

MUNICIPAL INCORPORATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Adam Robertson

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill modifies provisions related to the incorporation of a municipality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals Title 10, Chapter 2a, Part 3, Incorporation of a Town;
- ▶ adds the incorporation of a town to the existing process for incorporating a city;
- ▶ establishes qualifications for an area to incorporate as a municipality;
- ▶ establishes a population density threshold for an area to incorporate as a municipality;
- ▶ amends provisions related to the content of a feasibility study;
- ▶ requires a feasibility consultant to consult with certain governmental entities when drafting a feasibility study;
- ▶ changes the deadline by which a feasibility consultant is required to complete a feasibility study;
- ▶ establishes the Municipal Incorporation Expendable Special Revenue Fund for the lieutenant governor's provision of municipal incorporation services;
- ▶ establishes provisions related to a new municipality's responsibility to repay the



28 lieutenant governor for certain services rendered by the lieutenant governor during the
29 incorporation process; and

30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 This bill appropriates:

33 ▶ to the Municipal Incorporation Expendable Special Revenue Fund as a one-time
34 appropriation:

35 • from the General Fund, \$100,000.

36 **Other Special Clauses:**

37 This bill provides revisor instructions.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **10-2-403**, as last amended by Laws of Utah 2017, Chapter 452

41 **10-2a-102**, as renumbered and amended by Laws of Utah 2015, Chapter 352

42 **10-2a-106**, as last amended by Laws of Utah 2017, Chapter 452

43 **10-2a-201**, as enacted by Laws of Utah 2015, Chapter 352

44 **10-2a-202**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
45 amended by Laws of Utah 2015, Chapter 352

46 **10-2a-203**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
47 amended by Laws of Utah 2015, Chapter 352

48 **10-2a-204**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
49 amended by Laws of Utah 2015, Chapter 352

50 **10-2a-205**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
51 amended by Laws of Utah 2015, Chapter 352

52 **10-2a-206**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
53 amended by Laws of Utah 2015, Chapter 352

54 **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
55 amended by Laws of Utah 2015, Chapter 352

56 **10-2a-208**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
57 amended by Laws of Utah 2015, Chapter 352

58 **10-2a-209**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and

- 59 amended by Laws of Utah 2015, Chapter 352
- 60 **10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered
- 61 and amended by Laws of Utah 2015, Chapter 352
- 62 **10-2a-211**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 63 **10-2a-212**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 64 **10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 65 **10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91
- 66 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
- 67 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
- 68 Clause, Laws of Utah 2015, Chapter 352
- 69 **10-2a-216**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 70 **10-2a-217**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
- 71 amended by Laws of Utah 2015, Chapter 352
- 72 **10-2a-218**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
- 73 amended by Laws of Utah 2015, Chapter 352
- 74 **10-2a-219**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
- 75 amended by Laws of Utah 2015, Chapter 352
- 76 **10-2a-220**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
- 77 amended by Laws of Utah 2015, Chapter 352
- 78 **10-2a-402**, as last amended by Laws of Utah 2017, Chapter 367
- 79 **10-2a-413**, as enacted by Laws of Utah 2015, Chapter 352
- 80 **20A-1-203**, as last amended by Laws of Utah 2018, Chapters 68 and 415
- 81 **20A-11-101**, as last amended by Laws of Utah 2017, Chapter 452
- 82 **63I-2-210**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6
- 83 **67-1a-2**, as last amended by Laws of Utah 2018, Chapter 330
- 84 ENACTS:
- 85 **10-2a-201.5**, Utah Code Annotated 1953
- 86 REPEALS:
- 87 **10-2a-221**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 88 **10-2a-301**, as enacted by Laws of Utah 2015, Chapter 352
- 89 **10-2a-302.5**, as last amended by Laws of Utah 2018, Chapters 281 and 330

90 **10-2a-303**, as last amended by Laws of Utah 2017, Chapter 452
 91 **10-2a-304**, as last amended by Laws of Utah 2017, Chapter 452
 92 **10-2a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 352 and
 93 repealed and reenacted by Laws of Utah 2015, Chapter 111
 94 **10-2a-305.1**, as last amended by Laws of Utah 2018, Chapter 11
 95 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
 96 Coordination Clause, Laws of Utah 2015, Chapter 352
 97 **10-2a-306**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
 98 amended by Laws of Utah 2015, Chapter 352
 99 **10-2a-307**, as enacted by Laws of Utah 2015, Chapter 157 and last amended by
 100 Coordination Clause, Laws of Utah 2015, Chapter 352

Utah Code Sections Affected by Revisor Instructions:

101 **10-2a-106**, as last amended by Laws of Utah 2017, Chapter 452

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

Section 1. Section **10-2-403** is amended to read:

10-2-403. Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section **10-2-418**, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed annexation of an area located in a county of the first class, the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

121 (II) each owner of real property located within 300 feet of the area proposed to be
122 annexed; and

123 (B) send to the proposed annexing municipality a copy of the notice and a certificate
124 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

125 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
126 days after receiving from the person or persons who filed the notice of intent:

127 (A) a written request to mail the required notice; and

128 (B) payment of an amount equal to the county's expected actual cost of mailing the
129 notice.

130 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

131 (A) be in writing;

132 (B) state, in bold and conspicuous terms, substantially the following:

133 "Attention: Your property may be affected by a proposed annexation.

134 Records show that you own property within an area that is intended to be included in a
135 proposed annexation to (state the name of the proposed annexing municipality) or that is within
136 300 feet of that area. If your property is within the area proposed for annexation, you may be
137 asked to sign a petition supporting the annexation. You may choose whether [~~or not~~] to sign
138 the petition. By signing the petition, you indicate your support of the proposed annexation. If
139 you sign the petition but later change your mind about supporting the annexation, you may
140 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
141 of (state the name of the proposed annexing municipality) within 30 days after (state the name
142 of the proposed annexing municipality) receives notice that the petition has been certified.

143 There will be no public election on the proposed annexation because Utah law does not
144 provide for an annexation to be approved by voters at a public election. Signing or not signing
145 the annexation petition is the method under Utah law for the owners of property within the area
146 proposed for annexation to demonstrate their support of or opposition to the proposed
147 annexation.

148 You may obtain more information on the proposed annexation by contacting (state the
149 name, mailing address, telephone number, and email address of the official or employee of the
150 proposed annexing municipality designated to respond to questions about the proposed
151 annexation), (state the name, mailing address, telephone number, and email address of the

152 county official or employee designated to respond to questions about the proposed annexation),
153 or (state the name, mailing address, telephone number, and email address of the person who
154 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
155 notice of intent, one of those persons). Once filed, the annexation petition will be available for
156 inspection and copying at the office of (state the name of the proposed annexing municipality)
157 located at (state the address of the municipal offices of the proposed annexing municipality).";
158 and

159 (C) be accompanied by an accurate map identifying the area proposed for annexation.

160 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
161 other information or materials related or unrelated to the proposed annexation.

162 (c) (i) After receiving the certificate from the county as provided in Subsection
163 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
164 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
165 the annexation proposed in the notice of intent.

166 (ii) An annexation petition provided by the proposed annexing municipality may be
167 duplicated for circulation for signatures.

168 (3) Each petition under Subsection (1) shall:

169 (a) be filed with the applicable city recorder or town clerk~~[, as the case may be,]~~ of the
170 proposed annexing municipality;

171 (b) contain the signatures of, if all the real property within the area proposed for
172 annexation is owned by a public entity other than the federal government, the owners of all the
173 publicly owned real property, or the owners of private real property that:

174 (i) is located within the area proposed for annexation;

175 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area
176 within the area proposed for annexation;

177 (B) covers 100% of rural real property as that term is defined in Section [17B-2a-1107](#)
178 within the area proposed for annexation; and

179 (C) covers 100% of the private land area within the area proposed for annexation, if the
180 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture and
181 Industrial Protection Areas, or a migratory bird production area created under Title 23, Chapter
182 28, Migratory Bird Production Area; and

183 (iii) is equal in value to at least 1/3 of the value of all private real property within the
184 area proposed for annexation;

185 (c) be accompanied by:

186 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area
187 proposed for annexation; and

188 (ii) a copy of the notice sent to affected entities as required under Subsection
189 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

190 (d) if the area proposed to be annexed is located in a county of the first class, contain
191 on each signature page a notice in bold and conspicuous terms that states substantially the
192 following:

193 "Notice:

194 • There will be no public election on the annexation proposed by this petition because
195 Utah law does not provide for an annexation to be approved by voters at a public election.

196 • If you sign this petition and later decide that you do not support the petition, you may
197 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
198 of (state the name of the proposed annexing municipality). If you choose to withdraw your
199 signature, you shall do so no later than 30 days after (state the name of the proposed annexing
200 municipality) receives notice that the petition has been certified.";

201 (e) if the petition proposes the annexation of an area located in a county that is not the
202 county in which the proposed annexing municipality is located, be accompanied by a copy of
203 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in
204 which the area is located; and

205 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
206 designated as the contact sponsor, and indicate the mailing address of each sponsor.

207 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
208 area proposed for annexation to a municipality in a previously filed petition that has not been
209 denied, rejected, or granted.

210 (5) A petition under Subsection (1) proposing the annexation of an area located in a
211 county of the first class may not propose the annexation of an area that includes some or all of
212 an area proposed to be incorporated in a request for a feasibility study under Section 10-2a-202
213 [~~or a petition under Section 10-2a-302.5~~] if:

214 (a) the request or petition was filed before the filing of the annexation petition; and
 215 (b) the request, or a petition under Section 10-2a-208 based on that request, [~~or a~~
 216 ~~petition under Section 10-2a-302.5~~] is still pending on the date the annexation petition is filed.

217 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall
 218 be drawn:

219 (a) along the boundaries of existing local districts and special service districts for
 220 sewer, water, and other services, along the boundaries of school districts whose boundaries
 221 follow city boundaries or school districts adjacent to school districts whose boundaries follow
 222 city boundaries, and along the boundaries of other taxing entities;

223 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
 224 services;

225 (c) to facilitate the consolidation of overlapping functions of local government;

226 (d) to promote the efficient delivery of services; and

227 (e) to encourage the equitable distribution of community resources and obligations.

228 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
 229 petition to the clerk of the county in which the area proposed for annexation is located.

230 (8) A property owner who signs an annexation petition proposing to annex an area
 231 located in a county of the first class may withdraw the owner's signature by filing a written
 232 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
 233 days after the municipal legislative body's receipt of the notice of certification under
 234 Subsection 10-2-405(2)(c)(i).

235 Section 2. Section 10-2a-102 is amended to read:

236 **10-2a-102. Definitions.**

237 (1) As used in this part:

238 (a) "Feasibility consultant" means a person or firm:

239 (i) with expertise in the processes and economics of local government; and

240 (ii) who is independent of and not affiliated with a county or sponsor of a petition to
 241 incorporate.

242 (b) (i) "Municipal service" means any of the following that are publicly provided:

243 (A) culinary water;

244 (B) secondary water;

- 245 (C) sewer service;
- 246 (D) storm drainage or flood control;
- 247 (E) recreational facilities or parks;
- 248 (F) electrical power generation or distribution;
- 249 (G) construction or maintenance of local streets and roads;
- 250 (H) street lighting;
- 251 (I) curb, gutter, and sidewalk maintenance;
- 252 (J) law or code enforcement service;
- 253 (K) fire protection service;
- 254 (L) animal services;
- 255 (M) planning and zoning;
- 256 (N) building permits and inspections;
- 257 (O) refuse collection; or
- 258 (P) weed control.
- 259 (ii) "Municipal service" includes the physical facilities required to provide a service
- 260 described in Subsection (1)(b)(i).

261 ~~[(b)]~~ (c) "Private," with respect to real property, means taxable property.

262 (2) For purposes of this part:

263 (a) the owner of real property shall be the record title owner according to the records of

264 the county recorder on the date of the filing of the request or petition; and

265 (b) the value of private real property shall be determined according to the last

266 assessment roll for county taxes before the filing of the request or petition.

267 (3) For purposes of each provision of this part that requires the owners of private real

268 property covering a percentage or fraction of the total private land area within an area to sign a

269 request or petition:

270 (a) a parcel of real property may not be included in the calculation of the required

271 percentage or fraction unless the request or petition is signed by:

272 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority

273 ownership interest in that parcel; or

274 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number

275 of owners of that parcel;

276 (b) the signature of a person signing a request or petition in a representative capacity on
277 behalf of an owner is invalid unless:

278 (i) the person's representative capacity and the name of the owner the person represents
279 are indicated on the request or petition with the person's signature; and

280 (ii) the person provides documentation accompanying the request or petition that
281 substantiates the person's representative capacity; and

282 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
283 request or petition on behalf of a deceased owner.

284 Section 3. Section **10-2a-106** is amended to read:

285 **10-2a-106. Feasibility study or petition to incorporate filed before May 12, 2015.**

286 (1) If a request for a feasibility study to incorporate a city is filed under Section
287 **10-2a-202** before May 12, 2015, the request and a subsequent feasibility study, petition, public
288 hearing, election, and any other city incorporation action applicable to that request shall be
289 filed with and be acted upon, held, processed, or paid for by the county legislative body or
290 county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015,
291 Chapter 157, takes effect.

292 (2) If a petition to incorporate a town is filed [~~under Section 10-2a-302.5~~] before May
293 12, 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and
294 any other town incorporation action applicable to that petition to incorporate shall be filed with
295 and be acted upon, held, processed, or paid for by the county legislative body or county clerk,
296 as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157,
297 takes effect.

298 (3) If an individual files a request for a feasibility study for the incorporation of a city,
299 or an application for an incorporation petition for the incorporation of a town, before May 14,
300 2019, the process for incorporating that city or town under that request or application is not
301 subject to this bill.

