

DELTA CITY, UTAH

MUNICIPAL CODE

(1981 EDITION)

CURRENT THROUGH ORDINANCE 14-265 ADOPTED 15 JAN 2015



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TITLE 4-000.

MUNICIPAL ELECTIONS

4-100. CONDUCT OF MUNICIPAL ELECTIONS. All elections of municipal officers and other elections conducted within the City of Delta shall be conducted in accordance with the Utah Elections Code as set out in Title 20, Utah Code Annotated (1953), as amended.

4-200. ELIGIBILITY FOR REGISTRATION.

4-201. VOTER REGISTRATION. See Utah Code Annotated § 20-2-1 (1953), as amended.

4-202. REGISTRATION AGENTS. See Utah Code Annotated § 20-2-2 (1953), as amended.

4-203. OFFICIAL REGISTER. See Utah Code Annotated § 20-2-5 (1953), as amended.

4-204. REGISTRATION DAYS. See Utah Code Annotated § 20-2-6 (1953), as amended.

4-205. REGISTRATION AT OFFICE OF COUNTY CLERK OR REGISTRATION BY MAIL. See Utah Code Annotated §§ 20-2-7 and 20-2-7.1 (1953), as amended.

4-300. ELIGIBILITY FOR REGISTRATION.

4-301. ELIGIBILITY FOR REGISTRATION. See Utah Code Annotated § 20-2-11.1 (1953), as amended.

4-302. RESIDENT DEFINED. See Utah Code Annotated § 20-2-13 (1953), as amended.

4-303. RESIDENCE REQUIRED. See Utah Code Annotated § 20-2-14 (1953), as amended.

4-400. CONDUCT OF MUNICIPAL ELECTIONS.

4-401. UTAH MUNICIPAL ELECTION CODE APPLICABLE. Municipal elections in the City of Delta shall proceed from nomination of candidates through a primary election, if necessary, and through the November election as established in the Utah Municipal Election Code as set out in Utah Code Annotated § 20-5-1, et seq., (1953), as amended.

4-402. SPECIAL ELECTIONS. See Utah Code Annotated § 20-5-3 (1953), as amended.

4-403. DUTIES OF ELECTION CLERK. See Utah Code Annotated § 20-5-4 (1953), as amended.

4-404. DEFINITION OF TERM. See Utah Code Annotated § 20-5-5 (1953), as amended.

4-405. VOTER QUALIFICATIONS. See Utah Code Annotated § 20-5-6 and 20-5-7 (1953), as amended.

4-406. OFFICIAL REGISTRATION BOOK. See Utah Code Annotated § 20-5-8 (1953), as amended.

NOMINATIONS AND BALLOTS

4-407. QUALIFICATIONS FOR CANDIDATES. See Utah Code Annotated § 20-5-9 (1953), as amended.

4-408. NOMINATION OF CANDIDATES. Candidates for municipal office in the City of Delta 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.

4-409. FILING BY CANDIDATES. To become a candidate for elective office at a November municipal election, a declaration of candidacy shall be filed with the election clerk by the candidate at least 21 days before the primary election date. The declaration of candidacy shall be substantially in the following form:

I (print name), being first duly sworn, say that I reside at _____, City of Delta, County of Millard, State of Utah, 84624, telephone no. (if any) _____. I am eligible to be a registered voter on the date of the election and I am a candidate for nomination to the office of _____ (stating the term) to be voted on at the primary election to be held on Tuesday, the ____ day of October, 2____, and I hereby request that my name be printed upon the official primary ballot for nomination at such primary election.

(Signature)

STATE OF UTAH)
) ss.
County of Millard)

Subscribed and sworn to or affirmed before me by _____ on this ____ day of _____, 2____.

(Signed)

(Clerk/Notary Public)

4-410. PUBLICATION OF CANDIDATE NAMES. Immediately after expiration of the period for filing a declaration of candidacy, the election 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 City of Delta.

4-411. PRIMARY ELECTIONS. Primary elections shall be held on the Tuesday following the first Monday in the October immediately preceding the November municipal election. Primary elections, whenever possible, shall be held at the same place as the municipal elections. Election officials at the primary election shall also serve at the November municipal election.

4-412. FORM OF ELECTION BALLOT. See Utah Code Annotated § 20-5-12 (1953), as amended.

4-413. NUMBER OF CANDIDATES CHOSEN BY PRIMARY ELECTION. See Utah Code Annotated § 20-5-13 (1953), as amended.

