

Effective 5/12/2015

10-2a-304 Incorporation of a town -- Election to incorporate -- Ballot form.

- (1)
 - (a) Upon receipt of a certified petition or a certified amended petition under Section 10-2a-302, the lieutenant governor shall:
 - (i) determine and set an election date for the incorporation election that is:
 - (A) on a regular general election date under Section 20A-1-201 or on a local special election date under Section 20A-1-203; and
 - (B) at least 65 days after the day that the legislative body receives the certified petition; and
 - (ii) direct the county legislative body of the county in which the incorporation is proposed to hold the election on the date determined by the lieutenant governor in accordance with Subsection (1)(a)(i).
 - (b) The county shall hold the election as directed by the lieutenant governor in accordance with Subsection (1)(a)(ii).
 - (c) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed town, the person may not vote on the proposed incorporation.
- (2)
 - (a) The county clerk shall publish notice of the election:
 - (i) in a newspaper of general circulation, within the area proposed to be incorporated, at least once a week for three successive weeks; and
 - (ii) in accordance with Section 45-1-101 for three weeks.
 - (b) The notice required by Subsection (2)(a) shall contain:
 - (i) a statement of the contents of the petition;
 - (ii) a description of the area proposed to be incorporated as a town;
 - (iii) a statement of the date and time of the election and the location of polling places; and
 - (iv) the lieutenant governor's Internet website address, if applicable, and the address of the Office of the Lieutenant Governor where the feasibility study is available for review.
 - (c) The last publication of notice required under Subsection (2)(a) shall occur at least one day but no more than seven days before the election.
 - (d)
 - (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed town, the county clerk shall post at least one notice of the election per 100 population in conspicuous places within the proposed town that are most likely to give notice of the election to the voters of the proposed town.
 - (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1)(a).
- (3) The ballot at the incorporation election shall pose the incorporation question substantially as follows: Shall the area described as (insert a description of the proposed town) be incorporated as the town of (insert the proposed name of the proposed town)?
- (4) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (3).
- (5) If a majority of those casting votes within the area boundaries of the proposed town vote to incorporate as a town, the area shall incorporate.

Amended by Chapter 96, 2015 General Session

Amended by Chapter 111, 2015 General Session

Amended by Chapter 157, 2015 General Session

Renumbered and Amended by Chapter 352, 2015 General Session

Amended by Chapter 352, 2015 General Session, (Coordination Clause)