

**Representative Steve Eliason** proposes the following substitute bill:

**LOCAL AND SPECIAL SERVICE DISTRICT ELECTIONS**

**AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Brian E. Shiozawa

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**LONG TITLE**

**General Description:**

This bill permits a local district board, or the administrative control board of a special service district that has elected members on the board, to hold elections in an even-numbered year, if approved by the lieutenant governor.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ permits a local district board, or the administrative control board of a special service district that has elected members on the board, to hold elections in an even-numbered year, if approved by the lieutenant governor;
- ▶ describes application requirements to apply to hold an election in an even-numbered year;
- ▶ describes the criteria upon which the lieutenant governor may approve an application to hold an election in an even-numbered year;
- ▶ provides a procedure and requirements for a local district board, or the administrative control board of a special service district that has elected members on the board, to switch back to holding elections in an odd-numbered year;



26 ▶ permits the lieutenant governor to increase the length of a term of a board member  
27 in order to adjust for a change in the year in which an election is held; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **17B-1-301**, as last amended by Laws of Utah 2011, Chapter 209

36 **17B-1-303**, as last amended by Laws of Utah 2013, Chapter 448

37 **17B-1-305**, as renumbered and amended by Laws of Utah 2007, Chapter 329

38 **17B-1-306**, as last amended by Laws of Utah 2013, Chapters 402 and 448

39 **17B-2a-404**, as last amended by Laws of Utah 2012, Chapter 97

40 **17D-1-106**, as last amended by Laws of Utah 2012, Chapters 97 and 347

41 **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

42 **20A-1-201**, as last amended by Laws of Utah 2000, Chapter 241

43 **20A-1-202**, as last amended by Laws of Utah 2011, Chapter 40

44 **20A-5-101**, as last amended by Laws of Utah 2011, Chapters 291 and 292



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

47 Section 1. Section **17B-1-301** is amended to read:

48 **17B-1-301. Board of trustees duties and powers.**

49 (1) (a) Each local district shall be governed by a board of trustees which shall manage  
50 and conduct the business and affairs of the district and shall determine all questions of district  
51 policy.

52 (b) All powers of a local district are exercised through the board of trustees.

53 (2) The board of trustees may:

54 (a) fix the location of the local district's principal place of business and the location of  
55 all offices and departments, if any;

56 (b) fix the times of meetings of the board of trustees;

- 57 (c) select and use an official district seal;
- 58 (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to  
59 district officers power to employ employees and agents, for the operation of the local district  
60 and its properties and prescribe or delegate to district officers the power to prescribe the duties,  
61 compensation, and terms and conditions of employment of those employees and agents;
- 62 (e) require district officers and employees charged with the handling of district funds to  
63 provide surety bonds in an amount set by the board or provide a blanket surety bond to cover  
64 officers and employees;
- 65 (f) contract for or employ professionals to perform work or services for the local  
66 district that cannot satisfactorily be performed by the officers or employees of the district;
- 67 (g) through counsel, prosecute on behalf of or defend the local district in all court  
68 actions or other proceedings in which the district is a party or is otherwise involved;
- 69 (h) adopt bylaws for the orderly functioning of the board;
- 70 (i) adopt and enforce rules and regulations for the orderly operation of the local district  
71 or for carrying out the district's purposes;
- 72 (j) prescribe a system of civil service for district employees;
- 73 (k) on behalf of the local district, enter into contracts that the board considers to be for  
74 the benefit of the district;
- 75 (l) acquire, construct or cause to be constructed, operate, occupy, control, and use  
76 buildings, works, or other facilities for carrying out the purposes of the local district;
- 77 (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess  
78 property necessary to carry out the purposes of the district, dispose of property when the board  
79 considers it appropriate, and institute and maintain in the name of the district any action or  
80 proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district  
81 property;
- 82 (n) delegate to a district officer the exercise of a district duty; and
- 83 (o) exercise all powers and perform all functions in the operation of the local district  
84 and its properties as are ordinarily exercised by the governing body of a political subdivision of  
85 the state and as are necessary to accomplish the purposes of the district.
- 86 (3) (a) As used in this Subsection (3), "interim vacancy period" means:  
87 (i) if any member of the local district board is elected, the period of time that:

88 (A) begins on the day on which [~~a municipal general election described in Section~~  
89 ~~17B-1-306~~] an election is held to elect a local district board member; and

90 (B) ends on the day on which the local district board member-elect begins the  
91 member's term; or

92 (ii) if any member of the local district board is appointed, the period of time that:

93 (A) begins on the day on which an appointing authority posts a notice of vacancy in  
94 accordance with Section ~~17B-1-304~~; and

95 (B) ends on the day on which the person who is appointed by the local district board to  
96 fill the vacancy begins the person's term.

97 (b) (i) The local district may not hire during an interim vacancy period a manager, a  
98 chief executive officer, a chief administrative officer, or a similar position to perform executive  
99 and administrative duties or functions.

