

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

- (1) An optional plan adopted under this chapter may be repealed as provided in this section.
- (2) Registered voters of a county that has adopted an optional plan may initiate the process of repealing an optional plan by filing a petition for the repeal of the optional plan.
- (3)
  - (a) A petition to repeal an optional plan may not be filed sooner than four years after the election of county officers under Section 17-52-207.
  - (b)
    - (i) If the registered voters file a petition to repeal an optional plan under this section, the petition is certified, and the optional plan is not repealed at an election described in Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least four years after the certification of the original petition.
    - (ii) If, after four years, the voters file a subsequent petition as described in Subsection (3)(b)(i), the voters:
      - (A) may not circulate or file another petition to repeal until at least four years after certification of the subsequent petition; and
      - (B) shall wait an additional four years after the date of certification of the previous petition for each petition filed thereafter.
- (4) Each petition under Subsection (2) shall:
  - (a) be signed by registered voters residing in the county:
    - (i) equal in number to at least 15% of the total number of votes cast in each precinct described in Subsection (4)(a)(ii) at the most recent election for president of the United States; and
    - (ii) who represent at least 85% of the voting precincts located within the county;
  - (b) designate up to five of the petition signers as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each; and
  - (c) be filed in the office of the clerk of the county in which the petition signers reside.
- (5) Within 30 days after the filing of a petition under Subsection (2) or an amended petition under Subsection (6), the county clerk shall:
  - (a) determine whether the petition or amended petition has been signed by the required number of registered voters; and
  - (b)
    - (i) if so, certify the petition or amended petition and deliver it to the county legislative body, and notify in writing the contact sponsor of the certification; or
    - (ii) if not, reject the petition or the amended petition and notify in writing the county legislative body and the contact sponsor of the rejection and the reasons for the rejection.
- (6) If a county clerk rejects a petition or an amended petition under Subsection (5)(b)(ii), the petition may be amended or an amended petition may be further amended with additional signatures and refiled within 20 days of the date of rejection.
- (7)
  - (a) If a petition under Subsection (2) is certified, the county legislative body shall within 60 days after petition certification adopt a resolution granting the petition and deciding to hold an election on the proposal to repeal the optional plan.
  - (b) The county legislative body shall hold the election at the next regular general election date that is at least two months after the legislative body's decision.
- (8) If, at an election held under Subsection (7)(b), a majority of voters voting on the proposal to repeal the optional plan vote in favor of repealing:
  - (a) the optional plan is repealed, effective January 1 of the year following the election of county officers under Subsection (8)(c);

- (b) upon the effective date of the repeal under Subsection (8)(a), the form of government under which the county operates reverts to the form it had before the optional plan was adopted;  
and
- (c) the county officers under the form of government to which the county reverts, who are different than the county officers under the repealed optional plan, shall be elected at the next regular general election following the election under Subsection (7)(b).

Enacted by Chapter 134, 2013 General Session