

COUNTY GOVERNMENT REFORM

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies county government provisions.

Highlighted Provisions:

This bill:

- ▶ authorizes voters to petition for and then vote on a repeal of a previously adopted optional plan to return the county's form of government to the form the county operated under before the optional plan was adopted; and

- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

17-52-405, Utah Code Annotated 1953

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

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

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

(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)~~] (3)(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~~[-(F)]~~, certify the petition or amended or supplemental petition and deliver
44 it to the county legislative body~~[-]~~ and [~~(H)~~] notify in writing the contact sponsor of the
45 certification; or

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

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

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54 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45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

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

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

59 Section 2. Section **17-52-405** is enacted to read:

60 **17-52-405. Repeal of optional plan.**

61 (1) An optional plan adopted under this chapter may be repealed as provided in this
62 section.

63 (2) Registered voters of a county that has adopted an optional plan may initiate the
64 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

65 (3) (a) A petition to repeal an optional plan may not be filed sooner than four years
66 after the election of county officers under Section 17-52-207.

67 (b) (i) If the registered voters file a petition to repeal an optional plan under this
68 section, the petition is certified, and the optional plan is not repealed at an election described in
69 Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least
70 four years after the certification of the original petition.

71 (ii) If, after four years, the voters file a subsequent petition as described in Subsection
72 (3)(b)(i), the voters:

73 (A) may not circulate or file another petition to repeal until at least four years after
74 certification of the subsequent petition; and

75 (B) shall wait an additional four years after the date of certification of the previous
76 petition for each petition filed thereafter.

77 (4) Each petition under Subsection (2) shall:

78 (a) be signed by registered voters residing in the county:

79 (i) equal in number to at least 15% of the total number of votes cast in each precinct
80 described in Subsection (4)(a)(ii) at the most recent election for president of the United States;
81 and

82 (ii) who represent at least 85% of the voting precincts located within the county;

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

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

86 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended
87 petition under Subsection (6), the county clerk shall:

88 (a) determine whether the petition or amended petition has been signed by the required
89 number of registered voters; and

90 (b) (i) if so, certify the petition or amended petition and deliver it to the county
91 legislative body, and notify in writing the contact sponsor of the certification; or

92 (ii) if not, reject the petition or the amended petition and notify in writing the county
93 legislative body and the contact sponsor of the rejection and the reasons for the rejection.

94 (6) If a county clerk rejects a petition or an amended petition under Subsection
95 (5)(b)(ii), the petition may be amended or an amended petition may be further amended with
96 additional signatures and refiled within 20 days of the date of rejection.

97 (7) (a) If a petition under Subsection (2) is certified, the county legislative body shall
98 within 60 days after petition certification adopt a resolution granting the petition and deciding
99 to hold an election on the proposal to repeal the optional plan.

100 (b) The county legislative body shall hold the election at the next regular general
101 election date that is at least two months after the legislative body's decision.

102 (8) If, at an election held under Subsection (7)(b), a majority of voters voting on the
103 proposal to repeal the optional plan vote in favor of repealing:

104 (a) the optional plan is repealed, effective January 1 of the year following the election
105 of county officers under Subsection (8)(c);

106 (b) upon the effective date of the repeal under Subsection (8)(a), the form of
107 government under which the county operates reverts to the form it had before the optional plan
108 was adopted; and

109 (c) the county officers under the form of government to which the county reverts, who
110 are different than the county officers under the repealed optional plan, shall be elected at the
111 next regular general election following the election under Subsection (7)(b).