100 (ii) Notwithstanding Subsection (3)(b)(i):

101 (A) the local district may hire an interim manager, a chief executive officer, a chief  
102 administrative officer, or a similar position during an interim vacancy period; and

103 (B) the interim manager's, chief executive officer's, chief administrative officer's, or  
104 similar position's employment shall terminate once a new manager, chief executive officer,  
105 chief administrative officer, or similar position is hired by the new local district board after the  
106 interim vacancy period has ended.

107 (c) Subsection (3)(b) does not apply if:

108 (i) all the elected local district board members who held office on the day of the  
109 [~~municipal general~~] election for the local district board members, whose term of office was  
110 vacant for the election are re-elected to the local district board; and

111 (ii) all the appointed local district board members who were appointed whose term of  
112 appointment was expiring are re-appointed to the local district board.

113 (4) A local district board that hires an interim manager, a chief executive officer, a  
114 chief administrative officer, or a similar position in accordance with this section may not, on or  
115 after May 10, 2011, enter into an employment contract that contains an automatic renewal  
116 provision with the interim manager, chief executive officer, chief administrative officer, or  
117 similar position.

118 Section 2. Section ~~17B-1-303~~ is amended to read:

119 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond.**

120 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a  
121 board of trustees shall begin at noon on the January 1 following the member's election or  
122 appointment.

123 (b) The term of each member of the initial board of trustees of a newly created local  
124 district shall begin:

125 (i) upon appointment, for an appointed member; and

126 (ii) upon the member taking the oath of office after the canvass of the election at which  
127 the member is elected, for an elected member.

128 (c) The term of each water conservancy district board member appointed by the  
129 governor as provided in Subsection 17B-2a-1005(2)(c) shall begin on the date on which the  
130 senate consents to the appointment.

131 (2) (a) (i) ~~[Subject]~~ Except as provided in Subsection (8), and subject to Subsection  
132 (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that  
133 approximately half the members of the initial board of trustees, chosen by lot, shall serve a  
134 two-year term so that the term of approximately half the board members expires every two  
135 years.

136 (ii) (A) If the terms of members of the initial board of trustees of a newly created local  
137 district do not begin on January 1 because of application of Subsection (1)(b), the terms of  
138 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in  
139 the terms of their successors complying with:

140 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
141 a member's election or appointment; and

142 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

143 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or  
144 subtract more than a year from a member's term.

145 (b) Each board of trustees member shall serve until a successor is duly elected or  
146 appointed and qualified, unless the member earlier is removed from office or resigns or  
147 otherwise leaves office.

148 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
149 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:

150 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and  
151 (ii) the member may continue to serve until a successor is duly elected or appointed  
152 and qualified.

153 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
154 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

155 (ii) An oath of office may be administered by a judge, county clerk, notary public, or  
156 the local district clerk.

157 (b) Each oath of office shall be filed with the clerk of the local district.

158 (c) The failure of a board of trustees member to take the oath required by Subsection  
159 (3)(a) does not invalidate any official act of that member.

160 (4) A board of trustees member is not limited in the number of terms the member may  
161 serve.

162 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees  
163 position shall be filled as provided in Section [20A-1-512](#).

164 (6) (a) For purposes of this Subsection (6):

165 (i) "Appointed official" means a person who:

166 (A) is appointed as a member of a local district board of trustees by a county or  
167 municipality entitled to appoint a member to the board; and

168 (B) holds an elected position with the appointing county or municipality.

169 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
170 official to the board of trustees.

171 (b) The board of trustees shall declare a midterm vacancy for the board position held  
172 by an appointed official if:

173 (i) during the appointed official's term on the board of trustees, the appointed official  
174 ceases to hold the elected position with the appointing entity; and

175 (ii) the appointing entity submits a written request to the board to declare the vacancy.

176 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
177 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
178 of trustees.

179 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
180 performance of the member's duties, in the amount and with the sureties prescribed by the

181 board of trustees.

182 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

183 (8) The lieutenant governor may extend the term of an elected district board member

184 by one year in order to compensate for a change in the election year under Subsection

185 17B-1-306(13).

186 Section 3. Section **17B-1-305** is amended to read:

187 **17B-1-305. Notice of offices to be filled.**

188 On or before February 1 of each [~~municipal~~] election year in which board members of a

189 local district are elected, the board of each local district required to participate in an election

190 that year shall prepare and transmit to the clerk of each county in which any part of the district

191 is located a written notice that:

192 (1) designates the offices to be filled at that year's [~~municipal~~ ~~general~~] election; and

193 (2) identifies the dates for filing a declaration of candidacy for those offices.

194 Section 4. Section **17B-1-306** is amended to read:

195 **17B-1-306. Local district board -- Election procedures.**

196 (1) Except as provided in Subsection (11), each elected board member shall be selected

197 as provided in this section.

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

199 (i) at the same time as the municipal general election or the regular general election, as

200 applicable; and

201 (ii) at polling places designated by the county clerk in consultation with the local

202 district for each county in which the local district is located, which polling places shall coincide

203 with [~~municipal~~ ~~general~~] election polling places whenever feasible.

