

## How to Hold A Special Election

### Special election to fill vacancy in *state or district* office

7-11-101 – 107; 7-7-105

#### *Starting the process*

- Officer resigns, dies or is removed from office
- Governor notifies political parties and asks: “primary or convention?”
- Parties decide in 10 days
- If one party chooses primary, both have primary
- Deadline for election is 150 days *after the vacancy occurs*

#### *The proclamation*

- Date of Special Election
- Date of special primary election or convention
- Date of special primary runoff (if required)
- Filing deadlines (candidates, certificates of nomination, etc)
- Date of ballot position draw
- Date of certification

#### *The election*

- Set on the second Tuesday (includes runoff)
- SOS immediately sends proclamation to CBEC
- CBEC publishes proclamation as soon as practicable
- On separate ballot if held in May, even-numbered years
- Early voting begins one week before special primary and runoff
- Absentee voting begins 35 days before election *or as soon as possible*
- IR ballot for primaries if runoff possible

#### *Unopposed candidates*

- No poll OR
- 1 poll on election day, can be at courthouse and staffed by county clerk (EV-type voting)
- Paper only is OK

### Special election to fill *municipal* vacancy

7-11-104

- Officer resigns, dies or is removed from office
- City Council calls special election
- If partisan elections held, law is unclear regarding need for primary
- Proclamation (ordinance or resolution), election and unopposed same as previous

### **Special election on *measure or question***

7-11-201 - 205

#### *Starting the process*

- Called by governors, mayors, county courts, quorum courts, etc
- State measure or question proclamations sent by SOS to CBEC for publication
- Local filed with county clerk
- County Clerk transmits to CBEC
- CBEC publishes

#### *The proclamation*

- Date of the special election
- Full text of measure or question
- Ballot title, if any required
- Other information as may be required
- EV begins one week before; absentee 35 days

### **Second Tuesday**

7-1-105; 7-11-205

- All special elections on second Tuesday of month
- EXCEPT when 2d Tuesday is holiday (then 3<sup>rd</sup> Tuesday)
- EXCEPT June of even-numbered years (4<sup>th</sup> Tuesday)
- When at same time as May primary, on both primary ballots AND separate ballot
- All nonpartisan issues (judges, other measures, etc) on separate ballot
- When with general election, CBEC MAY prepare separate ballot
- Date of special election NOT LESS than 65 days after proclamation filed with co. clerk if held with scheduled election
- NOT LESS than 50 days after filing otherwise

## Recall Elections for Mayor/Council Form of Government

14-42-119

- Not a special election
- Only four-year terms
- Petition with 25% of qualified electors is required (not based on Mayor or council race) (“electors qualified to vote for a successor” same as city manager, but city manager code goes on to peg to 35% of votes for the position last election)
- File petition with city clerk who determines sufficiency within 10 days
- Petition must be filed 70-90 days (20-day filing period) before the next general election after elected (if elected in 2008, petition must be filed by 70 days before 2010 election)
- Circulation period not limited
- If sufficient, city clerk certifies it to cbec
- Silent on procedure after this point; general laws apply; 7-5-206 requires notice posted at courthouse; I recommend including it in the 7-5-202 notice, as well; it wouldn't hurt to publish the clerk's determination of sufficiency at the time it is received and bill back to the city, but work this out in advance
- If successful, question is on general election ballot
- If recalled, office is vacant, subject to being filled per law for that office

### The 2010 Primary

- Certify lists to CBEC by 70 days before primary
- Withdrawal is pegged to certification date
- Ballot draw notice is to the chairs of the parties 10 days before if chairs are not on cbec; and 3 days published notice
- Names on ballot are names on ppp; no changes after ppp's due; rules on ppp
- Non-partisan ballot is all non-partisan issues, including judges
- No IR for judges

## The 2010 General

- Independents for county office have 90 days to circulate petitions
- Independents and write-ins file affidavits of eligibility; keep them handy and provide at first opportunity
- Write-in filing time starts noon last day of filing period
- Certify candidate list to cbec 70 days before election
- Do not certify candidates who withdraw or die before that date
- Votes for candidates certified to ballot will be counted
- SOS will certify measures to cbec with Issue numbers 70 days before election
- Unopposed municipal candidates need not be on the ballot
- Ballot draw 65 days before election; 3 days published notice
- Poll watchers must be able to hear voter; no longer required to be able to see signature
- Arrange early voting so that poll watchers can hear name when checking in
- No candidates as poll watchers at polls (EV included)
- For recount cbec may use tape totals or manual
- REMEMBER BEARER REGISTRY
- KEEP LIST OF ASSISTERS AT EV
- Notice of new fraud laws on poster
- Test voting machines 7 days before EV