

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;
- ▶ amends Title 17, Chapter 3, Creating New Counties, to mirror the municipal incorporation process, including provisions to:
 - require the lieutenant governor to establish a fee for certain costs incurred in the county creation process;
 - 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 ▶ allows certain rural real property to remain in the original county in certain
- 35 circumstances;
- 36 ▶ removes a requirement requiring a majority vote in the remaining part of an existing
- 37 county of the first, second, or third class to create a new county;
- 38 ▶ provides for the continuation of property taxation between an existing and new
- 39 county to satisfy general obligation or revenue bond indebtedness;
- 40 ▶ clarifies provisions regarding the division of taxes between an existing county and a
- 41 new county; and
- 42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **20A-1-203**, as last amended by Laws of Utah 2018, Chapters 68 and 415

50 ENACTS:

51 **17-3-101**, Utah Code Annotated 1953

52 **17-3-102**, Utah Code Annotated 1953

53 **17-3-103**, Utah Code Annotated 1953

54 **17-3-201**, Utah Code Annotated 1953

55 **17-3-202**, Utah Code Annotated 1953

56 **17-3-203**, Utah Code Annotated 1953

- 57 [17-3-204](#), Utah Code Annotated 1953
- 58 [17-3-205](#), Utah Code Annotated 1953
- 59 [17-3-301](#), Utah Code Annotated 1953
- 60 [17-3-302](#), Utah Code Annotated 1953
- 61 [17-3-303](#), Utah Code Annotated 1953
- 62 [17-3-304](#), Utah Code Annotated 1953
- 63 [17-3-305](#), Utah Code Annotated 1953
- 64 [17-3-401](#), Utah Code Annotated 1953
- 65 [17-3-402](#), Utah Code Annotated 1953
- 66 [17-3-403](#), Utah Code Annotated 1953
- 67 [17-3-404](#), Utah Code Annotated 1953
- 68 [17-3-405](#), Utah Code Annotated 1953
- 69 [17-3-406](#), Utah Code Annotated 1953
- 70 [17-3-501](#), Utah Code Annotated 1953

71 RENUMBERS AND AMENDS:

- 72 [17-3-502](#), (Renumbered from 17-3-5, as last amended by Laws of Utah 1993, Chapter
- 73 227)
- 74 [17-3-503](#), (Renumbered from 17-3-6, as last amended by Laws of Utah 1993, Chapter
- 75 227)
- 76 [17-3-504](#), (Renumbered from 17-3-7, Utah Code Annotated 1953)
- 77 [17-3-505](#), (Renumbered from 17-3-8, as last amended by Laws of Utah 2011, Chapter
- 78 297)
- 79 [17-3-506](#), (Renumbered from 17-3-9, Utah Code Annotated 1953)

80 REPEALS:

- 81 [17-3-1](#), as last amended by Laws of Utah 2011, Chapter 297
- 82 [17-3-3](#), as last amended by Laws of Utah 2009, Chapter 350
- 83 [17-3-4](#), as last amended by Laws of Utah 1993, Chapter 227



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

86 Section 1. Section [17-3-101](#) is enacted to read:

87 **CHAPTER 3. CREATING NEW COUNTIES**

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118

Part 1. General Provisions

17-3-101. Title.

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

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

17-3-102. Definitions.

As used in this chapter:

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

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

(3) "Existing county" means a county:

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

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

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

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

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

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

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

(i) a request certification;

(ii) a feasibility study;

(iii) a county creation petition certification;

(iv) publication of notices;

(v) public hearings;

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

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

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

(2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental

119 appropriations, pay for a cost described in Subsections (1)(a)(i) through (vii).

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

121 (a) to the lieutenant governor each fee that the lieutenant governor establishes under
122 Subsection (1) for each incurred cost described in Subsections (1)(a)(i) through (vii); and

123 (b) the existing county from which the new county was formed for a cost described in
124 Subsection (1)(b).

