

1 **AMENDMENTS TO COUNTY FORM OF GOVERNMENT**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Logan Wilde**

5 Senate Sponsor: Ronald Winterton

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**LONG TITLE**

7 **Committee Note:**

8 The Political Subdivisions Interim Committee recommended this bill.

9 Legislative Vote: 12 voting for 0 voting against 4 absent

10 **General Description:**

11 This bill amends provisions related to changing a county form of government.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends definitions;
- 15 ▶ provides a grandfather provision for counties that have initiated the process to
- 16 change the county's form of government as of the effective date of this bill;
- 17 ▶ authorizes, without an election, the establishment of a committee to study changing
- 18 the county form of government after a successful petition or motion of a county
- 19 legislative body;
- 20 ▶ after a completed process to change the county form of government, prohibits the
- 21 county legislative body or registered voters from initiating the process again until
- 22 four years after the new county officers are elected;
- 23 ▶ removes certain procedural restrictions based on county population size;
- 24 ▶ amends the signature thresholds for a citizen petition to establish a study committee
- 25 or propose an optional plan for adoption and prohibits the use of electronic
- 26 signatures;
- 27



- 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

- 59 **17-52a-104**, as enacted by Laws of Utah 2018, Chapter 68
- 60 **17-52a-301**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 61 **17-52a-302**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 62 **17-52a-303**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 63 **17-52a-305**, as enacted by Laws of Utah 2018, Chapter 68
- 64 **17-52a-402**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 65 **17-52a-403**, as last amended by Laws of Utah 2019, Chapter 136
- 66 **17-52a-404**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 67 **17-52a-405**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 68 **17-52a-406**, as last amended by Laws of Utah 2019, Chapter 136
- 69 **17-52a-501**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 70 **17-52a-502**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 71 **17-52a-503**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 72 **20A-1-203**, as last amended by Laws of Utah 2019, Chapter 165
- 73 **63I-2-217**, as last amended by Laws of Utah 2019, Chapters 136, 252, 327, 384, 510
- 74 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 384

75 REPEALS:

- 76 **17-52a-304**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 77 **17-52a-401**, as renumbered and amended by Laws of Utah 2018, Chapter 68

78 **Utah Code Sections Affected by Revisor Instructions:**

- 79 **17-52a-103**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 80 **17-52a-104**, as enacted by Laws of Utah 2018, Chapter 68



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

83 Section 1. Section **17-52a-102** is amended to read:

84 **17-52a-102. Definitions.**

85 As used in this chapter:

86 ~~[(1) "Appointment council" means a commission-initiated appointment council or a~~  
87 ~~petition-initiated appointment council.]~~

88 ~~[(2) "Commission-initiated appointment council" means, for a process to change a~~  
89 ~~county's form of government that is initiated by the county legislative body under Section~~

90 ~~17-52a-302, a group of five individuals consisting of:]~~

91 ~~[(a) a resident of the county in which the optional plan is proposed, designated by a~~  
92 ~~majority of all state senators and representatives whose districts include any part of the county~~  
93 ~~in which the optional plan is proposed;]~~

94 ~~[(b) a resident of the county in which the optional plan is proposed, designated by the~~  
95 ~~county legislative body; and]~~

96 ~~[(c) (i) if registered voters qualify to select a member of an appointment council under~~  
97 ~~Subsection 17-52a-303(6);]~~

98 ~~[(A) a resident of the county in which the optional plan is proposed, designated by the~~  
99 ~~petition sponsors; and]~~

100 ~~[(B) two other residents of the county in which the optional plan is proposed,~~  
101 ~~designated by majority vote of the three other members of the appointment council; or]~~

102 ~~[(ii) if registered voters do not qualify to select a member of an appointment council~~  
103 ~~under Subsection 17-52a-303(6), three other residents of the county in which the optional plan~~  
104 ~~is proposed, designated individually by:]~~

105 ~~[(A) a unanimous vote of the commission-initiated appointment council members~~  
106 ~~described in Subsections (2)(a) and (b); or]~~

107 ~~[(B) if the commission-initiated appointment council members described in~~  
108 ~~Subsections (2)(a) and (b) cannot reach a unanimous vote to fill an appointment council~~  
109 ~~member position, the legislators described in Subsection (2)(a), who shall, by a majority vote,~~  
110 ~~designate an individual to fill the appointment council member position.]~~

111 ~~[(3)]~~ (1) "Optional plan" means a plan establishing an alternate form of government for  
112 a county as provided in Section 17-52a-404.

113 ~~[(4) "Petition-initiated appointment council" means, for a process to change a county's~~  
114 ~~form of government that registered voters initiate under Section 17-52a-303, the five sponsors~~  
115 ~~described in Subsection 17-52a-303(1)(b)(i).]~~

116 ~~[(5)]~~ (2) "Study committee" means the committee that ~~[has seven members:]~~ has five  
117 members appointed and charged with the duties as provided in Section 17-52a-403.

