

1                                   **COORDINATING MUNICIPAL AND SPECIAL**  
2                                   **DISTRICT ELECTIONS**

3                                   2009 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Keith Grover**

6                                   Senate Sponsor: Margaret Dayton

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8 **LONG TITLE**

9 **Committee Note:**

10                   The Government Operations Interim Committee recommended this bill.

11 **General Description:**

12                   This bill modifies Title 17B, Limited Purpose Local Government Entities - Local  
13 Districts by amending provisions related to the election of board members.

14 **Highlighted Provisions:**

15                   This bill:

- 16                   ▶ provides that polling places for a local district and special service district board  
17 member election designated by a county clerk shall coincide with municipal general  
18 election polling places whenever feasible;
- 19                   ▶ repeals the requirement that separate election judges at the same polling place must  
20 be used if a local district or special service district election ballot cannot be  
21 consolidated with a municipal election ballot;
- 22                   ▶ provides that a municipality as well as a county may be reimbursed by a local  
23 district or special service district holding an election for the costs of the election  
24 attributable to that local district or special service district; and
- 25                   ▶ makes technical changes.

26 **Monies Appropriated in this Bill:**

27                   None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17B-1-306**, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360



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

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

36 **17B-1-306. Local district board -- Election procedures.**

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

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

40 (i) at the same time as the municipal general election; and

41 (ii) at polling places designated by the county clerk [of] in consultation with the local  
42 district for each county in which the local district is located, which polling places shall coincide  
43 with municipal general election polling places whenever feasible.

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

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

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

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

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

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

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

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

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

61 (4) (a) To become a candidate for an elective local district board position, the  
62 prospective candidate shall file a declaration of candidacy in person with the local district,  
63 during office hours and not later than 5 p.m. between July 1 and July 15 of any odd-numbered  
64 year.

65 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended  
66 until 5 p.m. on the following regular business day.

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

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

71 (B) require the candidate to state whether or not the candidate meets those  
72 requirements.

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

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

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

78 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
79 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah,  
80 (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications  
81 for the office of board of trustees member for \_\_\_\_\_ (state the name of  
82 the local district); that I am a candidate for that office to be voted upon at the next election, and  
83 I hereby request that my name be printed upon the official ballot for that election.

84 (Signed) \_\_\_\_\_

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

87 (Signed) \_\_\_\_\_

88 (Clerk or Notary Public)"

89 (e) Each person wishing to become a valid write-in candidate for an elective local

90 district board position is governed by Section 20A-9-601.

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

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

97 (5) (a) A primary election may be held if:

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

99 (ii) the number of candidates for a particular local board position or office exceeds  
100 twice the number of persons needed to fill that position or office.

101 (b) The primary election shall be conducted:

102 (i) on the same date as the municipal primary election, as provided for in Section  
103 20A-1-201.5; and

104 (ii) according to the procedures for municipal primary elections provided under Title  
105 20A, Election Code.

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

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

113 (ii) If consolidation of the local district election ballot with the municipal general  
114 election ballot is not feasible, the county clerk shall provide for a separate local district election  
115 ballot to be administered by ~~[separate election judges]~~ poll workers at polling locations  
116 designated ~~[by the county clerk in consultation with the local district]~~ under Subsection (2).

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

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

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

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

124 (i) be a registered voter within the district, except for an election of:

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

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

127 and

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

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

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

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

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

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

136 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse  
 137 the county or municipality holding an election under this section for the costs of the election  
 138 attributable to that local district.

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

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

143 (12) The provisions of Title 20A, Chapter 3, Part ~~H~~→ [3] 6 ←~~H~~ , ~~H~~→ [f] Early Voting [f]  
 143a [~~Absentee Voting~~] ←~~H~~ ,  
 144 do not apply to an election under this section.

**Legislative Review Note**  
 as of 11-20-08 11:37 AM

**Office of Legislative Research and General Counsel**

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**H.B. 43 - Coordinating Municipal and Special District Elections**

**Fiscal Note**

2009 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 or businesses. Locals could experience some administrative cost shifts as a result of the coordination requirements in the bill.

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