302 Section 4. Section **10-2a-201** is amended to read:

303 **Part 2. Incorporation of a Municipality**

304 **10-2a-201. Title.**

305 This part is known as "Incorporation of a [~~City~~] Municipality."

306 Section 5. Section **10-2a-201.5** is enacted to read:

307 **10-2a-201.5. Qualifications for incorporation.**308 (1) (a) An area may incorporate as a town in accordance with this part if the area:309 (i) subject to Subsection (1)(c), is contiguous;310 (ii) has a population of at least 100 people, but fewer than 1,000 people; and311 (iii) is not already part of a municipality.312 (b) An area may incorporate as a city in accordance with this part if the area:313 (i) subject to Subsection (1)(c), is contiguous;314 (ii) has a population of 1,000 people or more; and315 (iii) is not already part of a municipality.316 (c) An area is not contiguous for purposes of Subsection (1)(a)(i) or (b)(i) if:317 (i) the area includes a strip of land that connects geographically separate areas; and318 (ii) the distance between the geographically separate areas is greater than the average319 width of the strip of land connecting the geographically separate areas.320 (2) (a) An area may not incorporate under this part if:321 (i) the area has a population of fewer than 100 people; or322 (ii) except as provided in Subsection (2)(b), the area has an average population density
323 of fewer than seven people per square mile.324 (b) Subject to Subsection (1)(c), an area that does not comply with Subsection (2)(a)(ii)
325 may incorporate under this part if the noncompliance is necessary to connect separate areas that
326 share a demonstrable community interest.327 (3) Subject to Subsection (1)(c), an area incorporating under this part may not include
328 land owned by the United States federal government unless:329 (a) incorporating the land is necessary to connect separate areas that share a
330 demonstrable community interest; or331 (b) excluding the land from the incorporating area would create an unincorporated
332 island within the proposed municipality.333 (4) (a) Except as provided in Subsection (4)(b), an area incorporating under this part
334 may not include some or all of an area proposed for annexation in an annexation petition under
335 Section [10-2-403](#) that:336 (i) was filed before the filing of the request for a feasibility study, described in Section
337 [10-2a-202](#), relating to the incorporating area; and

338 (ii) is still pending on the date the request for the feasibility study described in
339 Subsection (4)(a)(i) is filed.

340 (b) A request for a feasibility study may propose for incorporation an area that includes
341 some or all of an area proposed for annexation in an annexation petition described in
342 Subsection (4)(a) if:

343 (i) the proposed annexation area that is part of the area proposed for incorporation does
344 not exceed 20% of the area proposed for incorporation;

345 (ii) the request complies with Subsections [10-2a-202](#)(1) and (2) with respect to
346 excluding the proposed annexation area from the area proposed for incorporation; and

347 (iii) excluding the area proposed for annexation from the area proposed for
348 incorporation would not cause the area proposed for incorporation to not be contiguous under
349 Subsection (1)(c).

350 (c) Except as provided in Section [10-2a-206](#), the lieutenant governor shall consider
351 each request to which Subsection (4)(b) applies as not proposing the incorporation of an area
352 proposed for annexation.

353 Section 6. Section **10-2a-202** is amended to read:

354 **10-2a-202. Request for feasibility study -- Requirements -- Limitations.**

355 (1) The process to incorporate a contiguous area of a county as a [city] municipality is
356 initiated by an individual filing a request for a feasibility study [~~filed~~] with the Office of the
357 Lieutenant Governor[-:] that:

358 [~~(2) Each request under Subsection (1) shall:~~]

359 (a) [~~be~~] is signed by the owners of private real property that:

360 (i) is located within the area proposed to be incorporated;

361 (ii) covers at least 10% of the total private land area within the area; and

362 (iii) is equal in value to at least 7% of the value of all private real property within the
363 area;

364 (b) [~~indicate~~] indicates the typed or printed name and current residence address of each
365 owner signing the request;

366 (c) [~~describe~~] describes the contiguous area proposed to be incorporated as a [city]
367 municipality;

368 (d) [~~designate~~] designates up to five signers of the request as sponsors, one of whom

369 ~~[shall be]~~ is designated as the contact sponsor, with the mailing address and telephone number
370 of each;

371 (e) ~~[be]~~ is accompanied by and circulated with an accurate map or plat, prepared by a
372 licensed surveyor, showing a legal description of the boundaries of the proposed ~~[city]~~
373 municipality; and

374 (f) ~~[request]~~ requests the lieutenant governor to commission a study to determine the
375 feasibility of incorporating the area as a ~~[city]~~ municipality.

376 ~~[(3)]~~ (2) A request for a feasibility study under this section may not propose for
377 incorporation an area that includes some or all of an area that is the subject of a completed
378 feasibility study or supplemental feasibility study whose results comply with Subsection
379 ~~[10-2a-208(3)]~~ 10-2a-205(6)(a) unless:

380 (a) the proposed incorporation that is the subject of the completed feasibility study or
381 supplemental feasibility study has been defeated by the voters at an election under Section
382 10-2a-210; or

383 (b) the time ~~[provided under]~~ described in Subsection 10-2a-208(1) for filing an
384 incorporation petition based on the completed feasibility study or supplemental feasibility study
385 has elapsed without ~~[the filing of a petition]~~ the sponsors filing an incorporation petition under
386 Section 10-2a-208.

387 ~~[(4)(a) Except as provided in Subsection (4)(b), a request under this section may not~~
388 ~~propose for incorporation an area that includes some or all of an area proposed for annexation~~
389 ~~in an annexation petition under Section 10-2-403 that:]~~

390 ~~[(i) was filed before the filing of the request; and]~~

391 ~~[(ii) is still pending on the date the request is filed.]~~

392 ~~[(b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an~~
393 ~~area that includes some or all of an area proposed for annexation in an annexation petition~~
394 ~~described in Subsection (4)(a) if:]~~

395 ~~[(i) the proposed annexation area that is part of the area proposed for incorporation~~
396 ~~does not exceed 20% of the area proposed for incorporation;]~~

397 ~~[(ii) the request complies with Subsections (2) and (3) with respect to the area~~
398 ~~proposed for incorporation excluding the proposed annexation area; and]~~

399 ~~[(iii) excluding the area proposed for annexation from the area proposed for~~

400 ~~incorporation would not cause the area proposed for incorporation to lose its contiguousness.]~~
401 ~~[(c) Except as provided in Section 10-2a-206, each request to which Subsection (4)(b)~~
402 ~~applies shall be considered as not proposing the incorporation of the area proposed for~~
403 ~~annexation.]~~

404 (3) Sponsors may not file a request under this section regarding the incorporation of a
405 town if the cumulative private real property that the sponsors own exceeds 40% of the total
406 private land area within the boundaries of the proposed town.

407 Section 7. Section 10-2a-203 is amended to read:

408 **10-2a-203. Notice to owner of property -- Exclusion of property from proposed**
409 **boundaries.**

410 (1) As used in this section:

411 (a) "Assessed value" with respect to property means the value at which the property
412 would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

413 (b) "Owner" means a person having an interest in real property, including an affiliate,
414 subsidiary, or parent company.

415 ~~[(c) "Urban" means an area with a residential density of greater than one unit per acre.]~~

416 (2) Within seven calendar days ~~[of the date]~~ after the day on which an individual files a
417 request under Section 10-2a-202 [is filed], the lieutenant governor shall send written notice of
418 the proposed incorporation to each record owner of real property owning more than:

419 (a) 1% of the assessed value of all property in the proposed incorporation boundaries;

420 or

421 (b) 10% of the total private land area within the proposed incorporation boundaries.

422 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all
423 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more
424 of the total private land area in the proposed incorporation boundaries, the owner may request
425 that the lieutenant governor exclude all or part of the property owned, controlled, or managed
426 by the owner from the proposed boundaries by filing a ~~[Notice of Exclusion]~~ notice of
427 exclusion with the Office of the Lieutenant Governor;

428 (a) that describes the property for which the owner requests exclusion; and

429 (b) within 15 calendar days [of receiving the clerk's notice under] after the day on
430 which the owner receives the notice described in Subsection (2).

431 (4) The lieutenant governor shall exclude the property identified by an owner [~~in the~~
 432 ~~Notice of Exclusion~~] under Subsection (3) from the proposed incorporation boundaries unless
 433 the lieutenant governor finds by clear and convincing evidence [~~in the record~~] that:

434 (a) the exclusion will leave an unincorporated island within the proposed municipality;
 435 and

436 (b) the property [~~to be excluded: (i) is urban; and (ii) currently~~] receives from the
 437 county a majority of [~~municipal-type services including:~~] currently provided municipal
 438 services.

439 [~~(A) culinary or irrigation water;~~]

440 [~~(B) sewage collection or treatment;~~]

441 [~~(C) storm drainage or flood control;~~]

442 [~~(D) recreational facilities or parks;~~]

443 [~~(E) electric generation or transportation;~~]

444 [~~(F) construction or maintenance of local streets and roads;~~]

445 [~~(G) curb and gutter or sidewalk maintenance;~~]

446 [~~(H) garbage and refuse collection; and~~]

447 [~~(I) street lighting.~~]

448 [~~(5) This section applies only to counties of the first or second class.]~~

449 [~~(6) If the lieutenant governor excludes property from the proposed boundaries under~~
 450 ~~Subsection (4), the lieutenant governor shall, within five days of the exclusion, send written~~
 451 ~~notice of the exclusion to the contact sponsor.]~~

452 (5) Within five days after the day on which the lieutenant governor makes a
 453 determination on whether to exclude a property under Subsection (4), the lieutenant governor
 454 shall mail or transmit to the owner that requested the property's exclusion and to the contact
 455 sponsor written notice of whether the property is excluded from the proposed incorporation
 456 boundaries.

457 Section 8. Section **10-2a-204** is amended to read:

458 **10-2a-204. Processing a request for incorporation -- Certification or rejection by**
 459 **lieutenant governor -- Processing priority -- Determination by the Utah Population**
 460 **Committee.**

461 (1) Within 45 days [~~of the filing of a request~~] after the day on which an individual files

462 a request under Section 10-2a-202, the lieutenant governor shall:

463 (a) with the assistance of other county officers of the county in which the incorporation
464 is proposed from whom the lieutenant governor requests assistance, determine whether the
465 request complies with Section 10-2a-202; and

466 (b) (i) if the lieutenant governor determines that the request complies with Section
467 10-2a-202:

468 (A) certify the request; [~~and~~]

469 (B) [~~mail or deliver~~] transmit written notification of the certification to the contact
470 sponsor; [~~or~~] and

471 (C) transmit written notification of the certification to the Utah Population Committee;

472 or

473 (ii) if the lieutenant governor determines that the request fails to comply with Section
474 10-2a-202 [~~requirements~~], reject the request and notify the contact sponsor in writing of the
475 rejection and the reasons for the rejection.

476 (2) (a) Within 20 days after the day on which the lieutenant governor transmits written
477 notification under Subsection (1)(b)(i)(C), the Utah Population Committee shall:

478 (i) determine whether, on the date the sponsors filed the request under Section
479 10-2a-202 for the proposed municipality, the proposed municipality complied with the
480 population, population density, and contiguity requirements described in Section 10-2a-201.5;
481 and

482 (ii) provide the determination to the lieutenant governor.

483 (b) If the Utah Population Committee determines that a proposed municipality does not
484 comply with the population, population density, or contiguity requirements described in
485 Section 10-2a-201.5, the lieutenant governor shall rescind the certification described in
486 Subsection (1)(b)(i) and reject the application in accordance with Subsection (1)(b)(ii).

487 [~~(2)~~] (3) The lieutenant governor shall certify or reject requests under Subsection (1) in
488 the order in which [~~they~~] the requests are filed.

489 [~~(3)~~] (4) (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b)(ii),
490 the [~~request may be amended~~] sponsors may, subject to Section 10-2a-206, amend the request
491 to correct the deficiencies for which [~~it was rejected and then refiled~~] the lieutenant governor
492 rejected the request and refile the request with the lieutenant governor.

493 ~~[(ii) A signature on a request under Section 10-2a-202 may be used toward fulfilling~~
 494 ~~the signature requirement of Subsection 10-2a-202(2)(a) for the request as modified under~~
 495 ~~Subsection (3)(a)(i).]~~

496 (ii) The sponsors shall submit any amended request within 90 days after the day on
 497 which the lieutenant governor rejects the request under Subsection (1)(b)(ii).

498 (iii) The sponsors may reuse a signature described in Subsection 10-2a-202(1)(a) that is
 499 on a rejected request or on an amended request described in Subsection (4)(a)(i).

500 (b) ~~[If a request is]~~ The lieutenant governor shall consider a request that is amended
 501 and refiled under Subsection [(3)(a) after having been rejected by the lieutenant governor under
 502 Subsection (1)(b)(ii), it shall be considered as a newly filed request, and its processing priority
 503 is determined by the date on which it is refiled] (4)(a) as a newly filed request and process the
 504 request in accordance with Subsection (3).

505 Section 9. Section 10-2a-205 is amended to read:

506 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**
 507 **proceeding with incorporation.**

508 (1) Within 90 days ~~[of receipt of a certified request]~~ after the day on which the
 509 lieutenant governor receives a request that the lieutenant governor certifies under Subsection
 510 10-2a-204(1)(b)(i), the lieutenant governor shall engage [the] a feasibility consultant [chosen
 511 under] selected, in accordance with Subsection (2), to conduct a feasibility study.

