

Representative Melvin R. Brown proposes the following substitute bill:

TOWN INCORPORATION PROCESS

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the incorporation of a town.

Highlighted Provisions:

This bill:

- ▶ modifies the process of incorporating a town;
- ▶ requires at least five sponsors to be designated on a petition to incorporate an area as a town;
- ▶ prohibits the filing of a petition to incorporate an area as a town if the petition sponsors own more than 40% of the total area proposed to be incorporated;
- ▶ eliminates definitions of "base petition" and "qualifying petition";
- ▶ modifies a requirement regarding county legislative body approval of a petition for the incorporation of a town if the petition meets certain signature requirements;
- ▶ clarifies that the value of property for purposes of determining incorporation petition requirements is assessed value;
- ▶ establishes a process for a public hearing on a proposed incorporation of a town before a petition to incorporate may be filed;
- ▶ requires a majority of registered voters to sign a petition to incorporate as a town;

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- 26 ▶ allows a county legislative body in a first or second class county the option whether
- 27 to commission a financial feasibility study with respect to a proposed incorporation
- 28 of a town and provides a process for commissioning a financial feasibility study;
- 29 ▶ establishes financial feasibility study criteria;
- 30 ▶ requires the initial officers of a newly incorporated town to be elected rather than
- 31 appointed by the county legislative body;
- 32 ▶ modifies election provisions to allow the election of officers of a newly
- 33 incorporated town to be conducted as a special election;
- 34 ▶ provides for when newly elected town officers in a new town take office; and
- 35 ▶ modifies the date upon which a town is incorporated.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides an immediate effective date.

40 This bill provides revisor instructions.

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **10-2-109**, as last amended by Laws of Utah 1997, Second Special Session, Chapter 3

44 **10-2-125**, as last amended by Laws of Utah 2007, Chapter 212

45 **20A-1-203**, as last amended by Laws of Utah 2007, Chapter 215

46 **20A-1-204**, as last amended by Laws of Utah 2004, Chapter 371



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

49 Section 1. Section **10-2-109** is amended to read:

50 **10-2-109. Incorporation petition -- Requirements and form.**

51 (1) At any time within 18 months of the completion of the public hearings required
52 under Subsection 10-2-108(1), a petition for incorporation of the area proposed to be
53 incorporated as a city may be filed in the office of the clerk of the county in which the area is
54 located.

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

56 (a) be signed by the owners of private real property that:

57 (i) is located within the area proposed to be incorporated;
58 (ii) covers at least 1/3 of the total private land area within the area; and
59 (iii) is equal in value to at least 1/3 of the value of all private real property within the
60 area;
61 (b) indicate the typed or printed name and current residence address of each owner
62 signing the petition;
63 (c) describe the area proposed to be incorporated as a city, as described in the
64 feasibility study request or modified request that meets the requirements of Subsection (3);
65 (d) state the proposed name for the proposed city;
66 (e) designate five signers of the petition as petition sponsors, one of whom shall be
67 designated as the contact sponsor, with the mailing address and telephone number of each;
68 (f) state that the signers of the petition appoint the sponsors, if the incorporation
69 measure passes, to represent the signers in the process of:
70 (i) selecting the number of commission or council members the new city should have;
71 and
72 (ii) drawing district boundaries for the election of commission or council members, if
73 the voters decide to elect commission or council members by district;
74 (g) be accompanied by and circulated with an accurate plat or map, prepared by a
75 licensed surveyor, showing the boundaries of the proposed city; and
76 (h) substantially comply with and be circulated in the following form:
77 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
78 city)
79 To the Honorable County Legislative Body of (insert the name of the county in which
80 the proposed city is located) County, Utah:
81 We, the undersigned owners of real property within the area described in this petition,
82 respectfully petition the county legislative body to submit to the registered voters residing
83 within the area described in this petition, at a special election held for that purpose, the
84 question of whether the area should incorporate as a city. Each of the undersigned affirms that
85 each has personally signed this petition and is an owner of real property within the described
86 area, and that the current residence address of each is correctly written after the signer's name.
87 The area proposed to be incorporated as a city is described as follows: (insert an accurate

88 description of the area proposed to be incorporated).