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

126 **Part 2. Feasibility Study**

127 **17-3-201. Request for feasibility study -- Requirements -- Limitations.**

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

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

132 (a) be signed by at least:

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

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

136 (b) describe the contiguous area proposed to be created as a new county, subject to
137 Subsection 17-3-301(6);

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

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

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

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

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

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

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

148 **17-3-202. Processing a request for incorporation -- Certification or rejection by**
149 **lieutenant governor -- Processing priority.**

- 150 (1) Within 45 days of the filing of a request under Section 17-3-201, the lieutenant
151 governor shall:
- 152 (a) determine whether the request complies with Section 17-3-201; and
153 (b) (i) if the lieutenant governor determines that the request complies with Section
154 17-3-201:
- 155 (A) certify the request; and
156 (B) mail or deliver written notification of the certification to the contact sponsor; or
157 (ii) if the lieutenant governor determines that the request fails to comply with Section
158 17-3-201:
- 159 (A) reject the request; and
160 (B) notify the contact sponsor in writing of the rejection and the reasons for the
161 rejection.
- 162 (2) The lieutenant governor shall certify or reject requests under Subsection (1) in the
163 order in which the lieutenant governor receives requests under Subsection (1).
- 164 (3) (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b), the
165 sponsors of the request may:
- 166 (A) amend the request to correct the deficiencies underlying the rejection; and
167 (B) refile the request with the lieutenant governor.
- 168 (ii) A signature on a request under Section 17-3-201 may be used toward fulfilling the
169 signature requirement of Subsection 17-3-201(2)(a) for the request as modified under
170 Subsection (3)(a)(i).
- 171 (b) If the sponsors of a request amend and refile a request under Subsection (3)(a), the
172 lieutenant governor shall consider the refiled request as a newly filed request for purposes of
173 determining the request's priority.
- 174 Section 6. Section 17-3-203 is enacted to read:
- 175 **17-3-203. Feasibility study -- Feasibility study consultant.**
- 176 (1) Within 90 days of receipt of a certified request under Section 17-3-202, the
177 lieutenant governor shall engage the feasibility consultant selected under Subsection (2) to
178 conduct a feasibility study in accordance with this section.
- 179 (2) (a) The following shall select a feasibility consultant:
- 180 (i) the contact sponsor of the request, with the consent of the lieutenant governor; or

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

183 (b) The individual described in Subsection (2)(a) shall select the feasibility consultant
184 in accordance with applicable procurement procedures.

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

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

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

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

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

194 (i) population and population density within:

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

196 (B) the portion of the existing county remaining after the proposed creation of a new
197 county;

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

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

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

206 (A) law enforcement;

207 (B) fire protection;

208 (C) roads and public works; and

209 (D) government offices;

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

212 (A) the proposed new county; and
213 (B) the portion of the existing county remaining after the creation of the new county;
214 (vi) a projection of any new taxes per household that may be levied within:
215 (A) the proposed new county; and
216 (B) the portion of the existing county remaining after the creation of the new county;
217 and
218 (vii) the fiscal impact on unincorporated areas, municipalities, local districts, special
219 service districts, and other governmental entities in:
220 (A) the proposed new county; and
221 (B) the portion of the existing county remaining after the creation of the new county.
222 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
223 level and quality of governmental services to be provided to the proposed new county and the
224 portion of the existing county remaining after the creation of the new county in the future that
225 fairly and reasonably approximate the level and quality of governmental services common to
226 other counties of the same class as:
227 (A) the proposed new county; and
228 (B) the portion of the existing county remaining after the creation of the new county.
229 (ii) In determining the present cost of a governmental service, the feasibility consultant
230 shall consider the amount it would cost the proposed new county to provide governmental
231 service for the first five years after creation.
232 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
233 and anticipated growth.
234 (5) If the five year projected revenues described in Subsection (4)(a)(v) falls below the
235 five year projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant
236 shall project and report the expected annual revenue shortfall.
237 Section 7. Section **17-3-204** is enacted to read:
238 **17-3-204. Modified request for feasibility study -- Supplemental feasibility study.**
239 (1) (a) (i) The sponsors of a request may modify and refile the request to alter the
240 boundaries of the proposed county with the lieutenant governor if:
241 (A) the results of the feasibility study fail to meet the requirement described in
242 Subsection [17-3-301](#)(3); or

243 (B) the request meets the conditions of Section 17-3-201 and a county creation petition
244 based on the request has not been filed.

245 (ii) The sponsors of a request may not file a modified request under Subsection
246 (1)(a)(i) more than:

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

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

249 (b) (i) Except as provided in Subsection (1)(b)(ii), each modified request under
250 Subsection (1)(a) shall comply with the requirements of Section 17-3-201.

251 (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section
252 17-3-201 may be used toward fulfilling the signature requirement of Subsection 17-3-201(2)(a)
253 for the request as modified under Subsection (1)(a), unless the modified request proposes the
254 creation of a new county that is more than 20% greater or smaller than the area described by the
255 original request in terms of:

256 (A) private land area; or

257 (B) value of private real property.