512 ~~[(2) The feasibility consultant shall be chosen:]~~

513 ~~[(a) (i) by the contact sponsor of the incorporation petition with the consent of the~~
 514 ~~lieutenant governor; or]~~

515 ~~[(ii) by the lieutenant governor if the designated sponsors state, in writing, that the~~
 516 ~~contact sponsor defers selection of the feasibility consultant to the lieutenant governor; and]~~

517 ~~[(b) in accordance with applicable procurement procedures.]~~

518 (2) (a) The lieutenant governor shall select a feasibility consultant in accordance with
 519 Title 63G, Chapter 6a, Utah Procurement Code.

520 (b) The lieutenant governor shall ensure that a feasibility consultant selected under
 521 Subsection (2)(a):

522 (i) has expertise in the processes and economics of local government; and

523 (ii) is not affiliated with:

524 (A) a sponsor of the feasibility study request to which the feasibility study relates; or
525 (B) the county in which the proposed municipality is located.
526 (3) The lieutenant governor shall require the feasibility consultant to:
527 ~~[(a) complete the feasibility study and submit the written results to the lieutenant~~
528 ~~governor;]~~
529 (a) submit a draft of the feasibility study to each applicable person with whom the
530 feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day
531 on which the lieutenant governor engages the feasibility consultant to conduct the study;
532 (b) allow each person to whom the consultant provides a draft under Subsection (3)(a)
533 to review and provide comment on the draft;
534 (c) submit a completed feasibility study, including a one-page summary of the results,
535 to the following within 120 days after the day on which the lieutenant governor engages the
536 feasibility consultant to conduct the study:
537 (i) the lieutenant governor;
538 (ii) the county legislative body of the county in which the incorporation is proposed[;
539 and];
540 (iii) the contact sponsor [no later than 90 days after the feasibility consultant is engaged
541 to conduct the study]; and
542 (iv) each person to whom the consultant provided a draft under Subsection (3)(a); and
543 ~~[(b) submit with the full written results of the feasibility study a summary of the results~~
544 ~~no longer than one page in length; and]~~
545 ~~[(c)]~~ (d) attend the public hearings [under Subsection 10-2a-207(1) and] described in
546 Section 10-2a-207 to present the feasibility study results and respond to questions from the
547 public [at those hearings].
548 ~~[(4) (a) The feasibility study shall consider:]~~
549 (4) (a) The feasibility consultant shall ensure that the feasibility study includes:
550 (i) an analysis of the population and population density within the area proposed for
551 incorporation and the surrounding area;
552 ~~[(ii) current and five-year projections of demographics and economic base in]~~
553 (ii) the current and projected five-year demographics and tax base within the
554 boundaries of the proposed [city] municipality and surrounding area, including household size

555 and income, commercial and industrial development, and public facilities;

556 ~~[(iii) projected growth in the proposed city and in adjacent areas during the next five~~

557 ~~years;]~~

558 ~~[(iv) subject to Subsection (4)(b), the present and five-year projections of the cost,~~

559 ~~including overhead, of governmental services in the proposed city, including:]~~

560 ~~[(A) culinary water;]~~

561 ~~[(B) secondary water;]~~

562 ~~[(C) sewer;]~~

563 ~~[(D) law enforcement;]~~

564 ~~[(E) fire protection;]~~

565 ~~[(F) roads and public works;]~~

566 ~~[(G) garbage;]~~

567 ~~[(H) weeds; and]~~

568 ~~[(I) government offices;]~~

569 (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing

570 municipal services to the proposed municipality, including administrative costs;

571 ~~[(v)]~~ (iv) assuming the same tax categories and tax rates as currently imposed by the

572 county and all other current service providers, the present and five-year projected revenue for

573 the proposed [city] municipality;

574 ~~[(vi) a projection of any new taxes per household]~~

575 (v) an analysis of the risks and opportunities that might affect the actual costs described

576 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly

577 incorporated municipality;

578 (vi) an analysis of new revenue sources that may be available to the newly incorporated

579 municipality that are not available before the area incorporates, including an analysis of the

580 amount of revenues the municipality might obtain from those revenue sources;

581 (vii) the projected tax burden per household of any new taxes that may be levied within

582 the [incorporated area] proposed municipality within five years [of] after incorporation; [and]

583 ~~[(vii)]~~ (viii) the fiscal impact of the municipality's incorporation on unincorporated

584 areas, other municipalities, local districts, special service districts, and other governmental

585 entities in the county[-]; and

586 (ix) if the lieutenant governor excludes property from the proposed municipality under
587 Section 10-2a-203, an update to the map and legal description described in Subsection
588 10-2a-202(1)(e).

589 (b) (i) For purposes of Subsection (4)(a)~~(iv)~~(iii), the feasibility consultant shall
590 assume the proposed municipality will provide a level and quality of [~~governmental services to~~
591 ~~be provided to the proposed city in the future~~] municipal services that fairly and reasonably
592 approximate the level and quality of [~~governmental~~] municipal services [~~being~~] that are
593 provided to the area of the proposed [~~city at the time of~~] municipality at the time the feasibility
594 consultant conducts the feasibility study.

595 (ii) In determining the present cost of a [~~governmental service~~] municipal service, the
596 feasibility consultant shall consider:

597 (A) the amount it would cost the proposed [~~city~~] municipality to provide
598 [~~governmental~~] the municipal service for the first five years after the municipality's
599 incorporation; and

600 (B) the [~~county's~~] current municipal service provider's present and five-year projected
601 cost of providing [~~governmental~~] the municipal service.

602 [~~(iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation~~
603 ~~and anticipated growth.~~]

604 (iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall
605 account for inflation and anticipated growth.

606 (c) In conducting the feasibility study, the feasibility consultant shall consult with the
607 following before submitting a draft of the feasibility study under Subsection (3)(a):

608 (i) if the proposed municipality will include lands owned by the United States federal
609 government, the entity within the United States federal government that has jurisdiction over
610 the land;

611 (ii) if the proposed municipality will include lands owned by the state, the entity within
612 state government that has jurisdiction over the land;

613 (iii) each entity that provides a municipal service to a portion of the proposed
614 municipality; and

615 (iv) any other special service district that provides services to a portion of the proposed
616 municipality.

617 (5) If the [~~five-year~~] five-year projected revenues calculated under Subsection
 618 (4)(a)[~~(v)~~](iv) exceed the [~~five-year~~] five-year projected costs calculated under Subsection
 619 (4)(a)[~~(iv)~~](iii) by more than 5%, the feasibility consultant shall project and report the expected
 620 annual revenue surplus to the contact sponsor and the lieutenant governor.

621 (6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or
 622 a supplemental feasibility study described in Section 10-2a-206, show that the average annual
 623 amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual
 624 cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the
 625 area that is the subject of the feasibility study or supplemental feasibility study may not
 626 proceed.

627 (b) The process to incorporate an area described in Subsection (6)(a) may proceed if a
 628 subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed
 629 incorporation demonstrates compliance with Subsection (6)(a).

630 [~~(6)~~] (7) If the results of the feasibility study or revised feasibility study do not [~~meet~~
 631 ~~the requirements of Subsection 10-2a-208(3)~~] comply with Subsection (6), and if requested by
 632 the sponsors of the request, the feasibility consultant shall, as part of the feasibility study or
 633 revised feasibility study [and if requested by the sponsors of the request], make
 634 recommendations [as to] regarding how the boundaries of the proposed [city] municipality may
 635 be altered [so that the requirements of Subsection 10-2a-208(3) may be met] to comply with
 636 Subsection (6).

637 (8) The lieutenant governor shall post a copy of the feasibility study, and any
 638 supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's
 639 website and make a copy available for public review at the Office of the Lieutenant Governor.

640 Section 10. Section **10-2a-206** is amended to read:

641 **10-2a-206. Modified request for feasibility study -- Supplemental feasibility**
 642 **study.**

643 (1) (a) [(~~t~~)] The sponsors of a feasibility study request may modify the request to alter
 644 the boundaries of the proposed [~~city and then refile the request, as modified,~~] municipality and
 645 refile the modified request with the lieutenant governor if:

646 [(~~A~~)] (i) the results of the feasibility study do not [~~meet the requirements of Subsection~~
 647 ~~10-2a-208(3)~~] comply with Subsection 10-2a-205(6)(a); or

648 ~~[(B)-(F)]~~ (ii) (A) the request ~~[meets the conditions of]~~ complies with Subsection
 649 ~~[10-2a-202]~~ 10-2a-201.5(4)(b);

650 ~~[(H)]~~ (B) the annexation petition that proposed the annexation of an area that is part of
 651 the area proposed for incorporation has been denied; and

652 ~~[(H)]~~ (C) an incorporation petition based on the request has not been filed.

653 ~~[(ii)-(A)]~~ (b) (i) ~~[(A)]~~ The sponsors of a feasibility study request may not file a modified
 654 request under Subsection (1)(a)(i)~~[(A) may not be filed]~~ more than 90 days after the ~~[feasibility~~
 655 ~~consultant's submission of the results of the study]~~ day on which the feasibility consultant
 656 submits the final results of the feasibility study under Subsection 10-2a-205(3)(c).

657 ~~[(B)]~~ (ii) ~~[(A)]~~ The sponsors of a request may not file a modified request under
 658 Subsection ~~[(1)(a)(i)(B) may not be filed]~~ (1)(a)(ii) more than 18 months after ~~[the filing of]~~
 659 filing the original request under Section 10-2a-202.

660 ~~[(b)]~~ (c) (i) Subject to Subsection (1)~~[(b)]~~(c)(ii), each modified request under
 661 Subsection (1)(a) shall comply with ~~[the requirements of Subsections 10-2a-202(2), (3), and~~
 662 ~~[(4)]~~ Subsections 10-2a-202(1) and (2) and Subsection 10-2a-201.5(4).

663 (ii) Notwithstanding Subsection (1)~~[(b)]~~(c)(i), a signature on a request filed under
 664 Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection
 665 10-2a-202~~[(2)]~~(1)(a) for the request as modified under Subsection (1)(a), unless the modified
 666 request proposes the incorporation of an area that is more than 20% ~~[greater]~~ larger or smaller
 667 than the area described by the original request in terms of:

668 (A) private land area; or

669 (B) value of private real property.

670 (2) Within 20 days after the lieutenant governor's receipt of the modified request, the
 671 lieutenant governor shall follow the same procedure under Subsection 10-2a-204(1) for the
 672 modified request as ~~[provided under Subsection 10-2a-204(1)]~~ for an original request.

673 (3) The timely filing of a modified request under Subsection (1) gives the modified
 674 request the same processing priority under Subsection 10-2a-204~~[(2)]~~(3) as the original request.

675 (4) Within 10 days after the day on which the lieutenant ~~[governor's receipt of a~~
 676 ~~certified]~~ governor receives a modified request under Subsection (1)(a)~~[(i)(A) or a certified~~
 677 ~~modified request under Subsection (1)(a)(i)(B) that was filed after the completion of a~~
 678 ~~feasibility study on the original request]~~ that relates to a request for which a feasibility study

679 has already been completed, the lieutenant governor shall commission the feasibility consultant
 680 who conducted the feasibility study to [~~supplement the feasibility study to take into account the~~
 681 ~~information in the modified request that was not included in the original request~~] conduct a
 682 supplemental feasibility study that accounts for the modified request.

683 (5) The lieutenant governor shall require the feasibility consultant to [~~complete the~~
 684 ~~supplemental feasibility study and to submit written results of the supplemental study to the~~
 685 ~~lieutenant governor and to the contact sponsor no later than 30 days after the feasibility~~
 686 ~~consultant is commissioned to conduct the supplemental feasibility study.];~~

687 (a) submit a draft of the supplemental feasibility study to each applicable person with
 688 whom the feasibility consultant is required to consult under Subsection 10-2a-205(4)(c) within
 689 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental
 690 study;

691 (b) allow each person to whom the consultant provided a draft under Subsection (5)(a)
 692 to review and provide comment on the draft; and

693 (c) submit a completed supplemental feasibility study, to the following within 45 days
 694 after the day on which the feasibility consultant is engaged to conduct the study:

695 (i) the lieutenant governor;

696 (ii) the county legislative body of the county in which the incorporation is proposed;

697 (iii) the contact sponsor; and

698 (iv) each person to whom the consultant provided a draft under Subsection (5)(a).

699 (6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study
 700 do not [~~meet the requirements of Subsection 10-2a-208(3):(i) the sponsors may file a further~~
 701 ~~modified request as provided in Subsection (1); and~~] comply with Subsection 10-2a-205(6)(a),
 702 the sponsors may further modify the request in accordance with Subsection (1).

703 [(i)] (b) Subsections (2), (4), and (5) apply to a [~~further~~] modified request [~~under~~]
 704 described in Subsection (6)(a)[(i)].

705 [(b) A further modified request under Subsection (6)(a) shall, for purposes of its
 706 ~~processing priority, be considered as an original request for a feasibility study under Section~~
 707 ~~10-2a-202.~~]

708 (c) The lieutenant governor shall consider a modified request described in Subsection
 709 (6)(a) as an original request for a feasibility study for purposes of determining the modified

710 request's processing priority under Subsection 10-2a-204(3).

711 Section 11. Section **10-2a-207** is amended to read:

712 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

713 (1) If the results of the feasibility study or supplemental feasibility study [~~meet the~~
714 ~~requirements of~~] comply with Subsection [~~10-2a-208(3)~~] 10-2a-205(6)(a), the lieutenant
715 governor shall, after receipt of the results of the feasibility study or supplemental feasibility
716 study, [~~schedule~~] conduct at least two public hearings [~~to be held~~]:

717 (a) within [~~the following~~] 60 days after [~~receipt of~~] the day on which the lieutenant
718 governor receives the results;

719 (b) at least seven days apart;

720 (c) except in a proposed municipality that will be a city of the fifth class or a town, in
721 geographically diverse locations;

722 (d) within or near the proposed [~~city; and~~] municipality;

723 [~~(d) for the purpose of allowing;~~

724 [~~(i)~~] (e) to allow the feasibility consultant to present the results of the feasibility study;

725 and

726 [~~(ii) the public to become informed about the feasibility study results and to ask~~
727 ~~questions about those results of the feasibility consultant.~~]

728 (f) to inform the public about the results of the feasibility study.