89 (3) A petition for incorporation of a city under Subsection (1) may not be filed unless
90 the results of the feasibility study or supplemental feasibility study show that the average
91 annual amount of revenue under Subsection 10-2-106(4)(a)(ix) does not exceed the average
92 annual amount of cost under Subsection 10-2-106(4)(a)(viii) by more than 5%.

93 (4) A signature on a request under Section 10-2-103 or a modified request under
94 Section 10-2-107 may be used toward fulfilling the signature requirement of Subsection (2)(a):

95 (a) if the request under Section 10-2-103 or modified request under Section 10-2-107
96 notified the signer in conspicuous language that the signature, unless withdrawn, would also be
97 used for purposes of a petition for incorporation under this section; and

98 (b) unless the signer files with the county clerk a written withdrawal of the signature
99 before the petition under this section is filed with the clerk.

100 Section 2. Section **10-2-125** is amended to read:

101 **10-2-125. Incorporation of a town.**

102 [~~(1) As used in this section:~~]

103 [~~(a) "Base petition" means a petition under this section proposing the incorporation of a
104 town and signed by the owners of private real property that:]~~

105 [~~(i) is located within the area proposed to be incorporated;]~~

106 [~~(ii) covers at least a majority of the total private land area within the area proposed to
107 be incorporated; and]~~

108 [~~(iii) is equal in value to at least 1/3 but not more than 1/2 of the value of all private
109 real property within the area proposed to be incorporated:]~~

110 [~~(b) "Qualifying petition" means a petition under this section proposing the
111 incorporation of a town and signed by the owners of private real property that:]~~

112 [~~(i) is located within the area proposed to be incorporated;]~~

113 [~~(ii) covers at least a majority of the total private land area within the area proposed to
114 be incorporated; and]~~

115 [~~(iii) is equal in value to more than 1/2 of the value of all private real property within
116 the area proposed to be incorporated:]~~

117 (1) As used in this section:

118 (a) "Assessed value," with respect to agricultural land, means the value at which the

119 land would be assessed without regard to a valuation for agricultural use under Section
120 59-2-503.

121 (b) "Financial feasibility study" means a study to determine:

122 (i) the projected revenues for the proposed town during the first three years after
123 incorporation; and

124 (ii) the projected costs, including overhead, that the proposed town will incur in
125 providing governmental services during the first three years after incorporation.

126 (2) (a) A contiguous area of a county not within a municipality, with a population of at
127 least 100 but less than 1,000, may incorporate as a town as provided in this section.

128 (b) ~~[(i)]~~ The population figure under Subsection (2)(a) shall be ~~[derived from the most~~
129 ~~recent official census or census estimate of the United States Bureau of the Census. (ii) If the~~
130 ~~population figure is not available from the United States Bureau of the Census, the population~~
131 ~~figure shall be derived from the estimate from] determined:~~

132 (i) as of the date the incorporation petition is filed; and

133 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
134 certification under Subsection (5) of a petition filed under Subsection (4).

135 (3) (a) The process to incorporate an area as a town is initiated by filing a ~~[petition]~~
136 request for a public hearing with the clerk of the county in which the area is located.

137 (b) Each request for a public hearing under Subsection (3)(a) shall:

138 (i) be signed by the owners of at least five separate parcels of private real property,
139 each owned by a different owner, located within the area proposed to be incorporated; and

140 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
141 town.

142 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
143 the county clerk shall, with the assistance of other county officers from whom the clerk
144 requests assistance, determine whether the petition complies with the requirements of
145 Subsection (3)(b).

146 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
147 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
148 notice of the rejection to the signers of the request.

