

Representative Melvin R. Brown proposes the following substitute bill:

COUNTY GOVERNMENT REFORM

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

This bill modifies county government provisions.

Highlighted Provisions:

This bill:

- ▶ prohibits the election of county officers on a nonpartisan basis;
- ▶ authorizes voters to petition for and then vote on a repeal of a previously adopted optional plan to return the county's form of government to the form the county operated under before the optional plan was adopted; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-52-203, as last amended by Chapter 241, Laws of Utah 2001

17-53-101, as renumbered and amended by Chapter 133, Laws of Utah 2000

ENACTS:



26 17-52-405, Utah Code Annotated 1953

27

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

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

30 **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

31 (1) Registered voters of a county may initiate the process of adopting an optional plan
32 by filing a petition for the establishment of a study committee as provided in Section
33 17-52-301.

34 (2) Each petition under Subsection (1) shall:

35 (a) be signed by registered voters residing in the county equal in number to at least
36 10% of the total number of votes cast in the county at the most recent election for governor;

37 (b) designate up to five of the petition signers as sponsors, one of whom shall be
38 designated as the contact sponsor, with the mailing address and telephone number of each; and

39 (c) be filed in the office of the clerk of the county in which the petition signers reside.

40 (3) (a) Within 30 days of the filing of a petition under Subsection (1) or an amended or
41 supplemental petition under Subsection [~~(2)~~] (3)(b), the county clerk shall:

42 (i) determine whether the petition or amended or supplemental petition has been signed
43 by the required number of registered voters; and

44 (ii) (A) if so:

45 (I) certify the petition or amended or supplemental petition and deliver it to the county
46 legislative body; and

47 (II) notify in writing the contact sponsor of the certification; or

48 (B) if not, reject the petition or the amended or supplemental petition and notify in
49 writing the county legislative body and the contact sponsor of the rejection and the reasons for
50 the rejection.

51 (b) If a county clerk rejects a petition or an amended or supplemental petition under
52 Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or
53 supplemental petition may be further amended or supplemented with additional signatures and
54 refiled within 20 days of the date of rejection.

55 (4) With the unanimous approval of petition sponsors, a petition filed under Subsection
56 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45

57 days before an election under Section 17-52-206 if:

58 (a) the petition notified signers in conspicuous language that the petition sponsors are
59 authorized to withdraw the petition; and

60 (b) there are at least three sponsors of the petition.

61 Section 2. Section **17-52-405** is enacted to read:

62 **17-52-405. Repeal of optional plan.**

63 (1) An optional plan adopted under this chapter may be repealed as provided in this
64 section.

65 (2) Registered voters of a county that has adopted an optional plan may initiate the
66 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

67 (3) A petition to repeal an optional plan may not be filed within two years after the
68 election of county officers under Section 17-52-207.

69 (4) (a) Each petition under Subsection (2) shall:

70 (i) be signed by registered voters residing in the county equal in number to at least 10%
71 of the total number of votes cast in the county at the most recent election for governor;

72 (ii) designate up to five of the petition signers as sponsors, one of whom shall be
73 designated as the contact sponsor, with the mailing address and telephone number of each; and

74 (iii) be filed in the office of the clerk of the county in which the petition signers reside.

75 (b) (i) Within 30 days after the filing of a petition under Subsection (2) or an amended
76 or supplemental petition under Subsection (4)(b)(ii), the county clerk shall:

77 (A) determine whether the petition or amended or supplemental petition has been
78 signed by the required number of registered voters; and

79 (B) (I) if so:

80 (Aa) certify the petition or amended or supplemental petition and deliver it to the
81 county legislative body; and

82 (Bb) notify in writing the contact sponsor of the certification; or

83 (II) if not, reject the petition or the amended or supplemental petition and notify in
84 writing the county legislative body and the contact sponsor of the rejection and the reasons for
85 the rejection.

86 (ii) If a county clerk rejects a petition or an amended or supplemental petition under
87 Subsection (3)(b)(i)(B)(II), the petition may be amended or supplemented or an amended or

88 supplemental petition may be further amended or supplemented with additional signatures and
89 refiled within 20 days of the date of rejection.

90 (5) (a) If a petition under Subsection (2) is certified, the county legislative body shall:

91 (i) consider the petition; and

92 (ii) within 60 days after petition certification, adopt a resolution:

93 (A) rejecting the petition and deciding not hold an election on the proposal to repeal
94 the optional plan; or

95 (B) granting the petition and deciding to hold an election on the proposal to repeal the
96 optional plan.

97 (b) If the county legislative body decides to hold an election on the proposal, the
98 county legislative body shall hold the election at the next regular general election date that is at
99 least two months after the legislative body's decision.

100 (6) (a) If a county legislative body adopts a resolution under Subsection (5)(a)(ii)(A)
101 deciding not to hold an election on the proposal to repeal the optional plan, registered voters in
102 the county may file another petition or a supplemental petition requesting the county legislative
103 body to hold an election to allow voters to vote on the proposed repeal.

104 (b) (i) Subsection (4) applies to the other or supplemental petition, except that the
105 petition may not be certified unless it is signed by registered voters residing in the county equal
106 in number to at least 15% of the total number of votes cast in the county at the most recent
107 election for governor.

108 (ii) Signatures on a supplemental petition under Subsection (2) may be used toward the
109 signature requirement of Subsection (6)(b).

110 (c) If a petition under Subsection (6)(a) is certified, the county legislative body shall
111 hold an election at the next regular general election date that is at least two months after
112 petition certification.

113 (7) If, at an election held under Subsection (5)(b) or (6)(c), a majority of voters voting
114 on the proposal to repeal the optional plan vote in favor of repealing:

115 (a) the optional plan is repealed, effective January 1 of the year following the election
116 of county officers under Subsection (7)(c);

117 (b) upon the effective date of the repeal under Subsection (7)(a), the form of
118 government under which the county operates reverts to the form it had before the optional plan

119 was adopted; and

120 (c) the county officers under the form of government to which the county reverts, who
121 are different than the county officers under the repealed optional plan, shall be elected at the
122 next regular general election following the election under Subsection (5)(b) or (6)(c).

123 Section 3. Section **17-53-101** is amended to read:

124 **17-53-101. County officers enumerated.**

125 (1) The elected officers of a county are:

126 (a) (i) in a county operating under a county commission or expanded county

127 commission form of government, county commission members; or

128 (ii) in a county operating under one of the other forms of county government under

129 Subsection 17-52-402(1)(a), county legislative body members and the county executive;

130 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a
131 county attorney, a district attorney in a county which is part of a prosecution district, a county
132 surveyor, and a county assessor; and

133 (c) any others provided by law.

134 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
135 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
136 duties of the office without extra compensation.

137 (3) Elected county officers may not be elected in a nonpartisan election.

H.B. 348 1st Sub. (Buff) - County Government Reform

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. There may be increased costs for some counties to comply with the provisions of this bill.
