

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

7
8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 17B-1-306, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

57 (ii) published in a newspaper of general circulation within the local district at least

58 three but no more than ten days before the first day for filing a declaration of candidacy.

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

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

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

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

69 (B) require the candidate to state whether or not the candidate meets those
70 requirements.

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

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

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

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

82 (Signed) _____

83 Subscribed and sworn to (or affirmed) before me by _____ on this _____
84 day of _____, ____.

85 (Signed) _____

86 (Clerk or Notary Public)"

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

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

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

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

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

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

99 (b) The primary election shall be conducted:

100 (i) on the same date as the municipal primary election, as provided for in Section
101 20A-1-201.5; and

102 (ii) according to the procedures for municipal primary elections provided under Title
103 20A, Election Code.

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

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

111 (ii) If consolidation of the local district election ballot with the municipal general
112 election ballot is not feasible, the county clerk shall provide for a separate local district
113 election ballot to be administered by [~~separate election judges~~] poll workers at polling

114 locations designated [~~by the county clerk in consultation with the local district~~] under
115 Subsection (2).

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

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

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

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

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

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

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

126 and

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

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

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

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

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

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

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

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

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

142 (12) The provisions of Title 20A, Chapter 3, Part [3] 6, Early Voting, do not apply to
143 an election under this section.