118 ~~[(a) appointed under Section 17-52a-401; and]~~

119 ~~[(b) charged with the duties provided in Section 17-52a-403.]~~

120 Section 2. Section 17-52a-103 is amended to read:

121           **17-52a-103. Forms of county government -- County commission form required**  
122 **unless another is adopted -- Restrictions on form of county government.**

123           (1) Subject to Subsection (2), each county shall operate under one of the following  
124 forms of county government:

- 125           (a) the county commission form under Section 17-52a-201;
- 126           (b) the expanded county commission form under Section 17-52a-202;
- 127           (c) the county executive and council form under Section 17-52a-203; or
- 128           (d) the council-manager form under Section 17-52a-204.

129           (2) Unless a county adopts another form of government as provided in this chapter, the  
130 county shall operate under the county commission form of government under Section  
131 17-52a-201.

132           (3) (a) In a county that operates under a form of government that is not described in  
133 Subsection (2):

134           (i) the county's legislative body shall, before July 1, 2018, initiate the process under  
135 Section 17-52a-302 of changing the county's form of government;

136           (ii) the county shall hold a special election [~~described in Section 17-52a-304~~] on  
137 November 6, 2018;

138           (iii) if the voters approve the appointment of a study committee at the special election  
139 described in Subsection (3)(a)(ii):

140           (A) the study committee may not recommend under Section 17-52a-403 that the county  
141 retain the county's current form of government; and

142           (B) the county shall hold an election described in Section 17-52a-501 before December  
143 31, 2020, on an optional plan that the study committee creates; and

144           (iv) the registered voters of the county may not repeal an optional plan under Section  
145 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

146           (b) If the voters of a county described in Subsection (3)(a) do not approve a change in  
147 the county's form of government at an election described in Subsection (3)(a)(iii)(B) before  
148 December 31, 2020:

149           (i) the county shall operate under the county commission form of government under  
150 Section 17-52a-201 [~~in the same manner that a county is required under Subsection~~  
151 ~~17-52a-102(2) to operate under that form of government if the county does not adopt another~~

152 ~~form of government~~]; and

153 (ii) the county shall transition to the form of government described in Subsection  
154 (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form  
155 of government described in Subsection (3)(b)(i) in the applicable election described in  
156 Subsection (3)(b).

157 (4) In a county of the fifth or sixth class, if the county legislative body under Section  
158 17-52a-302 or the registered voters under Section 17-52a-303, after the effective date of this  
159 bill, initiate the process to adopt an optional plan, the proposed optional plan may only propose  
160 a form of government authorized under Section 17-52a-405.

161 Section 3. Section 17-52a-104 is amended to read:

162 **17-52a-104. Applicability of former provisions to pending process.**

163 (1) (a) If, on March 15, 2018, a county is under a pending process described in  
164 Subsection ~~[(2)] (1)(b)~~ to change the county's form of government:

165 ~~[(a)] (i)~~ (i) except as provided in this section, the provisions of Laws of Utah 2018,  
166 Chapter 68 do not apply to that pending process; and

167 ~~[(b)] (ii)~~ (ii) that pending process is governed by:

168 ~~[(i)] (A)~~ (A) the provisions of law that were in effect on March 14, 2018;

169 ~~[(ii)] (B)~~ (B) Subsection 17-52a-301(3) as it was in effect on the day immediately before  
170 the day on which this bill takes effect;

171 ~~[(iii)] (C)~~ (C) Subsections 17-52a-501(1)(a) and (3)(a) as each was in effect on the day  
172 immediately before the day on which this bill takes effect; and

173 ~~[(iv)] (D)~~ (D) Subsection ~~[(3)] (1)(c)~~ as it was in effect on the day immediately before the  
174 day on which this bill takes effect.

175 ~~[(2)] (b)~~ (b) A process of changing a county's form of government is pending under  
176 Subsection (1)(a) if, as of March 15, 2018:

177 ~~[(a)] (i)~~ (A) the county legislative body had adopted a resolution in accordance with the  
178 provisions of law that were in effect on March 14, 2018 to change the county's form of  
179 government; or

180 ~~[(ii)] (B)~~ (B) registered voters had begun collecting signatures in accordance with the  
181 provisions of law that were in effect on March 14, 2018 for a petition to change the county's  
182 form of government; and

183 ~~(b)~~ (ii) the process of changing the county's form of government initiated under  
184 Subsection ~~(2)(a)~~ (1)(b)(i) has not concluded.

185 ~~(3)(a)~~ (c) (i) To continue a pending process described in Subsection ~~(2)(a)(ii)~~  
186 (1)(b)(i)(B), registered voters that initiated the process shall submit a sufficient number of valid  
187 signatures to the county clerk within 180 days after March 15, 2018.