149 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the

150 requirements of Subsection (3)(b), the clerk shall:

151 (A) schedule and arrange for a public hearing to be held:

152 (I) (Aa) at a public facility located within the boundary of the proposed town; or

153 (Bb) if there is no public facility within the boundary of the proposed town, at another

154 nearby public facility or at the county seat; and

155 (II) within 20 days after the clerk provides the last notice required under Subsection

156 (3)(e)(i)(B); and

157 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed

158 incorporation by:

159 (I) posting notice of the public hearing on the county's Internet web site, if the county

160 has an Internet web site; and

161 (II) (Aa) publishing notice of the public hearing at least once a week for two

162 consecutive weeks in a newspaper of general circulation within the proposed town; or

163 (Bb) if there is no newspaper of general circulation within the proposed town, posting

164 notice of the public hearing in at least five conspicuous public places within the proposed town.

165 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,

166 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection

167 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines

168 that a request complies with the requirements of Subsection (3)(b).

169 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair

170 of the county commission or council, or the chair's designee; to:

171 (A) introduce the concept of the proposed incorporation to the public;

172 (B) allow the public to review the map or plat of the boundary of the proposed town;

173 (C) allow the public to ask questions and become informed about the proposed

174 incorporation; and

175 (D) allow the public to express their views about the proposed incorporation, including

176 their views about the boundary of the area proposed to be incorporated.

177 (4) (a) At any time within three months after the public hearing under Subsection

178 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in

179 which the area is located.

180 (b) Each petition under Subsection [~~(3)~~] (4)(a) shall:

181 (i) be signed by:

182 (A) the owners of private real property that:

183 [~~(A)~~] (I) is located within the area proposed to be incorporated;

184 [~~(B)~~] (II) covers a majority of the total private land area within the area; [~~and~~]

185 [~~(C)~~] (III) is equal in assessed value to [~~at least 1/3~~] more than 1/2 of the assessed value

186 of all private real property within the area; and

187 [~~(ii) state the legal description of the boundaries of the area proposed to be~~

188 ~~incorporated as a town;~~]

189 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of

190 private real property within the area proposed to be incorporated; and

191 (B) a majority of all registered voters within the area proposed to be incorporated as a

192 town, according to the official voter registration list maintained by the county on the date the

193 petition is filed;

194 [~~(iii)~~] (ii) designate [~~up to~~] as sponsors at least five [~~signers~~] of the property owners

195 who have signed the petition [~~as sponsors~~], one of whom shall be designated as the contact

196 sponsor, with the mailing address of each owner signing as a sponsor;

197 [~~(iv)~~] (iii) be accompanied by and circulated with an accurate map or plat, prepared by

198 a licensed surveyor, showing a legal description of the [~~boundaries~~] boundary of the proposed

199 town; and

200 [~~(v)~~] (iv) substantially comply with and be circulated in the following form:

201 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed

202 town)

203 To the Honorable County Legislative Body of (insert the name of the county in which

204 the proposed town is located) County, Utah:

205 We, the undersigned owners of real property and registered voters within the area

206 described in this petition, respectfully petition the county legislative body for the area described

207 in this petition to be incorporated as a town. Each of the undersigned affirms that each has

208 personally signed this petition and is an owner of real property or a registered voter residing

209 within the described area, and that the current residence address of each is correctly written

210 after the signer's name. The area proposed to be incorporated as a town is described as follows:

211 (insert an accurate description of the area proposed to be incorporated).

212 (c) A petition under this ~~[section]~~ Subsection (4) may not describe an area that includes
213 some or all of an area proposed for annexation in an annexation petition under Section
214 10-2-403 that:

- 215 (i) was filed before the filing of the petition; and
- 216 (ii) is still pending on the date the petition is filed.

217 ~~[(4) Section 10-2-104 applies to a petition for incorporation as a town in any county;~~
218 ~~except that the notice under Subsection 10-2-104(1) shall be sent within seven calendar days~~
219 ~~after the filing of a petition under Subsection (3).]~~

220 (d) A petition may not be filed under this section if the private real property owned by
221 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
222 total private land area within the area proposed to be incorporated as a town.