729 (2) At [~~a~~] each public hearing described in Subsection (1), the lieutenant governor
730 shall:

731 (a) provide a map or plat of the boundary of the proposed [~~city~~] municipality;

732 (b) provide a copy of the feasibility study for public review; [~~and~~]

733 (c) allow members of the public to express [~~its~~] views about the proposed
734 incorporation, including [~~its view~~] views about the proposed [~~boundary.~~] boundaries; and

735 (d) allow the public to ask the feasibility consultant questions about the feasibility
736 study.

737 (3) (a) (i) The lieutenant governor shall publish notice of the public hearings [~~required~~
738 ~~under~~] described in Subsection (1):

739 (A) at least once a week for three [~~successive~~] consecutive weeks before the first
740 hearing in a newspaper of general circulation within the proposed [~~city~~] municipality; and

741 (B) for three weeks before the first hearing on the Utah Public Notice Website created
742 in Section 63F-1-701 [~~for three weeks~~].

743 (ii) The last [~~publication of~~] notice required to be published under Subsection
744 (3)(a)(i)(A) shall be published at least three days before the first public hearing [~~required~~
745 ~~under~~] described in Subsection (1).

746 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation
747 within the proposed [~~city~~] municipality, the lieutenant governor shall post at least one notice of
748 the hearings per 1,000 population in conspicuous places within the proposed [~~city~~] municipality
749 that are most likely to give notice of the hearings to the residents of the proposed [~~city~~]
750 municipality.

751 (ii) The lieutenant governor shall post the notices [~~under~~] described in Subsection
752 (3)(b)(i) at least seven days before the first hearing [~~under~~] described in Subsection (1).

753 (c) The notice [~~under~~] described in Subsections (3)(a) and (b) shall include the
754 feasibility study summary [~~under~~] described in Subsection 10-2a-205(3)[(~~b~~)](c) and shall
755 indicate that a full copy of the study is available [~~for inspection and copying~~] on the lieutenant
756 governor's website and for inspection at the Office of the Lieutenant Governor.

757 [~~(d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant~~
758 ~~governor's website and make a copy available for public review at the Office of the Lieutenant~~
759 ~~Governor.~~]

760 Section 12. Section **10-2a-208** is amended to read:

761 **10-2a-208. Incorporation petition -- Requirements and form.**

762 (1) At any time within one year [~~of the completion of~~] after the day on which the
763 lieutenant governor completes the public hearings [~~required under Subsection 10-2a-207(1), a~~
764 ~~petition for incorporation of the area proposed to be incorporated as a city may be filed in the~~
765 ~~Office of the Lieutenant Governor.~~] described in Section 10-2a-207, individuals within the
766 proposed municipality may proceed with the incorporation process by circulating and
767 submitting to the lieutenant governor an incorporation petition that, to be certified under
768 Subsection 10-2a-209(1)(b)(i), is required to be signed by:

769 [~~(2) Each petition under Subsection (1) shall:~~]

770 [~~(a) be signed by:~~]

771 [~~(i)~~] (a) 10% of all registered voters within the area proposed to be incorporated as a

772 [~~city, according to the official voter registration list maintained by the county on~~] municipality,
773 as of the date the petition is filed; [and]

774 ~~[(f)]~~ (b) if the petition proposes the incorporation of a city, and subject to Subsection
775 (4), 10% of all registered voters within[; subject to Subsection (5);] 90% of the voting precincts
776 within the area proposed to be incorporated as a city, [according to the official voter
777 registration list maintained by the county on] as of the date the petition is filed; and

778 (c) the owners of private real property that:

779 (i) is located within the proposed municipality;

780 (ii) covers at least 10% of the total private land area within the proposed municipality;

781 and

782 (iii) is equal in value to at least 7% of the value of all private real property within the
783 proposed municipality.

784 (2) The petition sponsors shall ensure that the petition:

785 ~~[(b)]~~ (a) [indicate] includes the typed or printed name and current residence address of
786 each ~~[owner signing]~~ voter that signs the petition;

787 ~~[(c)]~~ (b) [describe] describes the area proposed to be incorporated as a ~~[city]~~
788 municipality, as described in the feasibility study request or modified request that [meets the
789 requirements of Subsection (3)] complies with Subsection [10-2a-205\(6\)\(a\)](#);

790 ~~[(d)]~~ (c) [state] states the proposed name for the proposed ~~[city]~~ municipality;

791 ~~[(e)]~~ (d) [designate] designates five signers of the petition as petition sponsors, one of
792 whom ~~[shall be]~~ is designated as the contact sponsor, with the mailing address and telephone
793 number of each;

794 ~~[(f)]~~ (e) [state] if the sponsors propose the incorporation of a city, states that the signers
795 of the petition appoint the sponsors, if the incorporation measure passes, to represent the
796 signers in ~~[the process of]~~:

797 (i) selecting the number of commission or council members the new city will have; and

798 (ii) drawing district boundaries for the election of ~~[commission or]~~ council members, if
799 the voters decide to elect ~~[commission or]~~ council members by district;

800 ~~[(g)]~~ (f) [be] is accompanied by and circulated with an accurate plat or map, prepared
801 by a licensed surveyor, showing the boundaries of the proposed ~~[city]~~ municipality; and

802 ~~[(h)]~~ (g) substantially [comply] complies with and ~~[be]~~ is circulated in the following

803 form:

804 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
805 [~~city~~] municipality)

806 To the Honorable Lieutenant Governor:

807 We, the undersigned [~~owners of real property~~] registered voters within the area
808 described in this petition, respectfully petition the lieutenant governor to direct the county
809 legislative body to submit to the registered voters residing within the area described in this
810 petition, at the next regular general election, the question of whether the area should
811 incorporate as a [~~city~~] municipality. Each of the undersigned affirms that each has personally
812 signed this petition and is [~~an owner of real property~~] a registered voter who resides within the
813 described area, and that the current residence address of each is correctly written after the
814 signer's name. The area proposed to be incorporated as a [~~city~~] municipality is described as
815 follows: (insert an accurate description of the area proposed to be incorporated).

816 [~~(3) A petition for incorporation of a city under Subsection (1) may not be filed unless~~
817 ~~the results of the feasibility study or supplemental feasibility study show that the average~~
818 ~~annual amount of revenue under Subsection 10-2a-205(4)(a)(v) does not exceed the average~~
819 ~~annual amount of cost under Subsection 10-2a-205(4)(a)(iv) by more than 5%.]~~

820 [(4)] (3) A valid signature on a request [~~under~~] described in Section 10-2a-202 or a
821 modified request [~~under~~] described in Section 10-2a-206 may not be used toward fulfilling the
822 signature requirement [~~of~~] described in Subsection [(2)(a)] (1):

823 (a) if the request [~~under Section 10-2a-202 or modified request under Section~~
824 ~~10-2a-206~~] notified the signer in conspicuous language that the signature, unless withdrawn,
825 would also be used for [~~purposes of~~] a petition for incorporation under this section; and

826 (b) unless the signer files with the lieutenant governor a written withdrawal of the
827 signature before the petition is filed under this section [~~is filed~~] with the lieutenant governor.

828 [(5)] (4) (a) A signature does not qualify [~~as a signature to meet the requirement~~
829 ~~described in Subsection (2)(a)(ii)] under Subsection (1)(b) if the signature is gathered from a
830 voting precinct that:~~

831 (i) except in a proposed municipality that will be a city of the fifth class, is not located
832 entirely within the boundaries of [~~the~~] a proposed city; or

833 (ii) includes less than 50 registered voters.

834 (b) A voting precinct that is not located entirely within the boundaries of the proposed
835 city does not qualify as a voting precinct [~~to meet the precinct requirements of Subsection~~
836 ~~(2)(a)(ii)] under Subsection (1)(b).~~

837 Section 13. Section **10-2a-209** is amended to read:

838 **10-2a-209. Processing of petition by lieutenant governor -- Certification or**
839 **rejection -- Petition modification.**

840 (1) Within 45 days [~~of the filing of a petition]~~ after the day on which an incorporation
841 petition is filed under Section **10-2a-208**, the lieutenant governor shall:

842 (a) with the assistance of other county officers of the county in which the incorporation
843 is proposed, and from whom the lieutenant governor requests assistance, determine whether the
844 petition [~~meets the requirements of]~~ complies with Section **10-2a-208**; and

845 (b) (i) if the lieutenant governor determines that the petition [~~meets those requirements]~~
846 complies with Section 10-2a-208, certify the petition and notify in writing the contact sponsor
847 of the certification; or

848 (ii) if the lieutenant governor determines that the petition fails to [~~meet any of those~~
849 ~~requirements]~~ comply with Section 10-2a-208, reject the petition and notify the contact sponsor
850 in writing of the rejection and the reasons for the rejection.

851 (2) (a) If the lieutenant governor rejects a petition under Subsection (1)(b)(ii), the
852 petition [~~may be modified to]~~ sponsors may correct the deficiencies for which [~~it]~~ the petition
853 was rejected and [~~then refiled]~~ refile the petition with the lieutenant governor.

854 (b) [~~A~~] Notwithstanding the deadline described in Subsection 10-2a-208(1), the
855 petition sponsors may file a modified petition under Subsection (2)(a) [~~may be filed at any time~~
856 ~~until]~~ no later than 30 days after the day on which the lieutenant governor notifies the contact
857 sponsor of rejection under Subsection (1)(b)(ii) [~~even though the modified petition is filed~~
858 ~~after the expiration of the deadline provided in Subsection 10-2a-208(1)].~~

859 (c) A valid signature on an incorporation petition [~~under]~~ described in Section
860 **10-2a-208** may be used toward fulfilling the signature requirement [~~of Subsection~~
861 ~~10-2a-208(2)(a) for the petition as]~~ described in Subsection 10-2a-208(1) for a petition that is
862 modified under Subsection (2)(a).

863 (3) (a) Within 20 days [~~of the lieutenant governor's receipt of]~~ after the day on which
864 the lieutenant governor receives a modified petition under Subsection (2)(a), the lieutenant

865 governor shall ~~[follow the same procedure for the modified petition as provided under~~
 866 ~~Subsection (1) for an original petition]~~ review the modified petition in accordance with
 867 Subsection (1).

868 ~~[(b) If the lieutenant governor rejects a modified petition under Subsection (1)(b)(ii),~~
 869 ~~no further modification of that petition may be filed.]~~

870 (b) The sponsors of an incorporation petition may not modify the petition more than
 871 once.

872 Section 14. Section **10-2a-210** is amended to read:

873 **10-2a-210. Incorporation election.**

874 ~~[(1) (a) Upon receipt of a certified petition under Subsection 10-2a-209(1)(b)(i) or a~~
 875 ~~certified modified petition under Subsection 10-2a-209(3), the lieutenant governor shall:]~~

876 ~~[(i) determine and set an election date for the incorporation election that is:]~~

877 ~~[(A) on a regular general election date under Section 20A-1-201 or on a local special~~
 878 ~~election date under Section 20A-1-203; and]~~

879 ~~[(B) at least 65 days after the day that the lieutenant governor receives the certified~~
 880 ~~petition; and]~~

881 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
 882 the lieutenant governor shall schedule an incorporation election for the proposed municipality
 883 described in the petition to be held on the date of the next regular general election described in
 884 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
 885 is at least 65 days after the day on which the lieutenant governor certifies the petition.

886 ~~[(i)]~~ (b)(i) The lieutenant governor shall direct the county legislative body of the
 887 county in which the [incorporation is] proposed municipality is located to hold the election on
 888 the date [determined by] that the lieutenant governor [in accordance with] schedules under
 889 Subsection (1)(a)[(i)].

890 ~~[(b)]~~ (ii) The county shall hold the election as directed by the lieutenant governor [in
 891 accordance with Subsection (1)(a)(ii)] under Subsection (1)(b)(i).

892 ~~[(c) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,~~
 893 ~~within the boundaries of the proposed city, the person may not vote on the proposed~~
 894 ~~incorporation.]~~

895 (2) (a) [The] Except as provided in Subsection (2)(d)(i), the county clerk shall publish

896 notice of the election:

897 (i) at least once a week for three consecutive weeks before the hearing in a newspaper
 898 of general circulation within [the area proposed to be incorporated at least once a week for
 899 three successive weeks] the proposed municipality; and

900 (ii) for three weeks before the hearing in accordance with Section 45-1-101 [for three
 901 weeks].

902 (b) The notice [~~required by Subsection (2)(a)~~] described in Subsections (2)(a) and (d)
 903 shall contain:

904 (i) a [~~statement~~] description of the contents of the petition;

905 (ii) a description of the area proposed to be incorporated as a [city] municipality;

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

907 and

908 (iv) the feasibility study summary [~~under~~] described in Subsection 10-2a-205(3)[(b)](c)
 909 and a statement that a full copy of the study is available on the lieutenant governor's website
 910 and for inspection [and copying] at the Office of the Lieutenant Governor.

911 (c) The last [~~publication of~~] notice required to be published under Subsection (2)(a)
 912 shall [occur] be published at least one day, but no more than seven days, before the election.