204 (b) The county clerk may consolidate two or more polling places to enable voters from

205 more than one district to vote at one consolidated polling place.

206 (c) (i) Subject to Subsections (4)(f) and (g), the number of polling places under

207 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one

208 polling place per division of the district, designated by the district board.

209 (ii) Each polling place designated by an irrigation district board under Subsection

210 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection

211 (2)(a)(ii).

212 (3) (a) The clerk of each local district with a board member position to be filled at the  
213 next ~~[municipal-general]~~ election shall provide notice of:

214 (i) each elective position of the local district to be filled at the next ~~[municipal-general]~~  
215 election;

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

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

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

219 (i) posted in at least five public places within the local district at least 10 days before  
220 the first day for filing a declaration of candidacy; or

221 (ii) (A) published in a newspaper of general circulation within the local district at least  
222 three but no more than 10 days before the first day for filing a declaration of candidacy; and

223 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for  
224 filing a declaration of candidacy.

225 (4) (a) To become a candidate for an elective local district board position, the  
226 prospective candidate shall file a declaration of candidacy in person with the local district,  
227 during office hours ~~[and not later than the close of normal office hours between June 1 and~~  
228 ~~June 7 of any odd-numbered year]~~, within the candidate filing period for the applicable election  
229 year in which the election for the local district board is held.

230 (b) When ~~[June 7 is]~~ the candidate filing deadline falls on a Saturday, Sunday, or  
231 holiday, the filing time shall be extended until the close of normal office hours on the  
232 following regular business day.

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

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

237 (B) require the candidate to state whether or not the candidate meets those  
238 requirements.

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

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



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

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

250 (Signed) \_\_\_\_\_

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

253 (Signed) \_\_\_\_\_

254 (Clerk or Notary Public)"

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

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

260 (g) If only one candidate files a declaration of candidacy and there is no write-in  
261 candidate who complies with Section 20A-9-601, the board, in accordance with Section  
262 20A-1-206, may:

- 263 (i) consider the candidate to be elected to the position; and
- 264 (ii) cancel the election.

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

- 266 (i) the election is authorized by the local district board; and
- 267 (ii) the number of candidates for a particular local board position or office exceeds  
268 twice the number of persons needed to fill that position or office.

269 (b) The primary election shall be conducted:

270 (i) on the same date as the municipal primary election [~~as provided for in Section~~  
271 ~~20A-1-201.5~~] or the regular general election, as applicable; and

272 (ii) according to the procedures for [~~municipal primary elections~~] election provided  
273 under Title 20A, Election Code.

274 (6) (a) Except as provided in Subsection (6)(c), within one business day after the  
275 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate  
276 names to the clerk of each county in which the local district is located [~~no later than June 12 of~~  
277 ~~the municipal election year~~].

278 (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section  
279 [20A-6-305](#), the clerk of each county in which the local district is located shall coordinate the  
280 placement of the name of each candidate for local district office in the nonpartisan section of  
281 the [~~municipal general election~~] ballot with the [~~municipal election clerk~~] election officer.

282 (ii) If consolidation of the local district election ballot with the municipal general  
283 election ballot or the regular general election ballot, as applicable, is not feasible, the county  
284 clerk shall provide for a separate local district election ballot to be administered by poll  
285 workers at polling locations designated under Subsection (2).

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

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

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

292 (C) The name of each candidate shall be placed on the ballot in the order specified  
293 under Section [20A-6-305](#).

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

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

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

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

298 and

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

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

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

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

304 (9) (a) [~~A~~] Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve

305 on a local district board shall serve a four-year term, beginning at noon on the January 1 after  
306 the person's election.

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

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

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

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

315 (12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A,  
316 Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

317 (13) (a) As used in this Subsection (13), "board" means:

318 (i) a local district board; or

319 (ii) the administrative control board of a special service district that has elected  
320 members on the board.

321 (b) A board may hold elections for membership on the board at a regular general  
322 election instead of a municipal general election if the board submits an application to the  
323 lieutenant governor that:

324 (i) requests permission to hold elections for membership on the board at a regular  
325 general election instead of a municipal general election; and

326 (ii) indicates that holding elections at the time of the regular general election is  
327 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
328 material reason.

329 (c) Upon receipt of an application described in Subsection (13)(b), the lieutenant  
330 governor may approve the application if the lieutenant governor concludes that holding the  
331 elections at the regular general election is beneficial based on the criteria described in  
332 Subsection (13)(b)(ii).

333 (d) If the lieutenant governor approves a board's application described in this section:

334 (i) all future elections for membership on the board shall be held at the time of the  
335 regular general election; and

336 (ii) the board may not hold elections at the time of a municipal general election unless  
337 the board receives permission from the lieutenant governor to hold all future elections for  
338 membership on the board at a municipal general election instead of a regular general election,  
339 under the same procedure, and by applying the same criteria, described in this Subsection (13).