223 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
224 reinstate the signer's signature on the petition:

- 225 (i) at any time until the county clerk certifies the petition under Subsection (5); and
- 226 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

227 (5) Within 20 days after the filing of a petition under Subsection (4), the county clerk
228 shall:

229 (a) with the assistance of other county officers from whom the clerk requests
230 assistance, determine whether the petition complies with the requirements of Subsection (4);
231 and

232 (b) (i) if the clerk determines that the petition complies with those requirements:

233 (A) certify the petition and deliver the certified petition to the county legislative body;

234 and

235 (B) mail or deliver written notification of the certification to:

236 (I) the contact sponsor;

237 (II) if applicable, the chair of the planning commission of each township in which any
238 part of the area proposed for incorporation is located; and

239 (III) the Utah Population Estimates Committee; or

240 (ii) if the clerk determines that the petition fails to comply with any of those
241 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
242 the reasons for the rejection.

243 (6) (a) (i) A petition that is rejected under Subsection (5)(b)(ii) may be amended to
244 correct a deficiency for which it was rejected and then refiled with the county clerk.

245 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward
246 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
247 under Subsection (6)(a)(i) and then refiled with the county clerk.

248 (b) If a petition is amended and refiled under Subsection (6)(a)(i) after having been
249 rejected by the county clerk under Subsection (5)(b)(ii):

250 (i) the amended petition shall be considered as a newly filed petition; and

251 (ii) the amended petition's processing priority is determined by the date on which it is
252 refiled.

253 ~~[(5)]~~ (7) (a) (i) The legislative body of [each] a county of the first or second class with
254 which a [base] petition is filed under [this section shall] Subsection (4) may, at its option and
255 upon the petition being certified under Subsection (5), commission and pay for a financial
256 feasibility study [as provided in Section 10-2-103].

257 (ii) If the legislative body of a county of the first or second class chooses to
258 commission a financial feasibility study, the county legislative body shall:

259 (A) within 20 days after the incorporation petition is certified, select and engage a
260 feasibility consultant; and

261 (B) require the feasibility consultant to complete the financial feasibility study and
262 submit written results of the study to the county legislative body no later than 30 days after the
263 feasibility consultant is engaged to conduct the financial feasibility study.

264 ~~[(ii) If]~~ (b) The county legislative body shall approve a petition proposing the
265 incorporation of a town and hold an election for town officers, as provided in Subsection (8),
266 if:

267 (i) in a county of the first or second class:

268 (A) the county clerk has certified the petition under Subsection (5); and

269 (B) (I) (Aa) the county legislative body has commissioned a financial feasibility study
270 under Subsection (7)(a); and

271 (Bb) the results of the financial feasibility [study under Subsection (5)(a)(i) meet the
272 requirements of Subsection 10-2-109(3) , the county legislative body shall grant the petition.]
273 show that the average annual amount of revenues described in Subsection (1)(b)(i) does not

274 exceed the average amount of costs described in Subsection (1)(b)(ii) by more than 10%; or
 275 (II) the county legislative body chooses not to commission a feasibility study; or
 276 (ii) in a county of the third, fourth, fifth, or sixth class, the county clerk has certified
 277 the petition under Subsection (5).

278 ~~[(iii) If]~~ (c) (i) If the legislative body of a county of the first or second class
 279 commissions a financial feasibility study under Subsection (7)(a) and the results of the
 280 financial feasibility study [under Subsection (5)(a)(i) do not meet the requirements of
 281 Subsection 10-2-109(3)] show that the average annual amount of revenues described in
 282 Subsection (1)(b)(i) exceeds the average annual amount of costs described in Subsection
 283 (1)(b)(ii) by more than 10%, the county legislative body may:

284 (A) deny the petition, subject to Subsection (7)(c)(ii);

285 ~~[(B) grant the petition; or]~~

286 (B) approve the petition and hold an election for town officers, as provided in
 287 Subsection (8); or

288 (C) (I) with the consent of the petition sponsors[~~, grant the petition, after~~]:

289 ~~[(F) imposing]~~ (Aa) impose conditions to mitigate the fiscal inequities identified in the
 290 financial feasibility study; or

291 ~~[(H) altering]~~ (Bb) alter the boundaries of the area proposed to be incorporated as a
 292 town to approximate the boundaries necessary to [meet the requirements of Subsection
 293 10-2-109(3)]. prevent the average annual amount of revenues described in Subsection (1)(b)(i)
 294 from exceeding the average annual amount of costs described in Subsection (1)(b)(ii); and

295 (II) approve the incorporation petition and hold an election for town officers, as
 296 provided in Subsection (8).

297 (ii) A county legislative body intending to deny a petition under Subsection (7)(c)(i)(A)
 298 shall deny the petition within 20 days after the feasibility consultant submits the written results
 299 of the financial feasibility study.

300 ~~[(iv)]~~ (d) Each town that incorporates pursuant to a petition [granted] approved after
 301 the county legislative body imposes conditions under Subsection [(5)(a)(iii)(C)(F)]
 302 (7)(c)(i)(C)(I) shall comply with those conditions.

303 ~~[(b) The legislative body of each county of the second, third, fourth, fifth, or sixth class~~
 304 ~~with which a qualifying petition is filed shall grant the petition.]~~

305 ~~[(6) (a) Upon the granting of a petition filed under this section, the]~~
 306 (8) (a) The legislative body of the county in which the proposed new town is located
 307 shall [appoint a mayor and members of the town council from a list of qualified individuals
 308 approved by the petition sponsors] hold the election for town officers provided for in
 309 Subsection (7) within:

310 (i) 45 days after the petition is certified, for an election under Subsection
 311 (7)(b)(i)(B)(II) or (7)(b)(ii);

312 (ii) 45 days after the feasibility consultant submits the written results of the financial
 313 feasibility study, for an election under Subsection (7)(b)(i)(B)(I); or

314 (iii) 60 days after the feasibility consultant submits the written results of the financial
 315 feasibility study, for an election under Subsection (7)(c).

316 (b) The officers elected at an election under Subsection (8)(a) shall take office:

317 (i) at noon on the first Monday in January next following the election, if the election is
 318 held on a regular general or municipal general election date; or

319 (ii) at noon on the first day of the month next following the effective date of the
 320 incorporation under Subsection (11), if the election of officers is held on any other date.

321 ~~[(b) The officers appointed under Subsection (6)(a) shall hold office until the next~~
 322 ~~regular municipal election and until their successors are elected and qualified.]~~

323 ~~[(7)]~~ (9) Each newly incorporated town shall operate under the [six-member]
 324 five-member council form of government as described in Section 10-3-101.

325 ~~[(8)]~~ (10) (a) [Each mayor appointed under Subsection (6) shall, within] Within seven
 326 days [of appointment, file] after the canvass of the election of town officers under Subsection
 327 (8), the mayor-elect of the new town shall file at least three copies of the articles of
 328 incorporation of the new town with the lieutenant governor.

329 (b) The articles of incorporation shall meet the requirements of Subsection
 330 10-2-119(2).

331 ~~[(9) A town is incorporated upon the lieutenant governor's issuance of a certificate of~~
 332 ~~entity creation under Section 67-1a-6.5.]~~

333 ~~[(10) The legislative body of the new town shall comply with the notice requirements~~
 334 ~~of Section 10-1-116.]~~

335 (11) A new town is incorporated:

336 (a) on December 31 of the year in which the lieutenant governor issues a certificate of
337 entity creation for the town under Section 67-1a-6.5, if the election of town officers under
338 Subsection (8) is held on a regular general or municipal general election date; or

339 (b) on the last day of the month during which the lieutenant governor issues a
340 certificate of entity creation for the town under Section 67-1a-6.5, if the election of town
341 officers under Subsection (8) is held on any other date.

342 (12) A petition filed before the effective date of this section that is a qualifying petition
343 under the law in effect at the time the petition was filed is subject to and governed by the law in
344 effect at the time the petition was filed.