188 ~~(b)~~ (ii) If the registered voters fail to comply with Subsection ~~(3)(a)~~ (1)(c)(i), the  
189 pending process is concluded under Subsection 17-52a-301(3)(a)~~(vi)~~(v)(A).

190 (2) (a) If, on the effective date of this bill, a county is under a pending process  
191 described in Subsection (2)(b) to change the county's form of government:

192 (i) except as provided in this Subsection (2), the provisions of this bill do not apply to  
193 that pending process; and

194 (ii) that pending process is governed by:

195 (A) the provisions of law that were in effect on the day immediately before the day on  
196 which this bill takes effect; and

197 (B) Subsection (2)(c).

198 (b) A process of changing a county's form of government is pending under Subsection  
199 (1) if, on the effective date of this bill:

200 (i) (A) the county legislative body had adopted a resolution in accordance with the  
201 provisions of law that were in effect on the day immediately before the day on which this bill  
202 takes effect to change the county's form of government; or

203 (B) registered voters had begun collecting signatures in accordance with the provisions  
204 of law that were in effect on the day immediately before the day on which this bill takes effect  
205 for a petition to change the county's form of government; and

206 (ii) the process of changing the county's form of government initiated under Subsection  
207 (2)(b)(i) has not concluded.

208 (c) (i) To continue a pending process described in Subsection (2)(b)(i)(B), registered  
209 voters that initiated the process shall submit a sufficient number of valid signatures to the  
210 county clerk within 180 days after the effective date of this bill.

211 (ii) If the registered voters fail to comply with Subsection (2)(c)(i), the pending process  
212 is concluded under Subsection 17-52a-301(3)(a)(v)(A).

213 Section 4. Section 17-52a-301 is amended to read:

214 **17-52a-301. Procedure for initiating adoption of optional plan -- Limitations --**  
 215 **Pending proceedings.**

216 (1) An optional plan proposing an alternate form of government for a county may be  
 217 adopted as provided in this chapter.

218 (2) The process to adopt an optional plan establishing an alternate form of county  
 219 government may be initiated by:

220 (a) the county legislative body as provided in Section 17-52a-302; or

221 (b) registered voters of the county as provided in Section 17-52a-303.

222 (3) (a) If the process to adopt an optional plan is initiated under Laws of Utah 1973,  
 223 Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, or under a provision  
 224 described in Subsection 17-52a-104~~[(2)]~~ (1)(b) or (2)(b), the county legislative body may not  
 225 initiate the process again under Section 17-52a-302, and registered voters may not initiate the  
 226 process again under Section 17-52a-303, until:

227 (i) the first initiated process concludes with an election under Section 17-52a-501;

228 (ii) the first initiated process concludes under Subsection 17-52a-403(7) because the  
 229 study committee recommended that the county's form of government not change;

230 ~~[(iii) the first initiated process has not concluded but has been pending for at least two~~  
 231 ~~years after the day on which the voters approved the appointment of a study committee in an~~  
 232 ~~election described in Section 17-52a-304;]~~

233 ~~[(iv) notwithstanding Subsection (3)(a)(iii), if an election on an optional plan under the~~  
 234 ~~first initiated process is scheduled under Section 17-52a-501, the conclusion of that election;]~~

235 ~~[(v)]~~ (iii) the first initiated process concludes because registered voters fail to submit a  
 236 sufficient number of valid signatures for a petition before the deadline described in Subsection  
 237 17-52a-303(2)(c); or

238 ~~[(vi)]~~ (iv) for a process governed by Section 17-52a-104, the first initiated process  
 239 concludes:

240 (A) because registered voters fail to submit a sufficient number of valid signatures for a  
 241 petition before the deadline described in Subsection 17-52a-104~~[(3)]~~(1)(c)(i) or (2)(c)(i); or

242 (B) under a provision described in Subsection 17-52a-104(1)~~[(b)]~~(a)(ii) or (2)(a)(ii).

243 (b) A county legislative body may not initiate the process to adopt an optional plan  
 244 under Section 17-52a-302 within four years of an election at which voters ~~[approved or~~



245 ~~rejected]~~ first elect elected county officials in accordance with Section 17-52a-503 and as  
 246 specified in an optional plan proposed as a result of a process initiated by the county legislative  
 247 body.

248 (c) Registered voters of a county may not initiate the process to adopt an optional plan  
 249 under Section 17-52a-303 within four years of an election at which voters [~~approved or~~  
 250 ~~rejected]~~ first elect elected county officials in accordance with Section 17-52a-503 and as  
 251 specified in an optional plan proposed as a result of a process initiated by registered voters.