913 (d) (i) [~~In accordance with Subsection (2)(a)(i), if~~] If there is no newspaper of general
 914 circulation within the proposed [city] municipality, the county clerk shall post at least one
 915 notice of the election, and at least one additional notice of the election per 1,000 population of
 916 the proposed municipality, in conspicuous places within the proposed [city] municipality that
 917 are most likely to give notice of the election to the voters of the proposed [city] municipality.

918 (ii) The clerk shall post the notices [~~under~~] described in Subsection (2)(d)(i) at least
 919 seven days before the election [under Subsection (1)].

920 (3) An individual may not vote in an incorporation election under this section unless
 921 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
 922 boundaries of the proposed municipality.

923 [~~(3)~~] (4) If a majority of those [casting votes within the area boundaries of the proposed
 924 city vote to incorporate as a city,] who vote in an incorporation election held under this section
 925 cast votes in favor of incorporation, the area shall incorporate.

926 Section 15. Section **10-2a-211** is amended to read:

927 **10-2a-211. Ballot used in incorporation election.**

928 (1) (a) The ballot ~~[at the]~~ used in an incorporation election ~~[under Subsection~~
929 ~~10-2a-210(1)]~~ described in Section 10-2a-210 shall pose the incorporation question
930 substantially as follows:

931 "Shall the area described as (insert a description of the proposed [city] municipality) be
932 incorporated as ~~[the city of]~~ (insert the proposed name of the proposed [city] municipality)?"

933 ~~(2)~~ (b) The ballot shall provide a space for the voter to answer "yes" or "no" to the
934 question described in Subsection (1)(a).

935 ~~(3)(a)~~ (2) The ballot ~~[at the]~~ for an incorporation election for a proposed city shall
936 also:

937 (a) (i) pose the question relating to the form of government substantially as follows:

938 "If the above incorporation proposal passes, under what form of municipal government
939 shall (insert the name of the proposed city) operate? Vote for one:

940 Five-member council form

941 Six-member council form

942 Five-member council-mayor form

943 Seven-member council-mayor form."

944 ~~(b)~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to vote for one form of
945 government~~[-]; and~~

946 ~~[(4) (a) The ballot at the incorporation election shall also]~~

947 (b) (i) pose the question of whether to elect city council members by district
948 substantially as follows:

949 "If the above incorporation proposal passes, shall members of the city council of (insert
950 the name of the proposed city) be elected by district?"; and

951 ~~(b)~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to answer "yes" or "no" to the
952 question described in Subsection ~~[(4)(a)]~~ (2)(b)(i).

953 Section 16. Section **10-2a-212** is amended to read:

954 **10-2a-212. Notification to lieutenant governor of incorporation election results.**

955 Within 10 days ~~[of]~~ after the day on which the county conducts a canvass of the
956 incorporation election, the county clerk shall send written notice to the lieutenant governor of:

957 (1) the results of the election; and

958 (2) if the incorporation measure passes~~[(a)]~~, the name of the ~~[city; and]~~ municipality.
 959 ~~[(b) the class of the city as provided under Section 10-2-301.]~~

960 Section 17. Section **10-2a-213** is amended to read:

961 **10-2a-213. Determination of number of council members -- Determination of**
 962 **election districts -- Hearings and notice.**

963 (1) If the incorporation proposal passes, the petition sponsors shall, within ~~[25 days of~~
 964 ~~the]~~ 60 days after the day on which the county conducts the canvass of the election under
 965 Section ~~[10-2a-210]~~ 10-2a-212:

966 (a) for the incorporation of a city:

967 ~~[(a)]~~ (i) if the voters at the incorporation election choose the council-mayor form of
 968 government, determine the number of council members that will constitute the city council of
 969 the ~~[future]~~ city; and

970 ~~[(b)]~~ (ii) if the voters at the incorporation election vote to elect council members by
 971 district, determine the number of council members to be elected by district and draw the
 972 boundaries of those districts, which shall be substantially equal in population; and

973 (b) for the incorporation of any municipality:

974 ~~[(c)]~~ (i) determine the initial terms of the mayor and members of the ~~[city]~~ municipal
 975 council so that:

976 ~~[(i)]~~ (A) the mayor and approximately half the members of the ~~[city]~~ municipal council
 977 are elected to serve an initial term, of no less than one year, that allows ~~[their]~~ the mayor's and
 978 members' successors to serve a full four-year term that coincides with the schedule established
 979 in Subsection 10-3-205(1); and

980 ~~[(ii)]~~ (B) the remaining members of the ~~[city]~~ municipal council are elected to serve an
 981 initial term, of no less than one year, that allows ~~[their]~~ the members' successors to serve a full
 982 four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

983 ~~[(d)]~~ (ii) submit in writing to the county legislative body the results of the ~~[sponsors'~~
 984 ~~determinations]~~ determinations made by the sponsors under Subsections (1)(a)~~[(b), and (c)]~~
 985 and (b)(i).

986 (2) A newly incorporated town shall operate under the five-member council form of
 987 government as defined in Section 10-3b-102.

988 ~~[(2)]~~ (3) (a) Before making a determination under Subsection ~~[(1)(a), (b), or (c)]~~ (1)(a)

989 or (b)(i), the petition sponsors shall hold a public hearing within the future [city] municipality
 990 on the applicable issues [~~under~~] described in Subsections (1)(a)[, (b), and (c)] and (b)(i).

991 (b) (i) [~~The~~] Except as provided in Subsection (3)(c), the petition sponsors shall
 992 publish notice of the public hearing [~~under~~] described in Subsection [(2)] (3)(a):

993 (A) at least once a week for two consecutive weeks before the hearing in a newspaper
 994 of general circulation within the future [city ~~at least once a week for two successive weeks~~
 995 ~~before the hearing]~~ municipality; and

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

998 (ii) The last [~~publication of~~] notice required to be published under Subsection [(2)]
 999 (3)(b)(i)(A) shall be published at least three days before the public hearing [~~under~~] described in
 1000 Subsection [(2)] (3)(a).

1001 (c) (i) [~~In accordance with Subsection (2)(b)(i)(A), if~~] If there is no newspaper of
 1002 general circulation within the future [city] municipality, the petition sponsors shall post at least
 1003 one notice of the hearing, and at least one additional notice of the hearing per 1,000 population
 1004 of the proposed municipality, in conspicuous places within the future [city] municipality that
 1005 are most likely to give notice of the hearing to the residents of the future [city] municipality.

1006 (ii) The petition sponsors shall post the notices [~~under~~] described in Subsection [(2)]
 1007 (3)(c)(i) at least seven days before the hearing [~~under~~] described in Subsection [(2)] (3)(a).

1008 Section 18. Section **10-2a-214** is amended to read:

1009 **10-2a-214. Notice of number of council members to be elected and of district**
 1010 **boundaries -- Declaration of candidacy for municipal office.**

1011 (1) (a) Within 20 days [~~of the county legislative body's receipt of the information]~~ after
 1012 the day on which a county legislative body receives the petition sponsors' determination under
 1013 Subsection 10-2a-213(1)[(d)](b)(ii), the county clerk shall publish, in accordance with
 1014 Subsection (1)(b), notice containing:

1015 (i) the number of [~~commission or~~] municipal council members to be elected for the
 1016 new [city] municipality;

1017 (ii) if some or all of the [~~commission or~~] municipal council members are to be elected
 1018 by district, a description of the boundaries of those districts [~~as designated by the petition~~
 1019 ~~sponsors under Subsection 10-2a-213(1)(b)];~~

1020 (iii) information about the deadline for fil[ing] an individual to file a declaration of
 1021 candidacy [~~for those seeking to become candidates~~] to become a candidate for mayor or [~~city~~
 1022 ~~commission or~~] municipal council; and

1023 (iv) information about the length of the initial term of each of the [~~city officers, as~~
 1024 ~~determined by the petition sponsors under Subsection 10-2a-213(1)(c)~~] municipal officers.

1025 [~~(b) The notice under Subsection (1)(a) shall be published.~~]

1026 (b) Except as provided in Subsection (1)(c), the county clerk shall publish the notice
 1027 described in Subsection (1)(a):

1028 (i) at least once a week for two consecutive weeks, before the deadline for filing a
 1029 declaration of candidacy under Subsection (2), in a newspaper of general circulation within the
 1030 future [~~city at least once a week for two successive weeks~~] municipality; and

1031 (ii) for two weeks, before the deadline for filing a declaration of candidacy under
 1032 Subsection (2), in accordance with Section 45-1-101 [~~for two weeks~~].

1033 (c) (i) [~~In accordance with Subsection (1)(b)(i), if~~] If there is no newspaper of general
 1034 circulation within the future [city] municipality, the county clerk shall post at least one notice
 1035 described in Subsection (1)(a), and one additional notice described in Subsection (1)(a) per
 1036 1,000 population of the proposed municipality, in conspicuous places within the future [~~city~~]
 1037 municipality that are most likely to give notice to the residents of the future [~~city~~] municipality.

1038 [~~(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~
 1039 Subsection (1)(a):]

1040 [~~(iii) (ii) [The petition sponsors]~~] The county clerk shall post the notices [under]
 1041 described in Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration
 1042 of candidacy under Subsection (2).

1043 (2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
 1044 candidate for mayor or [~~city commission or~~] municipal council of a [~~city~~] municipality
 1045 incorporating under this part shall file a declaration of candidacy with the clerk of the county in
 1046 which the future [~~city~~] municipality is located and in accordance with [~~the deadlines set by the~~
 1047 ~~clerk as authorized by Section 10-2a-215.~~];

1048 (a) for an incorporation held on the date of a regular general election, the deadlines for
 1049 filing a declaration of candidacy under Section 20A-9-202; or

1050 (b) for an incorporation held on the date of a municipal general election, the deadlines

1051 for filing a declaration of candidacy under Section 20A-9-203.

1052 Section 19. Section **10-2a-215** is amended to read:

1053 **10-2a-215. Election of officers of new municipality -- Primary and final election**
 1054 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1055 (1) For the election of [city] municipal officers, the county legislative body shall:

1056 (a) unless a primary election is prohibited [by] under Subsection 20A-9-404(2), hold a
 1057 primary election; and

1058 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
 1059 final election.

1060 (2) Each election [~~under~~] described in Subsection (1) shall be held:

1061 (a) consistent with the petition sponsors' determination of the length of each council
 1062 member's initial term; and

1063 (b) for the incorporation of a city:

1064 [~~(a)~~] (i) appropriate to the form of government chosen by the voters at the
 1065 incorporation election;

1066 [~~(b)~~] (ii) consistent with the voters' decision about whether to elect [~~commission or~~]
 1067 city council members by district and, if applicable, consistent with the boundaries of those
 1068 districts as determined by the petition sponsors; and

1069 [~~(c)~~] (iii) consistent with the sponsors' determination of the number of [~~commission or~~]
 1070 city council members to be elected [and the length of their initial term].

1071 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
 1072 the primary election [~~under~~] described in Subsection (1)(a) shall be held at the earliest of the
 1073 next:

1074 [~~(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section~~
 1075 ~~20A-1-201;~~]

1076 [~~(ii)~~] (i) [~~notwithstanding Subsection 20A-1-201.5(2),~~] regular primary election [~~under~~]
 1077 described in Subsection 20A-1-201.5(1); or

1078 [~~(iii)~~] (ii) municipal primary election [~~under~~] described in Section 20A-9-404[~~; or~~].

1079 [~~(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under~~
 1080 ~~Section 20A-1-202;~~]

1081 (b) The county shall hold the primary election, if necessary, on the next [~~earliest~~]

1082 election date [~~listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least: (i) 75 days]~~
 1083 described in Subsection (3)(a) that is after the incorporation election conducted under Section
 1084 10-2a-210 [~~; and~~].

1085 [~~(ii) 65 days after the last day of the candidate filing period.~~]

1086 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election [~~under~~]
 1087 described in Subsection (1)(b) [~~on one of the following election dates~~]:

1088 (i) on the following election date that next follows the date of the incorporation
 1089 election held under Subsection 10-2a-210(1)(a);

1090 [~~(i)~~] (ii) a regular general election [~~under~~] described in Section 20A-1-201; or

1091 [~~(ii) municipal primary election under Section 20A-9-404;~~]

1092 [~~(iii)~~] (iii) a regular municipal general election under Section 20A-1-202 [~~; or~~].

1093 [~~(iv) regular primary election under Section 20A-1-201.5.~~]

1094 (b) The county shall hold the final election on the earliest of the next election date that
 1095 is listed in Subsection (4)(a)(i), (ii), or (iii) [~~; or (iv)~~]:

1096 (i) that is after a primary election; or

1097 (ii) if there is no primary election, that is at least:

1098 (A) 75 days after the incorporation election under Section 10-2a-210; and

1099 (B) 65 days after the candidate filing period.

1100 (5) (a) (i) [~~The~~] Except as provided in Subsection (5)(b), the county clerk shall publish
 1101 notice of an election conducted under this section:

1102 (A) at least once a week for two [~~successive~~] consecutive weeks before the election in
 1103 a newspaper of general circulation within the future [city] municipality; and

1104 (B) for two weeks in accordance with Section 45-1-101 [~~for two weeks~~].

1105 (ii) The [~~later~~] last notice required to be published under Subsection (5)(a)(i) shall be
 1106 published at least one day, but no more than seven days, before the election.

1107 (b) (i) [~~In accordance with Subsection (5)(a)(i)(A), if~~] If there is no newspaper of
 1108 general circulation within the future [city] municipality, the county clerk shall post at least one
 1109 notice of the election, and at least one additional notice of the election per 1,000 population in
 1110 the proposed municipality, in conspicuous places within the future [city] municipality that are
 1111 most likely to give notice of the election to the voters of the municipality.

