

17B-1-412 Protests -- Election.

- (1)
 - (a) An owner of private real property located within or a registered voter residing within an area proposed to be annexed may protest an annexation by filing a written protest with the board of trustees of the proposed annexing local district, except:
 - (i) as provided in Section 17B-1-413;
 - (ii) for an annexation under Section 17B-1-415; and
 - (iii) for an annexation proposed by a local district that receives sales and use tax funds from the counties, cities, and towns within the local district that impose a sales and use tax under Section 59-12-2213.
 - (b) A protest of a boundary adjustment is not governed by this section but is governed by Section 17B-1-417.
- (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of the public hearing under Section 17B-1-409.
- (3)
 - (a) Except as provided in Subsection (4), the local district shall hold an election on the proposed annexation if:
 - (i) timely protests are filed by:
 - (A) the owners of private real property that:
 - (I) is located within the area proposed to be annexed;
 - (II) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and
 - (III) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area;
 - (B) registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed for annexation and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition; or
 - (ii) the proposed annexing local district is one that receives sales and use tax funds from the counties, cities, and towns within the local district that impose a sales and use tax under Section 59-12-2213.
 - (b)
 - (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be phrased to indicate that a voter's casting a vote for or against the annexation includes also a vote for or against the imposition of the sales and use tax as provided in Section 59-12-2213.
 - (ii) Except as otherwise provided in this part, each election under Subsection (3)(a) shall be governed by Title 20A, Election Code.
 - (c) If a majority of registered voters residing within the area proposed to be annexed and voting on the proposal vote:
 - (i) in favor of annexation, the board of trustees shall, subject to Subsections 17B-1-414(1)(b), (2), and (3), complete the annexation by adopting a resolution approving annexation of the area; or
 - (ii) against annexation, the annexation process is terminated, the board may not adopt a resolution approving annexation of the area, and the area proposed to be annexed may not for two years be the subject of an effort under this part to annex to the same local district.
- (4) If sufficient protests are filed under this section to require an election for a proposed annexation to which the protest provisions of this section are applicable, a board of trustees may,

notwithstanding Subsection (3), adopt a resolution rejecting the annexation and terminating the annexation process without holding an election.

Amended by Chapter 263, 2010 General Session