252 Section 5. Section 17-52a-302 is amended to read:

253 **17-52a-302. County legislative body initiation of adoption of optional plan --**  
 254 **Procedure.**

255 [~~(1) A county legislative body may initiate the process of adopting an optional plan by~~  
 256 ~~adopting a resolution to submit to the voters the question of:]~~

257 [~~(a) whether a study committee should be established as provided in Section~~  
 258 ~~17-52a-401; or]~~

259 [~~(b) in a county with a population of 500,000 or more that operates under the county~~  
 260 ~~commission form of government under Section 17-52a-201, whether the county should adopt~~  
 261 ~~an optional plan that:]~~

262 [~~(i) the legislative body creates before adopting the resolution described in this~~  
 263 ~~Subsection (1); and]~~

264 [~~(ii) complies with the requirements described in Sections 17-52a-404 and~~  
 265 ~~17-52a-405:]~~

266 [(2) The county legislative body shall ensure that a resolution adopted under  
 267 Subsection (1):]

268 [~~(a) requires the question described in Subsection (1)(a) to be submitted to the~~  
 269 ~~registered voters of the county at the next special election scheduled under Section 20A-1-204~~  
 270 ~~after adoption of the resolution under Subsection (1); or]~~

271 [~~(b) requires the question described in Subsection (1)(b) to be submitted to the~~  
 272 ~~registered voters of the county at the next election described in Section 17-52a-501:]~~

273 [~~(3) Within 10 days after the day on which the county legislative body adopts a~~  
 274 ~~resolution proposing an optional plan under Subsection (1)(b);]~~

275 (1) (a) A county legislative body may only initiate the process of adopting an optional

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] The petition is valid if the petition contains the
- 320 number of legal signatures required under Subsection [20A-7-501\(2\)](#).
- 321 (ii) The county clerk may not count a signature that was collected for the petition
- 322 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 323 (iii) Notwithstanding any other provision of law, an individual may not sign a 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).

338 (3) Within 30 days after the day on which the sponsors submit a petition under  
339 Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county  
340 clerk shall:

341 (a) determine whether the petition or amended or supplemental petition has been  
342 signed by the required number of registered voters;

343 (b) (i) if the petition was signed by a sufficient number of registered voters:

344 (A) certify the petition;

345 (B) deliver the petition to the county legislative body and county executive; and

346 (C) notify the contact sponsor in writing of the certification; or

347 (ii) if the petition was not signed by a sufficient number of registered voters:

348 (A) reject the petition; and

349 (B) notify the county legislative body and the contact sponsor in writing of the  
350 rejection and the reasons for the rejection; and

351 (c) for a petition described in Subsection (1)(a)(ii), [~~within~~ no later than 10 days after  
352 the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county  
353 clerk shall send a copy of the optional plan that accompanied the petition to the county attorney  
354 [~~or, if the county does not have a county attorney, to the district attorney,~~] for review in  
355 accordance with Section [17-52a-406](#).

356 (4) The sponsors of a petition circulated under this section may submit supplemental  
357 signatures for the petition:

358 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

359 (b) before the earlier of:

360 (i) the deadline described in Subsection (2)(c); or

361 (ii) 20 days after the day on which the county clerk rejects the petition under  
362 Subsection (3)(b)(ii).

363 (5) With the unanimous approval of petition sponsors, a petition filed under this  
364 section may be withdrawn at any time within 90 days after the day on which the county clerk  
365 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election  
366 under Section [17-52a-501](#) if ~~[(a)]~~ the petition included a notification to petition signers, in  
367 conspicuous language and in a conspicuous location, that the petition sponsors are authorized  
368 to withdraw the petition~~[- and]~~.

369 ~~[(b) the petition has at least three sponsors.]~~

370 ~~[(6)(a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may~~  
 371 ~~circulate a petition under this section after a county legislative body initiates the process to~~  
 372 ~~adopt an optional plan under Subsection 17-52a-302(1)(a) in order to qualify to select a~~  
 373 ~~member of an appointment committee that is formed as a result of the process initiated by the~~  
 374 ~~county legislative body.]~~

375 ~~[(b) Notwithstanding Subsection (2)(c), registered voters who circulate a petition~~  
 376 ~~described in Subsection (6)(a) may not submit the completed petition less than 30 days before~~  
 377 ~~the day of the election described in Section 17-52a-304.]~~

378 ~~[(c) Notwithstanding Subsection (4), registered voters who circulate a petition~~  
 379 ~~described in Subsection (6)(a) may not amend or submit supplemental signatures for the~~  
 380 ~~petition unless:]~~

381 ~~[(i) the county clerk makes the determination described in Subsection (3) before the~~  
 382 ~~deadline described in Subsection (6)(b); and]~~

383 ~~[(ii) the registered voters submit the amended or supplemented petition before the~~  
 384 ~~deadline described in Subsection (6)(b).]~~

385 Section 7. Section 17-52a-305 is amended to read:

386 **17-52a-305. Public hearings.**

387 The county legislative body shall hold four public hearings on a proposed optional plan  
 388 within 45 days after the day on which:

389 (1) the county legislative body adopts a resolution that proposes an optional plan under  
 390 Subsection 17-52a-302~~[(1)(b)]~~(1)(a)(ii); or

391 (2) the county clerk certifies, in accordance with Subsection 17-52a-303(3), a petition  
 392 that proposes an optional plan under Subsection 17-52a-303(1)(a)(ii).