4-414. WITHDRAWAL OF CANDIDATES. See Utah Code Annotated § 20-5-14 (1953), as amended.

4-415. OBJECTION TO CANDIDATES. See Utah Code Annotated § 20-5-15 (1953), as amended.

ELECTION JUDGES

4-416. APPOINTMENT OF JUDGES. See Utah Code Annotated § 20-5-16 (1953), as amended.

4-417. NUMBER OF JUDGES. See Utah Code Annotated § 20-5-17 (1953), as amended.

4-418. CERTIFICATE OF APPOINTMENT. See Utah Code Annotated § 20-5-18 (1953), as amended.

4-419. JUDGES' ACCEPTANCE OF APPOINTMENT. See Utah Code Annotated § 20-5-19 (1953), as amended.

- 4-420. INABILITY OF JUDGES. See Utah Code Annotated § 20-5-20 (1953), as amended.
- 4-421. NEGLIGENCE OR FRAUD BY ELECTION JUDGE. See Utah Code Annotated § 20-5-21 (1953), as amended.
- 4-422. OATH OF ELECTION JUDGES. See Utah Code Annotated § 20-5-22 (1953), as amended.
- 4-423. COMPENSATION OF ELECTION JUDGES. See Utah Code Annotated § 20-5-23 (1953), as amended.
- 4-424. DELIVERY OF ELECTION RETURNS. See Utah Code Annotated § 20-5-24 (1953), as amended.

NOTICE AND PREPARATION FOR ELECTIONS

- 4-425. NOTICE OF SITE AND TIME OF ELECTIONS TO BE PUBLICIZED. See Utah Code Annotated § 20-5-25 (1953), as amended.
- 4-426. COMBINING VOTING DISTRICT. See Utah Code Annotated § 20-5-26 (1953), as amended.
- 4-427. MOVING OF POLLING PLACES – NOTIFICATION. See Utah Code Annotated § 20-5-27 (1953), as amended.
- 4-428. CITY COUNCIL TO PROVIDE FOR POLLING FACILITIES. See Utah Code Annotated § 20-5-28 (1953), as amended.
- 4-429. BOOTHS, BALLOT BOXES IN PLAIN VIEW. See Utah Code Annotated § 20-5-29 (1953), as amended.
- 4-430. RESPONSIBILITY FOR COST OF FACILITIES. See Utah Code Annotated § 20-5-30 (1953), as amended.

CONDUCT OF ELECTIONS

- 4-431. HOURS POLLS ARE OPEN. See Utah Code Annotated § 20-5-31 (1953), as amended.
- 4-432. WATCHERS, APPOINTMENT AND CERTIFICATION. See Utah Code Annotated § 20-5-32 (1953), as amended.
- 4-433. RIGHT OF VOTERS TO BE ABSENT FROM EMPLOYMENT. See Utah Code Annotated § 20-5-33 (1953), as amended.
- 4-434. BALLOT BOX – PREPARATION, LOCKING. See Utah Code Annotated § 20-5-34 (1953), as amended.
- 4-435. POLL BOOK. See Utah Code Annotated § 20-5-35 (1953), as amended.
- 4-436. VERIFICATION OF VOTER ELIGIBILITY BY JUDGES. See Utah Code Annotated § 20-5-36 (1953), as amended.
- 4-437. MANNER OF VOTING. See Utah Code Annotated § 20-5-37 (1953), as amended.
- 4-438. JUDGES TO ASSIST CERTAIN VOTERS. See Utah Code Annotated § 20-5-38 (1953), as amended.
- 4-439. DISPOSITION OF SPOILED BALLOTS. See Utah Code Annotated § 20-5-39 (1953), as amended.
- 4-440. PROCEDURES FOR COUNTING BALLOTS. See Utah Code Annotated § 20-5-40 (1953), as amended.
- 4-441. TALLYING OF VOTES. See Utah Code Annotated § 20-5-41 (1953), as amended.

- 4-442. IMPROPERLY MARKED BALLOTS. See Utah Code Annotated § 20-5-42 (1953), as amended.
- 4-443. CERTIFICATION OF VOTES CAST. See Utah Code Annotated § 20-5-43 (1953), as amended.
- 4-444. DISPOSITION OF BALLOTS – USED AND UNUSED. See Utah Code Annotated § 20-5-44 (1953), as amended.
- 4-445. BALLOTS TO BE RETAINED. See Utah Code Annotated § 20-5-45 (1953), as amended.
- 4-446. RETURN OF POLL BOOK AND REGISTER. See Utah Code Annotated § 20-5-46 (1953), as amended.
- 4-447. ELECTRONIC SYSTEM MAY BE USED. See Utah Code Annotated § 20-5-47 (1953), as amended.

