Recommendations of the
SJR 14 Election Law Subcommittee

Bill Draft: LCeleR

April 9, 2014

prepared for the
State Administration and Veterans' Affairs Interim Committee
by Sheri Scurr, Legislative Services Division

The following list is a summary of the election law revisions contained in LCeleR
based on the decisions and instructions to staff by the SJR 14 Subcommittee.
A more thorough, section-by-section, chart will be created after the bill draft is complete

General changes

1. Clarifies the definitions for general, primary, special, and regular school elections. Strikes convoluted and difficult to follow language.

2. Establishes a set of umbrella statutes in Title 13 that are then referenced in any statute concerning how an election should be conducted or when.
    -- [Sections 1 through 5] concern special purpose districts
    -- [Sections 6 through 10] concern local government elections

3. The umbrella statutes allow for the repeal of repetitive language and statutes and add consistency.

4. The umbrella statutes also allow for:
    -- standardization of candidate filing deadlines, no sooner than 145 days and no later than 85 days before the election;
    -- consolidation of ballot deadlines
    -- changes absentee ballot certification for certain political subdivision elections from 20 days before the election to 30 days before to be consistent with other ballot certification deadlines;
    -- consolidation of notification provisions; and
    -- standardization of language about how elections are to be conducted.

Changes for special purpose district elections

5. Requires that any election concerning special purpose districts (except for elections related to finance, such as approval of bonds or of tax or fee assessments) would be held on the same day as the regular school election, which is the first Tuesday after the first Monday of May each year. A funding election could be called as a special election.

6. Standardizes candidate filing deadlines with 145 days to 85 days before election.

7. Clarifies that the county election administrator is responsible for special purpose district elections.

8. Provides that if the district is within more than one county, then the county with the most electors (rather than the most territory) in the district is to conduct the election.

9. Repeals or strikes redundant language and provides clean reference to umbrella statutes concerning how the election is to be conducted, including notice requirements. This will provide clarity, consistency, and allow changes without a 200+ -page bill.

10. There are a number of other decisions still to be made concerning potential changes to make special district election language more consistent. Potential changes relate to the following areas, so far:
    -- how "qualified elector" is defined in some statutes
    -- a person having to be nominated for candidacy by signature of certain number of electors
    -- allowing the withdrawal of a signature from a petition calling for an election in certain cases, but not others
    -- how a percentage of electors should be calculated (number of electors voting in last election, or number of currently registered electors?)
    -- whether a public hearing must be held prior to a question being submitted to electors in some cases but not others
    -- whether to allow an exception so that a special election can be held in some cases rather than requiring election to be held on primary or general election day
    -- how to clarify terms of office, oaths of office, election by acclamation, and appointment process when there are not enough candidates

Changes for local government elections (city, county)

11.   References to umbrella statutes replace language in individual statutes

12.   Some of the issues listed under 10 above would also relate to some of the local government elections

Changes school elections

13.   Establishes a definition of "regular school election", "school election", and "special school election" to allow these terms to be used in the statutes more clearly (20-3-202)

14.   Clarifies oath of office and term of office provisions for superintendent (20-3-202)

15.   Changes candidate filing deadline to conform with standard time period of 145 days to 85 days before the election (20-3-305)

16.   Changes notification of cancellation of a school election and election by acclamation from 25 days to 30 days before the election (20-3-313)

17.   Changes notification requirements to allow notice to be published or broadcast no later than 10 days before an election (rather than no later than 20 days) (13-1-108 and 20-20-204)

18.   Changes statute that allows an election to be called at least 40 days before the election, to be called at least 70 days before the election (20-20-201)

19.   Applies late voter registration to school elections (20-20-311, 20-20-312, and 13-2-304)

20.   Changes deadline for ballot certification for trustee elections from 25 days to 30 days prior to the election (20-20-401) - amends 13-19-207, mail ballot elections, to match this change

Cl0134 4098shoa.