1112 (ii) The county clerk shall post the notices [~~under~~] described in Subsection (5)(b)(i) at

1113 least seven days before each election ~~[under]~~ described in Subsection (1).

1114 (6) ~~[(a)]~~ Until the ~~[city]~~ municipality is incorporated, the county clerk:

1115 ~~[(i)]~~ (a) is the election officer for all purposes ~~[in an election of officers of the city~~
1116 ~~approved at an incorporation election; and]~~ related to the election of municipal officers;

1117 ~~[(ii)]~~ (b) may, as necessary, determine appropriate deadlines, procedures, and
1118 instructions related to the election of municipal officers for a new municipality that are not
1119 otherwise contrary to law~~[-];~~;

1120 ~~[(b)]~~ (c) ~~[The county clerk]~~ shall require and determine deadlines for ~~[the filing of]~~
1121 municipal office candidates to file campaign financial disclosures ~~[of city officer candidates]~~ in
1122 accordance with Section 10-3-208~~[-]; and~~

1123 ~~[(e)]~~ ~~The county clerk is responsible to ensure that:~~

1124 ~~[(i)]~~ ~~a primary or final election for the officials of a newly incorporated city is held on a~~
1125 ~~date authorized by this section; and]~~

1126 ~~[(ii)]~~ (d) shall ensure that the ballot for the election includes each office that is
1127 required to be included in the election for officers of the newly incorporated ~~[city and]~~
1128 municipality, including the term of each office.

1129 (7) ~~[A person]~~ An individual who has filed as a candidate for an office described in this
1130 section shall comply with:

1131 (a) the campaign finance disclosure requirements ~~[of]~~ described in Section 10-3-208;
1132 and

1133 (b) the requirements and deadlines ~~[as lawfully set forth]~~ established by the county
1134 clerk under this section.

1135 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described
1136 in Subsection (4)(a) shall take office:

1137 (a) after taking the oath of office; and

1138 (b) at noon on the first Monday following the day on which the election official
1139 transmits a certificate of nomination or election under the officer's seal to each elected
1140 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

1141 Section 20. Section **10-2a-216** is amended to read:

1142 **10-2a-216. Notification to lieutenant governor of election of municipal officers.**

1143 Within 10 days ~~[of]~~ after the day on which the county conducts the canvass of the final

1144 election of [city] municipal officers under Section 10-2a-215, the county clerk shall send
 1145 written notice to the lieutenant governor of the name and position of each officer elected in a
 1146 new municipality and the term for which each has been elected.

1147 Section 21. Section 10-2a-217 is amended to read:

1148 **10-2a-217. Filing of notice and approved final local entity plat with lieutenant**
 1149 **governor -- Effective date of incorporation -- Necessity of recording documents and effect**
 1150 **of not recording.**

1151 (1) The mayor of the future [city] municipality shall:

1152 (a) within 30 days after the day of the canvass of the final election of [city] municipal
 1153 officers under Section 10-2a-215, file with the lieutenant governor:

1154 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 1155 that [~~meets the requirements of~~] complies with Subsection 67-1a-6.5(3); and

1156 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1157 (b) upon the lieutenant governor's issuance of a certificate of incorporation under

1158 Section 67-1a-6.5:

1159 (i) if the [city] municipality is located within the boundary of a single county, submit to
 1160 the recorder of that county the original:

1161 (A) notice of an impending boundary action;

1162 (B) certificate of incorporation; and

1163 (C) approved final local entity plat; or

1164 (ii) if the [city] municipality is located within the boundaries of more than [~~a single~~]
 1165 one county, submit the original of the documents [~~listed in Subsections (1)(b)(i)(A), (B), and~~
 1166 ~~(C)~~] described in Subsection (1)(b)(i) to one of those counties and a certified copy of those
 1167 documents to each other county.

1168 (2) (a) The incorporation of a new municipality is effective upon the lieutenant
 1169 governor's issuance of a certificate of incorporation under Section 67-1a-6.5.

1170 (b) Notwithstanding any other provision of law, a [city] municipality is conclusively
 1171 presumed to be lawfully incorporated and existing if, for two years following the [city's]
 1172 municipality's incorporation:

1173 (i) (A) the [city] municipality has levied and collected a property tax; or

1174 (B) for a [city] municipality incorporated on or after July 1, 1998, the [city]

1175 municipality has imposed a sales and use tax; and

1176 (ii) no challenge to the existence or incorporation of the [city] municipality has been
1177 filed in the district court for the county in which the [city] municipality is located.

1178 (3) (a) The effective date of an incorporation for purposes of assessing property within
1179 the new [city] municipality is governed by Section 59-2-305.5.

1180 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
1181 recorder of each county in which the property is located, a newly incorporated [city]
1182 municipality may not:

1183 (i) levy or collect a property tax on property within the [city] municipality;

1184 (ii) levy or collect an assessment on property within the [city] municipality; or

1185 (iii) charge or collect a fee for service provided to property within the [city]
1186 municipality.

1187 Section 22. Section 10-2a-218 is amended to read:

1188 **10-2a-218. Powers of officers-elect.**

1189 (1) [~~Upon the~~] After the county conducts the canvass of the final election of [city]
1190 municipal officers under Section 10-2a-215, and until the future [city] municipality becomes
1191 legally incorporated, the officers of the future [city] municipality may:

1192 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,
1193 a proposed budget and compilation of ordinances;

1194 (b) negotiate and make personnel contracts and hirings;

1195 (c) negotiate and make service contracts;

1196 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1197 (e) borrow funds from the county in which the future [city] municipality is located
1198 under Subsection 10-2a-219(3);

1199 (f) borrow funds for startup expenses of the future [city] municipality;

1200 (g) issue tax anticipation notes in the name of the future [city] municipality; and

1201 (h) make appointments to the [city's] municipality's planning commission.

1202 (2) The [~~city's legislative body~~] municipal council shall review and ratify each contract
1203 made by [~~the officers~~] a municipal officer under Subsection (1) within 30 days after the day on
1204 which the municipality's incorporation is effective [~~date of incorporation~~] under Section
1205 10-2a-217.

1206 Section 23. Section **10-2a-219** is amended to read:

1207 **10-2a-219. Division of municipal service revenues -- County may provide startup**
1208 **funds.**

1209 (1) The county in which an area incorporating under this part is located shall, until the
1210 ~~[date of the city's]~~ day on which the municipality's incorporation is effective under Section
1211 **10-2a-217**, continue to:

1212 (a) ~~[to]~~ levy and collect ad valorem property tax and other revenues from or pertaining
1213 to the future ~~[city]~~ municipality; and

1214 (b) except as otherwise agreed by the county and the officers of the ~~[city]~~ municipality,
1215 to provide the same services to the future ~~[city]~~ municipality as the county provided before the
1216 commencement of the incorporation proceedings.

1217 (2) (a) The legislative body of the county in which a newly incorporated ~~[city]~~
1218 municipality is located shall share pro rata with the new ~~[city]~~ municipality, based on the date
1219 of incorporation, the taxes and service charges or fees levied and collected by the county under
1220 Section **17-34-3** during the year of the new ~~[city's]~~ municipality's incorporation if and to the
1221 extent that the new ~~[city]~~ municipality provides, by itself or by contract, the same services for
1222 which the county levied and collected the taxes and service charges or fees.

1223 (b) (i) The legislative body of a county in which a ~~[city]~~ municipality incorporated after
1224 January 1, 2004, is located may share with the new ~~[city]~~ municipality taxes and service
1225 charges or fees that were levied and collected by the county under Section **17-34-3**:

1226 (A) before the year of the new ~~[city's]~~ municipality's incorporation;

1227 (B) from the previously unincorporated area that, because of the ~~[city's]~~ municipality's
1228 incorporation, is located within the boundaries of the newly incorporated ~~[city]~~ municipality;
1229 and

1230 (C) ~~[for the purpose of providing]~~ to provide services to the area that before the new
1231 ~~[city's]~~ municipality's incorporation was unincorporated.

1232 (ii) A county legislative body may share taxes and service charges or fees under
1233 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts
1234 due under a contract for ~~[municipal-type services]~~ a municipal service provided by the county
1235 to the new ~~[city]~~ municipality.

1236 (3) (a) The legislative body of a county in which an area incorporating under this part is

1237 located may appropriate county funds to:

1238 (i) before incorporation but after the canvass of the final election of [city] municipal
 1239 officers under Section 10-2a-215, the officers of the future [city] municipality to pay startup
 1240 expenses of the future [city] municipality; or

1241 (ii) after incorporation, the new [city] municipality.

1242 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a
 1243 grant, a loan, or as an advance against future distributions made under Subsection (2).

1244 Section 24. Section **10-2a-220** is amended to read:

1245 **10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.**

1246 (1) (a) There is created an expendable special revenue fund known as the "Municipal
 1247 Incorporation Expendable Special Revenue Fund."

1248 (b) The fund shall consist of:

1249 (i) appropriations from the Legislature; and

1250 (ii) fees the Office of the Lieutenant Governor collects and remits to the fund under
 1251 this section.

1252 (c) The Office of the Lieutenant Governor shall deposit all money collected under this
 1253 section into the fund.

1254 ~~[(+)]~~ (2) (a) The lieutenant governor shall establish a fee in accordance with Section
 1255 63J-1-504 for a cost incurred by the lieutenant governor for an incorporation proceeding,
 1256 including:

1257 (i) a request certification;

1258 (ii) a feasibility study;

1259 (iii) a petition certification;

1260 (iv) publication of notices;

1261 (v) public hearings;

1262 (vi) all other incorporation activities occurring after the elections; and

1263 (vii) any other cost incurred by the lieutenant governor in relation to an incorporation
 1264 proceeding.

1265 (b) A cost under Subsection ~~[(+)]~~ (2)(a) does not include a cost incurred by a county for
 1266 holding an election under Section 10-2a-210.

1267 ~~[(2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental~~

1268 appropriations;]

1269 (3) The lieutenant governor shall pay for a cost described in [~~Subsections (1)(a)(i)~~
1270 ~~through (vii)~~] Subsection (2)(a) using funds from the Municipal Incorporation Expendable
1271 Special Revenue Fund.

1272 [~~(3) If incorporation occurs, the new city shall pay:~~]

1273 (4) (a) An area that incorporates as a municipality shall pay:

1274 [~~(a)~~] (i) to the lieutenant governor each fee established under Subsection [~~(1)~~] (2) for
1275 each [~~incurred cost described in Subsections (1)(a)(i) through (vii)~~] cost described in

1276 Subsection (2)(a) incurred by the lieutenant governor; and

1277 [~~(b)~~] (ii) the county for a cost described in Subsection [~~(1)~~] (2)(b).

1278 (b) The lieutenant governor shall execute a payback agreement with each new
1279 municipality for the new municipality to pay the fees described in Subsection (4)(a) over a
1280 period that, except as provided in Subsection (4)(c), may not exceed five years.

1281 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the
1282 deadline described in Subsection (4)(b) by amending the payback agreement described in
1283 Subsection (4)(b).

1284 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects
1285 under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.

1286 (5) If the lieutenant governor expends funds from the Municipal Incorporation
1287 Expendable Special Revenue Fund that are not repaid to the lieutenant governor under
1288 Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall
1289 appropriate money to the fund in an amount equal to the funds that are not repaid.

1290 Section 25. Section **10-2a-402** is amended to read:

1291 **10-2a-402. Application.**

1292 (1) The provisions of this part:

1293 (a) apply to a planning township that is:

1294 (i) located in a county of the first class; and

1295 (ii) established before January 1, 2015; and

1296 (b) do not apply to a planning advisory area, as defined in Section [17-27a-103](#), or any
1297 other unincorporated area located outside of a county of the first or second class.

1298 (2) (a) The provisions of Part 2, Incorporation of a [~~City, and Part 3, Incorporation of a~~

1299 ~~Town,~~ Municipality, apply to an unincorporated area described in Subsection (1) for an
1300 incorporation as a city after November 3, 2015.

1301 (b) The provisions of Chapter 2, Part 4, Annexation, apply to an unincorporated island
1302 that is not annexed at an election under this part for purposes of annexation on or after
1303 November 4, 2015.

1304 Section 26. Section **10-2a-413** is amended to read:

1305 **10-2a-413. Incorporation under this part subject to other provisions.**

1306 (1) An incorporation of a metro township, city, or town under this part is subject to the
1307 following provisions to the same extent as the incorporation of a city under Part 2,
1308 Incorporation of a [~~City~~] Municipality:

1309 (a) Section [10-2a-217](#);

1310 (b) Section [10-2a-219](#); and

1311 (c) Section [10-2a-220](#).

1312 (2) An incorporation of a city or town under this part is subject to Section [10-2a-218](#) to
1313 the same extent as the incorporation of a city or town under Part 2, Incorporation of a [~~City~~]
1314 Municipality.

1315 Section 27. Section **20A-1-203** is amended to read:

1316 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
1317 **limitations.**

1318 (1) Statewide and local special elections may be held for any purpose authorized by
1319 law.

1320 (2) (a) Statewide special elections shall be conducted using the procedure for regular
1321 general elections.

1322 (b) Except as otherwise provided in this title, local special elections shall be conducted
1323 using the procedures for regular municipal elections.

1324 (3) The governor may call a statewide special election by issuing an executive order
1325 that designates:

1326 (a) the date for the statewide special election; and

1327 (b) the purpose for the statewide special election.

1328 (4) The Legislature may call a statewide special election by passing a joint or
1329 concurrent resolution that designates:

1330 (a) the date for the statewide special election; and

1331 (b) the purpose for the statewide special election.

