

CHAPTER 4

ELECTIONS

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CHAPTER 4

ELECTIONS

SECTION 4-1. HOWELL TOWN ELECTIONS – TERMS OF OFFICE.

- A. On the Tuesday after the first Monday in November, 1985, and biennially thereafter, an election shall be held in the Howell Town to fill all elective offices vacated by 12:00 noon on the first Monday in the January following the election. The officers elected shall continue in the office to which they are elected for four years except in case of death, removal or disqualification from office.
- B. The officers so elected shall begin their term of office at 12:00 noon on the first Monday in January following their election.

SECTION 4-2. ELECTION OF OFFICERS IN THE HOWELL TOWN.

In the Howell Town, the elections and terms of office shall be as follows:

- A. The offices of mayor and two councilmen shall be filled in a town election held in 1985. The terms shall be for four years. These offices shall be filled every four years in a town election.
- B. The offices of the other two councilmen shall be filled in a town election held in 1987. The terms shall be for four years. These offices shall be filled every four years in a town election.
- C. The offices shall be filled in at-large elections which shall be held at the time and in the manner provided for electing town officers.

SECTION 4-3. QUALIFICATIONS AND ELIGIBILITY TO VOTE; TO BE A CANDIDATE; TO HOLD OFFICE.

- A. No person is entitled to vote in a town election unless that person is registered to vote.
- B. Any person who is eligible or qualified to vote in a general election may register and vote in the town elections, except:
 - (1) A person who resides outside the boundaries of Howell Town.
- C. Any person who is a registered voter may be a candidate and hold office, if the person has resided within the town for a period of 12 consecutive months immediately preceding the date of the election.

SECTION 4-4. VACANCY IN OFFICE OF MAYOR OR COUNCIL MEMBERS.

If any vacancy occurs in the elective offices of the Howell Town, the council shall appoint a registered voter in the town to fill the unexpired term of the office vacated until the next town election, unless the vacancy occurs at least four days prior to the last day of filing in the town, in which case the appointment shall be for the remainder of the term. If the vacancy occurs prior to the Thursday prior to the last day of filing in the town, then: (1) the council shall fill the vacancy within 30 days and the person appointed to fill the vacancy shall hold office until the Monday following the date of the election results are certified; and (2) the position shall be filled at the next town election in the manner provided by law. If, for any reason, the council does not fill the vacancy within 30 days after the vacancy occurs, the person having the highest number of votes of the council shall come before the council, and if there is no majority to fill the vacancy, the vacancy shall be filled by lot in the presence of the council. The final two years of the unexpired term shall be filled by public election in accordance with the provisions of Title 20, Chapter 5, Utah Code, 1984.

SECTION 4-5. PRIMARY ELECTIONS.

- A. Candidates for elective office shall be nominated at a primary election. If the number of candidates for a particular office, however, does not exceed twice the number of offices to be filled, no primary election for that office shall be held and the candidate is deemed nominated.
- B. Primary elections shall be held on the Tuesday following the first Monday in October preceding the November Town election.
- C. Primary elections, whenever possible, shall be held at the same place as town elections. Election officials at the primary elections shall also serve at the November town elections.
- D. To become a candidate for elective office at a November town election, a declaration of candidacy shall be filed with the clerk not later than the sixth Tuesday before the primary election date. The declaration of candidacy shall substantially comply with the following form:

I, (print name), being first duly sworn, say that I reside at _____ Street, City of _____, County of _____, State of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter therein; that I am a candidate for nomination to the office of _____ (stating the term) to be voted upon at the primary election to be held on Tuesday, the ____ day of October, 19____, and I hereby

request that my name be printed upon the official primary ballot for nomination at such primary election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ Day of _____, 19____.

(Signed) _____
(Clerk or Notary Public)

- E. Any registered voter may be nominated for town office by a petition signed by 25 residents of the town who are 18 years of age or older, or by 20% of such residents, which ever is less.
- F. The petition shall substantially conform with the following form:

The undersigned residents of Howell Town being 18 years of age or older hereby nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is applicable).

The remainder of the petition shall contain lines (columns) for the signatures of person signing the petition, and their respective addresses and phone numbers.

- G. If the nomination petition fails to state whether the nomination is for the two or four-year term, the nomination is deemed to be for the four-year term.
- H. Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the town.

SECTION 4-6. CANDIDATES ELIGIBLE FOR PLACEMENT ON BALLOTS.

