

Representative Kim F. Coleman proposes the following substitute bill:

COUNTY FORMATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends Title 17, Chapter 3, Creating New Counties, to mirror the municipal incorporation process.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to establish a fee for certain costs incurred in the county creation process;
- ▶ amends Title 17, Chapter 3, Creating New Counties, to mirror the municipal incorporation process, including provisions to:
 - request and provide for a feasibility study that the lieutenant governor procures through a feasibility consultant;
 - provide certain requirements and considerations for a feasibility study, including considerations of both the new county's viability and the viability of the existing county from which the new county is created;
 - provide for public hearings on the feasibility study;
 - create a petition and election process for the creation of a new county;
 - require the existing county from which a proposed new county would be created



- 26 to hold a county creation election and provide related notices and administrative support;
- 27 • provide for the structuring of the new county, including, where applicable, the
- 28 number of members of the new county's legislative body;
- 29 • provide for a separate election to select a county seat and officers for the new
- 30 county;
- 31 • provide for the powers of a new county's officers-elect; and
- 32 • provide for the division of services and service-related revenues between the
- 33 existing and new county;
- 34 ▶ removes a requirement requiring a majority vote in the remaining part of an existing
- 35 county of the first, second, or third class to create a new county;
- 36 ▶ provides for the continuation of property taxation between an existing and new
- 37 county to satisfy general obligation or revenue bond indebtedness;
- 38 ▶ clarifies provisions regarding the division of taxes between an existing county and a
- 39 new county; and
- 40 ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 None

45 **Utah Code Sections Affected:**

46 AMENDS:

47 **20A-1-203**, as last amended by Laws of Utah 2018, Chapters 68 and 415

48 ENACTS:

49 **17-3-101**, Utah Code Annotated 1953

50 **17-3-102**, Utah Code Annotated 1953

51 **17-3-103**, Utah Code Annotated 1953

52 **17-3-201**, Utah Code Annotated 1953

53 **17-3-202**, Utah Code Annotated 1953

54 **17-3-203**, Utah Code Annotated 1953

55 **17-3-204**, Utah Code Annotated 1953

56 **17-3-205**, Utah Code Annotated 1953

- 57 [17-3-301](#), Utah Code Annotated 1953
- 58 [17-3-302](#), Utah Code Annotated 1953
- 59 [17-3-303](#), Utah Code Annotated 1953
- 60 [17-3-304](#), Utah Code Annotated 1953
- 61 [17-3-305](#), Utah Code Annotated 1953
- 62 [17-3-401](#), Utah Code Annotated 1953
- 63 [17-3-402](#), Utah Code Annotated 1953
- 64 [17-3-403](#), Utah Code Annotated 1953
- 65 [17-3-404](#), Utah Code Annotated 1953
- 66 [17-3-405](#), Utah Code Annotated 1953
- 67 [17-3-406](#), Utah Code Annotated 1953
- 68 [17-3-501](#), Utah Code Annotated 1953

69 RENUMBERS AND AMENDS:

- 70 [17-3-502](#), (Renumbered from 17-3-5, as last amended by Laws of Utah 1993, Chapter
- 71 227)
- 72 [17-3-503](#), (Renumbered from 17-3-6, as last amended by Laws of Utah 1993, Chapter
- 73 227)
- 74 [17-3-504](#), (Renumbered from 17-3-7, Utah Code Annotated 1953)
- 75 [17-3-505](#), (Renumbered from 17-3-8, as last amended by Laws of Utah 2011, Chapter
- 76 297)
- 77 [17-3-506](#), (Renumbered from 17-3-9, Utah Code Annotated 1953)

78 REPEALS:

- 79 [17-3-1](#), as last amended by Laws of Utah 2011, Chapter 297
- 80 [17-3-3](#), as last amended by Laws of Utah 2009, Chapter 350
- 81 [17-3-4](#), as last amended by Laws of Utah 1993, Chapter 227

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

84 Section 1. Section **17-3-101** is enacted to read:

85 **CHAPTER 3. CREATING NEW COUNTIES**

86 **Part 1. General Provisions**

87 **17-3-101. Title.**

88 This chapter shall be known as "Creating New Counties."

89 Section 2. Section **17-3-102** is enacted to read:

90 **17-3-102. Definitions.**

91 As used in this chapter:

92 (1) "County creation election" means an election, described in Section [17-3-301](#), on the
93 question of whether to create a new county.

94 (2) "County creation petition" or "petition" means a petition to initiate a county
95 creation election.

96 (3) "Existing county" means a county:

97 (a) that exists before the creation of a new county under this chapter; and

98 (b) from which a portion is created as new county under this chapter.

99 (4) "New county" means a county that is created in accordance with this chapter.

100 (5) "Request" means a request for a feasibility study.

101 Section 3. Section **17-3-103** is enacted to read:

102 **17-3-103. Costs of county creation -- Fees established by lieutenant governor.**

103 (1) (a) The lieutenant governor shall establish a fee in accordance with Section
104 [63J-1-504](#) for a cost incurred by the lieutenant governor for a county creation proceeding,
105 including:

106 (i) a request certification;

107 (ii) a feasibility study;

108 (iii) a county creation petition certification;

109 (iv) publication of notices;

110 (v) public hearings;

111 (vi) all other county formation activities occurring after the elections; and

112 (vii) any other cost incurred by the lieutenant governor in relation to an incorporation
113 proceeding.

114 (b) A cost under Subsection (1)(a) does not include a cost incurred by an existing
115 county for holding an election under Section [17-3-303](#).

116 (2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental
117 appropriations, pay for a cost described in Subsections (1)(a)(i) through (vii).

118 (3) If a creation of a new county occurs, the new county shall pay:

119 (a) to the lieutenant governor each fee that the lieutenant governor establishes under
120 Subsection (1) for each incurred cost described in Subsections (1)(a)(i) through (vii); and
121 (b) the existing county from which the new county was formed for a cost described in
122 Subsection (1)(b).

123 Section 4. Section 17-3-201 is enacted to read:

124 **Part 2. Feasibility Study**

125 **17-3-201. Request for feasibility study -- Requirements -- Limitations.**

126 (1) The process to create a new county from contiguous territory within an existing
127 county may be initiated by a request for a feasibility study filed with the lieutenant governor
128 that complies with Subsection (2).

