

County Governance Amendments

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions relating to forms of county government.

Highlighted Provisions:

This bill:

- defines terms;
- requires a county council member in certain counties to represent a district, with exceptions;
- establishes a process for a county to create and implement a county council district map;
- establishes deadlines for certain counties to implement district maps;
- describes the circumstances in which a previously at-large county council member may represent a county council district in which the county council member does not live following the adoption of a district map;
- describes the circumstances in which certain counties may redistrict;
- describes the penalties for failure to create and implement a county council district map;
- provides a sunset date; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-52a-203, as renumbered and amended by Laws of Utah 2018, Chapter 68

17-52a-204, as last amended by Laws of Utah 2025, Chapter 535

63I-2-217, as last amended by Laws of Utah 2025, Chapter 62

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

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

17-52a-203 . County executive-council form of county government.

(1)[(a)] As used in this section, "district" means the same as that term is defined in Section 17-52a-204.

(2)(a) The following shall govern a county operating under the form of government known as the "county executive-council" form:

- (i) an elected county council;
- (ii) an elected county executive; and
- (iii) other officers and employees authorized by law.

(b) The optional plan shall provide for the qualifications, time, and manner of election, term of office and compensation of the county executive.

[(2)] (3) The county executive is the chief executive officer or body of the county.

[(3)] (4) In the county executive-council form of county government:

- (a) the county council is the county legislative body and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and
- (b) the county executive has the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

[(4)] (5) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:

- (a) the county council, with respect to legislative functions, duties, and powers; and
- (b) the county executive, with respect to executive functions, duties, and powers.

(6)(a) Except as provided in Subsection (6)(b), beginning on October 15, 2025, a county with a county executive-council form of government shall ensure that each council member:

- (i) represents a single district, rather than being elected at-large;
- (ii) is elected by a majority of voters residing within the member's district; and
- (iii) resides in the district the council member represents.

(b) A county with a county executive-council form of government where, on and after May 7, 2025, at least 65% of county council members represent districts as described

in Subsection (6)(a) may continue to have one or more county council members elected at-large.

(c) A county that adopts a county executive-council form of government after May 7, 2025, shall ensure that all county council members meet the qualifications described in Subsection (6)(a).

(7) A county with a county executive-council form of government shall:

(a) ensure that each time the county implements a district map or conducts redistricting for the county council districts, the resulting district map complies with the requirements in Subsection 17-52a-204(13)(b)(i); and

(b) adopt a district map as described in Subsection 17-52a-204(13)(b)(ii).

(8)(a) A voter in a county that fails to comply with the requirements of Subsections (6) and (7) may commence suit in a court of competent jurisdiction to compel compliance with, or enjoin a violation of, Subsections (6) and (7).

(b) The court may award reasonable attorney fees and court costs to a successful plaintiff.

(9) Beginning January 1, 2026, for a county that fails to comply with the requirements of Subsections (6) and (7), in addition to the remedies described in Subsection (8), the state tax commission may suspend disbursements of transient room tax revenue to the county until the county establishes that the county is in compliance with Subsections (6) and (7).

Section 2. Section **17-52a-204** is amended to read:

17-52a-204 . Council-manager form of county government -- Establishment of voting districts.

(1) As used in this section, "district" means a geographic area within the boundaries of a county with a council-manager form of government that is represented only by one council member ~~[who is a resident of the area.]~~ who:

(a) resides in the district;

(b) represents only the district where the member resides; and

(c) is elected only by voters who reside in the same district as the district where the member resides, and that the member represents.

(2)(a) The following shall govern a county operating under the form of government known as the "council-manager" form:

(i) an elected county council;

(ii) a county manager appointed by the council; and

(iii) other officers and employees authorized by law.

(b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections (7) and (8), term of office, compensation, and removal of the county manager.

(3) The county manager is the administrative head of the county government and has the powers, functions, and duties of a county executive, except:

(a) as the county legislative body otherwise provides by ordinance; and

(b) that the county manager may not veto any ordinances enacted by the council.

(4)(a) An individual member of the council may not directly or indirectly, by suggestion or otherwise:

(i) attempt to influence or coerce the manager in:

(A) making any appointment;

(B) removing any officer or employee; or

(C) purchasing supplies;

(ii) attempt to exact any promise relative to any appointment from any candidate for manager; or

(iii) discuss directly or indirectly with the manager the matter of specific appointments to any county office or employment.

(b)(i) A member of the county council who violates the provisions of this Subsection (4) shall forfeit the member's county council office.

(ii) Nothing in this section shall be construed, however, as prohibiting the council from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.

(iii) The county manager may not take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.

(iv) The optional plan may provide procedures for implementing this Subsection (4).

(5) In the council-manager form of county government:

(a) the legislative powers of the county are vested in the county council; and

(b) the executive powers of the county are vested in the county manager.

(6) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:

(a) the county council, with respect to legislative functions, duties, and powers; and

(b) the county manager, with respect to executive functions, duties, and powers.

