

1173 (d) if any members of the county commission are to be elected from districts, the
1174 district residency requirements for those commission members; and

1175 (e) if any members of the county commission are to be elected at large, whether the
1176 election of county commission members is subject to the provisions of Subsection [~~17-52-501~~]
1177 [17-52a-201](#)(6) or Subsection [~~17-52-502~~] [17-52a-202](#)(6).

1178 Section 22. Section ~~17-52a-405~~, which is renumbered from Section 17-52-402 is
1179 renumbered and amended to read:

1180 [~~17-52-402~~]. **17-52a-405. Plan may propose changing forms of county**
1181 **government -- Plan may propose change of structural form -- Partisan elections.**

1182 (1) (a) [~~Each~~] The study committee shall ensure that each optional plan [~~shall propose~~]
1183 proposes changing the form of county government to:

- 1184 (i) the county commission form under Section [~~17-52-501~~] [17-52a-201](#);
- 1185 (ii) the expanded county commission form under Section [~~17-52-502~~] [17-52a-202](#);
- 1186 (iii) the county executive and council form under Section [~~17-52-504~~] [17-52a-203](#); or
- 1187 (iv) the council-manager form under Section [~~17-52-505~~] [17-52a-204](#).

1188 (b) [~~An~~] The study committee may not recommend an optional plan [~~adopted after May~~
1189 ~~1, 2000, may not~~] that:

1190 (i) [~~propose~~] proposes changing the form of government to a form not included in
1191 Subsection (1)(a);

1192 (ii) [~~provide~~] provides for the nonpartisan election of elected officers;

1193 (iii) [~~impose~~] imposes a limit on the number of terms or years that an elected officer
1194 may serve; [~~or~~]

1195 (iv) [~~provide~~] provides for elected officers to be subject to a recall election[~~;~~]; or

1196 (v) provides, in a county \$→ [of the first, second, or third class] with a population of
1196a 225,000 or more ←\$, for a full-time county
1197 commission in an expanded county commission form of government under Section
1198 [17-52a-202](#).

1199 (2) In addition to proposing the adoption of any one of the optional forms of county
1200 government under Subsection (1)(a), an optional plan may also propose the adoption of any
1201 one of the structural forms of county government provided under Chapter 35b, Part 3,
1202 Structural Forms of County Government.

1203 (3) A county that [~~provided~~] provides for the election of the county's elected officers

1266 **Resolution or petition to submit plan to voters in certain counties.**

1267 ~~[(1) (a) The county legislative body shall hold an election on an optional plan~~
 1268 ~~recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:]~~

1269 ~~[(i) the county or district attorney has completed the review of the recommended~~
 1270 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~
 1271 ~~17-52-204;]~~

1272 ~~[(ii) the recommended optional plan may, under Subsection 17-52-204(3), be the~~
 1273 ~~subject of a resolution or petition under this Subsection (1); and]~~

1274 ~~[(iii) after the county or district attorney has submitted the attorney's report under~~
 1275 ~~Section 17-52-204;]~~

1276 (1) If the county or district attorney finds that a proposed optional plan does not violate
 1277 a statutory or constitutional provision under Section 17-52a-406:

1278 (a) in a county ~~§~~→ **[of the first, second, or third class] with a population of 225,000 or**
 1278a **more** ←~~§~~ , the county legislative body shall hold
 1279 an election on the optional plan under Subsection (3); or

1280 (b) in a county ~~§~~→ **[of the fourth, fifth, or sixth class] with a population of less than**
 1280a **225,000** ←~~§~~ , an election may not be held for the
 1281 optional plan under Subsection (3) until:

1282 ~~[(A)]~~ (i) the county legislative body adopts a resolution to submit the [recommended]
 1283 optional plan to voters; or

1284 ~~[(B) a petition is filed with the county clerk that:]~~

1285 (ii) the county clerk certifies a petition under Subsection (2).

1286 (2) (a) In a county ~~§~~→ **[of fourth, fifth, or sixth class] with a population of less than**
 1286a **225,000** ←~~§~~ , to qualify the proposed optional plan
 1287 described in Subsection (1) for an election described in Subsection (3), registered voters may
 1288 file a petition with the county clerk that:

1289 (i) requests that the proposed optional plan be submitted to voters; and

1290 ~~[(F)]~~ (ii) is signed by registered voters residing in the county equal in number to at least
 1291 [+10%] 5% of the total number of votes cast in the county for all candidates for president of the
 1292 United States at the most recent election [for] at which a president of the United States[;] was
 1293 elected.

1294 (b) Registered voters who file a petition under Subsection (2)(a) shall, at the time the
 1295 registered voters file the petition:

1296 ~~[(H) designates]~~ (i) designate up to five of the petition signers as sponsors[; one of

1297 ~~whom shall be designated as the contact sponsor;];~~

1298 (ii) provide the county clerk with the mailing address and telephone number of each

1299 petition sponsor; and

1300 ~~[(H)] requests that the recommended optional plan be submitted to voters;]~~

1301 ~~[(b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be~~
1302 ~~the same as that provided in Subsection 17-52-203(3).]~~

1303 ~~[(2) Each election under Subsection (1) shall be held at the next regular general or~~
1304 ~~municipal general election date that is no less than two months after:]~~

1305 ~~[(a) the county legislative body's adoption of a resolution under Subsection~~
1306 ~~(1)(a)(iii)(A); or]~~

1307 ~~[(b) certification of a petition filed under Subsection (1)(a)(iii)(B).]~~

1308 (iii) designate one of the petition sponsors as the contact sponsor.

1309 (b) The county clerk shall certify or reject a petition filed under this Subsection (2) in
1310 the same manner as the county clerk certifies or rejects a petition under Subsection

1311 17-52a-303(3).

1312 (3) When the conditions described in Subsection (1) are met, a county shall hold an
1313 election on the optional plan at the next regular general or municipal general election that is not
1314 less than 60 days after:

1315 (a) for a county ~~§~~→ [of the first, second, or third class] with a population of 225,000 or
1315a more ←~~§~~ , the day on which the county or

1316 district attorney submits the attorney's report described in Subsection 17-52a-406(5) to the
1317 county clerk; or

1318 (b) for a county ~~§~~→ [of the fourth, fifth, or sixth class] with a population of less than
1318a 225,000 ←~~§~~ , the day on which:

1319 (i) the county legislative body adopts a resolution under Subsection (1)(b)(i); or

1320 (ii) the county clerk certifies a petition under Subsection (2)(b).

1321 ~~[(3)] (4) The county clerk shall prepare the ballot for [each] an election under~~
1322 ~~[Subsection (1)] this section so that the question on the ballot states substantially [as follows]~~

1323 the following:

1324 "Shall _____ County adopt the alternate form of government known
1325 as the [—](insert the proposed form of government)[—] that [has been recommended by] the
1326 study committee has recommended?"

1327 ~~[(4)] (5) The county clerk shall:~~