

SCHEDULING OF SPECIAL ELECTIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill amends provisions related to the dates on which a statewide or local special election may be scheduled.

Highlighted Provisions:

This bill:

▶ amends the dates on which the governor, Legislature, or the legislative body of a local political subdivision may schedule, respectively, a statewide or local special election; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-204, as last amended by Laws of Utah 2012, Chapter 359

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



28 Section 1. Section 20A-1-204 is amended to read:

29 **20A-1-204. Date of special election -- Legal effect.**

30 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
31 calling a statewide special election or local special election under Section 20A-1-203 shall
32 schedule the special election to be held on:

33 (i) in an even-numbered year:

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

35 [~~(i)~~] (B) the first Tuesday after the first Monday in November; [~~or~~]

36 (ii) in an odd-numbered year:

37 (A) the second Tuesday following the first Monday in August; or

38 (B) the first Tuesday after the first Monday in November; or

39 (iii) for an election of town officers of a newly incorporated town under Section
40 10-2-128, on any date that complies with the requirements of that subsection.

41 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
42 body of a local political subdivision calling a statewide special election or local special election
43 under Section 20A-1-203 may not schedule a special election to be held on any other date.

44 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
45 local political subdivision may call a local special election on a date other than those specified
46 in this section if the legislative body:

47 (A) determines and declares that there is a disaster, as defined in Section 63K-3-102,
48 requiring that a special election be held on a date other than the ones authorized in statute;

49 (B) identifies specifically the nature of the disaster, as defined in Section 63K-3-102,
50 and the reasons for holding the special election on that other date; and

51 (C) votes unanimously to hold the special election on that other date.

52 (ii) The legislative body of a local political subdivision may not call a local special
53 election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for
54 Utah's Western States Presidential Primary.

55 (d) Nothing in this section prohibits:

56 (i) the governor or Legislature from submitting a matter to the voters at the regular
57 general election if authorized by law; or

58 (ii) a local government from submitting a matter to the voters at the regular municipal

59 election if authorized by law.

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

62 (i) another special election;

63 (ii) a regular general election; or

64 (iii) a municipal general election.

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

66 (i) polling places;

67 (ii) ballots;

68 (iii) election officials; and

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

Legislative Review Note
as of 11-15-12 9:03 AM

Office of Legislative Research and General Counsel