

METRO TOWNSHIP REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: Wayne A. Harper

Cosponsors: Eric K. Hutchings
Steve Eliason

LONG TITLE

General Description:

This bill modifies provisions related to the election of metro township council members.

Highlighted Provisions:

This bill:

- ▶ provides for council members of a metro township with a population of 10,000 or more to be elected by district;
- ▶ provides for council members of a metro township with a population of less than 10,000 to be elected at-large;
- ▶ addresses the status of a candidate's declaration of candidacy for a metro township council in a metro township with a population of less than 10,000; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

29 10-2a-410, as enacted by Laws of Utah 2015, Chapter 352

30 10-2a-411, as enacted by Laws of Utah 2015, Chapter 352

31 10-3-205.5, as last amended by Laws of Utah 2015, Chapter 352

32 63I-2-210, as last amended by Laws of Utah 2015, Chapters 157, 352, and 465

33 Utah Code Sections Affected by Revisor Instructions:

34 10-2a-410, as enacted by Laws of Utah 2015, Chapter 352



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

37 Section 1. Section 10-2a-410 is amended to read:

38 **10-2a-410. Determination of metro township districts -- Determination of metro**
39 **township or city initial officer terms -- Adoption of proposed districts.**

40 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
41 accordance with an election held under Section 10-2a-404:

42 [(a)] (i) each of the five metro township council members shall be elected by district;
43 and

44 [(b)] (ii) the boundaries of the five council districts for election and the terms of office
45 shall be designated and determined in accordance with this section.

46 [(2)(a)] (b) If a metro township with a population of less than 10,000 or a town is
47 incorporated at an election held in accordance with Section 10-2a-404, the five council
48 members shall be elected [~~at large~~] at-large for terms as designated and determined in
49 accordance with this section.

50 [(b)] (c) If a city is incorporated at an election held in accordance with Section
51 10-2a-404:

52 (i) (A) the four members of the council district who are not the mayor shall be elected
53 by district; and

54 (B) the boundaries of the four council districts for election and the term of office shall
55 be designated and determined in accordance with this section; and

56 (ii) the mayor shall be elected [~~at large~~] at-large for a term designated and determined

57 in accordance with this section.

58 ~~[(3)]~~ (2) (a) No later than 90 days after the election day on which the metro township,
59 city, or town is successfully incorporated under this part, the legislative body of the county in
60 which the metro township, city, or town is located shall adopt by resolution:

61 (i) subject to Subsection ~~[(3)]~~ (2)(b), for each incorporated metro township, city, or
62 town, the council terms for a length of time in accordance with this section; and

63 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
64 the five council districts; and

65 (B) for a city, the boundaries of the four council districts.

66 (b) (i) For each metro township, city, or town, the county legislative body shall set the
67 initial terms of the members of the metro township council, city council, or town council so
68 that:

69 (A) approximately half the members of the council, including the mayor in the case of
70 a city, are elected to serve an initial term, of no less than one year, that allows their successors
71 to serve a full four-year term that coincides with the schedule established in Subsection
72 10-3-205(1); and

73 (B) the remaining members of the council are elected to serve an initial term, of no less
74 than one year, that allows their successors to serve a full four-year term that coincides with the
75 schedule established in Subsection 10-3-205(2).

76 (ii) For a metro township with a population of 10,000 or more, the county legislative
77 body shall divide the metro township into five council districts that comply with Section
78 10-3-205.5.

79 (iii) For a city, the county legislative body shall divide the city into four council
80 districts that comply with Section 10-3-205.5.

81 ~~[(4)]~~ (3) (a) Within 20 days of the county legislative body's adoption of a resolution
82 under Subsection ~~[(3)]~~ (2), the county clerk shall publish, in accordance with Subsection ~~[(4)]~~
83 (3)(b), notice containing:

84 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

85 (A) for a metro township with a population of 10,000 or more, the metro township
86 council districts; or

87 (B) the city council districts [~~as designated in the resolution~~];

88 (ii) information about the deadline for filing a declaration of candidacy for those
89 seeking to become candidates for metro township council, city council, town council, or city
90 mayor, respectively; and

91 (iii) information about the length of the initial term of city mayor or each of the metro
92 township, city, or town council offices, as described in the resolution.

93 (b) The notice under Subsection [~~(4)~~] (3)(a) shall be published:

94 (i) in a newspaper of general circulation within the metro township, city, or town at
95 least once a week for two successive weeks; and

96 (ii) in accordance with Section 45-1-101 for two weeks.

97 (c) (i) In accordance with Subsection [~~(4)~~] (3)(b)(i), if there is no newspaper of general
98 circulation within the future metro township, city, or town, the county clerk shall post at least
99 one notice per 1,000 population in conspicuous places within the future metro township, city,
100 or town that are most likely to give notice to the residents of the future metro township, city, or
101 town.

102 (ii) The notice under Subsection [~~(4)~~] (3)(c)(i) shall contain the information required
103 under Subsection (4)(a).

104 (iii) The county clerk shall post the notices under Subsection [~~(4)~~] (3)(c)(i) at least
105 seven days before the deadline for filing a declaration of candidacy under Subsection [~~(4)~~]
106 (3)(d)(i).

107 (d) (i) A person seeking to become a candidate for metro township, city, or town
108 council or city mayor shall, in accordance with Section 20A-9-202, file a declaration of
109 candidacy with the clerk of the county in which the metro township, city, or town is located for
110 an election described in Section 10-2a-411.

