

Effective 5/13/2014

Renumbered 5/12/2015

10-2-127 Incorporation of town -- Election to incorporate -- Ballot form.

- (1)
 - (a) Upon receipt of a certified petition under Subsection 10-2-110(1)(b)(i) or a certified modified petition under Subsection 10-2-110(3), the county legislative body shall determine and set an election date for the incorporation election that is:
 - (i)
 - (A) on a general election date under Section 20A-1-201; or
 - (B) on a local special election date under Section 20A-1-203; and
 - (ii) at least 65 days after the day that the legislative body receives the certified petition.
 - (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed town, the person may not vote on the proposed incorporation.
- (2)
 - (a) The county clerk shall publish notice of the election:
 - (i) in a newspaper of general circulation, within the area proposed to be incorporated, at least once a week for three successive weeks; and
 - (ii) in accordance with Section 45-1-101 for three weeks.
 - (b) The notice required by Subsection (2)(a) shall contain:
 - (i) a statement of the contents of the petition;
 - (ii) a description of the area proposed to be incorporated as a town;
 - (iii) a statement of the date and time of the election and the location of polling places; and
 - (iv) the county Internet website address, if applicable, and the address of the county office where the feasibility study is available for review.
 - (c) The last publication of notice required under Subsection (2)(a) shall occur at least one day but no more than seven days before the election.
 - (d)
 - (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed town, the county clerk shall post at least one notice of the election per 100 population in conspicuous places within the proposed town that are most likely to give notice of the election to the voters of the proposed town.
 - (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1)(a).
- (3) The ballot at the incorporation election shall pose the incorporation question substantially as follows:

Shall the area described as (insert a description of the proposed town) be incorporated as the town of (insert the proposed name of the proposed town)?
- (4) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (3).
- (5) If a majority of those casting votes within the area boundaries of the proposed town vote to incorporate as a town, the area shall incorporate.