258 (2) (a) Within 20 days after the day on which the lieutenant governor receives a
259 modified request, the lieutenant governor shall follow the same procedure for the modified
260 request as provided under Subsection 17-3-202(1) for an original request.

261 (b) The timely filing of a modified request under Subsection (1) gives the modified
262 request the same processing priority under Subsection 17-3-202(2) as the original request.

263 (3) (a) Within 10 days after the day on which the lieutenant governor receives a
264 certified modified request under Subsection (1)(a)(i) that was filed after the completion of a
265 feasibility study on the original request, the lieutenant governor shall commission the
266 feasibility consultant who conducted the original feasibility study to take into account the
267 information in the modified request that was not included in the original request to supplement
268 the feasibility study.

269 (b) The lieutenant governor shall require the feasibility consultant to complete the
270 supplemental feasibility study described in Subsection (3)(a) and to submit written results of
271 the supplemental study to the lieutenant governor and to the contact sponsor no later than 30
272 days after the day on which the lieutenant governor commissions the feasibility consultant to
273 conduct the supplemental feasibility study.

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

275 **17-3-205. Public hearings on feasibility study results -- Notice of hearings.**

276 (1) The lieutenant governor shall, after receipt of the results of a feasibility study or
277 supplemental feasibility study under Section [17-3-204](#), schedule at least two public hearings to
278 be held:

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

280 (b) at least seven days apart;

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

282 (d) for the purpose of allowing:

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

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

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

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

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

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

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

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

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

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

296 and

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

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

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

305 (c) The lieutenant governor shall ensure that each notice described in this Subsection
306 (3):

307 (i) includes the feasibility study summary described in Section 17-3-203; and

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

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

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

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

315 **17-3-301. County creation petition -- Requirements and form.**

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

319 (2) Each county creation petition shall:

320 (a) be signed by:

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

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

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

331 (c) subject to Subsection (6), describe the area proposed for creation of the new county
332 as described in the feasibility study request or modified request that meets the requirements of
333 Subsection (3);

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

335 (e) designate five signers of the county creation petition as petition sponsors with one

336 being designated as the contact sponsor;

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

339 (g) state that the signers of the county creation petition appoint the sponsors, if the
340 county creation measure passes, to represent the signers in the process of:

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

344 (ii) selecting the form of government;

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

346 (i) a licensed surveyor prepares; and

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

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

349 PETITION FOR CREATION OF (insert the proposed name of the proposed new
350 county)

351 To the Honorable Lieutenant Governor:

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

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

366 (4) A signature on a request under Section [17-3-201](#) or a modified request under

367 Section 17-3-204 may be used toward fulfilling the signature requirement of Subsection (2)(a):

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

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

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

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

376 (ii) includes fewer than 50 registered voters.

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

380 (6) Unless an owner of rural real property, as defined in Section 17B-2a-1107, gives
381 written consent:

382 (a) the rural real property may not be included in a proposed new county and instead
383 remains in the existing county if the rural real property:

384 (i) consists of 1,500 or more contiguous acres of rural real property comprising one or
385 more tax parcels;

386 (ii) is not contiguous to but is used in connection with rural real property that consists
387 of 1,500 acres or more contiguous acres of real property comprising one or more tax parcels;

388 (iii) is owned, managed, or controlled by a person, company, or association, including
389 a parent, subsidiary, or affiliate related to the person, company, or association that owns 1,500
390 or more contiguous acres of rural real property comprising one or more tax parcels; or

391 (iv) is located in whole or in part in one of the following, as defined in Section
392 17-41-101:

393 (A) an agricultural protection area;

394 (B) a mining protection area; or

395 (C) an industrial protection area; and

396 (b) the lieutenant governor shall exclude the rural real property from a certificate of
397 creation that the lieutenant governor issues for the proposed new county in accordance with

398 Section 67-1a-6.5.

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

400 **17-3-302. Processing of county creation petition by lieutenant governor --**
401 **Certification or rejection -- Processing priority.**

402 (1) Within 45 days of the filing of a petition under Section 17-3-301, the lieutenant
403 governor shall:

404 (a) with the assistance of the county officers of the existing county from whom the
405 lieutenant governor requests assistance, determine whether the petition meets the requirements
406 of Section 17-3-301; and

407 (b) (i) if the lieutenant governor determines that the petition meets the requirements
408 described in Section 17-3-301, certify the petition and notify in writing the contact sponsor of
409 the certification; or

410 (ii) if the lieutenant governor determines that the petition fails to meet a requirement
411 described in Section 17-3-301, reject the petition and notify the contact sponsor in writing of
412 the rejection and the reasons for the rejection.