129 (2) Each request under Subsection (1) shall:

130 (a) be signed by at least:

131 (i) 25% of the elected officials elected to the cities, townships and metro townships
132 located within the area proposed to be created as a new county; or

133 (ii) 5% of residents of the area within the proposed area to be created as a new county;

134 (b) describe the contiguous area proposed to be created as a new county;

135 (c) (i) designate up to five signers of the request as sponsors with one sponsor being
136 designated as the contact sponsor; and

137 (ii) provide the mailing address, email address, and telephone number of each;

138 (d) be accompanied by and circulated with an accurate map or plat, prepared by a
139 licensed surveyor, showing the boundaries of the proposed new county; and

140 (e) request the lieutenant governor to commission a study to determine:

141 (i) the feasibility of creating the new county; and

142 (ii) the feasibility of the separate existence of the portion of the existing county
143 remaining after the creation of the new county.

144 Section 5. Section 17-3-202 is enacted to read:

145 **17-3-202. Processing a request for incorporation -- Certification or rejection by**
146 **lieutenant governor -- Processing priority.**

147 (1) Within 45 days of the filing of a request under Section 17-3-201, the lieutenant
148 governor shall:

149 (a) determine whether the request complies with Section 17-3-201; and

150 (b) (i) if the lieutenant governor determines that the request complies with Section
151 17-3-201:
152 (A) certify the request; and
153 (B) mail or deliver written notification of the certification to the contact sponsor; or
154 (ii) if the lieutenant governor determines that the request fails to comply with Section
155 17-3-201:

156 (A) reject the request; and
157 (B) notify the contact sponsor in writing of the rejection and the reasons for the
158 rejection.

159 (2) The lieutenant governor shall certify or reject requests under Subsection (1) in the
160 order in which the lieutenant governor receives requests under Subsection (1).

161 (3) (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b), the
162 sponsors of the request may:

163 (A) amend the request to correct the deficiencies underlying the rejection; and
164 (B) refile the request with the lieutenant governor.

165 (ii) A signature on a request under Section 17-3-201 may be used toward fulfilling the
166 signature requirement of Subsection 17-3-201(2)(a) for the request as modified under
167 Subsection (3)(a)(i).

168 (b) If the sponsors of a request amend and refile a request under Subsection (3)(a), the
169 lieutenant governor shall consider the refiled request as a newly filed request for purposes of
170 determining the request's priority.

171 Section 6. Section 17-3-203 is enacted to read:

172 **17-3-203. Feasibility study -- Feasibility study consultant.**

173 (1) Within 90 days of receipt of a certified request under Section 17-3-202, the
174 lieutenant governor shall engage the feasibility consultant selected under Subsection (2) to
175 conduct a feasibility study in accordance with this section.

176 (2) (a) The following shall select a feasibility consultant:

177 (i) the contact sponsor of the request, with the consent of the lieutenant governor; or

178 (ii) if the sponsors of the request state, in writing, that the contact sponsor defers
179 selection of the feasibility consultant to the lieutenant governor, the lieutenant governor.

180 (b) The individual described in Subsection (2)(a) shall select the feasibility consultant

181 in accordance with applicable procurement procedures.

182 (3) The lieutenant governor shall require the feasibility consultant selected under
183 Subsection (2) to:

184 (a) complete the feasibility study described in Subsection (4) and submit the written
185 results to the lieutenant governor and the contact sponsor no later than 90 days after the
186 lieutenant governor engages the feasibility consultant to conduct the study;

187 (b) submit with results of the feasibility study a summary of the results; and

188 (c) attend the public hearings under Section [17-3-205](#) and present the feasibility study
189 results and respond to questions from the public at those hearings.

190 (4) (a) The feasibility study shall consider:

191 (i) population and population density within:

192 (A) the area proposed for the creation of a new county; and

193 (B) the portion of the existing county remaining after the proposed creation of a new
194 county;

195 (ii) present and five-year projections of demographics and economic base in the
196 proposed county and surrounding area, including household size and income, commercial and
197 industrial development, and public facilities;

198 (iii) projected growth in the proposed county and in adjacent areas during the following
199 five years;

200 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
201 including overhead, of governmental services in the proposed new county and the portion of
202 the existing county remaining after the creation of the new county, including:

203 (A) law enforcement;

204 (B) fire protection;

205 (C) roads and public works; and

206 (D) government offices;

207 (v) assuming the same tax categories and tax rates as currently imposed by the existing
208 county and all other current service providers, the present and five-year projected revenue for:

209 (A) the proposed new county; and

210 (B) the portion of the existing county remaining after the creation of the new county;

211 (vi) a projection of any new taxes per household that may be levied within:

212 (A) the proposed new county; and
213 (B) the portion of the existing county remaining after the creation of the new county;

214 and

215 (vii) the fiscal impact on unincorporated areas, municipalities, local districts, special
216 service districts, and other governmental entities in:

217 (A) the proposed new county; and

218 (B) the portion of the existing county remaining after the creation of the new county.

219 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
220 level and quality of governmental services to be provided to the proposed new county and the
221 portion of the existing county remaining after the creation of the new county in the future that
222 fairly and reasonably approximate the level and quality of governmental services common to
223 other counties of the same class as:

224 (A) the proposed new county; and

225 (B) the portion of the existing county remaining after the creation of the new county.

226 (ii) In determining the present cost of a governmental service, the feasibility consultant
227 shall consider the amount it would cost the proposed new county to provide governmental
228 service for the first five years after creation.

229 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
230 and anticipated growth.

231 (5) If the five year projected revenues described in Subsection (4)(a)(v) falls below the
232 five year projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant
233 shall project and report the expected annual revenue shortfall.

234 Section 7. Section **17-3-204** is enacted to read:

235 **17-3-204. Modified request for feasibility study -- Supplemental feasibility study.**

236 (1) (a) (i) The sponsors of a request may modify and refile the request to alter the
237 boundaries of the proposed county with the lieutenant governor if:

238 (A) the results of the feasibility study fail to meet the requirement described in
239 Subsection [17-3-301](#)(3); or

240 (B) the request meets the conditions of Section [17-3-201](#) and a county creation petition
241 based on the request has not been filed.

