

- 28 ▶ requires petition sponsors to file financial disclosures;
- 29 ▶ amends study committee membership and qualifications;
- 30 ▶ limits the time frame allowed for a study committee to alter its proposed optional
- 31 plan;

32 ~~§→ [→ authorizes a county legislative body to amend an optional plan proposed by a study~~
 33 ~~committee within a certain time frame;] ←§~~

- 34 ▶ prohibits a proposed optional plan from including certain provisions, including
- 35 language specifying districts of county officials or compensation;
- 36 ▶ limits the citizens or the county legislative body of a county of the fifth or sixth
- 37 class to proposing either the county commission or expanded county commission
- 38 form of government;
- 39 ▶ requires the county to hold an election on a proposed optional plan at the next
- 40 regular general election that is no sooner than 65 days after the county attorney
- 41 submits a report on the proposed optional plan;
- 42 ▶ requires the county clerk to prepare a voter information pamphlet on a proposed
- 43 optional plan;
- 44 ▶ after an election in which an optional plan is adopted, requires the county legislative
- 45 body to adopt geographic district boundaries, compensation, and benefits for new
- 46 county officers;
- 47 ▶ repeals Title 17, Chapter 35b, Consolidation of Local Government Units and other
- 48 provisions; and
- 49 ▶ makes technical and conforming changes.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 This bill provides a special effective date.

54 This bill provides revisor instructions.

55 **Utah Code Sections Affected:**

56 AMENDS:

57 **17-52a-102**, as renumbered and amended by Laws of Utah 2018, Chapter 68

58 **17-52a-103**, as renumbered and amended by Laws of Utah 2018, Chapter 68

276 plan by:

277 (i) approving a motion to establish a study committee to study changing the form of
 278 government; and

279 (ii) adopting a resolution to submit to the voters the question of whether the county
 280 should adopt an optional plan proposed by the study committee described in Subsection
 281 (1)(a)(i) ~~§~~ → [including any amendments to the proposed optional plan by the county legislative
 282 body in accordance with Section ~~17-52a-403~~ ← § .

283 (b) The county legislative body may not submit to the voters an optional plan unless
 284 the optional plan complies with the requirements of Sections ~~17-52a-404~~ and ~~17-52a-405~~.

285 (2) (a) No later than 10 days after the day on which the county legislative body
 286 approves a motion as described in Subsection (1)(a)(i), the county legislative body shall notify
 287 the county executive of the county legislative body's approval to establish a study committee.

288 (b) No later than 10 days after the day on which the county legislative body adopts a
 289 resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy of the
 290 optional plan that the legislative body recommends to:

291 [~~(a)~~] (i) the county clerk; and

292 [~~(b)~~] (ii) the county attorney [or, if the county does not have a county attorney, to the
 293 district attorney,] for review in accordance with Section ~~17-52a-406~~.

294 Section 6. Section ~~17-52a-303~~ is amended to read:

295 **17-52a-303. Registered voter initiation of adoption of optional plan -- Procedure.**

296 (1) (a) Registered voters of a county may initiate the process of adopting an optional
 297 plan by filing with the county clerk a notice of intent to gather signatures for a petition:

298 (i) for the establishment of a study committee described in Section [~~17-52a-401~~]
 299 ~~17-52a-403~~; or

300 (ii) [~~in a county with a population of 500,000 or more that operates under the county~~
 301 ~~commission form of government under Section ~~17-52a-201~~,] to adopt an optional plan that:~~

302 (A) accompanies the petition [~~described in this Subsection (1)(a)(ii)~~] during the
 303 signature gathering process and accompanies the petition in the submission to the county clerk
 304 under Subsection (2)(b); and

305 (B) complies with the requirements described in Sections ~~17-52a-404~~ and ~~17-52a-405~~.

306 (b) A notice of intent described in Subsection (1)(a) shall:

- 307 (i) designate five sponsors for the petition;
- 308 (ii) designate a contact sponsor to serve as the primary contact for the petition
- 309 sponsors;
- 310 (iii) list the mailing address and telephone number of each of the sponsors; and
- 311 (iv) be signed by each of the petition sponsors.
- 312 (c) Registered voters of a county may not file a notice of intent to gather signatures in
- 313 bad faith.

