. Date of special election -- Legal effect.**

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

27 (i) the fourth Tuesday in June; or



28 (ii) the first Tuesday after the first Monday in November.

29 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
30 body of a local political subdivision calling a statewide special election or local special election
31 under Section 20A-1-203 may not schedule a special election to be held on any other date.

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

35 (A) determines and declares that:

36 (I) there is a disaster, as defined in Section 63-5-2, requiring that a special election be
37 held on a date other than the ones authorized in statute; or

38 (II) a vote on a referendum involving a land use law, as defined in Subsection
39 20A-7-601(2)(a), is required before the date of the next regularly scheduled election in order to
40 timely address a matter of significant importance to the community;

41 (B) identifies specifically the nature of the disaster~~[, as defined in Section 63-5-2,]~~ or
42 the circumstances requiring an expedited vote on the referendum and the reasons for holding
43 the special election on that other date; and

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

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

48 (d) Nothing in this section prohibits:

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

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

53 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
54 special election within a county on the same day as:

55 (i) another special election;

56 (ii) a regular general election; or

57 (iii) a municipal general election.

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

- 59 (i) polling places;
- 60 (ii) ballots;
- 61 (iii) election officials; and
- 62 (iv) other administrative and procedural matters connected with the election.

Legislative Review Note
as of 1-17-05 8:57 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

Fiscal Note
Bill Number HB0199

Special Election Dates

21-Jan-05

11:19 AM

State Impact

No fiscal impact.

Individual and Business Impact

The fiscal impact for cities, counties and school districts is contingent upon whether these entities hold special elections and there frequency

Office of the Legislative Fiscal Analyst