242 (ii) The sponsors of a request may not file a modified request under Subsection

243 (1)(a)(i) more than:

244 (A) 90 days after the feasibility consultant submits the results of the study; or

245 (B) 18 months after the filing of the original request under Section 17-3-201.

246 (b) (i) Except as provided in Subsection (1)(b)(ii), each modified request under

247 Subsection (1)(a) shall comply with the requirements of Section 17-3-201.

248 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section

249 17-3-201 may be used toward fulfilling the signature requirement of Subsection 17-3-201(2)(a)

250 for the request as modified under Subsection (1)(a), unless the modified request proposes the

251 creation of a new county that is more than 20% greater or smaller than the area described by the

252 original request in terms of:

253 (A) private land area; or

254 (B) value of private real property.

255 (2) (a) Within 20 days after the day on which the lieutenant governor receives a

256 modified request, the lieutenant governor shall follow the same procedure for the modified

257 request as provided under Subsection 17-3-202(1) for an original request.

258 (b) The timely filing of a modified request under Subsection (1) gives the modified

259 request the same processing priority under Subsection 17-3-202(2) as the original request.

260 (3) (a) Within 10 days after the day on which the lieutenant governor receives a

261 certified modified request under Subsection (1)(a)(i) that was filed after the completion of a

262 feasibility study on the original request, the lieutenant governor shall commission the

263 feasibility consultant who conducted the original feasibility study to take into account the

264 information in the modified request that was not included in the original request to supplement

265 the feasibility study.

266 (b) The lieutenant governor shall require the feasibility consultant to complete the

267 supplemental feasibility study described in Subsection (3)(a) and to submit written results of

268 the supplemental study to the lieutenant governor and to the contact sponsor no later than 30

269 days after the day on which the lieutenant governor commissions the feasibility consultant to

270 conduct the supplemental feasibility study.

271 Section 8. Section 17-3-205 is enacted to read:

272 **17-3-205. Public hearings on feasibility study results -- Notice of hearings.**

273 (1) The lieutenant governor shall, after receipt of the results of a feasibility study or

274 supplemental feasibility study under Section [17-3-204](#), schedule at least two public hearings to
275 be held:

276 (a) within the following 60 days after the lieutenant governor's receipt of the results;

277 (b) at least seven days apart;

278 (c) in geographically diverse locations within the proposed new county; and

279 (d) for the purpose of allowing:

280 (i) the feasibility consultant to present the results of the study;

281 (ii) the public to become informed about the feasibility study results; and

282 (iii) the public to ask questions about the results of the feasibility study.

283 (2) At a public hearing described in Subsection (1), the lieutenant governor shall:

284 (a) provide a map or plat of the boundary of the proposed new county;

285 (b) provide a copy of the feasibility study for public review; and

286 (c) allow the public to express views about the proposed creation of the new county,
287 including about the proposed boundary.

288 (3) (a) The lieutenant governor shall publish notice of the public hearings required
289 under Subsection (1):

290 (i) except as provided in Subsection (3)(b), at least once a week for three successive
291 weeks in a newspaper of general circulation within the proposed new county;

292 (ii) for three weeks on the Utah Public Notice Website created in Section [63F-1-701](#);

293 and

294 (iii) for the last publication of notice required under this Subsection (3)(a), no later than
295 three days before the first public hearing required under Subsection (1).

296 (b) (i) If there is no newspaper of general circulation within the proposed new county,
297 the lieutenant governor shall post at least one notice of the hearings per 1,000 population in
298 conspicuous places within the proposed new county that are most likely to give notice of the
299 hearings to the residents of the proposed new county.

300 (ii) The lieutenant governor shall post the notices described in Subsection (3)(b)(i) at
301 least seven days before the first hearing required under Subsection (1).

302 (c) The lieutenant governor shall ensure that each notice described in this Subsection
303 (3):

304 (i) includes the feasibility study summary described in Section [17-3-203](#); and

305 (ii) indicates that a full copy of the study is available for inspection and copying at the
306 Office of the Lieutenant Governor.

307 (d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant
308 governor's website and make a copy available for public review at the Office of the Lieutenant
309 Governor.

310 Section 9. Section 17-3-301 is enacted to read:

311 **Part 3. County Creation Petition and Election**

312 **17-3-301. County creation petition -- Requirements and form.**

313 (1) At any time within one year of the completion of the public hearings required under
314 Section 17-3-205, a county creation petition may be filed in the Office of the Lieutenant
315 Governor.

316 (2) Each county creation petition shall:

317 (a) be signed by:

318 (i) a number of signatures equal to 10% of the total votes cast in the previous
319 presidential election within the area proposed for creation of the new county, according to the
320 official voter registration list that the existing county maintained on the date the county creation
321 petition is filed; and

322 (ii) a number of signatures equal to 10% of the total votes cast in the previous
323 presidential election within, subject to Subsection (5), 90% of the voting precincts the area
324 proposed for creation of the new county, according to the official voter registration list that the
325 existing county maintained on the date the petition is filed;

326 (b) indicate the typed or printed name and current residence address of each owner
327 signing the petition;

328 (c) describe the area proposed for creation of the new county, as described in the
329 feasibility study request or modified request that meets the requirements of Subsection (3);

330 (d) state the proposed name for the proposed county;

331 (e) designate five signers of the county creation petition as petition sponsors with one
332 being designated as the contact sponsor;

333 (f) provide the mailing address, email address, and telephone number of each petition
334 sponsor;

335 (g) state that the signers of the county creation petition appoint the sponsors, if the

336 county creation measure passes, to represent the signers in the process of:

337 (i) selecting the number of commission or council members the new county will have
338 based on the results of the election determining the form of government for the new county;

339 and

340 (ii) selecting the form of government;

341 (h) be accompanied by and circulated with an accurate plat or map that:

342 (i) a licensed surveyor prepares; and

343 (ii) shows the boundaries of the proposed new county; and

344 (i) substantially comply with and be circulated in the following form:

345 PETITION FOR CREATION OF (insert the proposed name of the proposed new
346 county)

347 To the Honorable Lieutenant Governor:

348 We, the undersigned residents within the area described in this county creation petition,
349 respectfully petition the lieutenant governor to direct the county legislative body to submit to
350 the registered voters residing within the area described in this county creation petition, at the
351 next regular general election, the question of whether a new county should be created
352 comprising the area. Each of the undersigned affirms that each has personally signed this
353 petition and is an owner of real property within the described area, and that the current
354 residence address of each is correctly written after the signer's name. The area proposed to be
355 included in the newly formed county is described as follows: (insert an accurate description of
356 the area proposed to be included in the newly formed county).