393 Section 8. Section 17-52a-402 is amended to read:

394 **17-52a-402. Convening of first meeting of study committee.**

395 (1) The county executive shall convene the first meeting of the study committee  
 396 ~~[within]~~ no later than 10 days after the day on which the county executive receives ~~[the]~~  
 397 notification ~~[described in Subsection 17-52a-401(3)(a) of the study committee members'~~  
 398 ~~appointment.];~~

399 (a) of the establishment of a study committee by the county legislative body as

400 described in Section 17-52a-302; or

401 (b) of a certified petition from the county clerk as described in Section 17-52a-303.

402 (2) (a) At the study committee's first meeting, the study committee shall select a chair  
403 from among the members of the study committee.

404 (b) The chair of the study committee is responsible for convening each future meeting  
405 of the study committee.

406 Section 9. Section 17-52a-403 is amended to read:

407 **17-52a-403. Study committee -- Members -- Powers and duties -- Proposed plan**  
408 **and report -- Services provided by county -- Legislative body amendment of study**  
409 **committee plan.**

410 (1) (a) A study committee consists of [~~seven members~~]:

411 (i) for a study committee established by the county legislative body under Section  
412 17-52a-302, five members appointed by the county legislative body; or

413 (ii) for a study committee established by the registered voters through a petition under  
414 Section 17-52a-303:

415 (A) two members appointed by the sponsors of the petition;

416 (B) two members appointed by the county legislative body; and

417 (C) one member appointed by the county's council of governments.

418 (b) A member of a study committee;

419 (i) may not receive compensation for service on the study committee[-];

420 (ii) may not hold an elected county office or have filed a current declaration of  
421 candidacy for an elected county office; and

422 (iii) shall be a registered voter.

423 (c) The county legislative body shall reimburse each member of a study committee for  
424 necessary expenses incurred in performing the member's duties on the study committee.

425 (2) A study committee may:

426 (a) adopt rules for the study committee's own organization and procedure and to fill a  
427 vacancy in its membership;

428 (b) establish advisory boards or committees and include on the advisory boards or  
429 committees persons who are not members of the study committee; and

430 (c) request the assistance and advice of any officers or employees of any agency of

431 state or local government.

432 (3) (a) A study committee shall:

433 (i) study the form of government within the county and compare it with other forms  
434 available under this chapter;

435 (ii) determine whether the administration of local government in the county could be  
436 strengthened, made more clearly responsive or accountable to the people, or significantly  
437 improved in the interest of economy and efficiency by a change in the form of county  
438 government;

439 (iii) hold public hearings and community forums and other means the committee  
440 considers appropriate to disseminate information and stimulate public discussion of the  
441 committee's purposes, progress, and conclusions; and

442 (iv) file a written report of the study committee's findings and recommendations with  
443 the county executive, the county legislative body, and the county clerk no later than one year  
444 after the convening of the study committee's first meeting under Section [17-52a-402](#).

445 (b) Within 10 days after the day on which the study committee submits the study  
446 committee's report under Subsection (3)(a)(iv) [~~to the county legislative body~~], if the report  
447 recommends a change in the form of county government, the county clerk shall send to the  
448 county attorney [~~or, if the county does not have a county attorney, to the district attorney,~~] a  
449 copy of [~~each~~] the optional plan recommended in the report for review in accordance with  
450 Section [17-52a-406](#).

451 (4) Each study committee report under Subsection (3)(a)(iv) shall include:

452 (a) the study committee's recommendation as to whether the form of county  
453 government should be changed to another form authorized under this chapter;

454 (b) if the study committee recommends changing the form of government, a complete  
455 detailed draft of a proposed optional plan to change the form of county government, including  
456 all necessary implementing provisions; and

457 (c) any additional recommendations the study committee considers appropriate to  
458 improve the efficiency and economy of the administration of local government within the  
459 county.

460 (5) (a) If the study committee's report recommends a change in the form of county  
461 government, the study committee may conduct additional public hearings after filing the report

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.

524 (2) Subject to Subsection (3), an optional plan may include provisions that are  
525 considered necessary or advisable to the effective operation of the proposed optional plan.

526 (3) An optional plan may not:

527 (a) include any provision that is inconsistent with or prohibited by the Utah

528 Constitution or any statute[?];

529 (b) specify compensation, including benefits, for any appointed or elected county

530 official;

531 (c) specify the full or part-time status of any appointed or elected county official; or

532 (d) if the optional plan specifies that county council or commission members are to be

533 elected from districts, establish, divide, abolish, alter, change, or otherwise attempt to draw

534 boundaries of election districts or impair the duties of the county legislative body as described

535 in Section [17-52a-503](#).

