

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

Part 2 - Title 20, School Elections

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 LCEle2.*

Section 1 - Amending Section 20-1-101. Definitions.

Should the following definitions be clarified to provide more clarity:

1. Regular school election, sub (20)
2. School election, sub (21), repeal 20-20-101 definition
3. Special school election, sub (23)

Section 2 - Amending 20-3-202. Term, oath, and vacancy.

Should "regular" be stricken in subsection (3) to avoid any confusion/redundancy?

Section 3 - Amending 20-3-301. Election and term of office.

Should 20-3-304 be repealed (see Section 4) and its substance consolidated into 20-2-301 to provide more clarity with an appropriate reference to 20-20-105(1), which establishes the day of the regular school election?

Section 5 - Amending 20-3-305. Candidate qualification, nomination, and withdrawal.

1. Should the time period for trustee candidate filing period be conformed to the filing period for primary elections in Title 13? (See also Section 10 amending 20-3-344.)
2. Should the time period for trustees to withdraw from and election also be conformed to the time period for primary elections in Title 13?

Section 6 - Amending 20-3-307. Qualification and oath.

This section simply inserts "school" before election in the last sentence to clarify the section is not referring to a general election, but to the regular school election. Is this OK?

Section 7 - Amending 20-3-313. Election by acclamation -- notice.

Should the time frame of 25 days before the election be changed for consistency? What if the election is conducted by the county election administrator?

Section 8 - Amending 20-3-321. Organization and officers.

The term "school" is inserted in the first sentence to clarify that the language is referring to the regular school election day, which would be a defined term in 20-1-101. Is this OK?

Section 9 - Amending 20-3-341. Number of trustee positions in elementary districts -- transition.

The term "regular" is inserted before "school election" in subsection (4)(a) in two places for clarity. Is this OK?

Section 10 - Amending 20-3-344. Nomination of candidates by petition in first-class elementary district.

Should the time period for nominations be conformed to 13-10-201?

Section 11 - Amending 20-9-428. Determination of approval or rejection of proposition at bond election.

The amendments in subsection (1)(b)(ii) are needed if the subcommittee agrees that the use of defined terms is preferable to confusing a special election (on a special date) with an election that is held with a general or primary election. See Section 1 amending 20-1-101. Definitions. Is this OK?

Section 12 - Amending 20-9-471. Issuance of obligations -- authorization -- conditions.

Striking the words "a special or regular" in front of "election" eliminates confusing language and provides that the proposition may be approved at any election. Is this OK?

Section 13 - Amending 20-15-203. Call of community college district organization election -- proposition statement.

Does the 60-day time frame in subsection (2) need to be amended to be consistent with other time frames? See section 23, amending 20-20-201. Calling of school election.

Section 14 - Amending 20-15-219. Nomination of candidates and provision of sample ballot.

Does the 30-day time frame in subsection (1) need to be changed to be consistent with other time frames?

Section 15 - Amending 20-15-219. Qualifications for office of trustee -- nominating petitions.

Does the 40-day time frame in subsection (2) need to be changed to be consistent with other time frames?

Section 16 - Amending 20-15-221. Election of trustees after organization of community college district.

The amendment in subsection (1) is to make the internal reference correct if 20-3-304 is repealed. See Section 3 and 4. Is this OK?

Section 17 - Amending 20-15-222. Results of election -- qualifying oath -- term of office. The term "school" is inserted in subsection (2)(b) for clarity -- using a defined term. Is this OK?

Section 18 - Amending 20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal. The term "school" is inserted in subsection (1)(a) for clarity -- using a defined term. Is this OK?

Section 19 - Amending 20-15-311. Funding sources. The word "general" is stricken in subsection (5) for clarity of defined terms. Is this OK?

Section 20 - Amending 20-20-101. Definition. This section could be repealed if "school election" is defined in 20-1-101, where the definition is most appropriate. Is this OK?

Section 21 - Amending 20-20-105. Regular school election day and special school elections -- limitation -- exception. This section is amended to provided clarity in subsections and in referring to school funding elections in subsection (4). Is this OK?

Section 22 - Amending 20-20-106. Poll hours. Should this section be conformed to the polling place hours contained in Title 13? Or, is it sufficiently coordinated already? See in particular subsection (2) concerning political subdivision elections held on the same day as a school election.

Section 23 - Amending 20-20-201. Calling of school election. The current language is confusing. The proposed amendments would make the section apply to school elections other than trustee elections held on the regular school election day. Staff's understanding is that the current section authorizes the election called to be held in conjunction with a primary or general election or that it could be called as a special election (on a special day). However, this is not clear. The amendments seek to clarify this and the time frames for calling the election and transmitting notice to the election administrator.

1. Are the clarifications OK?
2. What should the time frames be for:
  - a. calling the election?
  - b. transmitting the resolution to the county election administrator?
  - c. conducting the election? See Section 24 repealing the time limitation section.

Section 24 - REPEAL of 20-20-202. Time limitation for conduct of election. See discussion under Section 23.

Section 25 - Amending 20-20-204. Election notice.

This section is amended to clarify the difference between notice requirements for special elections and notice requirements if the election is held in conjunction with an election held on the regular school election day or with a primary or general election.

What should the notice requirements be for:

1. Special school elections?
2. Regular school elections?
3. School elections held in conjunction with a primary or general election?

Section 26 - Amending 20-20-311. Closure of registration.

Section 27 - Amending 20-20-312. Listing of registered electors.

Section 28 - Amending 13-2-304. Late registration -- late changes -- nonapplicability for school elections.

Current law provides that late registration provisions do not apply to school elections unless the election is conducted by the county election administrator. Does the subcommittee wish to change this to make late registration apply to all elections?

Section 29 - Amending 20-20-401. Trustees' election duties -- ballot certification.

Should the time frames for ballot certification be changed to be consistent with other deadlines? If so, how?

Section 30 - Amending 20-20-417. Request for county election administrator to conduct election.

Should the time frame for requesting the county election administrator conduct a school election be changed to be consistent with other deadlines? If so, how?