

METRO TOWNSHIP REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: Wayne A. Harper

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:

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



28 **10-2a-411**, as enacted by Laws of Utah 2015, Chapter 352
 29 **10-3-205.5**, as last amended by Laws of Utah 2015, Chapter 352
 30 **63I-2-210**, as last amended by Laws of Utah 2015, Chapters 157, 352, and 465

31 **Utah Code Sections Affected by Revisor Instructions:**

32 **10-2a-410**, as enacted by Laws of Utah 2015, Chapter 352



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

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

36 **10-2a-410. Determination of metro township districts -- Determination of metro**
 37 **township or city initial officer terms -- Adoption of proposed districts.**

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

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

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

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

48 [~~(b)~~] (c) If a city is incorporated at an election held in accordance with Section
 49 **10-2a-404**:

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

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

54 (ii) the mayor shall be elected [~~at-large~~] at-large for a term designated and determined
 55 in accordance with this section.

56 [~~(3)~~] (2) (a) No later than 90 days after the election day on which the metro township,
 57 city, or town is successfully incorporated under this part, the legislative body of the county in
 58 which the metro township, city, or town is located shall adopt by resolution:

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

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

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

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

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

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

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

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

79 ~~[(4)]~~ (3) (a) Within 20 days of the county legislative body's adoption of a resolution
80 under Subsection ~~[(3)]~~ (2), the county clerk shall publish, in accordance with Subsection ~~[(4)]~~
81 (3)(b), notice containing:

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

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

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

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

89 (iii) information about the length of the initial term of city mayor or each of the metro

90 township, city, or town council offices, as described in the resolution.

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

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

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

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

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

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

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

109 (ii) (A) On the effective date of this bill, a candidate for metro township council in a
110 metro township with a population of less than 10,000 who filed a declaration of candidacy for
111 the metro township council before the effective date of this bill is an at-large candidate, not a
112 district candidate, for the metro township council.

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

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

116 **10-2a-411. Election of officers of new city, town, or metro township.**

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

119 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
120 election at the next regular primary election, as described in Section 20A-1-201.5, following

121 the November 3, 2015, election to incorporate; and

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

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

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

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

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

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

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

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

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

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

145 ~~[(4)]~~ (3) (a) Until the metro township, city, or town is incorporated, the county clerk is
146 the election officer for all purposes in an election of officers of the metro township, city, or
147 town.

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

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

151 (ii) the final election described in Subsection (1)(b) is held on the date described in

152 Subsection (1)(b); and

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

155 [~~5~~] (4) The officers elected at an election described in Subsection (1)(b) shall take
156 office at noon on the first Monday in January next following the election.

157 Section 3. Section 10-3-205.5 is amended to read:

158 **10-3-205.5. At-large election of officers -- Election of commissioners or council**
159 **members.**

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

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

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

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

171 (3) (a) The municipal council members of a metro township, as defined in Section
172 10-2a-403, are elected:

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

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

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

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

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

183 and

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

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

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

188 **63I-2-210. Repeal dates -- Title 10.**

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

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

192 [~~(2)~~] (3) Section 10-2a-105 is repealed July 1, 2016.

193 [~~(3)~~] (4) Subsection 10-9a-304(2) is repealed June 1, 2016.

194 Section 5. **Effective date.**

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

199 Section 6. **Revisor instructions.**

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

Legislative Review Note
Office of Legislative Research and General Counsel