

1 **REQUIREMENTS TO CHANGE FORM OF COUNTY**

2 **GOVERNMENT**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keith Grover**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires that a petition to change the form of a county government be signed by
15 registered voters residing in the county equal in number to at least 10% of the total
16 number of votes cast in the county at the most recent election for president of the
17 United States; and

18 ▶ makes technical corrections.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **17-52-203**, as last amended by Laws of Utah 2001, Chapter 241

26 **17-52-206**, as last amended by Laws of Utah 2001, Chapter 241

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

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

30 **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

31 (1) Registered voters of a county may initiate the process of adopting an optional plan
32 by filing a petition for the establishment of a study committee as provided in Section
33 17-52-301.

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

35 (a) be signed by registered voters residing in the county equal in number to at least
36 10% of the total number of votes cast in the county at the most recent election for [~~governor~~]
37 president of the United States;

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

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

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

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

45 (ii) (A) if so:

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

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

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

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

56 (4) With the unanimous approval of petition sponsors, a petition filed under Subsection
57 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45

58 days before an election under Section 17-52-206 if:

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

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

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

63 **17-52-206. Election on recommended optional plan -- Resolution or petition to**
64 **submit plan to voters.**

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

67 (i) the county or district attorney has completed the review of the recommended
68 optional plan and has submitted the attorney's report to the county clerk as provided in Section
69 17-52-204;

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

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

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

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

77 (I) is signed by registered voters residing in the county equal in number to at least 10%
78 of the total number of votes cast in the county at the most recent election for [~~governor~~]
79 president of the United States;

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

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

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

85 (2) Each election under Subsection (1) shall be held at the next regular general or

86 municipal general election date that is no less than two months after:

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

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

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

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

95 (4) The county clerk shall:

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

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