

Effective 5/10/2016

10-18-204 Vote permissible -- Referendum.

- (1)
 - (a)
 - (i) A legislative body of a municipality may, by a majority vote, call an election on whether the municipality shall provide proposed:
 - (A) cable television services; or
 - (B) public telecommunications services.
 - (ii) A municipal legislative body that, before July 1, 2016, approves the provision of public telecommunications service facilities may, by a majority vote, call an election on whether the municipality shall provide proposed public telecommunications service facilities.
 - (b) If under Subsection (1)(a) the legislative body calls an election, the election shall be held:
 - (i)
 - (A) at the next municipal general election; or
 - (B) as provided in Subsection 20A-1-203(1), at a local special election the purpose of which is authorized by this section; and
 - (ii) in accordance with Title 20A, Election Code, except as provided in this section.
 - (c)
 - (i) The notice of the election called under Subsection (1)(a)(i) shall include with any other information required by law:
 - (A) a summary of the cable television services or public telecommunications services that the legislative body of the municipality proposes to provide to subscribers residing within the boundaries of the municipality;
 - (B) the feasibility study summary under Section 10-18-203;
 - (C) a statement that a full copy of the feasibility study is available for inspection and copying; and
 - (D) the location in the municipality where the feasibility study may be inspected or copied.
 - (ii) The notice of an election called under Subsection (1)(a)(ii) shall include a summary prepared by the municipality describing the proposed public communications service facilities.
 - (d)
 - (i) For an election called under Subsection (1)(a)(i), the ballot for the election shall pose the question substantially as follows: "Shall the [name of the municipality] provide [cable television service or public telecommunications service] to the inhabitants of the [municipality]?"
 - (ii) For an election called under Subsection (1)(a)(ii), the ballot for the election shall pose the question substantially as follows: "Shall the [name of the municipality] provide public telecommunications service facilities within [name of the municipality] by [brief description of the method or means and financing terms, including total principal and interest costs, by which the public communications service facilities will be provided]?"
 - (e) The ballot proposition may not take effect until submitted to the electors and approved by the majority of those voting on the ballot.
- (2) In accordance with Title 20A, Chapter 7, Issues Submitted to the Voters, a municipal legislative body's action to have the municipality over which the legislative body presides provide cable television services or public telecommunications services is subject to local referenda.
- (3)
 - (a) The results of an election called under Subsection (1)(a)(ii) are not binding and do not:
 - (i) require the municipality that called the election to take, or refrain from taking, any action; or

- (ii) limit the municipality that called the election from taking any action authorized under Section 10-8-14 or 10-18-105.
- (b) An election called under Subsection (1)(a)(ii) does not exempt a municipality from the applicable requirements of this Title 10, Chapter 18, Municipal Cable Television and Public Telecommunications Services Act.

Amended by Chapter 419, 2016 General Session