340 Section 5. Section **17B-2a-404** is amended to read:

341 **17B-2a-404. Improvement district board of trustees.**

342 (1) As used in this section:

343 (a) "County district" means an improvement district that does not include within its  
344 boundaries any territory of a municipality.

345 (b) "County member" means a member of a board of trustees of a county district.

346 (c) "Electric district" means an improvement district that was created for the purpose of  
347 providing electric service.

348 (d) "Included municipality" means a municipality whose boundaries are entirely  
349 contained within but do not coincide with the boundaries of an improvement district.

350 (e) "Municipal district" means an improvement district whose boundaries coincide  
351 with the boundaries of a single municipality.

352 (f) "Regular district" means an improvement district that is not a county district,  
353 electric district, or municipal district.

354 (g) "Remaining area" means the area of a regular district that:

355 (i) is outside the boundaries of an included municipality; and

356 (ii) includes the area of an included municipality whose legislative body elects, under  
357 Subsection (4)(a)(ii), not to appoint a member to the board of trustees of the regular district.

358 (h) "Remaining area member" means a member of a board of trustees of a regular  
359 district who is appointed, or, if applicable, elected to represent the remaining area of the  
360 district.

361 (2) The legislative body of the municipality included within a municipal district may:

362 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
363 district; and

364 (b) adopt at any time a resolution providing for:

365 (i) the election of board of trustees members, as provided in Section [17B-1-306](#); or

366 (ii) the appointment of board of trustees members, as provided in Section [17B-1-304](#).

367 (3) The legislative body of a county whose unincorporated area is partly or completely  
368 within a county district may:

369 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
370 district; and

371 (b) adopt at any time a resolution providing for:

372 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

373 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

374 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the legislative body of each  
375 included municipality shall each appoint one member to the board of trustees of a regular  
376 district.

377 (ii) The legislative body of an included municipality may elect not to appoint a member  
378 to the board under Subsection (4)(a)(i).

379 (b) Except as provided in Subsection (5), the legislative body of each county whose  
380 boundaries include a remaining area shall appoint all other members to the board of trustees of  
381 a regular district.

382 (5) Notwithstanding Subsection (3), each remaining area member of a regular district  
383 and each county member of a county district shall be elected, as provided in Section  
384 17B-1-306, if:

385 (a) the petition or resolution initiating the creation of the district provides for remaining  
386 area or county members to be elected;

387 (b) the district holds an election to approve the district's issuance of bonds;

388 (c) for a regular district, an included municipality elects, under Subsection (4)(a)(ii),  
389 not to appoint a member to the board of trustees; or

390 (d) (i) at least 90 days before the municipal general election or regular general election,  
391 as applicable, a petition is filed with the district's board of trustees requesting remaining area  
392 members or county members, as the case may be, to be elected; and

393 (ii) the petition is signed by registered voters within the remaining area or county  
394 district, as the case may be, equal in number to at least 10% of the number of registered voters  
395 within the remaining area or county district, respectively, who voted in the last gubernatorial  
396 election.

397 (6) Subject to Section 17B-1-302, the number of members of a board of trustees of a

398 regular district shall be:

399 (a) the number of included municipalities within the district, if:

400 (i) the number is an odd number; and

401 (ii) the district does not include a remaining area;

402 (b) the number of included municipalities plus one, if the number of included  
403 municipalities within the district is even; and

404 (c) the number of included municipalities plus two, if:

405 (i) the number of included municipalities is odd; and

406 (ii) the district includes a remaining area.

407 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the  
408 board of trustees of a regular district shall reside within the remaining area.

409 (b) Notwithstanding Subsection (7)(a) and subject to Subsection (7)(c), each remaining  
410 area member shall be chosen from the district at large if:

411 (i) the population of the remaining area is less than 5% of the total district population;

412 or

413 (ii) (A) the population of the remaining area is less than 50% of the total district  
414 population; and

415 (B) the majority of the members of the board of trustees are remaining area members.

416 (c) Application of Subsection (7)(b) may not prematurely shorten the term of any  
417 remaining area member serving the remaining area member's elected or appointed term on May  
418 11, 2010.

419 (8) If the election of remaining area or county members of the board of trustees is  
420 required because of a bond election, as provided in Subsection (5)(b):

421 (a) a person may file a declaration of candidacy if:

422 (i) the person resides within:

423 (A) the remaining area, for a regular district; or

424 (B) the county district, for a county district; and

425 (ii) otherwise qualifies as a candidate;

426 (b) the board of trustees shall, if required, provide a ballot separate from the bond  
427 election ballot, containing the names of candidates and blanks in which a voter may write  
428 additional names; and

429 (c) the election shall otherwise be governed by Title 20A, Election Code.

430 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric  
431 district.

432 (ii) Subsections (2) through (8) do not apply to an electric district.

433 (b) The legislative body of the county in which an electric district is located may  
434 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.

435 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b), each  
436 member of the board of trustees of an electric district shall be elected by persons using  
437 electricity from and within the district.