314 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of

315 intent to gather signatures under Subsection (1).

316 (b) ~~(i) [To be considered valid, the petition is required to be signed by registered voters~~

317 ~~residing in the county equal in number to at least 5% of the total number of votes cast in the~~

318 ~~county for all candidates for president of the United States at the most recent election at which~~

319 ~~a president of the United States was elected]~~ ~~H→~~ **[The] Except as provided in Subsection**

319a **(2)(b)(ii), the ←H** petition is valid if the petition contains the

320 number of legal signatures required under Subsection 20A-7-501(2).

320a ~~H→~~ **(ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at**

320b **least the number of legal signatures equal to 30% of the number of active voters, as defined in**

320c **Section 20A-7-501, in the county. ←H**

321 ~~H→~~ ~~[(iii)]~~ ~~(iii)~~ ~~←H~~ The county clerk may not count a signature that was collected for the

321a petition

322 before the petition sponsors filed a notice of intent under Subsection (1)(a).

323 ~~H→~~ ~~[(iii)]~~ ~~(iv)~~ ~~←H~~ Notwithstanding any other provision of law, an individual may not sign a

323a petition

324 circulated under this section by electronic signature as defined in Section 20A-1-202.

325 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit

326 the completed petition and any amended or supplemental petition described in Subsection (4)

327 with the county clerk not more than 180 days after the day on which the sponsors file the notice

328 described in Subsection (1).

329 (d) (i) Within 30 days after the day on which the sponsors submit a petition, the

330 sponsors shall submit financial disclosures to the county clerk that include:

331 (A) a list of each contribution received by the sponsors and the name of the donor; and

332 (B) a list of each expenditure for purposes of furthering or sponsoring the petition and

333 the recipient of each expenditure.

334 (ii) The county clerk shall publish the financial disclosures described in Subsection ~~⊗~~

335 ~~(2)(d)(i).~~

336 (iii) All sponsors of a petition shall date and sign each list described in Subsection

337 (2)(d)(i).

462 under Subsection (3)(a)(iv) and, following the hearings and subject to Subsection (5)(b), alter
463 the report or proposed optional plan.

464 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
465 to the report or proposed optional plan:

466 (i) that would recommend the adoption of an optional form different from that
467 recommended in the original report; or

468 (ii) within the [~~120-day~~] 160-day period before the election under Section 17-52a-501.

469 (6) Each meeting that the study committee holds shall be open to the public.

470 (7) If the study committee's report does not recommend a change in the form of county
471 government, the report is final, the study committee is dissolved, and the process to change the
472 county's form of government is concluded.

473 (8) The county legislative body shall provide for the study committee:

474 (a) suitable meeting facilities;

475 (b) necessary secretarial services;

476 (c) necessary printing and photocopying services;

477 (d) necessary clerical and staff assistance; and

478 (e) adequate funds for the employment of independent legal counsel and professional
479 consultants that the study committee reasonably determines to be necessary to help the study
480 committee fulfill its duties.

481 (9) ~~§~~ **→** ~~[(a)]~~ **←** ~~§~~ The county legislative body may not interfere with the work of the study
482 committee.

483 ~~§~~ **→** ~~[(b) After the study committee files the study committee's report in accordance with~~
484 ~~Subsection (3)(a)(iv), the county legislative body may amend the study committee's proposed~~
485 ~~optional plan by adopting a resolution that clearly identifies the amendments to the proposed~~
486 ~~optional plan.~~

487 ~~(c) The county legislative body may not adopt a resolution described in Subsection~~
488 ~~(9)(b) unless:~~

489 ~~(i) the amended proposed optional plan:~~

490 ~~(A) complies with the provisions of this chapter; and~~

491 ~~(B) is first submitted to and reviewed by the county attorney in accordance with~~
492 ~~Section 17-52a-406; and~~

493 ~~● (ii) the resolution is adopted no later than 120 days before the day on which the~~
 494 ~~election under Section 17-52a-501 occurs.] ←§~~