111 (ii) (A) On the effective date of this bill, a candidate for metro township council in a
112 metro township with a population of less than 10,000 who filed a declaration of candidacy for

113 the metro township council before the effective date of this bill is an at-large candidate, not a
 114 district candidate, for the metro township council.

115 (B) The county clerk shall send a letter to each affected candidate by certified mail that
 116 explains the change described in Subsection (3)(d)(ii)(A).

117 Section 2. Section **10-2a-411** is amended to read:

118 **10-2a-411. Election of officers of new city, town, or metro township.**

119 (1) For the election of the initial office holders of a metro township, city, or town,
 120 respectively, incorporated under Section 10-2a-404, the county legislative body shall:

121 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
 122 election at the next regular primary election, as described in Section 20A-1-201.5, following
 123 the November 3, 2015, election to incorporate; and

124 (b) hold a final election at the next regular general election date following the election
 125 to incorporate.

126 (2) ~~[An election]~~ The number of officers elected under Subsection (1) ~~[for the officers~~
 127 ~~of]~~:

128 (a) for a metro township [shall be consistent with the number of council members as
 129 described in Subsection 10-2a-404(1)(b)(i); and], regardless of the metro township's
 130 population, shall be consistent with the number of council members described in Subsection
 131 10-2a-404(1)(b)(i); or

132 (b) for a city or town, shall be consistent with the number of council members,
 133 including the city mayor as a member of a city council, described in Subsection
 134 10-2a-404(1)(b)(ii).

135 ~~[(3) (a) (i) The county clerk shall publish notice of an election under this section:]~~

136 ~~[(A) at least once a week for two successive weeks in a newspaper of general~~
 137 ~~circulation within the future metro township, city, or town; and]~~

138 ~~[(B) in accordance with Section 45-1-101 for two weeks.]~~

139 ~~[(ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more~~
 140 ~~than seven days before the election.]~~

141 ~~[(b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general~~
142 ~~circulation within the future metro township, city, or town, the county clerk shall post at least~~
143 ~~one notice of the election per 1,000 population in conspicuous places within the future metro~~
144 ~~township, city, or town that are most likely to give notice of the election to the voters.]~~

145 ~~[(ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven~~
146 ~~days before each election under Subsection (1).]~~

147 ~~[(4)]~~ (3) (a) Until the metro township, city, or town is incorporated, the county clerk is
148 the election officer for all purposes in an election of officers of the metro township, city, or
149 town.

150 (b) The county clerk is responsible to ensure that:

151 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date
152 described in Subsection (1)(a);

153 (ii) the final election described in Subsection (1)(b) is held on the date described in
154 Subsection (1)(b); and

155 (iii) the ballot for each election includes each office that is required to be included for
156 officials in the metro township, city, or town, and the length of term of each office.

157 ~~[(5)]~~ (4) The officers elected at an election described in Subsection (1)(b) shall take
158 office at noon on the first Monday in January next following the election.

159 Section 3. Section **10-3-205.5** is amended to read:

160 **10-3-205.5. At-large election of officers -- Election of commissioners or council**
161 **members.**

162 (1) Except as provided in Subsection (2), (3), or (4), the officers of each city shall be
163 elected in an at-large election held at the time and in the manner provided for electing
164 municipal officers.

165 (2) (a) The governing body of a city may by ordinance provide for the election of some
166 or all commissioners or council members, as the case may be, by district equal in number to the
167 number of commissioners or council members elected by district.

168 (b) (i) Each district shall be of substantially equal population as the other districts.

169 (ii) Within six months after the Legislature completes its redistricting process, the
 170 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make
 171 any adjustments in the boundaries of the districts as may be required to maintain districts of
 172 substantially equal population.

173 (3) (a) The municipal council members of a metro township, as defined in Section
 174 10-2a-403, are elected:

175 (i) for a metro township with a population of 10,000 or more, by district in accordance
 176 with Subsection 10-2a-410(1)(a)~~[(1)]~~; or

177 (ii) ~~[at-large]~~ for a metro township with a population of less than 10,000, at-large in
 178 accordance with Subsection 10-2a-410(1)(b).

179 (b) The council districts in a metro township with a population of 10,000 or more shall
 180 comply with the requirements of Subsections (2)(b)(i) and (ii).

181 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of
 182 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
 183 12, 2015:

184 (i) the council members are elected by district in accordance with Section 10-2a-410;
 185 and

186 (ii) the mayor is elected ~~[at-large]~~ at-large in accordance with Section 10-2a-410.

187 (b) The council districts in a city described in Subsection (4)(a) shall comply with the
 188 requirements of Subsections (2)(b)(i) and (ii).

189 Section 4. Section 63I-2-210 is amended to read:

190 **63I-2-210. Repeal dates -- Title 10.**

191 (1) Subsection 10-2a-106(2), the language that states ", including a township
 192 incorporation procedure as defined in Section 10-2a-105," is repealed July 1, 2016.

193 (2) Subsection 10-2a-410(3)(d)(ii) is repealed January 1, 2017.

194 ~~[(2)]~~ (3) Section 10-2a-105 is repealed July 1, 2016.

195 ~~[(3)]~~ (4) Subsection 10-9a-304(2) is repealed June 1, 2016.

196 Section 5. **Effective date.**

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

201 Section 6. **Revisor instructions.**

202 It is the intent of the Legislature that, in preparing the Utah Code database for
203 publication, the Office of Legislative Research and General Counsel replace the phrase "the
204 effective date of this bill" in Subsection [10-2a-410\(3\)\(d\)\(ii\)](#) with the bill's actual effective date.