357 (3) A petition for the creation of a new county under Subsection (1) may not be filed
358 unless the results of the feasibility study show that the average annual amount of revenue under
359 Subsection 17-3-203(4)(a)(v) for the portion of the existing county that remains after the
360 proposed creation of the new county does not fall below the average annual amount of cost
361 under Subsection 17-3-203(4)(a)(iv) by more than 5%.

362 (4) A signature on a request under Section 17-3-201 or a modified request under
363 Section 17-3-204 may be used toward fulfilling the signature requirement of Subsection (2)(a):

364 (a) if the request under Section 17-3-201 or modified request under Section 17-3-204
365 notified the signer in conspicuous language that the signature, unless withdrawn, would also be
366 used for purposes of a county creation petition under this section; and

367 (b) unless the signer files with the lieutenant governor a written withdrawal of the
368 signature before the county creation petition is filed with the lieutenant governor.

369 (5) (a) A signature does not qualify as a signature to meet the requirement described in
370 Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:

371 (i) is not located entirely within the boundaries of the proposed new county; or

372 (ii) includes fewer than 50 registered voters.

373 (b) A voting precinct that is not located entirely within the boundaries of the proposed
374 new county does not qualify as a voting precinct to meet the precinct requirements of
375 Subsection (2)(a)(ii).

376 Section 10. Section **17-3-302** is enacted to read:

377 **17-3-302. Processing of county creation petition by lieutenant governor --**
378 **Certification or rejection -- Processing priority.**

379 (1) Within 45 days of the filing of a petition under Section [17-3-301](#), the lieutenant
380 governor shall:

381 (a) with the assistance of the county officers of the existing county from whom the
382 lieutenant governor requests assistance, determine whether the petition meets the requirements
383 of Section [17-3-301](#); and

384 (b) (i) if the lieutenant governor determines that the petition meets the requirements
385 described in Section [17-3-301](#), certify the petition and notify in writing the contact sponsor of
386 the certification; or

387 (ii) if the lieutenant governor determines that the petition fails to meet a requirement
388 described in Section [17-3-301](#), reject the petition and notify the contact sponsor in writing of
389 the rejection and the reasons for the rejection.

390 (2) (a) If the lieutenant governor rejects a county creation petition under Subsection
391 (1)(b)(ii), the petition sponsors may modify and refile the petition to correct the deficiencies
392 underlying the rejection.

393 (b) The petition sponsors may file a modified petition under Subsection (2)(a) at any
394 time until 30 days after the day on which the lieutenant governor notifies the contact sponsor
395 under Subsection (1)(b)(ii), even though the modified petition is filed after the expiration of the
396 deadline described in Section [17-3-301](#).

397 (c) A signature on a petition to create a new county under Section [17-3-301](#) may be

398 used toward fulfilling the signature requirement of Subsection 17-3-301(2)(a) for the petition
399 as modified under Subsection (2)(a).

400 (3) (a) Within 20 days after the day on which the lieutenant governor receives a
401 modified petition under Subsection (2)(a), the lieutenant governor shall follow the same
402 procedure for the modified petition as provided under Subsection (1) for an original petition.

403 (b) If the lieutenant governor rejects a modified petition under Subsection (1)(b)(ii), the
404 petition sponsors may not further modify and refile the modified petition.

405 Section 11. Section 17-3-303 is enacted to read:

406 **17-3-303. Election on the formation of a new county.**

407 (1) (a) Upon receipt of a certified county creation petition under Section 17-3-302, the
408 lieutenant governor shall:

409 (i) determine and set an election date for the county creation election that is:

410 (A) on a regular general election date under Section 20A-1-201 or on a local special
411 election date under Section 20A-1-203; and

412 (B) at least 65 days after the day that the lieutenant governor receives the certified
413 petition; and

414 (ii) direct the county legislative body of the existing county to hold the election on the
415 date determined by the lieutenant governor in accordance with Subsection (1)(a)(i).

416 (b) The existing county shall hold the election as directed by the lieutenant governor in
417 accordance with Subsection (1)(a)(ii).

418 (c) An individual may not vote on the election unless the individual is:

419 (i) for a county creation election taking place in a county of the first, second, or third
420 class, a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of
421 the proposed new county; or

422 (ii) for a county creation election taking place in a county of the fourth, fifth, or sixth
423 class, a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of
424 the existing county.

425 (2) (a) The county clerk of the existing county shall publish notice of the election:

426 (i) except as provided in Subsection (2)(d), at least once a week for three successive
427 weeks in a newspaper of general circulation within:

428 (A) for a county creation election taking place in a county of the first, second, or third

429 class, the area proposed to be included within a new county; or

430 (B) for a county creation election taking place in a county of the fourth, fifth, or sixth

431 class, the existing county; and

432 (ii) in accordance with Section 45-1-101 for three weeks.

433 (b) The notice required by Subsection (2)(a) shall contain:

434 (i) a statement of the contents of the county creation petition;

435 (ii) a description of the area proposed to be included within the proposed new county;

436 (iii) a statement of the date and time of the election and the location of polling places;

437 and

438 (iv) the feasibility study summary described in Section 17-3-203 and a statement that a

439 full copy of the study is available for inspection and copying at the Office of the Lieutenant

440 Governor.

441 (c) The last publication of notice required under Subsection (2)(a) shall occur at least

442 one day but no more than seven days before the election.

443 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general

444 circulation, the county clerk shall post at least one notice of the election per 1,000 population in

445 conspicuous places within the area described in Subsection (2)(a) that are most likely to give

446 notice of the county creation election.