495 Section 10. Section 17-52a-404 is amended to read:

496 **17-52a-404. Contents of proposed optional plan.**

497 (1) The study committee~~[, a county legislative body that adopts a resolution described~~
 498 ~~in Subsection 17-52a-302(1)(b);]~~ or the sponsors of a petition described in Subsection
 499 17-52a-303(1)(a)(ii) shall ensure that ~~[each] an~~ optional plan the committee~~[, legislative body,]~~
 500 or registered voters propose under this chapter, respectively:

501 (a) proposes the adoption of one of the forms of county government ~~[listed]~~ authorized
 502 in Subsection 17-52a-405(1)(a);

503 (b) contains detailed provisions relating to the transition from the existing form of
 504 county government to the form proposed in the optional plan, including provisions relating to
 505 the:

506 (i) election or appointment of officers specified in the optional plan for the new form of
 507 county government;

508 (ii) retention, elimination, or combining of existing offices and, if an office is
 509 eliminated, the division or department of county government responsible for performing the
 510 duties of the eliminated office;

511 (iii) continuity of existing ordinances and regulations;

512 (iv) continuation of pending legislative, administrative, or judicial proceedings;

513 (v) making of interim and temporary appointments; and

514 (vi) preparation, approval, and adjustment of necessary budget appropriations;

515 (c) specifies the date the optional plan becomes effective if adopted, which may not be
 516 earlier than the first day of January next following the election of officers under the new plan;
 517 and

518 (d) notwithstanding any other provision of this title and except with respect to an
 519 optional plan that proposes the adoption of the county commission or expanded county
 520 commission form of government, with respect to the county budget provides that:

521 (i) the county executive's role is to prepare and present a proposed budget to the county
 522 legislative body; and

523 (ii) the county legislative body's role is to adopt a final budget.

586 (ii) provides for the nonpartisan election of elected officers;
 587 (iii) imposes a limit on the number of terms or years that an elected officer may serve;
 588 (iv) provides for elected officers to be subject to a recall election; or
 589 (v) provides, in a county with a population of 225,000 or more, for a full-time county
 590 commission in an expanded county commission form of government under Section
 591 [17-52a-202](#).

592 [~~(2)~~ In addition to proposing the adoption of any one of the optional forms of county
 593 government under Subsection (1)(a), an optional plan may also propose the adoption of any
 594 one of the structural forms of county government provided under Chapter 35b, Part 3,
 595 Structural Forms of County Government.]

596 [(3)] (2) A county that provides for the election of the county's elected officers through
 597 a partisan election may not change to a process that provides for the election of the county's
 598 elected officers through a nonpartisan election.

599 Section 12. Section **17-52a-406** is amended to read:

600 **17-52a-406. County attorney review of proposed optional plan -- Conflict with**
 601 **statutory or constitutional provisions -- Processing of optional plan after attorney review.**

602 (1) As used in this section:

603 (a) "Proposed optional plan" means an optional plan ~~§~~ → [; including any amendments to the
 604 optional plan proposed in accordance with this chapter;] ← ~~§~~ that is submitted to the county attorney
 605 for review in accordance with a provision of this chapter.

606 (b) "Requesting entity" means the person who submits a proposed optional plan to the
 607 county attorney for review in accordance with a provision of this chapter.

608 [(1)] (2) (a) Within 45 days after the day on which the county [or district] attorney
 609 receives [the recommended optional plan from the county clerk under Subsection (3)(d);
 610 [17-52a-303](#)(3)(c), or [17-52a-403](#)(3)(b) or from the county legislative body under Subsection
 611 (3)(c) or [17-52a-302](#)(3)] a proposed optional plan from a requesting entity, the county [or
 612 district] attorney shall review the proposed optional plan and send a written report [to the
 613 county clerk] containing the information described in Subsection [(2);] (2)(b) to:

614 (i) the requesting entity; and

615 (ii) (A) the petition sponsors, if the proposed optional plan was recommended under
 616 Section [17-52a-303](#); or

710 for a county with a population of 225,000 or more or for a county in which voters approved the
 711 appointment of a study committee by a vote of at least 60%;] the day on which the county [or
 712 district] attorney submits to the county clerk the attorney's report described in [Subsection
 713 ~~17-52a-406(4)~~ or, for a county under a pending process described in Section ~~17-52a-104~~, the
 714 attorney's report that is described in Section ~~17-52-204~~ as that section was in effect on March
 715 14, 2018 and that contains a statement described in Subsection ~~17-52-204(5)~~ as that subsection
 716 was in effect on March 14, 2018; or] Section 17-52a-406.

