

1 **REQUIREMENTS TO CHANGE FORM OF COUNTY**

2 **GOVERNMENT**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill amends the signature requirements for a petition to change the form of a
9 county government.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires that a petition to change the form of a county government be signed by
- 13 registered voters residing in the county equal in number to at least 10% of the total
- 14 number of votes cast in the county at the most recent election for President of the
- 15 United States; and
- 16 ▶ makes technical corrections.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **17-52-203**, as last amended by Laws of Utah 2001, Chapter 241

24 **17-52-206**, as last amended by Laws of Utah 2001, Chapter 241

25

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **17-52-203** is amended to read:

28 **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

29 (1) Registered voters of a county may initiate the process of adopting an optional plan
30 by filing a petition for the establishment of a study committee as provided in Section
31 17-52-301.

32 (2) Each petition under Subsection (1) shall:

33 (a) be signed by registered voters residing in the county equal in number to at least
34 10% of the total number of votes cast in the county at the most recent election for [~~governor~~]
35 President of the United States;

36 (b) designate up to five of the petition signers as sponsors, one of whom shall be
37 designated as the contact sponsor, with the mailing address and telephone number of each; and

38 (c) be filed in the office of the clerk of the county in which the petition signers reside.

39 (3) (a) Within 30 days of the filing of a petition under Subsection (1) or an amended or
40 supplemental petition under Subsection (2)(b), the county clerk shall:

41 (i) determine whether the petition or amended or supplemental petition has been signed
42 by the required number of registered voters; and

43 (ii) (A) if so:

44 (I) certify the petition or amended or supplemental petition and deliver it to the county
45 legislative body; and

46 (II) notify in writing the contact sponsor of the certification; or

47 (B) if not, reject the petition or the amended or supplemental petition and notify in
48 writing the county legislative body and the contact sponsor of the rejection and the reasons for
49 the rejection.

50 (b) If a county clerk rejects a petition or an amended or supplemental petition under
51 Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or
52 supplemental petition may be further amended or supplemented with additional signatures and
53 refiled within 20 days of the date of rejection.

54 (4) With the unanimous approval of petition sponsors, a petition filed under Subsection
55 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45
56 days before an election under Section 17-52-206 if:

57 (a) the petition notified signers in conspicuous language that the petition sponsors are
58 authorized to withdraw the petition; and

59 (b) there are at least three sponsors of the petition.

60 Section 2. Section **17-52-206** is amended to read:

61 **17-52-206. Election on recommended optional plan -- Resolution or petition to**
62 **submit plan to voters.**

63 (1) (a) The county legislative body shall hold an election on an optional plan
64 recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:

65 (i) the county or district attorney has completed the review of the recommended
66 optional plan and has submitted the attorney's report to the county clerk as provided in Section
67 17-52-204;

68 (ii) the recommended optional plan may, under Subsection 17-52-204(3), be the
69 subject of a resolution or petition under this Subsection (1); and

70 (iii) after the county or district attorney has submitted the attorney's report under
71 Section 17-52-204:

72 (A) the county legislative body adopts a resolution to submit the recommended
73 optional plan to voters; or

74 (B) a petition is filed with the county clerk that:

75 (I) is signed by registered voters residing in the county equal in number to at least 10%
76 of the total number of votes cast in the county at the most recent election for ~~governor~~

77 President of the United States;

78 (II) designates up to five of the petition signers as sponsors, one of whom shall be
79 designated as the contact sponsor, with the mailing address and telephone number of each; and

80 (III) requests that the recommended optional plan be submitted to voters.

81 (b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be
82 the same as that provided in Subsection 17-52-203(3).

83 (2) Each election under Subsection (1) shall be held at the next regular general or
84 municipal general election date that is no less than two months after:

85 (a) the county legislative body's adoption of a resolution under Subsection
86 (1)(a)(iii)(A); or

87 (b) certification of a petition filed under Subsection (1)(a)(iii)(B).

88 (3) The county clerk shall prepare the ballot for each election under Subsection (1) so
89 that the question on the ballot states substantially as follows:

90 "Shall _____ County adopt the alternate form of government known
91 as the __ (insert the proposed form of government) __ that has been recommended by the study
92 committee?"

93 (4) The county clerk shall:

94 (a) cause the complete text of the proposed optional plan to be published in a
95 newspaper of general circulation within the county at least once during two different calendar
96 weeks within the 30-day period immediately before the date of the election under Subsection
97 (1); and

98 (b) make a complete copy of the optional plan and the study committee report available
99 free of charge to any member of the public who requests a copy.

Legislative Review Note
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Office of Legislative Research and General Counsel