447 (ii) The county clerk shall post the notices described in Subsection (2)(d)(i) at least

448 seven days before the election described in Subsection (1).

449 (3) (a) For a county creation in an existing county of the first, second, or third class, if a

450 majority of those casting votes within the area proposed to be included within the new county

451 vote to create the new county:

452 (i) the new county is created; and

453 (ii) the area is included within the new county.

454 (b) For a county creation in an existing county of the fourth, fifth, or sixth class, if a

455 majority of those casting votes within the area proposed to be included within the new county

456 and a majority of those casting votes residing in the remaining portion of the existing county

457 vote to create the new county:

458 (i) the new county is created; and

459 (ii) the area is included within the new county.

460 Section 12. Section 17-3-304 is enacted to read:

461 **17-3-304. Ballot used at the incorporation election.**

462 (1) The ballot at the county creation election under Section 17-3-303 shall pose the
463 county creation question substantially as follows:

464 "Shall the area described as (insert a description of the proposed new county) form the
465 county of (insert the proposed name of the proposed new county)?"

466 (2) The ballot shall provide a space for the voter to answer yes or no to the question
467 described in Subsection (1).

468 (3) (a) The ballot at the county creation election shall also pose the question relating to
469 the form of government substantially as follows:

470 "If the above county creation passes, under what form of county government shall
471 (insert the name of the proposed new county) operate? Vote for one: (insert the available forms
472 of county government described in Section 17-52a-103)."

473 (b) The ballot shall provide a space for the voter to vote for one form of county
474 government.

475 Section 13. Section 17-3-305 is enacted to read:

476 **17-3-305. Notification to lieutenant governor of county creation election results.**

477 Within 10 days of the canvass of the county creation election, the county clerk shall
478 send written notice to the lieutenant governor of:

479 (1) the results of the election, including the result in each division of the existing
480 county for a county creation election taking place in a county of the fourth, fifth, or sixth class;
481 and

482 (2) if the county creation measure passes:

483 (a) the name of the new county; and

484 (b) the class of the new county.

485 Section 14. Section 17-3-401 is enacted to read:

486 **Part 4. Structuring New County**

487 **17-3-401. Determination of number of council members -- Determination of**
488 **election districts -- Hearings and notice.**

489 (1) If the county creation proposal passes, the petition sponsors shall, within 25 days of
490 the canvass of the election under Section 17-3-303:

491 (a) if the voters at the county creation election chose the executive-council or the
492 council-manager form of government, determine the number of council members that will
493 constitute the council of the new county;

494 (b) determine the initial terms of the county legislative body and, if applicable, the
495 county executive so that:

496 (i) approximately half the members of the county legislative body and, if applicable,
497 the county executive are elected to serve an initial term, of no less than one year, that allows
498 the successors to serve a full four-year term that coincides with a presidential election; and

499 (ii) the remaining members of the county legislative body are elected to serve an initial
500 term, of no less than one year, that allows the successors to serve a full four-year term that
501 coincides with a federal mid-term election; and

502 (c) submit in writing to the lieutenant governor the results of the sponsors'
503 determinations under Subsections (1)(a) and (b).

504 (2) (a) Before making a determination under Subsection (1)(a) or (b), the petition
505 sponsors shall hold a public hearing within the future new county on the issues described in
506 Subsections (1)(a) and (b).

507 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection
508 (2)(a):

509 (A) except as provided in Subsection (2)(c), in a newspaper of general circulation
510 within the future new county at least once a week for two successive weeks before the hearing;
511 and

512 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks
513 before the hearing.

514 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three
515 days before the public hearing under Subsection (2)(a).

516 (c) (i) If there is no newspaper of general circulation within the future new county, the
517 petition sponsors shall post at least one notice of the hearing per 1,000 population in
518 conspicuous places within the future new county that are most likely to give notice of the
519 hearing to the residents of the future new county.

520 (ii) The petition sponsors shall post the notices described in Subsection (2)(c)(i) at least
521 seven days before the hearing described in Subsection (2)(a).

522 Section 15. Section 17-3-402 is enacted to read:

523 **17-3-402. Notice of number of commission or council members to be elected and**
524 **of district boundaries -- Declaration of candidacy for city office.**

525 (1) (a) Within 20 days of the lieutenant governor's receipt of the information described
526 in Subsection 17-3-401(1)(c), the lieutenant governor shall publish, in accordance with
527 Subsection (1)(b), notice containing:

- 528 (i) the number of members of the county legislative body to be elected;
- 529 (ii) information about the deadline for filing a declaration of candidacy for those
530 seeking to become candidates for county office;
- 531 (iii) whether there is to be a consolidated office in accordance with Section 17-16-3;

532 and

533 (iv) information about the length of the initial term of each of the county officers, as
534 determined by the petition sponsors in accordance with Subsection 17-3-401(1)(b).

535 (b) The notice under Subsection (1)(a) shall be published:

- 536 (i) except as provided in Subsection (1)(c), in a newspaper of general circulation within
537 the future new county at least once a week for two successive weeks; and
- 538 (ii) in accordance with Section 45-1-101 for two weeks.

539 (c) (i) If there is no newspaper of general circulation within the future new county, the
540 lieutenant governor shall post at least one notice per 1,000 population in conspicuous places
541 within the future new county that are most likely to give notice to the residents of the future
542 new county.

543 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
544 Subsection (1)(a).

545 (iii) The petition sponsors shall post the notices described in Subsection (1)(c)(i) at
546 least seven days before the deadline for filing a declaration of candidacy described in
547 Subsection (2).

548 (2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
549 candidate for county office of a new county created under this chapter shall file a declaration of
550 candidacy with the county clerk of the existing county from which the future new county is
551 being created in accordance with the deadlines set by the county clerk as authorized by statute.

552 Section 16. Section 17-3-403 is enacted to read:

553 17-3-403. Election of officers of new county -- Primary and final election dates --
554 County clerk duties -- Candidate duties -- Occupation of office.

555 (1) For the election of new county officers and the selection of a county seat, the
556 county legislative body of the existing county shall:

557 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
558 election; and

559 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
560 final election.