PAPER BALLOTS

- 4-448. BALLOT BOXES AND KEYS. See Utah Code Annotated § 20-5-48 (1953), as amended.
- 4-449. PRINTING OF BALLOTS – SAMPLE BALLOTS. See Utah Code Annotated § 20-5-49 (1953), as amended.
- 4-450. DEATH OF CANDIDATE BEFORE ELECTION. See Utah Code Annotated § 20-5-50 (1953), as amended.
- 4-451. DELIVERY OF BALLOTS TO JUDGES. See Utah Code Annotated § 20-5-51 (1953), as amended.
- 4-452. FAILURE OF DELIVERY, DESTRUCTION OR THEFT OF BALLOTS BEFORE ELECTION – SUBSTITUTE BALLOTS. See Utah Code Annotated § 20-5-52 (1953), as amended.
- 4-453. INSTRUCTION CARDS. See Utah Code Annotated § 20-5-53 (1953), as amended.
- 4-454. ABSENTEE VOTING. See Utah Code Annotated § 20-5-54 (1953), as amended.
- 4-455. REGISTRATION REQUIRED FOR VOTING. See Utah Code Annotated § 20-5-55 (1953), as amended.
- 4-456. TIME FOR CHALLENGE, DUTY OF JUDGES. See Utah Code Annotated § 20-5-56 (1953), as amended.
- 4-457. FORM AND MANNER OF CHALLENGE. See Utah Code Annotated § 20-5-57 (1953), as amended.
- 4-458. GROUNDS FOR CHALLENGES. See Utah Code Annotated § 20-5-58 (1953), as amended.
- 4-459. ELIGIBILITY TO VOTE WHEN CHALLENGED, OATH OF VOTER. See Utah Code Annotated § 20-5-59 (1953), as amended.
- 4-460. RETURNS MADE BY CLERK – MAYOR AND COUNCIL TO ACT AS BOARD OF CANVASSERS. See Utah Code Annotated § 20-5-60 (1953), as amended.
- 4-461. NONCONFORMING RETURNS, CANVASSING AND COUNTING. See Utah Code Annotated § 20-5-61 (1953), as amended.
- 4-462. NONCONFORMING RETURNS CORRECTION BY JUDGES. See Utah Code Annotated § 20-5-62 (1953), as amended.
- 4-463. TIE VOTES. See Utah Code Annotated § 20-5-63 (1953), as amended.

- 4-464. CERTIFIED STATEMENTS AND DETERMINATION OF VOTES PREPARED BY CLERK – CERTIFICATES OF ELECTION – PUBLICATION OF STATEMENT. See Utah Code Annotated § 20-5-64 (1953), as amended.
- 4-465. COMPENSATION TO JUDGES ASSISTING IN CANVASS. See Utah Code Annotate § 20-5-65 (1953), as amended.

OTHER JUDICIAL PROCEEDINGS

- 4-466. CONTROVERSY BETWEEN OFFICIAL AND CANDIDATE OR OTHER PERSONS – FILING OF PETITION – COURT PROCEEDINGS. See Utah Code Annotated § 20-5-66 (1953), as amended.
- 4-467. CORRECTION OF ERRORS IN PUBLICATION OR IN BALLOTS. See Utah Code Annotated § 20-5-67 (1953), as amended.

ELECTION CONTESTS

- 4-468. REASONS FOR CONTEST – REQUEST FOR RECOUNT. See Utah Code Annotated § 20-5-68 (1953), as amended.
- 4-469. TRIAL OF CONTESTED ELECTION IN DISTRICT COURT – APPLICABLE RULES AND STATUTES – BOND OF COMPLAINANT – AFFIDAVIT OF INTENTION TO CONTEST ELECTION. See Utah Code Annotated § 20-5-69 (1953), as amended.
- 4-470. COMMENCEMENT OF ACTION – ANSWER TO COMPLAINT – CONTENTS OF COMPLAINT ALLEGING ILLEGAL VOTES OR REJECTION OF LEGAL VOTES – COUNTERCLAIM. See Utah Code Annotated § 20-5-70 (1953), as amended.
- 4-471. CONDUCT OF TRIAL. See Utah Code Annotated § 20-5-71 (1953), as amended.
- 4-472. ALLEGATION OF ERROR IN CANVASS – ORDER FOR RECOUNT. See Utah Code Annotated § 20-5-72 (1953), as amended.
- 4-473. JUDGMENT OF COURT. See Utah Code Annotated § 20-5-73 (1953), as amended.