(7)(a) As used in this Subsection (7), "interim vacancy period" means the period of time

130 that:

131 (i) begins on the day on which a general election described in Section 17-16-6 is held
132 to elect a council member; and

133 (ii) ends on the day on which the council member-elect begins the council member's
134 term.

135 (b)(i) The county council may not appoint a county manager during an interim
136 vacancy period.

137 (ii) Notwithstanding Subsection (7)(b)(i):

138 (A) the county council may appoint an interim county manager during an interim
139 vacancy period; and

140 (B) the interim county manager's term shall expire once a new county manager is
141 appointed by the new administration after the interim vacancy period has ended.

142 (c) Subsection (7)(b) does not apply if all the county council members who held office
143 on the day of the county general election whose term of office was vacant for the
144 election are re-elected to the council for the following term.

145 (8) A county council that appoints a county manager in accordance with this section may
146 not enter into an employment contract that contains an automatic renewal provision with
147 the county manager.

148 (9)(a) [A] Except as provided in Subsections (9)(b) and (10), beginning on May 7, 2025, a
149 county [of the third through sixth class] with a council-manager form of government
150 shall ensure that each council member:

151 [(a)] (i) represents a single district, rather than being elected [at-large] at-large;

152 [(b)] (ii) is elected by a majority vote of voters residing within the member's district;
153 and

154 [(c)] (iii) [is a resident of] except as provided in Subsections (12)(a)(iii) and (12)(b),
155 resides in the district the council member represents.

156 (b) A county with a council-manager form of government where at least 65% of county
157 council members meet the qualifications of Subsection (9)(a) on and after May 7,
158 2025, may continue to have one or more county council members elected at-large.

159 (c) A county that adopts a council-manager form of government after May 7, 2025, shall
160 ensure that all county council members meet the qualifications described in
161 Subsection (9)(a).

162 (10) For a county with a council-manager form of government that does not comply with
163 Subsection (9)(a) on May 7, 2025, and to which the exception in Subsection (9)(b) does

not apply, the county council shall:

(a) on or before June 1, 2025, establish a districting commission in accordance with Subsection (11);

(b) by October 15, 2025, hold a public meeting at which:

(i) the county council shall adopt the proposed district map submitted as described in Subsection (11)(d); and

(ii) the county clerk shall designate a current council member to represent each district for the remainder of the county council member's term of office in accordance with Subsection (12); and

(c) implement the district map adopted under Subsection (10)(b)(i) for the next county council election.

~~[(10)(a) For a county with a council-manager form of government that, on May 7, 2025, does not meet the requirements described in Subsection (9), the county council shall, on or before June 1, 2025:]~~

~~[(i) in accordance with Subsection (10)(b), establish a county districting commission; and]~~

~~[(ii) in accordance with Subsection (10)(c)(i), approve a map of the county council districts.]~~

~~[(b)(i) A county council shall comply with Subsection (10)(a)(i) by establishing a county districting commission, consisting of:]~~

~~[(A) one representative from each municipality in the county, who is either the municipality's mayor or a resident whom the mayor appoints;]~~

~~[(B) one representative who resides in an unincorporated area of the county and is appointed by the county council; and]~~

~~[(C) the county clerk, or the county clerk's designee, as a non-voting member.]~~

~~[(ii) The county districting commission shall divide the county into districts by:]~~

~~[(A) relying on the total population enumeration of the most recent decennial census;]~~

~~[(B) ensuring that between districts, there is less than 10% total population deviation;]~~

~~[(C) ensuring that each district is contiguous and reasonably compact;]~~

~~[(D) ensuring that district boundaries do not divide existing voter precincts; and]~~

~~[(E) complying with the United States Constitution.]~~

~~[(iii) The county districting commission shall submit a proposed map of district~~

- boundaries to the county council for approval for the initial districting process, on or before October 1, 2025.]
- [(iv) The county manager shall provide for the county districting commission:]
- [(A) county staff for assistance; and]
- [(B) suitable meeting facilities.]
- [(c) After receiving the district map described in Subsection (10)(b)(iii), the county council shall, within 30 calendar days after the day on which the county council receives the map, hold a public hearing, at which:]
- [(i) the county council shall approve the district map if the map complies with the requirements described in Subsection (10)(b)(ii); and]
- [(ii) the county clerk shall designate, by lot, a current county council member to represent each district for the remainder of the council member's term of office, regardless of whether the council member is a resident of that district.]
- (11) [After the adoption of a district map under Subsection (10)(c)(i), at an election in which a county council position is subject to an election:] A county districting commission established under Subsection (10) shall:
- [(a) each candidate for that position must reside in the district that the position represents; and]
- [(b) the council member for the district shall be elected by a majority vote of voters residing in the district.]
- (a) consist of:
- (i) one representative from each municipality located wholly within the county, who is either the municipality's mayor or a municipal resident whom the mayor appoints;
- (ii) one representative who resides in an unincorporated area of the county, appointed by the county council; and
- (iii) the county clerk, or the county clerk's designee, as a non-voting member;
- (b) select by majority vote the chair of the districting commission from among the membership of the districting commission;
- (c) divide the county into districts by:
- (i) using the total population enumeration of the most recent decennial census to ensure that there is less than 10% total population deviation between each district;
- (ii) ensuring that each district is contiguous and reasonably compact;
- (iii) drawing district boundary lines that, to the extent practicable, do not divide