561 (2) Each election under Subsection (1) shall be:

562 (a) appropriate to the form of government chosen by the voters at the county creation
563 election; and

564 (b) consistent with the sponsors' determination of the number of commission or council
565 members to be elected and the length of their initial term.

566 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
567 be held at the earliest of the next:

568 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
569 20A-1-201;

570 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
571 Subsection 20A-1-201.5(1);

572 (iii) municipal primary election under Section 20A-9-404; or

573 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
574 Section 20A-1-202.

575 (b) The existing county shall hold the primary election, if necessary, on the next
576 earliest election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

577 (i) 75 days after the county creation election under Section 10-2a-210; and

578 (ii) 65 days after the last day of the candidate filing period.

579 (4) (a) Subject to Subsection (4)(b), the existing county shall hold the final election
580 under Subsection (1)(b) on one of the following election dates:

581 (i) regular general election under Section 20A-1-201;

582 (ii) municipal primary election under Section 20A-9-404;

583 (iii) regular municipal general election under Section 20A-1-202; or

584 (iv) regular primary election under Section 20A-1-201.5.
585 (b) The existing county shall hold the final election on the earliest of the next election
586 date that is listed in Subsection (4)(a)(i), (ii), (iii), or (iv):
587 (i) that is after a primary election; or
588 (ii) if there is no primary election, that is at least:
589 (A) 75 days after the county creation election under Section 10-2a-210; and
590 (B) 65 days after the candidate filing period.
591 (5) (a) (i) The county clerk of the existing county shall publish notice of an election
592 under this section:
593 (A) except as provided in Subsection (5)(b), at least once a week for two successive
594 weeks in a newspaper of general circulation within the future new county; and
595 (B) in accordance with Section 45-1-101 for two weeks.
596 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more
597 than seven days before the election.
598 (b) (i) If there is no newspaper of general circulation within the future new county, the
599 county clerk of the existing county shall post at least one notice of the election per 1,000
600 population in conspicuous places within the future new county that are most likely to give
601 notice of the election to the voters.
602 (ii) The county clerk of the existing county shall post the notices described in
603 Subsection (5)(b)(i) at least seven days before each election described in Subsection (1).
604 (6) (a) Until the new county is created, the county clerk of the existing county:
605 (i) is the election officer for all purposes in an election of officers of the new county;
606 and
607 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
608 that are not otherwise contrary to law.
609 (b) The county clerk of the existing county shall require and determine deadlines for
610 the filing of campaign financial disclosures of county officer candidates in accordance with
611 statute.
612 (c) The county clerk of the existing county is responsible to ensure that:
613 (i) a primary or final election for the officials of a new county is held on a date
614 authorized by this section; and

615 (ii) the ballot for the election includes each office that is required to be included in the
616 election for officers of the new county and the term of each office.

617 (7) A person who has filed as a candidate for an office described in this section shall
618 comply with the campaign finance disclosure requirements described in Subsection (6)(b).

619 (8) Notwithstanding any other provision of law, the officers elected at a final election
620 described in Subsection (4)(a) shall take office:

621 (a) after taking the oath of office; and

622 (b) at noon on the first Monday following the day on which the election official
623 transmits a certificate of nomination or election under the officer's seal to each elected
624 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

625 Section 17. Section **17-3-404** is enacted to read:

626 **17-3-404. Notification to lieutenant governor of election of county officers.**

627 Within 10 days of the canvass of the final election of county officers under Section
628 17-3-403, the county clerk of the existing county shall send written notice to the lieutenant
629 governor of:

630 (1) the name and position of each officer elected; and

631 (2) the term for which each officer has been elected.

632 Section 18. Section **17-3-405** is enacted to read:

633 **17-3-405. Filing of notice and approved final local entity plat with lieutenant**
634 **governor -- Effective date of county formation -- Necessity of recording documents and**
635 **effect of not recording.**

636 (1) The county executive or the commission of the new county shall:

637 (a) within 30 days after the canvass of the final election of county officers under
638 Section 17-3-403, file with the lieutenant governor:

639 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
640 that meets the requirements of Subsection 67-1a-6.5(3); and

641 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

642 (b) upon the lieutenant governor's issuance of a certificate of creation under Section
643 67-1a-6.5, submit to the recorder of the existing county from which the new county is created
644 the:

645 (i) notice of an impending boundary action;

646 (ii) certificate of creation; and

647 (iii) approved final local entity plat.

648 (2) (a) The formation of a new county is effective upon the lieutenant governor's
649 issuance of a certificate of creation under Section [67-1a-6.5](#).

650 (b) Notwithstanding any other provision of law, a county is conclusively presumed to
651 be lawfully created and existing if, for two years following the county's creation the county has:

652 (i) (A) levied and collected a property tax; or

653 (B) imposed a sales and use tax; and

654 (ii) no challenge to the existence or formation of the county has been filed in the
655 relevant district court.

656 (3) (a) The effective date of a county creation for purposes of assessing property within
657 the new county is governed by Section [59-2-305.5](#).

658 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
659 recorder of the existing county from which the new county is created, a newly created county
660 may not:

661 (i) levy or collect a property tax on property within the county;

662 (ii) levy or collect an assessment on property within the county; or

663 (iii) charge or collect a fee for service provided to property within the county.

664 Section 19. Section **17-3-406** is enacted to read:

665 **17-3-406. Powers of officers-elect.**

666 (1) Upon the canvass of the final election of county officers under Section [17-3-403](#)
667 and until the new county becomes legally created, the officers of the new county may:

668 (a) prepare and adopt, under Chapter 36, Uniform Fiscal Procedures Act for Counties,
669 a proposed budget and compilation of ordinances;

670 (b) negotiate and make personnel contracts and hirings;

671 (c) negotiate and make service contracts;

672 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

673 (e) borrow funds for startup expenses of the future new county; and

674 (f) issue tax anticipation notes in the name of the future new county.

675 (2) The county legislative body shall review and ratify each contract that the county
676 officers make under Subsection (1) within 30 days after the effective date of the formation of

677 the new county under Section 17-3-405.