438 (d) Each member of the board of trustees of an electric district shall be a user of  
439 electricity from the district and, if applicable, the division of the district from which elected.

440 (e) The board of trustees of an electric district may be elected from geographic  
441 divisions within the district.

442 (f) A municipality within an electric district is not entitled to automatic representation  
443 on the board of trustees.

444 Section 6. Section 17D-1-106 is amended to read:

445 **17D-1-106. Special service districts subject to other provisions.**

446 (1) A special service district is, to the same extent as if it were a local district, subject  
447 to and governed by:

448 (a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111, 17B-1-112,  
449 17B-1-113, 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121, 17B-1-304,  
450 [~~17B-1-305, 17B-1-306;~~] 17B-1-307, 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and  
451 17B-1-314; and

452 (ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a  
453 municipal legislative body, as applicable, has delegated authority to an administrative control  
454 board with elected members, under Section 17D-1-301.

455 (b) Subsections:

456 (i) 17B-1-301(3) and (4); and

457 (ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), and (7);

458 (c) Section 20A-1-512;

459 (d) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

- 460 (e) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports;
- 461 (f) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and
- 462 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

463 (2) For purposes of applying the provisions listed in Subsection (1) to a special service  
464 district, each reference in those provisions to the local district board of trustees means the  
465 governing body.

466 Section 7. Section **20A-1-102** is amended to read:

467 **20A-1-102. Definitions.**

468 As used in this title:

469 (1) "Active voter" means a registered voter who has not been classified as an inactive  
470 voter by the county clerk.

471 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
472 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

473 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
474 upon which a voter records the voter's votes.

475 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
476 envelopes.

477 (4) "Ballot sheet":

478 (a) means a ballot that:

479 (i) consists of paper or a card where the voter's votes are marked or recorded; and

480 (ii) can be counted using automatic tabulating equipment; and

481 (b) includes punch card ballots and other ballots that are machine-countable.

482 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

483 (a) contain the names of offices and candidates and statements of ballot propositions to  
484 be voted on; and

485 (b) are used in conjunction with ballot sheets that do not display that information.

486 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
487 on the ballot for their approval or rejection including:

488 (a) an opinion question specifically authorized by the Legislature;

489 (b) a constitutional amendment;

490 (c) an initiative;



- 491 (d) a referendum;
- 492 (e) a bond proposition;
- 493 (f) a judicial retention question;
- 494 (g) an incorporation of a city or town; or
- 495 (h) any other ballot question specifically authorized by the Legislature.
- 496 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
497 together with a staple or stitch in at least three places across the top of the paper in the blank  
498 space reserved for securing the paper.
- 499 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
500 [20A-4-306](#) to canvass election returns.
- 501 (9) "Bond election" means an election held for the purpose of approving or rejecting  
502 the proposed issuance of bonds by a government entity.
- 503 (10) "Book voter registration form" means voter registration forms contained in a  
504 bound book that are used by election officers and registration agents to register persons to vote.
- 505 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
506 charge by the sender.
- 507 (12) "By-mail voter registration form" means a voter registration form designed to be  
508 completed by the voter and mailed to the election officer.
- 509 (13) "Canvass" means the review of election returns and the official declaration of  
510 election results by the board of canvassers.
- 511 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
512 the canvass.
- 513 (15) "Contracting election officer" means an election officer who enters into a contract  
514 or interlocal agreement with a provider election officer.
- 515 (16) "Convention" means the political party convention at which party officers and  
516 delegates are selected.
- 517 (17) "Counting center" means one or more locations selected by the election officer in  
518 charge of the election for the automatic counting of ballots.
- 519 (18) "Counting judge" means a poll worker designated to count the ballots during  
520 election day.
- 521 (19) "Counting poll watcher" means a person selected as provided in Section

522 20A-3-201 to witness the counting of ballots.

523 (20) "Counting room" means a suitable and convenient private place or room,  
524 immediately adjoining the place where the election is being held, for use by the poll workers  
525 and counting judges to count ballots during election day.

526 (21) "County officers" means those county officers that are required by law to be  
527 elected.

528 (22) "Date of the election" or "election day" or "day of the election":

529 (a) means the day that is specified in the calendar year as the day that the election  
530 occurs; and

531 (b) does not include:

532 (i) deadlines established for absentee voting; or

533 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
534 Voting.

535 (23) "Elected official" means:

536 (a) a person elected to an office under Section 20A-1-303;

537 (b) a person who is considered to be elected to a municipal office in accordance with  
538 Subsection 20A-1-206(1)(c)(ii); or

539 (c) a person who is considered to be elected to a local district office in accordance with  
540 Subsection 20A-1-206(3)(c)(ii).

541 (24) "Election" means a regular general election, a municipal general election, a  
542 statewide special election, a local special election, a regular primary election, a municipal  
543 primary election, and a local district election.

544 (25) "Election Assistance Commission" means the commission established by Public  
545 Law 107-252, the Help America Vote Act of 2002.

546 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
547 file declarations of candidacy and ending when the canvass is completed.