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

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

420 (c) A signature on a petition to create a new county under Section 17-3-301 may be
421 used toward fulfilling the signature requirement of Subsection 17-3-301(2)(a) for the petition
422 as modified under Subsection (2)(a).

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

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

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

429 17-3-303. Election on the formation of a new county.

430 (1) (a) Upon receipt of a certified county creation petition under Section [17-3-302](#), the
431 lieutenant governor shall:

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

433 (A) on a regular general election date under Section [20A-1-201](#) or on a local special
434 election date under Section [20A-1-203](#); and

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

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

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

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

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

445 (ii) for a county creation election taking place in a county of the fourth, fifth, or sixth
446 class, a registered voter who resides, as defined in Section [20A-1-102](#), within the boundaries of
447 the existing county.

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

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

451 (A) for a county creation election taking place in a county of the first, second, or third
452 class, the area proposed to be included within a new county; or

453 (B) for a county creation election taking place in a county of the fourth, fifth, or sixth
454 class, the existing county; and

455 (ii) in accordance with Section [45-1-101](#) for three weeks.

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

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

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

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

460 and

461 (iv) the feasibility study summary described in Section 17-3-203 and a statement that a
462 full copy of the study is available for inspection and copying at the Office of the Lieutenant
463 Governor.

464 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
465 one day but no more than seven days before the election.

466 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
467 circulation, the county clerk shall post at least one notice of the election per 1,000 population in
468 conspicuous places within the area described in Subsection (2)(a) that are most likely to give
469 notice of the county creation election.

470 (ii) The county clerk shall post the notices described in Subsection (2)(d)(i) at least
471 seven days before the election described in Subsection (1).

472 (3) (a) For a county creation in an existing county of the first, second, or third class, if a
473 majority of those casting votes within the area proposed to be included within the new county
474 vote to create the new county:

- 475 (i) the new county is created; and
- 476 (ii) the area is included within the new county.

477 (b) For a county creation in an existing county of the fourth, fifth, or sixth class, if a
478 majority of those casting votes within the area proposed to be included within the new county
479 and a majority of those casting votes residing in the remaining portion of the existing county
480 vote to create the new county:

- 481 (i) the new county is created; and
- 482 (ii) the area is included within the new county.

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

484 **17-3-304. Ballot used at the incorporation election.**

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

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

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

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

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

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

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

499 **17-3-305. Notification to lieutenant governor of county creation election results.**

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

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

505 (2) if the county creation measure passes:

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

507 (b) the class of the new county.

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

509 **Part 4. Structuring New County**

510 **17-3-401. Determination of number of council members -- Determination of**
511 **election districts -- Hearings and notice.**

512 (1) If the county creation proposal passes, the petition sponsors shall, within 25 days of
513 the canvass of the election under Section [17-3-303](#):

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

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

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

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

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

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

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

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

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

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

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

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

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

546 **17-3-402. Notice of number of commission or council members to be elected and**
547 **of district boundaries -- Declaration of candidacy for city office.**

548 (1) (a) Within 20 days of the lieutenant governor's receipt of the information described
549 in Subsection [17-3-401](#)(1)(c), the lieutenant governor shall publish, in accordance with
550 Subsection (1)(b), notice containing:

551 (i) the number of members of the county legislative body to be elected;

552 (ii) information about the deadline for filing a declaration of candidacy for those

553 seeking to become candidates for county office;

554 (iii) whether there is to be a consolidated office in accordance with Section 17-16-3;

555 and

556 (iv) information about the length of the initial term of each of the county officers, as

557 determined by the petition sponsors in accordance with Subsection 17-3-401(1)(b).

