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SPECIAL ELECTIONS MODIFICATIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill limits the date of certain special elections called by a local political subdivision to the first Tuesday after the first Monday in November.

Highlighted Provisions:

This bill:

- ▶ limits the date of a special election called by a local political subdivision to the first Tuesday after the first Monday in November for:
 - a bond or debt issue;
 - a voted leeway program;
 - an initiative;
 - a referendum; and
 - a sales tax issue; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-3-1, as last amended by Laws of Utah 2004, Chapter 371



28 **20A-1-204**, as last amended by Laws of Utah 2008, Chapters 16 and 382



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

31 Section 1. Section **17-3-1** is amended to read:

32 **17-3-1. By petition -- Election -- Ballots.**

33 Whenever any number of the qualified electors of any portion of any county desire to
34 have the territory within which they reside created into a new county they may petition therefor
35 the county legislative body of the county in which they reside. Such petition must be signed by
36 at least 1/4 of the qualified electors as shown by the registration list of the last preceding
37 general election, residing in that portion of the county to be created into a new county, and by
38 not less than 1/4 of the qualified electors residing in the remaining portion of said county.

39 Such petition must be presented on or before the first Monday in May of any year, and shall
40 propose the name and define the boundaries of such new county. The county legislative body
41 must cause the proposition to be submitted to the legal voters residing in the county at a special
42 election to be held according to the [dates] date established in Section 20A-1-204, first causing
43 30 days' notice of such election to be given in the manner provided by law for giving notice of
44 general elections. Such election shall be held, the result thereof canvassed, and returns made
45 under the provisions of the general election laws. The form of ballot to be used at such
46 election shall be:

47 For the creation of (supplying the name proposed) county.

48 Against the creation of (supplying the name proposed) county.

49 Section 2. Section **20A-1-204** is amended to read:

50 **20A-1-204. Date of special election -- Legal effect.**

51 (1) (a) (i) The governor[;] or Legislature[; ~~or the legislative body of a local political~~
52 ~~subdivision~~] calling a statewide special election [~~or local special election~~] under Section
53 20A-1-203 shall schedule the special election to be held on:

54 ~~[(i)]~~ (A) the fourth Tuesday in June; or

55 ~~[(ii)]~~ (B) the first Tuesday after the first Monday in November[; ~~or~~].

56 (ii) Except as provided by Subsection (1)(a)(iii), the legislative body of a local political
57 subdivision calling a local special election under Section 20A-1-203 shall schedule the special
58 election to be held on:

- 59 (A) the first Tuesday after the first Monday in November; or
60 [(iii)] (B) for an election of town officers of a newly incorporated town under
61 Subsection 10-2-125(9), on any date that complies with the requirements of that subsection.
62 (iii) The legislative body of a local political subdivision calling a local special election
63 under Section 20A-1-203 may schedule the special election to be held on the fourth Tuesday in
64 June for:
- 65 (A) a vote to determine whether Utah's legal boundaries should be changed if required
66 or authorized by federal law;
- 67 (B) a vote to elect members to local school district boards in a new school district and a
68 remaining school district, as defined in Section 53A-2-117, following the creation of a new
69 school district under Section 53A-2-118.1; or
- 70 (C) an election of town officers of a newly incorporated town under Subsection
71 10-2-125(9).
- 72 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
73 body of a local political subdivision calling a statewide special election or local special election
74 under Section 20A-1-203 may not schedule a special election to be held on any other date.
- 75 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
76 local political subdivision may call a local special election on a date other than those specified
77 in this section if the legislative body:
- 78 (A) determines and declares that there is a disaster, as defined in Section 63K-3-102,
79 requiring that a special election be held on a date other than the ones authorized in statute;
- 80 (B) identifies specifically the nature of the disaster, as defined in Section 63K-3-102,
81 and the reasons for holding the special election on that other date; and
- 82 (C) votes unanimously to hold the special election on that other date.
- 83 (ii) The legislative body of a local political subdivision may not call a local special
84 election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential
85 Primary, for Utah's Western States Presidential Primary.
- 86 (d) Nothing in this section prohibits:
- 87 (i) the governor or Legislature from submitting a matter to the voters at the regular
88 general election if authorized by law; or
- 89 (ii) a local government from submitting a matter to the voters at the regular municipal

90 election if authorized by law.

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

93 (i) another special election;

94 (ii) a regular general election; or

95 (iii) a municipal general election.

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

97 (i) polling places;

98 (ii) ballots;

99 (iii) election officials; and

100 (iv) other administrative and procedural matters connected with the election.

Legislative Review Note
as of 1-27-10 4:45 PM

Office of Legislative Research and General Counsel

S.B. 119 - Special Elections Modifications

Fiscal Note

2010 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.
