

Effective 5/12/2015

10-2a-404 Election.

- (1)
 - (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local special election on November 3, 2015, on the following ballot propositions:
 - (i) for registered voters residing within a planning township:
 - (A) whether the planning township shall be incorporated as a city or town, according to the classifications of Section 10-2-301, or as a metro township; and
 - (B) if the planning township incorporates as a metro township, whether the metro township is included in a municipal services district; and
 - (ii) for registered voters residing within an unincorporated island, whether the island should maintain its unincorporated status or be annexed into an eligible city.
 - (b)
 - (i) A metro township incorporated under this part shall be governed by the five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government.
 - (ii) A city or town incorporated under this part shall be governed by the five-member council form of government as defined in Section 10-3b-102.
- (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of a planning township or an unincorporated island, the person may not vote on the proposed incorporation or annexation.
- (3) The county clerk shall publish notice of the election:
 - (a) in a newspaper of general circulation within the planning township or unincorporated island at least once a week for three successive weeks; and
 - (b) in accordance with Section 45-1-101 for three weeks.
- (4) The notice required by Subsection (3) shall contain:
 - (a) for residents of a planning township:
 - (i) a statement that the voters will vote:
 - (A) to incorporate as a city or town, according to the classifications of Section 10-2-301, or as a metro township; and
 - (B) if the planning township incorporates as a metro township, whether the metro township is included in a municipal services district;
 - (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the planning township boundaries that would be effective upon incorporation;
 - (iii) a statement that if the residents of the planning township elect to incorporate:
 - (A) as a metro township, the metro township shall be governed by a five-member metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government; or
 - (B) as a city or town, the city or town shall be governed by the five-member council form of government as defined in Section 10-3b-102; and
 - (iv) a statement of the date and time of the election and the location of polling places;
 - (b) for residents of an unincorporated island:
 - (i) a statement that the voters will vote either to be annexed into an eligible city or maintain unincorporated status; and
 - (ii) a statement of the eligible city, as determined by the county legislative body in accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and
 - (c) a statement of the date and time of the election and the location of polling places.

- (5) The last publication of notice required under Subsection (3) shall occur at least one day but no more than seven days before the election.
- (6)
- (a) In accordance with Subsection (3)(a), if there is no newspaper of general circulation within the proposed metro township or unincorporated island, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the planning township or unincorporated island that are most likely to give notice of the election to the voters of the proposed incorporation or annexation.
 - (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before the election under Subsection (1).
- (7)
- (a) In a planning township, if a majority of those casting votes within the planning township vote to:
 - (i) incorporate as a city or town, the planning township shall incorporate as a city or town, respectively; or
 - (ii) incorporate as a metro township, the planning township shall incorporate as a metro township.
 - (b) If a majority of those casting votes within the planning township vote to incorporate as a metro township, and a majority of those casting votes vote to include the metro township in a municipal services district and limit the metro township's municipal powers, the metro township shall be included in a municipal services district and have limited municipal powers.
 - (c) In an unincorporated island, if a majority of those casting a vote within the selected unincorporated island vote to:
 - (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or
 - (ii) remain an unincorporated area, the area shall remain unincorporated.
- (8) The county shall, in consultation with interested parties, prepare and provide information on an annexation or incorporation subject to this part and an election held in accordance with this section.

Enacted by Chapter 352, 2015 General Session