678 Section 20. Section 17-3-501 is enacted to read:

679 **Part 5. Effectuating Operation of Newly Created County**

680 **17-3-501. Division of services revenues -- County may provide startup funds.**

681 (1) The existing county shall, until the date of the new county's legal formation under
682 Section 17-3-405, continue:

683 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to
684 the new county; and

685 (b) except as otherwise agreed by the existing county and the new county, to provide
686 the same services to the new county as the existing county provided in that area before the
687 county creation proceedings.

688 (2) The legislative body of the existing county shall share pro rata with the new county,
689 based on the date of county formation, the taxes and service charges or fees that the existing
690 county levied and collected under Section 17-34-3 during the year of the new county's creation
691 if and to the extent that the new county provides, directly or by contract, the same services for
692 which the existing county levied and collected the taxes and service charges or fees.

693 (3) (a) The legislative body of an existing county may appropriate county funds to:

694 (i) before the legal formation of the new county but after the canvass of the final
695 election of county officers under Section 17-3-403, the officers of the new county to pay startup
696 expenses of the new county; or

697 (ii) after the legal formation of the new county, the new county.

698 (b) Funds that a county appropriates under Subsection (3)(a) may be distributed in the
699 form of a grant, a loan, or as an advance against future distributions under Subsection (2).

700 Section 21. Section 17-3-502, which is renumbered from Section 17-3-5 is renumbered
701 and amended to read:

702 ~~[17-3-5].~~ **17-3-502. Records to be transmitted -- Expenses for transcribing**
703 **and transfer.**

704 (1) Whenever a new county [~~shall have been~~] is created under the provisions of this
705 chapter, the county executive of the existing county from which the new county [~~has been~~
706 taken] is created shall furnish to the respective officers of the new county, in form and on
707 suitable paper for binding into permanent records, certified copies of all [~~such~~] records or parts

708 of ~~[such]~~ records and books as pertain to or affect the title of real or personal property in ~~[such]~~
709 the new county~~[- such copies to be complete up to]~~ by 12 o'clock noon of the first Monday in
710 January following the election for the creation of ~~[such]~~ the officers of the new county~~;~~
711 ~~provided, that~~.

712 (2) (a) Any original records, books, maps or plats, whether filed or recorded, or filed
713 papers which exclusively relate to or affect the title to land in [such] the new county or which
714 affect personal property owned by residents of [such] the new county, as shown by the records
715 pertaining [thereto] to the land or personal property, shall be transferred to the custody of the
716 proper officer of the new county~~[- who shall give his receipt therefor, and where]~~.

717 (b) The officer of the new county described in Subsection (2)(a) shall give the office's
718 receipt for originals described in Subsection (2)(a).

719 (c) Where any record of [any] an existing county from which [such] the new county is
720 [taken] created has been compiled or arranged in such manner that it may be divided by
721 segregating [such] the instruments [therein] within or pages [thereof] of the record as to relate
722 to or affect exclusively the title to lands in [such] the new county or personal property owned
723 by residents [thereof, such] of the new county:

724 (i) the record shall be so divided~~[-]~~; and

725 (ii) the separate parts of [such] the divided or segregated records [shall be] are the
726 property of the counties to which [they] the records relate.

727 (3) (a) The records of all corporations whose principal place of business is situated in
728 the new county, unless recorded in such a manner that the original record pertaining to [any
729 such] the corporation may~~[- as herein provided,]~~ be delivered over to the new county, shall be
730 copied and certified~~[- and such]~~.

731 (b) The certified [copy of] copies described in Subsection (3)(a), together with all
732 original documents, files, and papers relating to [such] the corporations described in Subsection
733 (3)(a) shall be transmitted to the new county.

734 (4) (a) All recorded official bonds of officers within the new county in force at the time
735 it is created, unless recorded in such manner that the original record [thereof] may be
736 transferred, shall be copied, certified, and transmitted to the new county~~[- and all]~~.

737 (b) All bonds of local officers within the new county which are required by law to be
738 filed only shall be transferred to the new county.

739 (5) All official registers, books, papers, and files of every description relating to or
 740 affecting elections, both general and local, which ~~shall~~ have been held in any district,
 741 precinct, or other subdivision wholly within ~~such~~ the new county, and certified copies of the
 742 last election proceedings ~~had~~ in any districts which are partly in the new county and partly in
 743 the ~~old~~ existing county, shall be transmitted to the new county.

744 (6) All records, maps, plats, files, and papers relating to or affecting the creation,
 745 regulation and operation of irrigation, drainage and mosquito abatement districts which are
 746 wholly within the new county, and certified copies of ~~such~~ the records, maps, plats, files, and
 747 papers relating to and affecting the creation, regulation, and operation of irrigation, drainage,
 748 and mosquito abatement districts which are partly in the new and partly in the ~~old~~ existing
 749 county, shall be transmitted to the new county.

750 (7) (a) All expenses lawfully incurred for transcribing and for the transfer of records
 751 provided for in this section shall be paid out of the general funds of the new county ~~[, and the]~~.

752 (b) The expenses of any special election provided for in this chapter shall be paid
 753 one-half out of the general funds of the existing county ~~[from which territory is taken]~~ and
 754 one-half out of the general funds of the new county.

755 Section 22. Section **17-3-503**, which is renumbered from Section 17-3-6 is renumbered
 756 and amended to read:

757 ~~[17-3-6]~~. **17-3-503. Effect on precincts and school and other districts --**
 758 **Indebtedness.**

759 (1) (a) All precincts, school districts, road districts, and election districts, as ~~they~~ the
 760 precincts and districts existed ~~[prior to]~~ before the creation of ~~such~~ a new county, shall
 761 continue and become precincts, school districts, road districts, and election districts of ~~such~~
 762 the new county ~~[, and the]~~.

763 (b) Except as provided in Subsection (1)(c), the respective officers ~~[thereof]~~ of the
 764 entities described in Subsection (1)(a) shall hold office until the expiration of the several terms
 765 for which ~~they~~ the officers were elected or appointed ~~[, provided, that wherever pursuant to]~~.

