

Election Law Revisions - HB 84 (2015) Clean-Up Considerations For 2017 Session

**Stakeholders (including the Sec. of State's Office, election administrators, and other interested persons) have been asked to forward their suggestions to staff for the committee's consideration through the Aug. 23, 2016, SAVA meeting.*

No. / Topic	Problem After HB 84 Amendments	Possible Cleanup
<p style="text-align: center;">1</p> <p>Election for local government study commission members</p>	<p>Identified by legislative staff during codification -</p> <p>Changes made to 7-3-174(2) seem to require that an election for study commission members must always be held, but it must only be held if the question of establishing a study commission is approved.</p> <p>7-3-174. Election dates and procedures. (1)</p> <p>(2) An election of study commission members under 7-3-176 must be held in conjunction with a general election held on the date established in 13-1-104.</p> <p>(3)</p>	<p>7-3-174. Election dates and procedures. (1) ...</p> <p>(2) An <u>If the question of establishing a study commission is approved, the</u> election of study commission members under 7-3-176 must be held in conjunction with a general election held on the date established in 13-1-104.</p> <p>(3)</p>
<p style="text-align: center;">2</p> <p>Election on a local government ordinance requested by petition</p>	<p>Identified by legislative staff during codification -</p> <p>HB 84 repealed 7-5-136, which included language that required that an election on a local government ordinance triggered by a petition be conducted "at the next regular election". This removed a timeframe that was not replaced. Without a time limit, a local government could theoretically keep delaying the election.</p>	<p>7-5-132. Procedure for initiative or referendum election.</p> <p>(1) The electors of a local government may, by petition, request an election on whether to enact, repeal, or amend an ordinance. ...</p> <p>(5) An election held pursuant to this section must be conducted <u>in conjunction with the next local government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the qualified electors, a special election must be held on the date specified in the petition.</u></p>

No. / Topic	Problem After HB 84 Amendments	Possible Cleanup
<p>3 Resort tax election</p>	<p>Identified by the lobbyist of resort districts (Mona Jamison) - Language concerning publication of a notice of the goods and services to be subject to the tax was inadvertently stricken by the drafter in the original bill draft.</p> <p>Section 82</p> <p>7-6-1504. Resort tax -- election required -- procedure -- notice. (1)</p> <p>(6) (a) Before the resort tax question is submitted to the electorate of a resort community or area, the governing body of the resort community or the board of county commissioners in the county in which the resort area is located shall publish notice of the goods and services subject to the resort tax, in a newspaper that meets the qualifications of subsection (6)(b). The notice must be published twice, with at least 6 days separating publications. The first publication must be no more than 30 days prior to the election and the last no less than 3 days prior to the election <u>Notice of the election must be accomplished as provided in 13-1-108 and include the information listed in subsection (4) of this section.</u></p> <p>(7)</p>	<p>7-6-1504. Resort tax -- election required -- procedure -- notice. (1)</p> <p>(4) The petition or resolution referring the taxing question must state:</p> <p>(a) the rate of the resort tax;</p> <p>(b) the duration of the resort tax;</p> <p>(c) the date when the tax becomes effective, which date may not be earlier than 35 days after the election;</p> <p><u>(d) the goods and services subject to the resort tax; and</u></p> <p>(d)<u>(e)</u> the purposes that may be funded by the resort tax revenue.</p> <p>(5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part 5.</p> <p>(6) Notice of the election must be accomplished as provided in 13-1-108 and include the information listed in subsection (4) of this section.</p>
Others?		