

1                   **REQUIREMENTS TO CHANGE FORM OF COUNTY**

2                                   **GOVERNMENT**

3   2013 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Keith Grover**

6                                   Senate Sponsor: Margaret Dayton

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**LONG TITLE**

8 **Committee Note:**

9                   The Government Operations Interim Committee recommended this bill.

10 **General Description:**

11                   This bill amends the signature requirements for a petition to change the form of a  
12 county government.  
13

14 **Highlighted Provisions:**

15                   This bill:

16                   ▶ requires that a petition to change the form of a county government be signed by  
17 registered voters residing in the county equal in number to at least 10% of the total  
18 number of votes cast in the county at the most recent election for president of the  
19 United States; and

20                   ▶ makes technical corrections.

21 **Money Appropriated in this Bill:**

22                   None

23 **Other Special Clauses:**

24                   None

25 **Utah Code Sections Affected:**

26 AMENDS:

27                   **17-52-203**, as last amended by Laws of Utah 2001, Chapter 241



28           **17-52-206**, as last amended by Laws of Utah 2001, Chapter 241



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

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

32           **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

33           (1) Registered voters of a county may initiate the process of adopting an optional plan  
34 by filing a petition for the establishment of a study committee as provided in Section  
35 17-52-301.

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

37           (a) be signed by registered voters residing in the county equal in number to at least  
38 10% of the total number of votes cast in the county at the most recent election for ~~[governor]~~  
39 president of the United States;

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

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

43           (3) (a) Within 30 days of the filing of a petition under Subsection (1) or an amended or  
44 supplemental petition under Subsection (2)(b), the county clerk shall:

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

47           (ii) (A) if so:

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

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

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

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

58           (4) With the unanimous approval of petition sponsors, a petition filed under Subsection

59 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45  
60 days before an election under Section 17-52-206 if:

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

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

64 Section 2. Section **17-52-206** is amended to read:

65 **17-52-206. Election on recommended optional plan -- Resolution or petition to**  
66 **submit plan to voters.**

67 (1) (a) The county legislative body shall hold an election on an optional plan  
68 recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:

69 (i) the county or district attorney has completed the review of the recommended  
70 optional plan and has submitted the attorney's report to the county clerk as provided in Section  
71 17-52-204;

72 (ii) the recommended optional plan may, under Subsection 17-52-204(3), be the  
73 subject of a resolution or petition under this Subsection (1); and

74 (iii) after the county or district attorney has submitted the attorney's report under  
75 Section 17-52-204:

76 (A) the county legislative body adopts a resolution to submit the recommended  
77 optional plan to voters; or

78 (B) a petition is filed with the county clerk that:

79 (I) is signed by registered voters residing in the county equal in number to at least 10%  
80 of the total number of votes cast in the county at the most recent election for [~~governor~~]  
81 president of the United States;

82 (II) designates up to five of the petition signers as sponsors, one of whom shall be  
83 designated as the contact sponsor, with the mailing address and telephone number of each; and

84 (III) requests that the recommended optional plan be submitted to voters.

85 (b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be  
86 the same as that provided in Subsection 17-52-203(3).

87 (2) Each election under Subsection (1) shall be held at the next regular general or  
88 municipal general election date that is no less than two months after:

89 (a) the county legislative body's adoption of a resolution under Subsection

90 (1)(a)(iii)(A); or

91 (b) certification of a petition filed under Subsection (1)(a)(iii)(B).

92 (3) The county clerk shall prepare the ballot for each election under Subsection (1) so  
93 that the question on the ballot states substantially as follows:

94 "Shall \_\_\_\_\_ County adopt the alternate form of government known  
95 as the \_\_ (insert the proposed form of government) \_\_ that has been recommended by the study  
96 committee?"

97 (4) The county clerk shall:

98 (a) cause the complete text of the proposed optional plan to be published in a  
99 newspaper of general circulation within the county at least once during two different calendar  
100 weeks within the 30-day period immediately before the date of the election under Subsection  
101 (1); and

102 (b) make a complete copy of the optional plan and the study committee report available  
103 free of charge to any member of the public who requests a copy.

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**Legislative Review Note**  
**as of 6-25-12 6:53 AM**

**Office of Legislative Research and General Counsel**