Comments on SB 140
Combine School and Primary Election Dates

1	13-1-101(8)	Definition of "election" does not include a school election.	Adds school election to definition of "election".		Completely reverses the separation of Title 20 taking precedence in school elections and incorporates many of the provisions into Title 13.
1	13-1-101(23)	School districts are purposely excluded from the definition of "political subdivision".	School districts are included in the definition of "political subdivision".		
13	20-20-102	Title 20 governs any conflicts between requirements of Title 13 and Title 20, Chapter 20 (school elections).	Title 13 governs any conflicts between requirements of Title 13 and Title 20, Chapter 20 (school elections).		
9	20-3-304	Election of trustees must be conducted annual on the regular school election day (first Tuesday after the first Monday in May).	Adds provision that "If a regular school election is to be held in the same year as a primary election under 13-1-107(1), the school election must be held in conjunction with the primary election."	In even-numbered years, school district trustee elections and general fund levy elections are required to be held in conjunction with the primary election.	In even-numbered years, primary supervision and control of school trustee and general fund levy elections is passed to the County Election Administrator. School districts lose their choice of running a traditional election or a mail ballot election.
21	20-20-417	By June 1 of each year, school district may request the county to run school elections in the ensuing year.	Add similar language as in Section 9, shown above.	Same effect as noted in Section 9 above.	Limits a school district's choice in who will run a school election to only special elections.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 1-21-2013
BILL NO. SB 140

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2 16 18	13-1-106 20-20-106 20-20-203	Allows school elections to determine the open and close of polls in elections under 13-1-104(3) – elections other than municipal elections.	Poll hours are required to be 7am to 8pm, unless fewer than 400 electors, then noon to 8pm.	Mandates the opening and closing of polls for all elections. Districts are no longer allowed to set the poll times for school elections.	Mandating poll hours means that school polls must be open longer hours than those that may have been set by the board of trustees in prior elections. This may result in greater expense to the district running the election.
3	13-1-107 13-1-104 (reference only – no changes)	General election primaries are held the first Tuesday after the first Monday in June. Municipal primaries are held the Tuesday following the second Monday in September.	General election primaries and primaries for municipal elections held in November are held on the first Tuesday after the first Monday in May (school election day).	Moves all primary elections to the school election date in May (first Tuesday after the first Monday in May).	As primary elections are held in even-numbered years and municipal elections either in odd-numbered year or every year (depending upon the political subdivision), school elections will be held in conjunction with either a primary or municipal primary election every year.
3 3	13-1-302 (reference only – no changes) 13-1-107 (3) (reference only – no change to (3)	Each political subdivision shall pay its "proportionate share" as determined by the county election administrator and the school district election administrator. Municipalities are responsible for the cost of a primary election.	Unsure who pays for the election.	Current statute outlines who pays for what elections under what circumstances – as elections of different types are held on separate election days.	Districts currently have the option to run their own elections. They can open/close the polls at hours of their discretion (with some restrictions). They can choose to run a mail ballot election. All of these adjustments may save the district money. However, under the new provisions, they no longer have the ability to set their hours, conduct their own elections, or run a mail ballot election when a general or municipal primary is run at the same time as the school election. Further, as mentioned in

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[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
21	20-20-417	School districts are responsible for the cost of their elections, or if they request the county election to conduct the election, they pay the county.			Bill Section 3, the costs are no longer controlled by the district, but, rather, by conflicting statues that leave the cost of the election up to other political subdivisions. 20-20-417 only requires districts to pay the county election administrator to run the election if the district requests that the county election administrator run the election. New provisions mandate that the county election administrator run the election.
4 19	13-1-108 20-20-204	Notice of election for schools must be published not less than 20 days or more than 30 days before the day of election. Notice is required to be published once in a newspaper of general circulation – but only if there is one in the district.	Schools must notice three times in the 4 weeks preceding the election in a newspaper of general circulation in the jurisdiction or broadcast on radio or television.	School districts are required to meet the notice of election requirements in Title 13.	Increases the amount of notice districts are required to give for school elections. Districts are required to pay for publication (either newspaper or broadcast), even if no general circulation exists in the district. The requirements of this change may be an added and unnecessary expense for districts).