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

559 (i) except as provided in Subsection (1)(c), in a newspaper of general circulation within
560 the future new county at least once a week for two successive weeks; and

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

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

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

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

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

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

576 **17-3-403. Election of officers of new county -- Primary and final election dates --**

577 **County clerk duties -- Candidate duties -- Occupation of office.**

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

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

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

584 (2) Each election under Subsection (1) shall be:
585 (a) appropriate to the form of government chosen by the voters at the county creation
586 election; and
587 (b) consistent with the sponsors' determination of the number of commission or council
588 members to be elected and the length of their initial term.
589 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
590 be held at the earliest of the next:
591 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
592 20A-1-201;
593 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
594 Subsection 20A-1-201.5(1);
595 (iii) municipal primary election under Section 20A-9-404; or
596 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
597 Section 20A-1-202.
598 (b) The existing county shall hold the primary election, if necessary, on the next
599 earliest election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:
600 (i) 75 days after the county creation election under Section 10-2a-210; and
601 (ii) 65 days after the last day of the candidate filing period.
602 (4) (a) Subject to Subsection (4)(b), the existing county shall hold the final election
603 under Subsection (1)(b) on one of the following election dates:
604 (i) regular general election under Section 20A-1-201;
605 (ii) municipal primary election under Section 20A-9-404;
606 (iii) regular municipal general election under Section 20A-1-202; or
607 (iv) regular primary election under Section 20A-1-201.5.
608 (b) The existing county shall hold the final election on the earliest of the next election
609 date that is listed in Subsection (4)(a)(i), (ii), (iii), or (iv):
610 (i) that is after a primary election; or
611 (ii) if there is no primary election, that is at least:
612 (A) 75 days after the county creation election under Section 10-2a-210; and
613 (B) 65 days after the candidate filing period.
614 (5) (a) (i) The county clerk of the existing county shall publish notice of an election

615 under this section:

616 (A) except as provided in Subsection (5)(b), at least once a week for two successive
617 weeks in a newspaper of general circulation within the future new county; and

618 (B) in accordance with Section 45-1-101 for two weeks.

619 (ii) The later notice under Subsection (5)(a)(i) shall be at least one day but no more
620 than seven days before the election.

621 (b) (i) If there is no newspaper of general circulation within the future new county, the
622 county clerk of the existing county shall post at least one notice of the election per 1,000
623 population in conspicuous places within the future new county that are most likely to give
624 notice of the election to the voters.

625 (ii) The county clerk of the existing county shall post the notices described in
626 Subsection (5)(b)(i) at least seven days before each election described in Subsection (1).

627 (6) (a) Until the new county is created, the county clerk of the existing county:

628 (i) is the election officer for all purposes in an election of officers of the new county;
629 and

630 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
631 that are not otherwise contrary to law.

632 (b) The county clerk of the existing county shall require and determine deadlines for
633 the filing of campaign financial disclosures of county officer candidates in accordance with
634 statute.

635 (c) The county clerk of the existing county is responsible to ensure that:

636 (i) a primary or final election for the officials of a new county is held on a date
637 authorized by this section; and

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

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

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

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

645 (b) at noon on the first Monday following the day on which the election official

646 transmits a certificate of nomination or election under the officer's seal to each elected
647 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

648 Section 17. Section 17-3-404 is enacted to read:

649 **17-3-404. Notification to lieutenant governor of election of county officers.**

650 Within 10 days of the canvass of the final election of county officers under Section
651 17-3-403, the county clerk of the existing county shall send written notice to the lieutenant
652 governor of:

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

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

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

656 **17-3-405. Filing of notice and approved final local entity plat with lieutenant**
657 **governor -- Effective date of county formation -- Necessity of recording documents and**
658 **effect of not recording.**

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

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

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

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

665 (b) upon the lieutenant governor's issuance of a certificate of creation under Section
666 67-1a-6.5, submit to the recorder of the existing county from which the new county is created
667 the:

668 (i) notice of an impending boundary action;

669 (ii) certificate of creation; and

670 (iii) approved final local entity plat.

671 (2) (a) The formation of a new county is effective upon the lieutenant governor's
672 issuance of a certificate of creation under Section 67-1a-6.5.

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

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

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

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

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

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

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

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

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

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

688 **17-3-406. Powers of officers-elect.**

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

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

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

694 (c) negotiate and make service contracts;

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

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

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

698 (2) The county legislative body shall review and ratify each contract that the county
 699 officers make under Subsection (1) within 30 days after the effective date of the formation of
 700 the new county under Section [17-3-405](#).

