

1                                   **DECLARATION OF CANDIDACY REVISIONS**

2   2008 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Glenn A. Donnelson**

5                                   Senate Sponsor: Peter C. Knudson

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7 **LONG TITLE**

8 **Committee Note:**

9                   The Government Operations Interim Committee recommended this bill.

10 **General Description:**

11                   This bill modifies election provisions in Title 17B, Limited Purpose Entities - Local  
12 Districts.

13 **Highlighted Provisions:**

14                   This bill:

15                   ▶ changes the dates for filing a declaration of candidacy for local district board  
16 positions to be consistent with the filing dates required for municipal office  
17 candidates.

18 **Monies Appropriated in this Bill:**

19                   None

20 **Other Special Clauses:**

21                   None

22 **Utah Code Sections Affected:**

23 AMENDS:

24                   **17B-1-306**, as renumbered and amended by Laws of Utah 2007, Chapter 329

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

27                   Section 1. Section **17B-1-306** is amended to read:



28 **17B-1-306. Local district board -- Election procedures.**

29 (1) Except as provided in Subsection (11), each elected board member shall be selected  
30 as provided in this section.

31 (2) (a) Each election of a local district board member shall be held:

32 (i) in conjunction with the municipal general election; and

33 (ii) at polling places designated by the clerk of each county in which the local district is  
34 located.

35 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under  
36 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
37 polling place per division of the district, designated by the district board.

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

41 (3) (a) The clerk of each local district with a board member position to be filled at the  
42 next municipal general election shall provide notice of:

43 (i) each elective position of the local district to be filled at the next municipal general  
44 election;

45 (ii) the constitutional and statutory qualifications for each position; and

46 (iii) the dates and times for filing a declaration of candidacy.

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

48 (i) posted in at least five public places within the local district at least ten days before  
49 the first day for filing a declaration of candidacy; or

50 (ii) published in a newspaper of general circulation within the local district at least  
51 three but no more than ten days before the first day for filing a declaration of candidacy.

52 (4) (a) To become a candidate for an elective local district board position, the  
53 prospective candidate shall file a declaration of candidacy in person with the local district,  
54 during office hours and not later than 5 p.m. between July ~~[15]~~ 1 and ~~[August]~~ July 15 of any  
55 odd-numbered year.

56 (b) When ~~[August]~~ July 15 is a Saturday ~~[or]~~, Sunday, or holiday, the filing time shall  
57 be extended until 5 p.m. on the following ~~[Monday]~~ regular business day.

58 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing

59 officer shall:

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

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

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

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

68 (d) The declaration of candidacy shall substantially comply with the following form:

69 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
70 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah,  
71 (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications  
72 for the office of board of trustees member for \_\_\_\_\_ (state the name of  
73 the local district); that I am a candidate for that office to be voted upon at the November  
74 municipal general election to be held on Tuesday, the \_\_\_\_\_ day of November, \_\_\_\_\_, and I  
75 hereby request that my name be printed upon the official ballot for that election.

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

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

79 (Signed) \_\_\_\_\_

80 (Clerk or Notary Public)"

81 (e) Each person wishing to become a valid write-in candidate for an elective local  
82 district board position is governed by Section 20A-9-601.

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

86 (g) If only one candidate files a declaration of candidacy for a position on the board of  
87 an irrigation district, the board need not hold an election for that position and may appoint that  
88 candidate to the board.

89 (5) There shall be no primary election.

90 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the  
91 candidate names to the clerk of each county in which the local district is located no later than  
92 August 20 of the municipal election year.

93 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
94 local district is located shall coordinate the placement of the name of each candidate for local  
95 district office in the nonpartisan section of the municipal general election ballot with the  
96 municipal election clerk.

97 (ii) If consolidation of the local district election ballot with the municipal general  
98 election ballot is not feasible, the county clerk shall provide for a separate local district election  
99 ballot to be administered by separate election judges at polling locations designated by the  
100 county clerk in consultation with the local district.

101 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board  
102 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

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

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

107 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

108 (i) be a registered voter, except for an election of:

109 (A) an irrigation district board of trustees member; or

110 (B) a basic local district board of trustees member who is elected by property owners;

111 and

112 (ii) meet the requirements to vote established by the district.

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

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

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

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

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

120 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse

121 the county holding an election under this section for the costs of the election attributable to that  
122 local district.

123 (b) Each irrigation district shall bear its own costs of each election it holds under this  
124 section.

125 (11) This section does not apply to an improvement district that provides electric or gas  
126 service.

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**Legislative Review Note**  
**as of 11-14-07 3:03 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 44 - Declaration of Candidacy Revisions**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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