536 (4) The optional plan proponent described in Subsection (1) shall ensure that ~~[each]~~ an

537 optional plan proposing to change the form of government to the county executive-council

538 form under Section [17-52a-203](#) or the council-manager form under Section [17-52a-204](#):

539 (a) provides for the same executive and legislative officers as are specified in the

540 applicable section for the form of government that the optional plan proposes;

541 (b) provides for the election of the county council;

542 (c) specifies the number of county council members, which shall be an odd number

543 from three to nine;

544 (d) subject to Subsection (3)(d), specifies whether the members of the county council

545 are to be elected from districts, at large, or by a combination of at large and by district;

546 (e) specifies county council members' qualifications and terms and whether the terms

547 are to be staggered; and

548 (f) contains procedures for filling vacancies on the county council, consistent with the

549 provisions of Section [20A-1-508](#)~~[-and]~~.

550 ~~[(g) states the initial compensation, if any, of county council members and procedures~~

551 ~~for prescribing and changing compensation.]~~

552 (5) The optional plan proponent described in Subsection (1) shall ensure that ~~[each]~~ an

553 optional plan proposing to change the form of government to the county commission form

554 under Section [17-52a-201](#) or the expanded county commission form under Section [17-52a-202](#)

555 specifies:

556 (a) (i) for the county commission form of government, that the county commission  
557 shall have three members; or

558 (ii) for the expanded county commission form of government, whether the county  
559 commission shall have five or seven members;

560 (b) the terms of office for county commission members and whether the terms are to be  
561 staggered;

562 (c) subject to Subsection (3)(d), whether members of the county commission are to be  
563 elected from districts, at large, or by a combination of at large and from districts;

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

566 (e) if any members of the county commission are to be elected at large, whether the  
567 election of county commission members is subject to the provisions of Subsection  
568 [17-52a-201\(6\)](#) or Subsection [17-52a-202\(6\)](#).

569 Section 11. Section **17-52a-405** is amended to read:

570 **17-52a-405. Plan may propose changing forms of county government -- Partisan**  
571 **elections.**

572 (1) (a) The optional plan proponent described in Subsection [17-52a-404\(1\)](#) shall ensure  
573 that each optional plan proposes changing the form of county government to:

574 (i) for a county of the first, second, third, or fourth class:

575 (A) the county commission form under Section [17-52a-201](#);

576 ~~[(ii)]~~ (B) the expanded county commission form under Section [17-52a-202](#);

577 ~~[(iii)]~~ (C) the county executive and council form under Section [17-52a-203](#); or

578 ~~[(iv)]~~ (D) the council-manager form under Section [17-52a-204](#)~~[-]~~; and

579 (ii) for a county of the fifth or sixth class:

580 (A) the county commission form under Section [17-52a-201](#); or

581 (B) the expanded county commission form under Section [17-52a-202](#).

582 (b) The optional plan proponent described in Subsection [17-52a-404\(1\)](#) may not  
583 recommend an optional plan that:

584 (i) proposes changing the form of government to a form not ~~[included]~~ authorized in  
585 Subsection (1)(a);

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

617 (B) the study committee, if the proposed optional plan was recommended under  
 618 Section 17-52a-403.

619 ~~[(2)] (b)~~ A report from the county ~~[or district]~~ attorney under Subsection ~~[(1)]~~ (2)(a)  
 620 shall:

621 ~~[(a)]~~ (i) state the county attorney's opinion as to whether implementation of the  
 622 proposed optional plan ~~[described in Subsection (1)]~~ would result in a violation of any  
 623 applicable statutory or constitutional provision;

624 ~~[(b)]~~ (ii) if the county attorney concludes that a violation would result:

625 ~~[(i)]~~ (A) identify specifically each statutory or constitutional provision that  
 626 implementation of the proposed optional plan would violate;

627 ~~[(ii)]~~ (B) identify specifically each provision or feature of the proposed optional plan  
 628 that would result in a statutory or constitutional violation if the proposed optional plan is  
 629 implemented; and

630 ~~[(iii)]~~ (C) recommend how the proposed optional plan may be modified to avoid the  
 631 statutory or constitutional violation.

632 ~~[(3)(a) Except as provided in Subsection (3)(b), (c), or (d), if the attorney determines~~  
 633 ~~under Subsection (2) that a violation would occur, the proposed optional plan may not be the~~  
 634 ~~subject of an election under Section 17-52a-501.]~~

635 (3) (a) The proposed optional plan may not be the subject of an election under Section  
 636 17-52a-501 if:

637 (i) the county attorney has not reviewed and submitted a written report in accordance  
 638 with this section; or

639 (ii) the county attorney concludes that implementation of the proposed optional plan  
 640 would result in a violation of an applicable statutory or constitutional provision.