766 (c) If, in accordance with the provisions of this chapter, any precinct, school district,
 767 road district, or election district ~~shall be~~ is divided ~~[the same shall be by reason thereof]~~:

768 (i) the precinct or district is disorganized ~~[;]~~; and

769 (ii) the property and territory ~~[embraced therein shall be]~~ of the precinct or district is

770 subject to the action of the county legislative body of the respective counties ~~[as to]~~ regarding
771 reorganization ~~[thereof]~~ of the precinct or district or adding the ~~[same]~~ precinct or district to
772 other like subdivisions already organized~~;~~ provided further, that any.

773 (d) Any bonded or other indebtedness of any [such] school district [so] divided in
774 accordance with Subsection (1)(c) shall attach to and become the obligation of:

775 (i) the district that [shall be] is created out of the territory that [shall retain] retains the
776 buildings and other property of the original district; or [to]

777 (ii) the district to which the [same may be] buildings and other property of the original
778 district is added;~~and all bonded or other indebtedness of the county~~.

779 (2) Notwithstanding the creation of a new county, the existing county from which
780 territory is taken [shall attach to and become the obligation of such county.] to create a new
781 county may continue to levy a tax on the property within the portion of the new county that was
782 taken from the existing county for the purpose of paying the just proportion of the existing
783 county's general obligation or revenue bond until the bonded indebtedness has been satisfied.

784 Section 23. Section **17-3-504**, which is renumbered from Section 17-3-7 is renumbered
785 and amended to read:

786 ~~[17-3-7].~~ **17-3-504. Pending civil and criminal actions.**

787 (1) All civil and criminal actions which shall be pending in the territory embraced in
788 [such] the new county shall be prosecuted to judgment and execution [therein, and all] in the
789 new county.

790 (2) All actions pending in the district court in any county shall be prosecuted to
791 judgment and execution in the county in which the same are pending, subject to change of
792 venue as provided by law.

793 Section 24. Section **17-3-505**, which is renumbered from Section 17-3-8 is renumbered
794 and amended to read:

795 ~~[17-3-8].~~ **17-3-505. Prior offenses.**

796 An offense, for which prosecution has not commenced, that was committed within the
797 boundaries of [a] the new county before the new county was created, may be prosecuted to
798 judgment and execution in the new county.

799 Section 25. Section **17-3-506**, which is renumbered from Section 17-3-9 is renumbered
800 and amended to read:

801 ~~[17-3-9]~~. 17-3-506. Division of taxes.

802 Whenever a new county ~~[shall be]~~ is created under the provisions of this chapter and the
 803 officers ~~[thereof shall]~~ of the new county have duly qualified, the county treasurer of the
 804 existing county from which territory has been taken to create ~~[such]~~ the new county shall
 805 furnish to the county treasurer of ~~[such]~~ the new county:

806 (1) a certified list of all taxes that the county treasurer of the existing county has
 807 collected ~~[by him]~~ for the preceding year upon the property located within ~~[such]~~ the portion of
 808 ~~[his]~~ the existing county ~~[as]~~ that has become a part of ~~[such]~~ the new county~~[-together-with];~~

809 (2) the entire amount of ~~[such]~~ the existing county, district school, or other special
 810 taxes ~~[by him]~~ that the county treasurer of the existing county has collected for ~~[such]~~ the
 811 preceding year upon the property described in Subsection (1), less:

812 (a) the pro rata cost of assessing and collecting the ~~[same]~~ taxes; and

813 (b) the entire cost of making ~~[said]~~ the certified lists.

814 Section 26. Section **20A-1-203** is amended to read:

815 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
 816 **limitations.**

817 (1) Statewide and local special elections may be held for any purpose authorized by
 818 law.

819 (2) (a) Statewide special elections shall be conducted using the procedure for regular
 820 general elections.

821 (b) Except as otherwise provided in this title, local special elections shall be conducted
 822 using the procedures for regular municipal elections.

823 (3) The governor may call a statewide special election by issuing an executive order
 824 that designates:

825 (a) the date for the statewide special election; and

826 (b) the purpose for the statewide special election.

827 (4) The Legislature may call a statewide special election by passing a joint or
 828 concurrent resolution that designates:

829 (a) the date for the statewide special election; and

830 (b) the purpose for the statewide special election.

831 (5) (a) The legislative body of a local political subdivision may call a local special

832 election only for:

- 833 (i) a vote on a bond or debt issue;
- 834 (ii) a vote on a voted local levy authorized by Section [53F-8-402](#) or [53F-8-301](#);
- 835 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- 836 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 837 (v) if required or authorized by federal law, a vote to determine whether or not Utah's

838 legal boundaries should be changed;

- 839 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

840 (vii) a vote to elect members to school district boards for a new school district and a
841 remaining school district, as defined in Section [53G-3-102](#), following the creation of a new
842 school district under Section [53G-3-302](#);

843 (viii) a vote on a municipality providing cable television services or public
844 telecommunications services under Section [10-18-204](#);

845 (ix) a vote to create a new county under Section ~~[17-3-1]~~ [17-3-303](#);

846 (x) a vote on the creation of a study committee under Sections [17-52a-302](#) and
847 [17-52a-304](#);

848 (xi) a vote on a special property tax under Section [53F-8-402](#);

849 (xii) a vote on the incorporation of a city in accordance with Section [10-2a-210](#);

850 (xiii) a vote on the incorporation of a town in accordance with Section [10-2a-304](#); or

851 (xiv) a vote on incorporation or annexation as described in Section [10-2a-404](#).

852 (b) The legislative body of a local political subdivision may call a local special election
853 by adopting an ordinance or resolution that designates:

854 (i) the date for the local special election as authorized by Section [20A-1-204](#); and

855 (ii) the purpose for the local special election.

856 (c) A local political subdivision may not call a local special election unless the
857 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
858 two-thirds majority of all members of the legislative body, if the local special election is for:

859 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

860 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

861 (iii) a vote authorized or required for a sales tax issue as described in Subsection

862 (5)(a)(vi).

863 Section 27. **Repealer.**

864 This bill repeals:

865 Section **17-3-1**, **By petition -- Election -- Ballots.**

866 Section **17-3-3**, **Certification of returns -- Governor's proclamation of creation of**

867 **new county -- Notice and plat to lieutenant governor -- Recording requirements --**

868 **Effective date.**

869 Section **17-3-4**, **County seat, selection by election -- First officers -- Election.**