717 [(b) for a county with a population of less than 225,000 in which voters did not
 718 approve the appointment of a study committee by a vote of at least 60%, the day on which:]

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

720 [(ii) the county clerk certifies a petition under Subsection (2)(b);]

721 [~~(4)~~] (2) The county clerk shall prepare the ballot for an election under this section so
 722 that the question on the ballot states substantially the following:

723 "Shall _____ County adopt the alternate form of government known
 724 as the (insert the proposed form of government) [~~that the study committee has recommended~~]
 725 as recommended in the proposed optional plan?"

726 [~~(5)~~] (3) The county clerk shall:

727 (a) publish the complete text of the proposed optional plan in a newspaper of general
 728 circulation within the county at least once during two different calendar weeks within the
 729 30-day period immediately before the date of the election described in Subsection (1);

730 (b) post the complete text of the proposed optional plan in a conspicuous place on the
 731 county's website during the 45-day period that immediately precedes the election on the
 732 optional plan; and

733 (c) make a complete copy of the optional plan and the study committee report available
 734 free of charge to any member of the public who requests a copy.

735 [~~(6)~~] (4) A county clerk shall declare an optional plan as adopted by the voters if a
 736 majority of voters voting on the optional plan vote in favor of the optional plan.

737 Section 14. Section ~~17-52a-502~~ is amended to read:

738 **17-52a-502. Voter information pamphlet.**

739 (1) In anticipation of an election under Section ~~17-52a-501~~, the county clerk [~~may~~]
 740 shall prepare a voter information pamphlet to inform the public of the proposed optional plan ~~in~~ **in**
 740a **accordance with the provisions of Title 20A, Chapter 7, Part 7, Voter Information**
 740b **Pamphlet** ~~in~~.

741 (2) In preparing a voter information pamphlet under this section, the county clerk
742 ~~[may]~~ shall:

743 (a) allow proponents and opponents of the proposed optional plan to provide written
744 statements to be included in the pamphlet; and

745 (b) ~~H→ [use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information~~
746 ~~Pamphlet]~~ **ensure each written statement described in Subsection (2)(a) is printed in the same**
746a **font style and point size ←H .**

747 (3) A county clerk ~~[who prepares a voter information pamphlet under this section]~~ shall
748 cause the publication and distribution of the pamphlet in a manner that the county clerk
749 determines is adequate.

750 Section 15. Section ~~17-52a-503~~ is amended to read:

751 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**
752 **of adoption.**

753 (1) If a proposed optional plan is approved at an election held under Section
754 ~~17-52a-501~~:

755 (a) on or before November 1 of the year immediately following the year of the election
756 described in Section ~~17-52a-501~~ in which the optional plan is approved, the county legislative
757 body shall:

758 (i) if the proposed optional plan under Section ~~17-52a-404~~ specifies that one or more
759 members of the county legislative body are elected from districts, adopt the geographic
760 boundaries of each council or commission member district; and

761 (ii) adopt the compensation, including benefits, for each member of the county
762 legislative body;

763 ~~[(a)]~~ (b) the elected county officers specified in the plan shall be elected at the next
764 regular general election following the election under Section ~~17-52a-501~~, according to the
765 procedure and schedule established under Title 20A, Election Code, for the election of county
766 officers;

767 ~~[(b)]~~ (c) the proposed optional plan:

768 (i) becomes effective according to the optional plan's terms;

769 (ii) subject to Subsection ~~17-52a-404~~(1)(c), at the time specified in the optional plan, is
770 a public record open to inspection by the public; and

771 (iii) is judicially noticeable by all courts;