548 (27) "Election judge" means a poll worker that is assigned to:

549 (a) preside over other poll workers at a polling place;

550 (b) act as the presiding election judge; or

551 (c) serve as a canvassing judge, counting judge, or receiving judge.

552 (28) "Election officer" means:

- 553 (a) the lieutenant governor, for all statewide ballots and elections;
- 554 (b) the county clerk for:
- 555 (i) a county ballot and election; and
- 556 (ii) a ballot and election as a provider election officer as provided in Section
- 557 [20A-5-400.1](#) or [20A-5-400.5](#);
- 558 (c) the municipal clerk for:
- 559 (i) a municipal ballot and election; and
- 560 (ii) a ballot and election as a provider election officer as provided in Section
- 561 [20A-5-400.1](#) or [20A-5-400.5](#);
- 562 (d) the local district clerk or chief executive officer for:
- 563 (i) a local district ballot and election; and
- 564 (ii) a ballot and election as a provider election officer as provided in Section
- 565 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 566 (e) the business administrator or superintendent of a school district for:
- 567 (i) a school district ballot and election; and
- 568 (ii) a ballot and election as a provider election officer as provided in Section
- 569 [20A-5-400.1](#) or [20A-5-400.5](#).
- 570 (29) "Election official" means any election officer, election judge, or poll worker.
- 571 (30) "Election results" means:
- 572 (a) for an election other than a bond election, the count of votes cast in the election and
- 573 the election returns requested by the board of canvassers; or
- 574 (b) for bond elections, the count of those votes cast for and against the bond
- 575 proposition plus any or all of the election returns that the board of canvassers may request.
- 576 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 577 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 578 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 579 form, and the total votes cast form.
- 580 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 581 device or other voting device that records and stores ballot information by electronic means.
- 582 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 583 or logically associated with a record and executed or adopted by a person with the intent to sign

584 the record.

585 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

586 (b) "Electronic voting device" includes a direct recording electronic voting device.

587 (35) "Inactive voter" means a registered voter who has:

588 (a) been sent the notice required by Section 20A-2-306; and

589 (b) failed to respond to that notice.

590 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
591 witness the receipt and safe deposit of voted and counted ballots.

592 (37) "Judicial office" means the office filled by any judicial officer.

593 (38) "Judicial officer" means any justice or judge of a court of record or any county  
594 court judge.

595 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
596 Local Government Entities - Local Districts, and includes a special service district under Title  
597 17D, Chapter 1, Special Service District Act.

598 (40) "Local district officers" means those local district ~~[officers]~~ board members that  
599 are required by law to be elected.

600 (41) "Local election" means a regular municipal election, a local special election, a  
601 local district election, and a bond election.

602 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
603 local school district.

604 (43) "Local special election" means a special election called by the governing body of a  
605 local political subdivision in which all registered voters of the local political subdivision may  
606 vote.

607 (44) "Municipal executive" means:

608 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;  
609 or

610 (b) the mayor in the council-manager form of government defined in Subsection  
611 10-3b-103(6).

612 (45) "Municipal general election" means the election held in municipalities and, as  
613 applicable, local districts on the first Tuesday after the first Monday in November of each  
614 odd-numbered year for the purposes established in Section 20A-1-202.

615 (46) "Municipal legislative body" means the council of the city or town in any form of  
616 municipal government.

617 (47) "Municipal office" means an elective office in a municipality.

618 (48) "Municipal officers" means those municipal officers that are required by law to be  
619 elected.

620 (49) "Municipal primary election" means an election held to nominate candidates for  
621 municipal office.

622 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
623 workers to be given to voters to record their votes.

624 (51) "Official endorsement" means:

625 (a) the information on the ballot that identifies:

626 (i) the ballot as an official ballot;

627 (ii) the date of the election; and

628 (iii) the facsimile signature of the election officer; and

629 (b) the information on the ballot stub that identifies:

630 (i) the poll worker's initials; and

631 (ii) the ballot number.

632 (52) "Official register" means the official record furnished to election officials by the  
633 election officer that contains the information required by Section [20A-5-401](#).

634 (53) "Paper ballot" means a paper that contains:

635 (a) the names of offices and candidates and statements of ballot propositions to be  
636 voted on; and

637 (b) spaces for the voter to record the voter's vote for each office and for or against each  
638 ballot proposition.

639 (54) "Political party" means an organization of registered voters that has qualified to  
640 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
641 and Procedures.

642 (55) (a) "Poll worker" means a person assigned by an election official to assist with an  
643 election, voting, or counting votes.

644 (b) "Poll worker" includes election judges.

645 (c) "Poll worker" does not include a watcher.

646 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
647 cast votes.

648 (57) "Polling place" means the building where voting is conducted.

649 (58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
650 in which the voter marks the voter's choice.

651 ~~[(62)]~~ (59) "Primary convention" means the political party conventions at which  
652 nominees for the regular primary election are selected.