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

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

703 **17-3-501. Division of services revenues -- County may provide startup funds.**

704 (1) The existing county shall, until the date of the new county's legal formation under
 705 Section [17-3-405](#), continue:

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

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

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

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

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

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

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

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

725 ~~[17-3-5].~~ **17-3-502. Records to be transmitted -- Expenses for transcribing**
726 **and transfer.**

727 (1) Whenever a new county [~~shall have been~~] is created under the provisions of this
728 chapter, the county executive of the existing county from which the new county [~~has been~~
729 taken] is created shall furnish to the respective officers of the new county, in form and on
730 suitable paper for binding into permanent records, certified copies of all [~~such~~] records or parts
731 of [~~such~~] records and books as pertain to or affect the title of real or personal property in [~~such~~]
732 the new county[; ~~such copies to be complete up to~~] by 12 o'clock noon of the first Monday in
733 January following the election for the creation of [~~such~~] the officers of the new county[;
734 provided, that].

735 (2) (a) Any original records, books, maps or plats, whether filed or recorded, or filed
736 papers which exclusively relate to or affect the title to land in [~~such~~] the new county or which
737 affect personal property owned by residents of [~~such~~] the new county, as shown by the records
738 pertaining [~~thereto~~] to the land or personal property, shall be transferred to the custody of the

739 proper officer of the new county~~[-, who shall give his receipt therefor, and where].~~

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

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

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

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

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

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

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

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

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

767 (6) All records, maps, plats, files, and papers relating to or affecting the creation,
768 regulation and operation of irrigation, drainage and mosquito abatement districts which are
769 wholly within the new county, and certified copies of ~~[such]~~ the records, maps, plats, files, and

770 papers relating to and affecting the creation, regulation, and operation of irrigation, drainage,
 771 and mosquito abatement districts which are partly in the new and partly in the ~~[old]~~ existing
 772 county, shall be transmitted to the new county.

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

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

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

780 ~~[17-3-6].~~ **17-3-503. Effect on precincts and school and other districts --**
 781 **Indebtedness.**

782 (1) (a) All precincts, school districts, road districts, and election districts, as ~~[they]~~ the
 783 precincts and districts existed ~~[prior to]~~ before the creation of ~~[such]~~ a new county, shall
 784 continue and become precincts, school districts, road districts, and election districts of ~~[such]~~
 785 the new county~~[-and the].~~

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

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

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

792 (ii) the property and territory ~~[embraced therein shall be]~~ of the precinct or district is
 793 subject to the action of the county legislative body of the respective counties ~~[as to]~~ regarding
 794 reorganization ~~[thereof]~~ of the precinct or district or adding the ~~[same]~~ precinct or district to
 795 other like subdivisions already organized~~[-provided further, that any].~~

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

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

800 (ii) the district to which the ~~[same may be]~~ buildings and other property of the original

801 district is added [~~and all bonded or other indebtedness of the county~~].

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

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

809 [~~17-3-7~~]. **17-3-504. Pending civil and criminal actions.**

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

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

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

818 [~~17-3-8~~]. **17-3-505. Prior offenses.**

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

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

824 [~~17-3-9~~]. **17-3-506. Division of taxes.**

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

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

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

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

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

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

838 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
839 **limitations.**

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

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

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

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

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

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

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

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

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

854 (5) (a) The legislative body of a local political subdivision may call a local special
855 election only for:

856 (i) a vote on a bond or debt issue;

857 (ii) a vote on a voted local levy authorized by Section [53F-8-402](#) or [53F-8-301](#);

858 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

859 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

860 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
861 legal boundaries should be changed;

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

863 (vii) a vote to elect members to school district boards for a new school district and a
864 remaining school district, as defined in Section 53G-3-102, following the creation of a new
865 school district under Section 53G-3-302;

866 (viii) a vote on a municipality providing cable television services or public
867 telecommunications services under Section 10-18-204;

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

869 (x) a vote on the creation of a study committee under Sections 17-52a-302 and
870 17-52a-304;

871 (xi) a vote on a special property tax under Section 53F-8-402;

872 (xii) a vote on the incorporation of a city in accordance with Section 10-2a-210;

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

874 (xiv) a vote on incorporation or annexation as described in Section 10-2a-404.

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

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

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

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

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

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

884 (iii) a vote authorized or required for a sales tax issue as described in Subsection
885 (5)(a)(vi).

886 **Section 27. Repealer.**

887 This bill repeals:

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

889 Section 17-3-3, **Certification of returns -- Governor's proclamation of creation of**
890 **new county -- Notice and plat to lieutenant governor -- Recording requirements --**

891 **Effective date.**

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