- 232 existing voting precincts; and
- 233 (iv) complying with the United States Constitution; and
- 234 (d) by no later than October 1, 2025, submit a proposed district map to the county
- 235 council that:
- 236 (i) is recommended by a majority of districting commission members; and
- 237 (ii) complies with the requirements of Subsection (11)(c).
- 238 (12)(a) For a county council that adopts a district map described in Subsection (10)(b),
- 239 the county clerk shall designate one current county council member to serve each
- 240 district for the remainder of the county council member's term as follows:
- 241 (i) if only one county council member lives in a district in an adopted district map,
- 242 the county clerk shall assign that county council member to represent that district;
- 243 (ii) if more than one county council member lives in a district in an adopted district
- 244 map, the county clerk shall draw lots and assign one county council member to
- 245 represent the district; and
- 246 (iii) if no county council members live in a district in an adopted district map, the
- 247 county clerk shall draw lots and assign from the county council members not
- 248 already assigned under Subsections (12)(a)(i) and (ii) one county council member
- 249 to represent each district.
- 250 (b) For a county council member assigned under Subsection (12)(a)(iii) to represent a
- 251 district in which the county council member does not live, the county council
- 252 member is eligible to hold the county council member's seat in the assigned district
- 253 until the end of the term that the county council member was in on October 15, 2025,
- 254 unless earlier disqualified by another provision of law.
- 255 [(12)] (13)(a) After [creating districts and adopting] a county implements a district map [
- 256 under Subsections (10) and (11)] for the election of county council members, a county [
- 257 described in Subsection (10)] may not redistrict until:
- 258 (i) an official decennial census publicly releases population data for the county,
- 259 unless otherwise required by law[.]; or
- 260 (ii) population growth in the county results in greater than 10% population deviation
- 261 between districts.
- 262 (b) Each time a county [described in Subsection (10)(a)] conducts redistricting for the
- 263 county council districts, the county council shall redistrict by:
- 264 (i) adjusting districts [in accordance with Subsections (10)(b)(ii)(A), (B), (C), and
- 265 (E); and] in a proposed district map by:

- (A) using the total population enumeration of the most recent decennial census to ensure that there is less than 10% total population deviation between each district;
- (B) ensuring that each district is contiguous and reasonably compact;
- (C) drawing district boundary lines that, to the extent practicable, do not divide existing voting precincts; and
- (D) complying with the United States Constitution; and
- (ii) after drawing a proposed ~~[map of district boundaries]~~ district map, holding a public ~~[hearing]~~ meeting, at which the county council shall:
- (A) ~~[approve]~~ adopt the map as proposed~~;~~ ; or
- (B) revise the map and [approve] , if the revised map fulfills the requirements of Subsection (13)(b)(i), adopt the revised map.
- (14)(a) A voter in a county that fails to comply with the requirements of Subsections (9) through (13) may commence suit in a court of competent jurisdiction to compel compliance with, or enjoin a violation of, Subsections (9) through (13).
- (b) The court may award reasonable attorney fees and court costs to a successful plaintiff.
- (15) Beginning January 1, 2026, for a county that fails to comply with the requirements of Subsections (9) through (13), in addition to the remedies described in Subsection (14), the state tax commission may suspend disbursements of transient room tax revenue to the county until the county establishes that the county is in compliance with Subsections (9) through (13).
- Section 3. Section **63I-2-217** is amended to read:
- 63I-2-217 . Repeal dates: Titles 17 through 17D.**
- (1) Subsection 17-22-2(1)(o), regarding a sheriff's contractual duties under an interlocal agreement for law enforcement services, is repealed July 1, 2025.
- (2) Subsection 17-22-2(3), regarding the role of a sheriff in a police interlocal entity or police local district, is repealed July 1, 2025.
- (3) Section 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2, is repealed January 1, 2025.
- (4) Subsection 17-27a-509(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.
- (5) Subsection 17-52a-103(3), regarding the process for changing a form of county government, is repealed January 1, 2028.

(6) Subsections 17-52a-103(10) through (12), regarding the process to create a districting commission and implementing a district map, are repealed July 1, 2029.

Section 4. **Effective Date.**

This bill takes effect:

(1) except as provided in Subsection (2), December 6, 2025; or

(2) if approved by two-thirds of all members elected to each house:

(a) upon approval by the governor;

(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

(c) in the case of a veto, the date of veto override.