ELECTION OFFENSES

- 4-474. AUTHORITY OF GOVERNING BODY TO PUNISH AND PROHIBIT VIOLATIONS. See Utah Code Annotated § 20-5-74 (1953), as amended.
- 4-475. PROHIBITED CONDUCT. See Utah Code Annotated § 20-5-75 (1953), as amended and the sections referred to therein.
- 4-476. PROSECUTION OF OFFENSES. See Utah Code Annotated § 20-5-76 (1953), as amended.
- 4-500. VOTING BY ABSENT OR PHYSICALLY DISABLED ELECTORS.**
- 4-501. RIGHT OF DISABLED OR ABSENT PERSON TO VOTE. See Utah Code Annotated § 20-6-1 (1953), as amended.
- 4-502. FORM OF ABSENT VOTER BALLOT. See Utah Code Annotated § 20-6-2 (1953), as amended.
- 4-503. APPLICATION FOR ABSENTEE BALLOT – TIME FOR FILING. See Utah Code Annotated § 20-6-3 (1953), as amended.

- 4-504. FORM OF APPLICATION FOR ABSENTEE BALLOT. See Utah Code Annotated § 20-6-4 (1953), as amended.
- 4-505. APPLICATION SENT BY MAIL OR DELIVERED AT OFFICE. See Utah Code Annotated § 20-6-5 (1953), as amended.
- 4-506. MAILING OF BALLOT TO VOTER – ENCLOSE SELF-ADDRESSED ENVELOPE – AFFIDAVIT. See Utah Code Annotated § 20-6-6 (1953), as amended.
- 4-507. MAKING AFFIDAVIT, RETURN OF ENVELOPE. See Utah Code Annotated § 20-6-7 (1953), as amended.
- 4-508. TIME FOR RETURN OF BALLOTS TO CLERK OR CITY RECORDER – DISPOSITION OF ENVELOPE. See Utah Code Annotated § 20-6-8 (1953), as amended.
- 4-509. DELIVERY OF VALID BALLOTS TO ELECTION JUDGES. See Utah Code Annotated § 20-6-9 (1953), as amended.
- 4-510. DEPOSIT OF BALLOT IN BALLOT BOX – REJECTION. See Utah Code Annotated § 20-6-10 (1953), as amended.
- 4-511. VOTING IN PERSON IN CASE OF RETURN. See Utah Code Annotated § 20-6-11 (1953), as amended.
- 4-512. SUFFICIENT BALLOTS TO BE PREPARED. See Utah Code Annotated § 20-6-12 (1953), as amended.
- 4-513. FRAUD AND MALFEASANCE IN ABSENT VOTING – PENALTY. See Utah Code Annotated § 20-6-13 (1953), as amended.
- 4-600. WRITE-IN CANDIDATES.**
- 4-601. MANNER OF VOTING FOR WRITE-IN CANDIDATE. A voter in a Delta City municipal election may insert the name of a valid write-in candidate by writing or by means of a sticker with the name and write-in name printed on it. Write-in votes shall be listed in the blank write-in part of the ballot and the voter shall be deemed to have voted for that person, whether a cross mark is made or not opposite such name. The unnecessary marking of a cross in a square on the ticket below the marked circle shall not affect the validity of the vote.
- 4-602. MANNER OF BECOMING VALID WRITE-IN CANDIDATE. To become a valid write-in candidate a person must file a declaration of candidacy with the appropriate filing officer not later than 5:00 p.m. on the Wednesday before the November election in which the person intends to be a write-in candidate. The filing officer shall read to the candidate the constitutional and statutory requirements for candidacy and the candidate shall state whether all the requirements of the candidacy are met. If the candidate indicates that they are not met, the person is not a valid write-in candidate. The candidate must meet all constitutional and statutory requirements to be a valid write-in candidate.
- 4-603. COUNTING OF VOTES FOR WRITE-IN CANDIDATE. Votes for a valid write-in candidate shall be read and tallied by the election judges. Votes for other (non-valid), write-in candidates shall not be tallied or recorded.