345 Section 3. Section **20A-1-203** is amended to read:

346 **20A-1-203. Calling and purpose of special elections.**

347 (1) Statewide and local special elections may be held for any purpose authorized by
348 law.

349 (2) (a) Statewide special elections shall be conducted using the procedure for regular
350 general elections.

351 (b) Except as otherwise provided in this title, local special elections shall be conducted
352 using the procedures for regular municipal elections.

353 (3) The governor may call a statewide special election by issuing an executive order
354 that designates:

355 (a) the date for the statewide special election; and

356 (b) the purpose for the statewide special election.

357 (4) The Legislature may call a statewide special election by passing a joint or
358 concurrent resolution that designates:

359 (a) the date for the statewide special election; and

360 (b) the purpose for the statewide special election.

361 (5) (a) The legislative body of a local political subdivision may call a local special
362 election only for:

363 (i) a vote on a bond or debt issue;

364 (ii) a vote on a voted leeway program authorized by Section 53A-17a-133 or
365 53A-17a-134;

366 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedure;

367 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
 368 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
 369 legal boundaries should be changed;

370 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act; ~~or~~

371 (vii) a vote to elect members to school district boards for a new school district and a
 372 remaining school district, as defined in Section 53A-2-117, following the creation of a new
 373 school district under Section 53A-2-118.1~~[-]; or~~

374 (viii) an election of town officers of a newly incorporated town under Subsection
 375 10-2-125(8).

376 (b) The legislative body of a local political subdivision may call a local special election
 377 by adopting an ordinance or resolution that designates:

378 (i) the date for the local special election; and

379 (ii) the purpose for the local special election.

380 Section 4. Section **20A-1-204** is amended to read:

381 **20A-1-204. Date of special election -- Legal effect.**

382 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
 383 calling a statewide special election or local special election under Section 20A-1-203 shall
 384 schedule the special election to be held on:

385 (i) the fourth Tuesday in June; ~~or~~

386 (ii) the first Tuesday after the first Monday in November~~[-]; or~~

387 (iii) for an election of town officers of a newly incorporated town under Subsection
 388 10-2-125(8), on any date that complies with the requirements of that subsection.

389 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
 390 body of a local political subdivision calling a statewide special election or local special election
 391 under Section 20A-1-203 may not schedule a special election to be held on any other date.

392 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
 393 local political subdivision may call a local special election on a date other than those specified
 394 in this section if the legislative body:

395 (A) determines and declares that there is a disaster, as defined in Section 63-5-2,
 396 requiring that a special election be held on a date other than the ones authorized in statute;

397 (B) identifies specifically the nature of the disaster, as defined in Section 63-5-2, and

398 the reasons for holding the special election on that other date; and

399 (C) votes unanimously to hold the special election on that other date.

400 (ii) The legislative body of a local political subdivision may not call a local special
401 election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential
402 Primary, for Utah's Western States Presidential Primary.

403 (d) Nothing in this section prohibits:

404 (i) the governor or Legislature from submitting a matter to the voters at the regular
405 general election if authorized by law; or

406 (ii) a local government from submitting a matter to the voters at the regular municipal
407 election if authorized by law.

408 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
409 special election within a county on the same day as:

410 (i) another special election;

411 (ii) a regular general election; or

412 (iii) a municipal general election.

413 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

414 (i) polling places;

415 (ii) ballots;

416 (iii) election officials; and

417 (iv) other administrative and procedural matters connected with the election.

418 **Section 5. Effective date.**

419 If approved by two-thirds of all the members elected to each house, this bill takes effect
420 upon approval by the governor, or the day following the constitutional time limit of Utah
421 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
422 the date of veto override.

423 **Section 6. Revisor instructions.**

424 It is the intent of the Legislature that the Office of Legislative Research and General
425 Counsel, in preparing the Utah Code database for publication, replace the phrase "the effective
426 date of this section" in Subsection 10-2-125(12) of this bill with the actual effective date of this
427 bill.