641 (b) The study committee may:

642 (i) modify ~~[an]~~ a proposed optional plan that the study committee recommends in  
 643 accordance with Section 17-52a-403 to avoid a violation that a county ~~[or district]~~ attorney's  
 644 report describes under Subsection (2); and

645 (ii) file a new report under Subsection 17-52a-403(3)(a)(iv).

646 (c) A county legislative body may:

647 (i) modify ~~[an]~~ a proposed optional plan that the county legislative body proposes in

648 accordance with [~~Subsection 17-52a-302(1)(b)~~] Section 17-52a-302 or 17-52a-403 to avoid a  
 649 violation that a county [~~or district~~] attorney's report describes under Subsection (2); and

650 (ii) within 10 days of modifying the proposed optional plan, send the modified  
 651 proposed optional plan to:

652 (A) the county clerk, if the proposed optional plan was proposed in accordance with  
 653 Section 17-52a-302; and

654 (B) the county [~~or district~~] attorney for review in accordance with this section.

655 (d) (i) The petition sponsors may:

656 (A) modify [~~an~~] a proposed optional plan that the petition proposes in accordance with  
 657 Subsection 17-52a-303(1)(a)(ii) to avoid a violation that a county [~~or district~~] attorney's report  
 658 describes under Subsection (2); and

659 (B) submit the modified proposed optional plan to the county clerk.

660 (ii) Upon receipt of a modified proposed optional plan described in Subsection  
 661 (3)(d)(i), the county clerk shall send the modified proposed optional plan to the county[~~or~~  
 662 ~~district~~] attorney for review in accordance with this section.

663 (4) The county executive, county legislative body, county [~~or district~~] attorney, and  
 664 county clerk shall treat the following as an original:

665 (a) a new report that a study committee files under Subsection 17-52a-403(3)(a)(iv);

666 (b) a modified proposed optional plan that a county legislative body sends under  
 667 Subsection (3)(c); and

668 (c) a modified proposed optional plan that petition sponsors submit to the county clerk  
 669 and that the county clerk sends under Subsection (3)(d).

670 (5) If the county attorney's written report under Subsection (2)(b) does not identify any  
 671 provisions or features of the proposed optional plan that, if implemented, would violate a  
 672 statutory or constitutional provision, the proposed optional plan is subject to the provisions  
 673 described in Section 17-52a-501.

674 Section 13. Section 17-52a-501 is amended to read:

675 **17-52a-501. Election on recommended optional plan.**

676 [~~(1) If the county or district attorney finds that a proposed optional plan does not~~  
 677 ~~violate a statutory or constitutional provision under Section 17-52a-406 or, for a county under a~~  
 678 ~~pending process described in Section 17-52a-104, under Section 17-52-204 as that section was~~

679 in effect on March 14, 2018:]

680 ~~[(a) in a county with a population of 225,000 or more or in a county in which voters~~  
681 ~~approved the appointment of a study committee by a vote of at least 60%, the county legislative~~  
682 ~~body shall hold an election on the optional plan under Subsection (3); or]~~

683 ~~[(b) in a county with a population of less than 225,000 in which voters did not approve~~  
684 ~~the appointment of a study committee by a vote of at least 60%, an election may not be held for~~  
685 ~~the optional plan under Subsection (3) until:]~~

686 ~~[(i) the county legislative body adopts a resolution to submit the optional plan to~~  
687 ~~voters; or]~~

688 ~~[(ii) the county clerk certifies a petition under Subsection (2).]~~

689 ~~[(2) (a) In a county with a population of less than 225,000 in which voters did not~~  
690 ~~approve the appointment of a study committee by a vote of at least 60%, to qualify the~~  
691 ~~proposed optional plan described in Subsection (1) for an election described in Subsection (3),~~  
692 ~~registered voters may file a petition with the county clerk that:]~~

693 ~~[(i) requests that the proposed optional plan be submitted to voters; and]~~

694 ~~[(ii) is signed by registered voters residing in the county equal in number to at least 5%~~  
695 ~~of the total number of votes cast in the county for all candidates for president of the United~~  
696 ~~States at the most recent election at which a president of the United States was elected.]]~~

697 ~~[(b) Registered voters who file a petition under Subsection (2)(a) shall, at the time the~~  
698 ~~registered voters file the petition:]~~

699 ~~[(i) designate up to five of the petition signers as sponsors;]~~

700 ~~[(ii) provide the county clerk with the mailing address and telephone number of each~~  
701 ~~petition sponsor; and]~~

702 ~~[(iii) designate one of the petition sponsors as the contact sponsor.]]~~

703 ~~[(c) The county clerk shall certify or reject a petition filed under this Subsection (2) in~~  
704 ~~the same manner as the county clerk certifies or rejects a petition under Subsection~~  
705 ~~[17-52a-303](#)(3).]~~

706 ~~[(3)] (1) [When the conditions described in Subsection (1) are met,] If the county~~  
707 ~~attorney finds under Section [17-52a-406](#) that a proposed optional plan does not violate a~~  
708 ~~statutory or constitutional provision, a county shall hold an election on the optional plan at the~~  
709 ~~next regular general [or municipal general] election that is not less than [60] 65 days after[:(a)-~~

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.