653 ~~[(63)]~~ (60) "Protective counter" means a separate counter, which cannot be reset, that:

654 (a) is built into a voting machine; and

655 (b) records the total number of movements of the operating lever.

656 ~~[(59)]~~ (61) "Provider election officer" means an election officer who enters into a  
657 contract or interlocal agreement with a contracting election officer to conduct an election for  
658 the contracting election officer's local political subdivision in accordance with Section  
659 [20A-5-400.1](#).

660 ~~[(60)]~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

661 (a) whose name is not listed on the official register at the polling place;

662 (b) whose legal right to vote is challenged as provided in this title; or

663 (c) whose identity was not sufficiently established by a poll worker.

664 ~~[(61)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form  
665 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide  
666 information to verify a person's legal right to vote.

667 (64) "Qualify" or "qualified" means to take the oath of office and begin performing the  
668 duties of the position for which the person was elected.

669 (65) "Receiving judge" means the poll worker that checks the voter's name in the  
670 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
671 after the voter has voted.

672 (66) "Registration form" means a book voter registration form and a by-mail voter  
673 registration form.

674 (67) "Regular ballot" means a ballot that is not a provisional ballot.

675 (68) "Regular general election" means the election held throughout the state on the first  
676 Tuesday after the first Monday in November of each even-numbered year for the purposes

677 established in Section 20A-1-201.

678 (69) "Regular primary election" means the election on the fourth Tuesday of June of  
679 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to  
680 advance to the regular general election.

681 (70) "Resident" means a person who resides within a specific voting precinct in Utah.

682 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
683 and distributed as provided in Section 20A-5-405.

684 (72) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
685 punch the ballot for one or more candidates who are members of different political parties.

686 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
687 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
688 the voter's vote.

689 (74) "Special election" means an election held as authorized by Section 20A-1-203.

690 (75) "Spoiled ballot" means each ballot that:

691 (a) is spoiled by the voter;

692 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

693 (c) lacks the official endorsement.

694 (76) "Statewide special election" means a special election called by the governor or the  
695 Legislature in which all registered voters in Utah may vote.

696 (77) "Stub" means the detachable part of each ballot.

697 (78) "Substitute ballots" means replacement ballots provided by an election officer to  
698 the poll workers when the official ballots are lost or stolen.

699 (79) "Ticket" means each list of candidates for each political party or for each group of  
700 petitioners.

701 (80) "Transfer case" means the sealed box used to transport voted ballots to the  
702 counting center.

703 (81) "Vacancy" means the absence of a person to serve in any position created by  
704 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
705 or other cause.

706 (82) "Valid voter identification" means:

707 (a) a form of identification that bears the name and photograph of the voter which may

708 include:

- 709 (i) a currently valid Utah driver license;
- 710 (ii) a currently valid identification card that is issued by:
  - 711 (A) the state; or
  - 712 (B) a branch, department, or agency of the United States;
- 713 (iii) a currently valid Utah permit to carry a concealed weapon;
- 714 (iv) a currently valid United States passport; or
- 715 (v) a currently valid United States military identification card;
- 716 (b) one of the following identification cards, whether or not the card includes a  
717 photograph of the voter:
  - 718 (i) a valid tribal identification card;
  - 719 (ii) a Bureau of Indian Affairs card; or
  - 720 (iii) a tribal treaty card; or
  - 721 (c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear  
722 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
723 may include:
    - 724 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
725 election;
    - 726 (ii) a bank or other financial account statement, or a legible copy thereof;
    - 727 (iii) a certified birth certificate;
    - 728 (iv) a valid Social Security card;
    - 729 (v) a check issued by the state or the federal government or a legible copy thereof;
    - 730 (vi) a paycheck from the voter's employer, or a legible copy thereof;
    - 731 (vii) a currently valid Utah hunting or fishing license;
    - 732 (viii) certified naturalization documentation;
    - 733 (ix) a currently valid license issued by an authorized agency of the United States;
    - 734 (x) a certified copy of court records showing the voter's adoption or name change;
    - 735 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
    - 736 (xii) a currently valid identification card issued by:
      - 737 (A) a local government within the state;
      - 738 (B) an employer for an employee; or



739 (C) a college, university, technical school, or professional school located within the  
740 state; or

741 (xiii) a current Utah vehicle registration.

742 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in  
743 candidate by following the procedures and requirements of this title.

744 (84) "Voter" means a person who:

745 (a) meets the requirements for voting in an election;

746 (b) meets the requirements of election registration;

747 (c) is registered to vote; and

748 (d) is listed in the official register book.

749 (85) "Voter registration deadline" means the registration deadline provided in Section  
750 [20A-2-102.5](#).

751 (86) "Voting area" means the area within six feet of the voting booths, voting  
752 machines, and ballot box.

753 (87) "Voting booth" means:

754 (a) the space or compartment within a polling place that is provided for the preparation  
755 of ballots, including the voting machine enclosure or curtain; or

756 (b) a voting device that is free standing.