1332 (5) (a) The legislative body of a local political subdivision may call a local special
1333 election only for:

1334 (i) a vote on a bond or debt issue;

1335 (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;

1336 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

1337 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1338 (v) if required or authorized by federal law, a vote to determine whether [~~or not~~] Utah's
1339 legal boundaries should be changed;

1340 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

1341 (vii) a vote to elect members to school district boards for a new school district and a
1342 remaining school district, as defined in Section 53G-3-102, following the creation of a new
1343 school district under Section 53G-3-302;

1344 (viii) a vote on a municipality providing cable television services or public
1345 telecommunications services under Section 10-18-204;

1346 (ix) a vote to create a new county under Section 17-3-1;

1347 (x) a vote on the creation of a study committee under Sections 17-52a-302 and
1348 17-52a-304;

1349 (xi) a vote on a special property tax under Section 53F-8-402;

1350 (xii) a vote on the incorporation of a [city] municipality in accordance with Section
1351 10-2a-210; or

1352 [~~(xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or]~~

1353 [~~(xiv)~~] (xiii) a vote on incorporation or annexation as described in Section 10-2a-404.

1354 (b) The legislative body of a local political subdivision may call a local special election
1355 by adopting an ordinance or resolution that designates:

1356 (i) the date for the local special election as authorized by Section 20A-1-204; and

1357 (ii) the purpose for the local special election.

1358 (c) A local political subdivision may not call a local special election unless the
1359 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
1360 two-thirds majority of all members of the legislative body, if the local special election is for:

- 1361 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 1362 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 1363 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 1364 (5)(a)(vi).

1365 Section 28. Section **20A-11-101** is amended to read:

1366 **20A-11-101. Definitions.**

1367 As used in this chapter:

1368 (1) "Address" means the number and street where an individual resides or where a

1369 reporting entity has its principal office.

1370 (2) "Agent of a reporting entity" means:

1371 (a) a person acting on behalf of a reporting entity at the direction of the reporting

1372 entity;

1373 (b) a person employed by a reporting entity in the reporting entity's capacity as a

1374 reporting entity;

1375 (c) the personal campaign committee of a candidate or officeholder;

1376 (d) a member of the personal campaign committee of a candidate or officeholder in the

1377 member's capacity as a member of the personal campaign committee of the candidate or

1378 officeholder; or

1379 (e) a political consultant of a reporting entity.

1380 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional

1381 amendments, and any other ballot propositions submitted to the voters that are authorized by

1382 the Utah Code Annotated 1953.

1383 (4) "Candidate" means any person who:

1384 (a) files a declaration of candidacy for a public office; or

1385 (b) receives contributions, makes expenditures, or gives consent for any other person to

1386 receive contributions or make expenditures to bring about the person's nomination or election

1387 to a public office.

1388 (5) "Chief election officer" means:

1389 (a) the lieutenant governor for state office candidates, legislative office candidates,

1390 officeholders, political parties, political action committees, corporations, political issues

1391 committees, state school board candidates, judges, and labor organizations, as defined in

1392 Section 20A-11-1501; and

1393 (b) the county clerk for local school board candidates.

1394 (6) (a) "Contribution" means any of the following when done for political purposes:

1395 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1396 value given to the filing entity;

1397 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1398 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1399 anything of value to the filing entity;

1400 (iii) any transfer of funds from another reporting entity to the filing entity;

1401 (iv) compensation paid by any person or reporting entity other than the filing entity for
1402 personal services provided without charge to the filing entity;

1403 (v) remuneration from:

1404 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1405 or

1406 (B) any agency or subdivision of the state, including school districts;

1407 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

1408 (vii) in-kind contributions.

1409 (b) "Contribution" does not include:

1410 (i) services provided by individuals volunteering a portion or all of their time on behalf
1411 of the filing entity if the services are provided without compensation by the filing entity or any
1412 other person;

1413 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1414 business; or

1415 (iii) goods or services provided for the benefit of a candidate or political party at less
1416 than fair market value that are not authorized by or coordinated with the candidate or political
1417 party.

1418 (7) "Coordinated with" means that goods or services provided for the benefit of a
1419 candidate or political party are provided:

1420 (a) with the candidate's or political party's prior knowledge, if the candidate or political
1421 party does not object;

1422 (b) by agreement with the candidate or political party;

- 1423 (c) in coordination with the candidate or political party; or
1424 (d) using official logos, slogans, and similar elements belonging to a candidate or
1425 political party.
- 1426 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1427 organization that is registered as a corporation or is authorized to do business in a state and
1428 makes any expenditure from corporate funds for:
- 1429 (i) the purpose of expressly advocating for political purposes; or
1430 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1431 proposition.
- 1432 (b) "Corporation" does not mean:
- 1433 (i) a business organization's political action committee or political issues committee; or
1434 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1435 (9) "County political party" means, for each registered political party, all of the persons
1436 within a single county who, under definitions established by the political party, are members of
1437 the registered political party.
- 1438 (10) "County political party officer" means a person whose name is required to be
1439 submitted by a county political party to the lieutenant governor in accordance with Section
1440 [20A-8-402](#).
- 1441 (11) "Detailed listing" means:
- 1442 (a) for each contribution or public service assistance:
- 1443 (i) the name and address of the individual or source making the contribution or public
1444 service assistance, except to the extent that the name or address of the individual or source is
1445 unknown;
- 1446 (ii) the amount or value of the contribution or public service assistance; and
1447 (iii) the date the contribution or public service assistance was made; and
- 1448 (b) for each expenditure:
- 1449 (i) the amount of the expenditure;
1450 (ii) the person or entity to whom it was disbursed;
1451 (iii) the specific purpose, item, or service acquired by the expenditure; and
1452 (iv) the date the expenditure was made.
- 1453 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment

1454 for membership in the corporation, to a corporation without receiving full and adequate
1455 consideration for the money.

1456 (b) "Donor" does not include a person that signs a statement that the corporation may
1457 not use the money for an expenditure or political issues expenditure.

1458 (13) "Election" means each:

1459 (a) regular general election;

1460 (b) regular primary election; and

1461 (c) special election at which candidates are eliminated and selected.

1462 (14) "Electioneering communication" means a communication that:

1463 (a) has at least a value of \$10,000;

1464 (b) clearly identifies a candidate or judge; and

1465 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
1466 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
1467 identified candidate's or judge's election date.

1468 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
1469 agent of a reporting entity on behalf of the reporting entity:

1470 (i) any disbursement from contributions, receipts, or from the separate bank account
1471 required by this chapter;

1472 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1473 or anything of value made for political purposes;

1474 (iii) an express, legally enforceable contract, promise, or agreement to make any
1475 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1476 value for political purposes;

1477 (iv) compensation paid by a filing entity for personal services rendered by a person
1478 without charge to a reporting entity;

1479 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1480 committee; or

1481 (vi) goods or services provided by the filing entity to or for the benefit of another
1482 reporting entity for political purposes at less than fair market value.

1483 (b) "Expenditure" does not include:

1484 (i) services provided without compensation by individuals volunteering a portion or all

1485 of their time on behalf of a reporting entity;

1486 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1487 business; or

1488 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1489 candidates for office or officeholders in states other than Utah.

1490 (16) "Federal office" means the office of president of the United States, United States
1491 Senator, or United States Representative.

1492 (17) "Filing entity" means the reporting entity that is required to file a financial
1493 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1494 (18) "Financial statement" includes any summary report, interim report, verified
1495 financial statement, or other statement disclosing contributions, expenditures, receipts,
1496 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1497 Retention Elections.

1498 (19) "Governing board" means the individual or group of individuals that determine the
1499 candidates and committees that will receive expenditures from a political action committee,
1500 political party, or corporation.

1501 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
1502 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
1503 metro township.

1504 (21) "Incorporation election" means the election [~~authorized by~~] conducted under
1505 Section 10-2a-210[~~, 10-2a-304,~~] or 10-2a-404.

1506 (22) "Incorporation petition" means a petition [~~authorized by~~] described in Section
1507 10-2a-208 [~~or 10-2a-302.5~~].

1508 (23) "Individual" means a natural person.

1509 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1510 by or coordinated with a filing entity.

1511 (25) "Interim report" means a report identifying the contributions received and
1512 expenditures made since the last report.

1513 (26) "Legislative office" means the office of state senator, state representative, speaker
1514 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1515 whip of any party caucus in either house of the Legislature.

- 1516 (27) "Legislative office candidate" means a person who:
- 1517 (a) files a declaration of candidacy for the office of state senator or state representative;
- 1518 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
- 1519 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
- 1520 assistant whip of any party caucus in either house of the Legislature; or
- 1521 (c) receives contributions, makes expenditures, or gives consent for any other person to
- 1522 receive contributions or make expenditures to bring about the person's nomination, election, or
- 1523 appointment to a legislative office.
- 1524 (28) "Major political party" means either of the two registered political parties that
- 1525 have the greatest number of members elected to the two houses of the Legislature.
- 1526 (29) "Officeholder" means a person who holds a public office.
- 1527 (30) "Party committee" means any committee organized by or authorized by the
- 1528 governing board of a registered political party.
- 1529 (31) "Person" means both natural and legal persons, including individuals, business
- 1530 organizations, personal campaign committees, party committees, political action committees,
- 1531 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).
- 1532 (32) "Personal campaign committee" means the committee appointed by a candidate to
- 1533 act for the candidate as provided in this chapter.
- 1534 (33) "Personal use expenditure" has the same meaning as provided under Section
- 1535 [20A-11-104](#).
- 1536 (34) (a) "Political action committee" means an entity, or any group of individuals or
- 1537 entities within or outside this state, a major purpose of which is to:
- 1538 (i) solicit or receive contributions from any other person, group, or entity for political
- 1539 purposes; or
- 1540 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
- 1541 vote for or against any candidate or person seeking election to a municipal or county office.
- 1542 (b) "Political action committee" includes groups affiliated with a registered political
- 1543 party but not authorized or organized by the governing board of the registered political party
- 1544 that receive contributions or makes expenditures for political purposes.
- 1545 (c) "Political action committee" does not mean:
- 1546 (i) a party committee;

1547 (ii) any entity that provides goods or services to a candidate or committee in the regular
1548 course of its business at the same price that would be provided to the general public;

1549 (iii) an individual;

1550 (iv) individuals who are related and who make contributions from a joint checking
1551 account;

1552 (v) a corporation, except a corporation a major purpose of which is to act as a political
1553 action committee; or

1554 (vi) a personal campaign committee.

1555 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1556 by another person on behalf of and with the knowledge of the reporting entity, to provide
1557 political advice to the reporting entity.

1558 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
1559 where the person:

1560 (i) has already been paid, with money or other consideration;

1561 (ii) expects to be paid in the future, with money or other consideration; or

1562 (iii) understands that the person may, in the discretion of the reporting entity or another
1563 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1564 money or other consideration.

1565 (36) "Political convention" means a county or state political convention held by a
1566 registered political party to select candidates.

1567 (37) (a) "Political issues committee" means an entity, or any group of individuals or
1568 entities within or outside this state, a major purpose of which is to:

1569 (i) solicit or receive donations from any other person, group, or entity to assist in
1570 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1571 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1572 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1573 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1574 proposed ballot proposition or an incorporation in an incorporation election; or

1575 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1576 ballot or to assist in keeping a ballot proposition off the ballot.

1577 (b) "Political issues committee" does not mean:

- 1578 (i) a registered political party or a party committee;
- 1579 (ii) any entity that provides goods or services to an individual or committee in the
1580 regular course of its business at the same price that would be provided to the general public;
- 1581 (iii) an individual;
- 1582 (iv) individuals who are related and who make contributions from a joint checking
1583 account;
- 1584 (v) a corporation, except a corporation a major purpose of which is to act as a political
1585 issues committee; or
- 1586 (vi) a group of individuals who:
 - 1587 (A) associate together for the purpose of challenging or supporting a single ballot
1588 proposition, ordinance, or other governmental action by a county, city, town, local district,
1589 special service district, or other local political subdivision of the state;
 - 1590 (B) have a common liberty, property, or financial interest that is directly impacted by
1591 the ballot proposition, ordinance, or other governmental action;
 - 1592 (C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A),
1593 via a legal entity;
 - 1594 (D) do not receive funds for challenging or supporting the ballot proposition,
1595 ordinance, or other governmental action from a person other than an individual in the group;
1596 and
 - 1597 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
1598 (37)(b)(vi)(A).
- 1599 (38) (a) "Political issues contribution" means any of the following:
 - 1600 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1601 anything of value given to a political issues committee;
 - 1602 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1603 issues donation to influence the approval or defeat of any ballot proposition;
 - 1604 (iii) any transfer of funds received by a political issues committee from a reporting
1605 entity;
 - 1606 (iv) compensation paid by another reporting entity for personal services rendered
1607 without charge to a political issues committee; and
 - 1608 (v) goods or services provided to or for the benefit of a political issues committee at

1609 less than fair market value.

1610 (b) "Political issues contribution" does not include:

1611 (i) services provided without compensation by individuals volunteering a portion or all
1612 of their time on behalf of a political issues committee; or

1613 (ii) money lent to a political issues committee by a financial institution in the ordinary
1614 course of business.

1615 (39) (a) "Political issues expenditure" means any of the following when made by a
1616 political issues committee or on behalf of a political issues committee by an agent of the
1617 reporting entity:

1618 (i) any payment from political issues contributions made for the purpose of influencing
1619 the approval or the defeat of:

1620 (A) a ballot proposition; or

1621 (B) an incorporation petition or incorporation election;

1622 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1623 the express purpose of influencing the approval or the defeat of:

1624 (A) a ballot proposition; or

1625 (B) an incorporation petition or incorporation election;

1626 (iii) an express, legally enforceable contract, promise, or agreement to make any
1627 political issues expenditure;

1628 (iv) compensation paid by a reporting entity for personal services rendered by a person
1629 without charge to a political issues committee; or

1630 (v) goods or services provided to or for the benefit of another reporting entity at less
1631 than fair market value.