The two candidates' names who receive the highest number of votes for mayor shall be placed upon the November town ballot for mayor. The clerk shall certify as eligible for election in the November town election from those receiving the greater number of votes in the primary elections, twice the number of candidates as there are positions to be filled in the November election and shall cause their names to be placed upon the November town election ballot.

SECTION 4-7. WITHDRAWAL OF CANDIDATE.

Any person who files a declaration of candidacy and was nominated may, any time up to 23 days before the election, withdraw the nomination by written affidavit filed with the clerk.

SECTION 4-8. OBJECTION TO DECLARATION OF CANDIDACY.

A declaration of candidacy filed in conformity with Section 4-3 is valid unless written objection is made within three days after the declaration is filed. If an objection is made, notice of the objection shall be mailed or personally delivered to the affected candidate immediately. All objections shall be decided within 48 hours after they are filed with the clerk. If the objection is sustained by the clerk, it may be cured by an amendment or by filing a new declaration within three days after the objection is sustained, but in no event later than 18 days before the day of the election. The clerk's decision upon objections to form is final. The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the court in accordance with Section 20-5-66, Utah Code, 1984. The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

SECTION 4-9. APPOINTMENT OF JUDGES AND ALTERNATES.

At least 15 days before each election, the town council shall appoint election judges and their alternates. Each judge and alternate shall be a registered voter of the town in which such person is appointed to serve. No member of a candidate's immediate family may serve as an election judge in that candidate's district. For purposes of this section, any judge or alternate may administer oaths. The clerk shall file a list containing the name, address, district and telephone number (if any) of all person appointed. The list shall be available in the clerk's office for inspection and examination during business hours by any voter of the town who, if such voter desires, may make of copy of it.

SECTION 4-10. NUMBER OF JUDGES.

Three judges shall be appointed for each election district and such alternate judges as the town council deems necessary.

SECTION 4-11. CERTIFICATE ISSUED TO JUDGE.

Each judge and alternate shall be issued a certificate under the clerk's office seal certifying the appointments. The certificate and an acceptance of appointment shall be mailed to each judge and alternate.

SECTION 4-12. ACCEPTANCE OF APPOINTMENT BY JUDGE.

Each election judge and alternate shall file an acceptance with the clerk within seven days after receipt of the certificate of appointment. Failure to timely file an acceptance results in a vacancy. A vacancy shall be filled by an alternate or in the manner provided for an original appointment.

SECTION 4-13. JUDGE OR ALTERNATE UNABLE TO SERVE.

If a judge or alternate is unable to serve, it is the duty of such person to immediately notify the clerk who shall forthwith notify an alternate to serve in such person's place. If no alternate is available, he clerk shall appoint a voter of the town to fill the vacancy.

SECTION 4-14. NEGLIGENCE OF DUTY, FRAUD, OR VIOLATION OF LAW BY JUDGE.

Any election judge who neglects such judge's duty, or who commits or encourages fraud in connection therewith, or who violates any election law, or who knowingly permits others to do so, or commits any act which interferes or tends to interfere with a fair and honest election shall be summarily removed by the clerk.

SECTION 4-15. OATH OF JUDGE.

Election judges shall take an oath or affirmation before going to their respective polling places in the following form:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of Utah, that I will discharge the duties of my office with fidelity; that am a citizen of the United States and the State of Utah; that I am a registered voter in municipal district ____ in the municipality of Howell; that I will perform the duties of judge according to law and the best of my ability; that I will endeavor to prevent fraud, deceit, and abuse in conducting the same; that I will not try to ascertain how any voter voted, nor disclose how any voter voted if, in the discharge of my duties as judge, such knowledge comes to me; and that I will not disclose the result of the votes until the polls have closed."

SECTION 4-16. COMPENSATION OF JUDGES.

Election judges in full compensation for their services shall receive not more than the maximum allowed by statute for payment to judges at general state elections; a lesser amount, however, may be set by the town council.

SECTION 4-17. SELECTION OF JUDGE TO DELIVER RETURNS AND SUPPLIES – COMPENSATION.

The election judges in each district shall select one of their number to deliver the election returns, official register book, ballot boxes, if any, and other election papers and supplies to the office of the clerk or to such other place as the clerk designates as the counting center. The judge selected shall be paid for performance of the service in an amount set by the town Council.

SECTION 4-18. **TOWN ELECTIONS CONFORM TO STATE LAW.**

In addition to the provisions for town elections contained in this chapter, Howell Town election shall conform to all applicable sections of the “Utah Municipal Election Code”, Title 20, Chapter 5, Utah Code, 1984.