757 (88) "Voting device" means:

758 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
759 piercing the ballots by the voter;

760 (b) a device for marking the ballots with ink or another substance;

761 (c) an electronic voting device or other device used to make selections and cast a ballot  
762 electronically, or any component thereof;

763 (d) an automated voting system under Section [20A-5-302](#); or

764 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
765 by means of automatic tabulating equipment.

766 (89) "Voting machine" means a machine designed for the sole purpose of recording  
767 and tabulating votes cast by voters at an election.

768 (90) "Voting poll watcher" means a person appointed as provided in this title to  
769 witness the distribution of ballots and the voting process.

770 (91) "Voting precinct" means the smallest voting unit established as provided by law  
771 within which qualified voters vote at one polling place.

772 (92) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
773 poll watcher, and a testing watcher.

774 (93) "Western States Presidential Primary" means the election established in Chapter 9,  
775 Part 8, Western States Presidential Primary.

776 (94) "Write-in ballot" means a ballot containing any write-in votes.

777 (95) "Write-in vote" means a vote cast for a person whose name is not printed on the  
778 ballot according to the procedures established in this title.

779 Section 8. Section **20A-1-201** is amended to read:

780 **20A-1-201. Date and purpose of regular general elections.**

781 (1) A regular general election shall be held throughout the state on the first Tuesday  
782 after the first Monday in November of each even-numbered year.

783 (2) At the regular general election, the voters shall:

784 (a) choose persons to serve the terms established by law for the following offices:

785 (i) electors of President and Vice President of the United States;

786 (ii) United States Senators;

787 (iii) Representatives to the United States Congress;

788 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

789 (v) senators and representatives to the Utah Legislature;

790 (vi) county officers;

791 (vii) State School Board members;

792 (viii) local school board members; ~~and~~

793 (ix) except as provided in Subsection (3), local district officers; and

794 ~~[(ix)]~~ (x) any elected judicial officers; and

795 (b) approve or reject:

796 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot  
797 under procedures established in the Utah Code;

798 (ii) any proposed initiatives or referenda that have qualified for the ballot under  
799 procedures established in the Utah Code; and

800 (iii) any other ballot propositions submitted to the voters that are authorized by the

801 Utah Code.

802 (3) This section:

803 (a) applies to a special service district for which the county legislative body or the  
804 municipal legislative body, as applicable, has delegated authority for the special service district  
805 to an administrative control board; and

806 (b) does not apply to a special service district for which the county legislative body or  
807 the municipal legislative body, as applicable, has not delegated authority for the special service  
808 district to an administrative control board.

809 Section 9. Section **20A-1-202** is amended to read:

810 **20A-1-202. Date and purpose of municipal general election.**

811 (1) Except as provided in Section **20A-1-206**, a municipal general election shall be  
812 held in municipalities, and local districts as applicable, on the first Tuesday after the first  
813 Monday in November of each odd-numbered year.

814 (2) At the municipal general election, the voters shall:

815 (a) (i) choose persons to serve as municipal officers; and

816 (ii) for a local district that holds an election during an odd-numbered year, choose  
817 persons to serve as local district officers; and

818 (b) approve or reject:

819 (i) any proposed initiatives or referenda that have qualified for the ballot as provided  
820 by law; and

821 (ii) any other ballot propositions submitted to the voters that are authorized by the Utah  
822 Code.

823 Section 10. Section **20A-5-101** is amended to read:

824 **20A-5-101. Notice of election.**

825 (1) On or before February 1 in each regular general election year, the lieutenant  
826 governor shall prepare and transmit a written notice to each county clerk that:

827 (a) designates the offices to be filled at the regular general election;

828 (b) identifies the dates for filing a declaration of candidacy for those offices;

829 (c) includes the master ballot position list for the current year and the next year as  
830 established under Section **20A-6-305**; and

831 (d) contains a description of any ballot propositions to be decided by the voters that

832 have qualified for the ballot as of that date.

833 (2) (a) No later than February 15, each county clerk shall:

834 (i) publish a notice:

835 (A) once in a newspaper published in that county; and

836 (B) as required in Section 45-1-101; or

837 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to

838 give notice of the election to the voters in each voting precinct within the county; and

839 (B) prepare an affidavit of that posting, showing a copy of the notice and the places

840 where the notice was posted.

841 (b) The notice required by Subsection (2)(a) shall:

842 (i) designate the offices to be voted on in that election [~~in that county, other than local~~  
843 ~~district offices~~]; and

844 (ii) identify the dates for filing a declaration of candidacy for those offices.

845 (3) Before each election, the election officer shall give written or printed notice of:

846 (a) the date and place of election;

847 (b) the hours during which the polls will be open;

848 (c) the polling places for each voting precinct;

849 (d) an election day voting center designated under Section 20A-3-703; and

850 (e) the qualifications for persons to vote in the election.

851 (4) To provide the notice required by Subsection (3), the election officer shall publish

852 the notice at least two days before the election:

853 (a) in a newspaper of general circulation common to the area or in which the election is  
854 being held; and

855 (b) as required in Section 45-1-101.