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Bill Section	Affected Statutes	Current Law	SB 140 Changes	Effect	Comments
5 13	13-2-304 20-20-311 20-20-102	Registration for school district elections closes 30 days prior to election day.	Removes exclusion of school districts from late registration law.	Registration for school elections currently closes 30 days prior to an election. Under the new legislation, school districts would not be exempted from late registration requirements.	This change creates the most confusion in this bill. On its face, it appears that late registration for school districts would be allowed only in years in which primary or general municipal elections are conducted. However, considering the change in 20-20-102, late registration would always be allowed in a school election (as this section makes Title 13 priority over Title 20). If that is the case, districts conducting elections in non-primary years would have to deal with late and same day registration. Further, there could be confusion over which year late registration applies and which years it doesn't.
10	20-3-305	Names of candidates submitted to the school district clerk at least 40 days prior to the election.	Names of candidates submitted to the school district clerk at least 85 days prior to the election.	Changes the number of days before the election that names of candidates must be submitted to the school district clerk in school elections.	This change shortens the time for candidates to apply for office from 95 days to 50 days, which could create difficulty in districts that already have trouble filling trustee positions. As mentioned in Bill Section 6, names of candidates are submitted to the school district clerk prior to the deadline for candidates to apply through write-in declaration of intent.

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6 11	13-10-211 20-3-313	Deadline for write-in candidates (mail ballot and school district elections) is no later than 5pm on the 26th day before the election.	Deadline for write-in candidates is no later than 5pm on the 10th day before the date established in 13-10-201 (40 days prior).	Removes the language that differentiates the write-in deadline for both mail ballot and school election candidates.	These changes create confusion because write-in candidates can file a declaration of intent after the certified list of candidates is sent to the county election administrator. Further, changes to the deadline to call an election by acclamation are prior to the deadline for write-in candidates – meaning that an election could be called before the final day for candidates to declare candidacy. Candidates and ballot issues must be certified prior to the deadline for write-in candidates. Further, the certified list must be prepared prior to the deadline for the trustees to notify the county election administrator that an election will be held.
12	20-3-344	Names of candidates are submitted to the district clerk 40 days prior to the election.	In years in which a general primary election is conducted, or the county election administrator conducts the election, names must be submitted to the county election administrator at least 80 days prior to the election.	Changes the number of days prior to the election names must be submitted to the county election administrator, depending upon the type of election being conducted.	This provision creates confusion because the names are submitted to the county election administrator a number of days before the election only if a certain type of election is being held, or the election is being conducted by the county election administrator. Districts will have to follow a different timeline depending on the type of election and who is conducting it. Further, this creates confusion because 20-20-102 sets the provisions of Title

					13 over the provision of Title 20. That sets the provisions of the two Titles in opposition to each other in non-primary or municipal election years.
20	20-20-401	The clerk of the district prepares a certified list of candidates and official ballot wording for each ballot issue not less than 25 days before an election.	Moves the date for certification of names and ballot issues from 25 days before the election to 70 days before the election.		
7	13-13-205 20-20-401	Ballots for school election available at least 20 days before the election.	Ballots available at least 30 days prior to the election.	The deadline for ballots to be available for election (at least in primary and municipal election years) is changed to at least 30 days prior to the election.	This provision moves up the date for availability of ballots by 10 days. This could create confusion in years where this is no general primary, but a municipal primary and a school election, as the deadline for ballots in a school election is 30 days prior to the election, but the deadline for ballots in a municipal primary is 20 days before the election.

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Bill Section	Affected Statute(s)	Current Law	SB 140 Changes	Description	Comments
11	20-3-313 13-10-211	Trustees can declare an election by acclamation no later than 25 days prior to the election.	Trustees can declare an election by acclamation no later than 70 days prior to the election.	Changes the number of days before an election trustees can call an election by acclamation.	New provisions in 20-3-313 mandate that districts call an election by acclamation no later than 70 days prior to the election. However, 13-10-211 allows write-in candidates up to 5:00 pm on the 10th day before ballots are to be available (40 days prior to the election). Essentially, with this change, an election can be called by acclamation prior to the deadline for candidates to file for office.
17	20-20-201	Trustees call for an election 40 days prior to the election. In 20-20-201(2), 35 days prior to the election, the trustees must notify the county election administrator of the election.	Trustees call for an election 90 days prior to the election.	Moves the deadline for districts to call an election from 40 days to 90 days, but doesn't change the notification to the county.	This provision moves the date for a board of trustees to call an election from 40 days to 90 days. However, the trustees still do not have to notify the county election administrator until 35 days prior to the election (see 20-20-201(2)).

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