

COUNTY GOVERNMENT REFORM

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies county government provisions.

Highlighted Provisions:

This bill:

▶ 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

17-52-405, Utah Code Annotated 1953

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

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



28 **17-52-203. Registered voter initiation of adoption of optional plan -- Procedure.**

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

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

33 (a) be signed by registered voters residing in the county equal in number to at least
34 10% of the total number of votes cast in the county at the most recent election for governor;

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

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

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

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

42 (ii) (A) if so[~~(F)~~], certify the petition or amended or supplemental petition and deliver
43 it to the county legislative body[;] and [~~(H)~~] notify in writing the contact sponsor of the
44 certification; or

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

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

52 (4) With the unanimous approval of petition sponsors, a petition filed under Subsection
53 (1) may be withdrawn at any time within 90 days after petition certification but no later than 45
54 days before an election under Section 17-52-206 if:

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

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

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

59 17-52-405. Repeal of optional plan.

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

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

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

66 (4) Each petition under Subsection (2) shall:

67 (a) be signed by registered voters residing in the county equal in number to at least
68 10% of the total number of votes cast in the county at the most recent election for governor;

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

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

72 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended or
73 supplemental petition under Subsection (6), the county clerk shall:

74 (a) determine whether the petition or amended or supplemental petition has been
75 signed by the required number of registered voters; and

76 (b) (i) if so, certify the petition or amended or supplemental petition and deliver it to
77 the county legislative body, and notify in writing the contact sponsor of the certification; or

78 (ii) if not, reject the petition or the amended or supplemental petition and notify in
79 writing the county legislative body and the contact sponsor of the rejection and the reasons for
80 the rejection.

81 (6) If a county clerk rejects a petition or an amended or supplemental petition under
82 Subsection (5)(b)(ii), the petition may be amended or supplemented or an amended or
83 supplemental petition may be further amended or supplemented with additional signatures and
84 refiled within 20 days of the date of rejection.

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

86 (i) consider the petition; and

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

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

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

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

95 (8) (a) If a county legislative body adopts a resolution under Subsection (7)(a)(ii)(A)
96 deciding not to hold an election on the proposal to repeal the optional plan, registered voters in
97 the county may file another petition or a supplemental petition requesting the county legislative
98 body to hold an election to allow voters to vote on the proposed repeal.

99 (b) (i) Subsections (4) and (5) apply to the other or supplemental petition, except that
100 the petition may not be certified unless it is signed by registered voters residing in the county
101 equal in number to at least 15% of the total number of votes cast in the county at the most
102 recent election for governor.

103 (ii) Signatures on a supplemental petition under Subsection (2) may be used toward the
104 signature requirement of Subsection (8)(b).

105 (c) If a petition under Subsection (8)(a) is certified, the county legislative body shall
106 hold an election at the next regular general election date that is at least two months after
107 petition certification.

108 (9) If, at an election held under Subsection (7)(b) or (8)(c), a majority of voters voting
109 on the proposal to repeal the optional plan vote in favor of repealing:

110 (a) the optional plan is repealed, effective January 1 of the year following the election
111 of county officers under Subsection (9)(c);

112 (b) upon the effective date of the repeal under Subsection (9)(a), the form of
113 government under which the county operates reverts to the form it had before the optional plan
114 was adopted; and

115 (c) the county officers under the form of government to which the county reverts, who
116 are different than the county officers under the repealed optional plan, shall be elected at the
117 next regular general election following the election under Subsection (7)(b) or (8)(c).

Legislative Review Note
as of 12-4-12 2:22 PM

Office of Legislative Research and General Counsel