1632 (b) "Political issues expenditure" does not include:

1633 (i) services provided without compensation by individuals volunteering a portion or all
1634 of their time on behalf of a political issues committee; or

1635 (ii) money lent to a political issues committee by a financial institution in the ordinary
1636 course of business.

1637 (40) "Political purposes" means an act done with the intent or in a way to influence or
1638 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1639 against any:

1640 (a) candidate or a person seeking a municipal or county office at any caucus, political
1641 convention, or election; or

1642 (b) judge standing for retention at any election.

1643 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
1644 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1645 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1646 person or by telephone, facsimile, Internet, postal mail, or email.

1647 (b) "Poll" does not include:

1648 (i) a ballot; or

1649 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1650 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1651 (B) all individuals in the focus group are present during the interview.

1652 (42) "Primary election" means any regular primary election held under the election
1653 laws.

1654 (43) "Publicly identified class of individuals" means a group of 50 or more individuals
1655 sharing a common occupation, interest, or association that contribute to a political action
1656 committee or political issues committee and whose names can be obtained by contacting the
1657 political action committee or political issues committee upon whose financial statement the
1658 individuals are listed.

1659 (44) "Public office" means the office of governor, lieutenant governor, state auditor,
1660 state treasurer, attorney general, state school board member, state senator, state representative,
1661 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
1662 assistant whip of any party caucus in either house of the Legislature.

1663 (45) (a) "Public service assistance" means the following when given or provided to an
1664 officeholder to defray the costs of functioning in a public office or aid the officeholder to
1665 communicate with the officeholder's constituents:

1666 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1667 money or anything of value to an officeholder; or

1668 (ii) goods or services provided at less than fair market value to or for the benefit of the
1669 officeholder.

1670 (b) "Public service assistance" does not include:

- 1671 (i) anything provided by the state;
- 1672 (ii) services provided without compensation by individuals volunteering a portion or all
1673 of their time on behalf of an officeholder;
- 1674 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1675 business;
- 1676 (iv) news coverage or any publication by the news media; or
- 1677 (v) any article, story, or other coverage as part of any regular publication of any
1678 organization unless substantially all the publication is devoted to information about the
1679 officeholder.
- 1680 (46) "Receipts" means contributions and public service assistance.
- 1681 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1682 Lobbyist Disclosure and Regulation Act.
- 1683 (48) "Registered political action committee" means any political action committee that
1684 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1685 Governor.
- 1686 (49) "Registered political issues committee" means any political issues committee that
1687 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1688 Governor.
- 1689 (50) "Registered political party" means an organization of voters that:
- 1690 (a) participated in the last regular general election and polled a total vote equal to 2%
1691 or more of the total votes cast for all candidates for the United States House of Representatives
1692 for any of its candidates for any office; or
- 1693 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1694 Party Formation and Procedures.
- 1695 (51) (a) "Remuneration" means a payment:
- 1696 (i) made to a legislator for the period the Legislature is in session; and
- 1697 (ii) that is approximately equivalent to an amount a legislator would have earned
1698 during the period the Legislature is in session in the legislator's ordinary course of business.
- 1699 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 1700 (i) the legislator's primary employer in the ordinary course of business; or
- 1701 (ii) a person or entity in the ordinary course of business:

1702 (A) because of the legislator's ownership interest in the entity; or

1703 (B) for services rendered by the legislator on behalf of the person or entity.

1704 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
1705 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
1706 action committee, a political issues committee, a corporation, or a labor organization, as
1707 defined in Section 20A-11-1501.

1708 (53) "School board office" means the office of state school board.

1709 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or
1710 intangible asset that comprises the contribution.

1711 (b) "Source" means, for political action committees and corporations, the political
1712 action committee and the corporation as entities, not the contributors to the political action
1713 committee or the owners or shareholders of the corporation.

1714 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
1715 state auditor, and state treasurer.

1716 (56) "State office candidate" means a person who:

1717 (a) files a declaration of candidacy for a state office; or

1718 (b) receives contributions, makes expenditures, or gives consent for any other person to
1719 receive contributions or make expenditures to bring about the person's nomination, election, or
1720 appointment to a state office.

1721 (57) "Summary report" means the year end report containing the summary of a
1722 reporting entity's contributions and expenditures.

1723 (58) "Supervisory board" means the individual or group of individuals that allocate
1724 expenditures from a political issues committee.

1725 Section 29. Section 63I-2-210 is amended to read:

1726 **63I-2-210. Repeal dates -- Title 10.**

1727 [~~(1) On July 1, 2018, the following are repealed:~~]

1728 [~~(a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";~~]

1729 [~~(b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";~~]

1730 [~~(c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";~~]

1731 [~~(d) Section 10-2a-302;~~]

1732 [~~(e) Subsection 10-2a-302.5(2)(a);~~]

1733 [~~(f)~~ in Subsection ~~10-2a-303~~(1), the language that states "~~10-2a-302~~ or";]
 1734 [~~(g)~~ in Subsection ~~10-2a-303~~(4), the language that states "~~10-2a-302~~(7)(b)(v) or" and
 1735 "~~10-2a-302~~(7)(b)(iv) or";]
 1736 [~~(h)~~ in Subsection ~~10-2a-304~~(1)(a), the language that states "~~10-2a-302~~ or"; and]
 1737 [~~(i)~~ in Subsection ~~10-2a-304~~(1)(a)(ii), the language that states "Subsection
 1738 ~~10-2a-302~~(5) or".]

1739 [~~(2)~~] (1) Subsection ~~10-9a-304~~(2) is repealed June 1, 2020.

1740 [~~(3)~~] (2) When repealing Subsection ~~10-9a-304~~(2), the Office of Legislative Research
 1741 and General Counsel shall, in addition to the office's authority under Subsection ~~36-12-12~~(3),
 1742 make necessary changes to subsection numbering and cross references.

1743 Section 30. Section ~~67-1a-2~~ is amended to read:

1744 **~~67-1a-2. Duties enumerated.~~**

1745 (1) The lieutenant governor shall:

1746 (a) perform duties delegated by the governor, including assignments to serve in any of
 1747 the following capacities:

1748 (i) as the head of any one department, if so qualified, with the consent of the Senate,
 1749 and, upon appointment at the pleasure of the governor and without additional compensation;

1750 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
 1751 law for the purpose of advising the governor or coordinating intergovernmental or
 1752 interdepartmental policies or programs;

1753 (iii) as liaison between the governor and the state Legislature to coordinate and
 1754 facilitate the governor's programs and budget requests;

1755 (iv) as liaison between the governor and other officials of local, state, federal, and
 1756 international governments or any other political entities to coordinate, facilitate, and protect the
 1757 interests of the state;

1758 (v) as personal advisor to the governor, including advice on policies, programs,
 1759 administrative and personnel matters, and fiscal or budgetary matters; and

1760 (vi) as chairperson or member of any temporary or permanent boards, councils,
 1761 commissions, committees, task forces, or other group appointed by the governor;

1762 (b) serve on all boards and commissions in lieu of the governor, whenever so
 1763 designated by the governor;

- 1764 (c) serve as the chief election officer of the state as required by Subsection (2);
- 1765 (d) keep custody of the Great Seal of Utah;
- 1766 (e) keep a register of, and attest, the official acts of the governor;
- 1767 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 1768 which the official signature of the governor is required; and
- 1769 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 1770 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 1771 it and pays the fee.
- 1772 (2) (a) As the chief election officer, the lieutenant governor shall:
- 1773 (i) exercise general supervisory authority over all elections;
- 1774 (ii) exercise direct authority over the conduct of elections for federal, state, and
- 1775 multicounty officers and statewide or multicounty ballot propositions and any recounts
- 1776 involving those races;
- 1777 (iii) assist county clerks in unifying the election ballot;
- 1778 (iv) (A) prepare election information for the public as required by statute and as
- 1779 determined appropriate by the lieutenant governor; and
- 1780 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
- 1781 news media on the Internet and in other forms as required by statute or as determined
- 1782 appropriate by the lieutenant governor;
- 1783 (v) receive and answer election questions and maintain an election file on opinions
- 1784 received from the attorney general;
- 1785 (vi) maintain a current list of registered political parties as defined in Section
- 1786 [20A-8-101](#);
- 1787 (vii) maintain election returns and statistics;
- 1788 (viii) certify to the governor the names of those persons who have received the highest
- 1789 number of votes for any office;
- 1790 (ix) ensure that all voting equipment purchased by the state complies with the
- 1791 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-802](#) and [20A-5-803](#);
- 1792 (x) conduct the study described in Section [67-1a-14](#);
- 1793 (xi) during a declared emergency, to the extent that the lieutenant governor determines
- 1794 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location

1795 relating to:

1796 (A) voting on election day;

1797 (B) early voting;

1798 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1799 (D) the counting of an absentee ballot or military-overseas ballot; or

1800 (E) the canvassing of election returns; and

1801 (xii) perform other election duties as provided in Title 20A, Election Code.

1802 (b) As chief election officer, the lieutenant governor may not assume the

1803 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election

1804 officials by Title 20A, Election Code.

1805 (3) (a) The lieutenant governor shall:

1806 (i) determine a new [city's] municipality's classification under Section 10-2-301 upon

1807 the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a [City]

1808 Municipality, based on the [city's] municipality's population using the population estimate from

1809 the Utah Population Committee; and

1810 (ii) (A) prepare a certificate indicating the class in which the new [city] municipality

1811 belongs based on the [city's] municipality's population; and

1812 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1813 [city's] municipality's legislative body.

1814 (b) The lieutenant governor shall:

1815 (i) determine the classification under Section 10-2-301 of a consolidated municipality

1816 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

1817 Consolidation of Municipalities, using population information from:

1818 (A) each official census or census estimate of the United States Bureau of the Census;

1819 or

1820 (B) the population estimate from the Utah Population Committee, if the population of a

1821 municipality is not available from the United States Bureau of the Census; and

1822 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality

1823 belongs based on the municipality's population; and

1824 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1825 consolidated municipality's legislative body.

1826 (c) The lieutenant governor shall:
1827 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1828 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1829 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1830 2015, based on the metro township's population using the population estimates from the Utah
1831 Population Committee; and
1832 (ii) prepare a certificate indicating the class in which the new metro township belongs
1833 based on the metro township's population and, within 10 days after preparing the certificate,
1834 deliver a copy of the certificate to the metro township's legislative body.
1835 (d) The lieutenant governor shall monitor the population of each municipality using
1836 population information from:
1837 (i) each official census or census estimate of the United States Bureau of the Census; or
1838 (ii) the population estimate from the Utah Population Committee, if the population of a
1839 municipality is not available from the United States Bureau of the Census.
1840 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1841 municipality's population has increased beyond the population for its current class, the
1842 lieutenant governor shall:
1843 (i) prepare a certificate indicating the class in which the municipality belongs based on
1844 the increased population figure; and
1845 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1846 legislative body of the municipality whose class has changed.
1847 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1848 municipality's population has decreased below the population for its current class, the
1849 lieutenant governor shall send written notification of that fact to the municipality's legislative
1850 body.
1851 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1852 population has decreased below the population for its current class, the lieutenant governor
1853 shall:
1854 (A) prepare a certificate indicating the class in which the municipality belongs based
1855 on the decreased population figure; and
1856 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1857 legislative body of the municipality whose class has changed.

1858 Section 31. **Repealer.**

1859 This bill repeals:

1860 Section **10-2a-221, Incorporation petition or feasibility study before May 8, 2012.**

1861 Section **10-2a-301, Title.**

1862 Section **10-2a-302.5, Incorporation of a town -- Petition.**

1863 Section **10-2a-303, Incorporation of a town -- Public hearing on feasibility.**

1864 Section **10-2a-304, Incorporation of a town -- Election to incorporate -- Ballot**

1865 **form.**

1866 Section **10-2a-305, Form of government -- Determination of council officer terms --**

1867 **Hearings and notice.**

1868 Section **10-2a-305.1, Notice of number of council members to be elected and of**

1869 **district boundaries -- Declaration of candidacy for city office -- Occupation of office.**

1870 Section **10-2a-305.2, Election of officers of new town -- Primary and final election**

1871 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1872 Section **10-2a-306, Notice to lieutenant governor -- Effective date of incorporation**

1873 **-- Effect of recording documents.**

1874 Section **10-2a-307, Costs of town incorporation -- Fees established by lieutenant**

1875 **governor.**

1876 Section 32. **Appropriation.**

1877 The following sums of money are appropriated for the fiscal year beginning July 1,
 1878 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
 1879 fiscal year 2020. The Legislature has reviewed the following expendable funds. The Legislature
 1880 authorizes the State Division of Finance to transfer amounts between funds and accounts as
 1881 indicated. Outlays and expenditures from the funds or accounts to which the money is
 1882 transferred may be made without further legislative action, in accordance with statutory
 1883 provisions relating to the funds or accounts.

1884 ITEM 1

1885 To the Municipal Incorporation Expendable Special Revenue Fund

1886 From General Fund, One-time

\$100,000

1887 Schedule of Programs:

1888	<u>Municipal Incorporation Expendable</u>	
1889	<u>Special Revenue Fund</u>	<u>\$100,000</u>
1890	Section 33. Revisor instructions.	
1891	<u>The Legislature intends that the Office of Legislative Research and General Counsel, in</u>	
1892	<u>preparing the Utah Code database for publication, replace the reference in Subsection</u>	
1893	<u>10-2a-106(3), from "this bill" to the bill's designated chapter number in the Laws of Utah.</u>	