

LOCAL DISTRICT PRIMARY ELECTIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen W. Morgan

Senate Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the Limited Purpose Local Government Entities -- Local District title by amending provisions related to the election of local district board members.

Highlighted Provisions:

This bill:

- ▶ allows rather than prohibits a primary election for local district board members;
- ▶ provides that the primary election may only be held if:
 - the election is authorized by the local district board; and
 - the number of candidates for a particular local board position exceeds twice the number of persons needed to fill that position;
- ▶ provides certain procedures for conducting the primary election; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



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

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

30 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (b) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5

59 p.m. on the following Monday.

60 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
61 officer shall:

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

64 (B) require the candidate to state whether or not the candidate meets those
65 requirements.

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

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

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

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

78 (Signed) _____

79 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
80 of _____, _____.

81 (Signed) _____

82 (Clerk or Notary Public)"

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

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

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

90 candidate to the board.

91 (5) ~~[There shall be no]~~ (a) A primary election[-] may be held if:

92 (i) the election is authorized by the local district board; and

93 (ii) the number of candidates for a particular local board position or office exceeds

94 twice the number of persons needed to fill that position or office.

95 (b) The primary election shall be conducted:

96 (i) on the same date as the municipal primary election, as provided for in Section

97 20A-1-201.5; and

98 (ii) according to the procedures for municipal primary elections provided under Title

99 20A, Election Code.

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

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

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

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

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

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

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

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

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

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

121 and

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

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

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

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

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

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

130 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
131 the county holding an election under this section for the costs of the election attributable to that
132 local district.

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

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

Legislative Review Note
as of 12-13-07 3:42 PM

Office of Legislative Research and General Counsel

H.B. 261 - Local District Primary Elections

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
