

SJR 14 Study of Election Laws
Decision Points for January 17, 2014, Meeting

Part 1 - General Provisions

For the SJR 14 Subcommittee on Elections
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NOTE: This document is intended to be used in conjunction with the preliminary bill draft LCEle1.

New Section 1 - Elections for special purpose districts

1. Should we create a new section of law for codification in Title 13 to provide uniform statutory language to govern how elections for special purpose districts should be conducted? This would require the election provisions for some districts to be changed.
2. When should the initial election of board members after a special purpose district is created be held? Current statutes for special purpose districts vary, but mostly seem to allow the election, if required (some initial board members are appointed), at the next regular school election, primary, or general, but not a special election.
 - a. regular school election?
 - b. primary election?
 - c. general election?
 - d. special election (date set by governing body)?
 - e. some or all of the above?
3. What about subsequent elections for board members? Should a subsequent election have to be done only in odd-numbered years (the non-federal election year)? This would help keep election administration consistent.
4. When should an election concerning special district finances be held? At anytime set by the governing body? Special elections are allowed currently due to the need for flexible timing.
5. Should we allow an election by a special district to be conducted by mail ballot? Current law does allow it.
6. Who should administer a special purpose election? Current statutes are not entirely clear or consistent on this, especially if the election involves a multi-county district or the election is held in conjunction with a school election.

Section 2 - Amending 13-1-101. Definitions.

1. Should the definitions of "general election", "primary election", and "special election" be revised? Staff is proposing this because currently there seems to be confusion and the terms are used inconsistently. For example, a ballot issue election is held at the general election so the election is not limited to an election of offices. Also, an election may be held for officers at the general election, but a primary was either not necessary or the election with respect to a political subdivision is not an election that requires a primary. Also, a special election is referred to in two ways currently: as an election held on a special date, or an election held in conjunction with another election. By clarifying these definitions, statutory language can be made more consistent in all the other statutes and clearly state that the election is to be held on general election day or primary election day, or be called as a special election (i.e., held on a different day).
2. Are the other changes in this section OK?

Section 3 - Amending 13-1-104. Times for holding general elections.

1. Current language has become convoluted with special distinctions being made depending on whether annual elections are required, whether a multi-county district is involved, whether a vacancy has occurred, or whether a term of office has expired. Staff recommends this section be rewritten to provide a clear and simple framework for determining what day and year an election is to be held on:
 - a. General election day specified in sub (1)
 - b. Even-year elections (federal election) specified in sub (2)
 - c. Odd-year elections (municipal) specified in sub (3)
 - d. Sub (2) and sub (3) have "catch all" so any other elections specified by law will be held on this date. This makes it easier for a bill drafter to simply reference the appropriate subsection when specifying an election date. If the controlling section and subsection is amended, all other statutes are still OK and don't require an amendment.
2. Do you agree with what elections are specified for what year? Current law was kept in tact but without specific reference to annual elections or multi-county districts.

Section 4 - Amending 13-1-107. Times for holding primary elections.

See questions and comments for Section 5 above. Similar framework established.

Section 5 - Amending 13-1-108. Notice of special elections.

1. Do you agree that this section should be the governing statute for all notices of elections so that a bill drafter does not need to recreate language and may simply reference this section and keep notice provisions consistent?
2. Should notice provisions for regular elections and special elections be the same? Current law provides different notice provisions, which are preserved in the bill draft. However, this could easily be changed to establish the same provisions for all elections.
3. Do the current time frames and requirements for notice need to be changed?

Section 6 - Amending 13-1-401. Manner of conducting general elections for political subdivisions required to hold annual elections.

1. Do you agree with the revisions proposed in subsection (1)? The language in this section is also convoluted. The current provisions depend on determining whether a political subdivision is required to hold an annual election. However, there are other reasons a special purpose district may hold an election on the regular school election day.
2. Do you agree with the revisions proposed in subsection (2)? This language is unnecessary and actually does not work. The specific provisions of each political subdivision (i.e., special purpose district) will govern anyway. Also, if the election provisions are to be made uniformly, New Section 1, subsection (1)(c) will accommodate a special purpose district that elects board members at an annual meeting.
3. Do you agree with striking subsections (3) and (4)? The provisions of subsection (3) are covered in the New Section 1. The provisions of subsection (4) are covered in the amendments to 13-1-108 in Section 5.

Section 7 - Amending 13-10-201. Declaration for nomination -- term limitations.

1. Should the timeframe for candidate filing opening and closing be the same for both even- and odd-year elections? The revision proposed is to make the deadline for all elections consistent with federal election deadlines.

NOTE: STAFF IS CONTINUING TO WORK THROUGH SPECIAL PURPOSE DISTRICT STATUTES TO PROPOSE REVISIONS THAT WILL BE INCLUDED IN THE PROPOSED BILL DRAFT AND PROVIDED AT THE JANUARY 17 MEETING. THE PROPOSED REVISIONS WOULD MAKE ALL SPECIAL PROVISIONS CONSISTENT WITH THE POLICY SET IN SECTION 1 CONCERNING ELECTIONS FOR SPECIAL PURPOSE DISTRICTS.