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) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information  
746 Pamphlet.

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;

772           [(e)] (d) the county clerk shall, within 10 days of the canvass of the election, file with  
773 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and  
774 correct copy;

775           [(d)] (e) all public officers and employees shall cooperate fully in making the transition  
776 between forms of county government; and

777           [(e)] (f) the county legislative body may enact and enforce necessary ordinances to  
778 bring about an orderly transition to the new form of government, including any transfer of  
779 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent  
780 with the approved optional plan and necessary or convenient to place it into full effect.

781           (2) An action by the county legislative body under Subsection (1)(a) is not an  
782 amendment for purposes of Section 17-52a-504.

783           [(2)] (3) Adoption of an optional plan [~~changing only the form of county government~~  
784 ~~without adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of~~  
785 ~~County Government;~~] does not alter or affect the boundaries, organization, powers, duties, or  
786 functions of any:

787           (a) school district;

788           (b) justice court;

789           (c) local district under Title 17B, Limited Purpose Local Government Entities - Local  
790 Districts;

791           (d) special service district under Title 17D, Chapter 1, Special Service District Act;

792           (e) city or town; or

793           (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
794 Cooperation Act.

795           (4) (a) After adoption of the optional plan, the county legislative body may adopt a  
796 change to the geographic boundaries of a council or commission member's district.

797           (b) An action by the county legislative body under Subsection (4)(a) is not an  
798 amendment for purposes of Section 17-52a-504.

799           [(3)] (5) After the adoption of an optional plan, the county remains vested with all  
800 powers and duties vested generally in counties by statute.

801           Section 16. Section **20A-1-203** is amended to read:

802           **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**

803 **limitations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

824 (v) if required or authorized by federal law, a vote to determine whether Utah's legal  
825 boundaries should be changed;

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

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

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

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

833 [~~x~~] a vote on the creation of a study committee under Sections 17-52a-302 and

834 ~~17-52a-304;~~

835 [~~(xi)~~] (x) a vote on a special property tax under Section 53F-8-402;

836 [~~(xii)~~] (xi) a vote on the incorporation of a municipality in accordance with Section

837 10-2a-210; or

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

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

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

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

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

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

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

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

850 Section 17. Section 63I-2-217 is amended to read:

851 **63I-2-217. Repeal dates -- Title 17.**

852 (1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.

853 (2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study  
854 Council, is repealed January 1, 2021.

855 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous  
856 planning district" is repealed June 1, 2021.

857 (4) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district, is  
858 repealed June 1, 2021.

859 (b) Subsection 17-27a-103(42), regarding a mountainous planning district, is repealed  
860 June 1, 2021.

861 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning  
862 district area" is repealed June 1, 2021.

863 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is  
864 repealed June 1, 2021.

865 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed  
866 June 1, 2021.

867 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection  
868 (1)(a) or (c)" is repealed June 1, 2021.

869 (7) Section 17-27a-302, the language that states ", or mountainous planning district"  
870 and "or the mountainous planning district," is repealed June 1, 2021.

871 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning  
872 district or" and ", as applicable" is repealed June 1, 2021.

873 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is  
874 repealed June 1, 2021.

875 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed  
876 June 1, 2021.

877 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is  
878 repealed June 1, 2021.

879 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is  
880 repealed June 1, 2021.

881 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous  
882 planning district" is repealed June 1, 2021.

883 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning  
884 district" is repealed June 1, 2021.

885 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is  
886 repealed June 1, 2021.

887 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is  
888 repealed June 1, 2021.

889 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a  
890 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

891 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is  
892 repealed June 1, 2021.

893 (15) Subsection 17-27a-605(1), the language that states "or mountainous planning  
894 district land" is repealed June 1, 2021.

895 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,

896 2021.

897 (17) On June 1, 2021, when making the changes in this section, the Office of  
898 Legislative Research and General Counsel shall:

899 (a) in addition to its authority under Subsection [36-12-12\(3\)](#):

900 (i) make corrections necessary to ensure that sections and subsections identified in this  
901 section are complete sentences and accurately reflect the office's understanding of the  
902 Legislature's intent; and

903 (ii) make necessary changes to subsection numbering and cross references; and

904 (b) identify the text of the affected sections and subsections based upon the section and  
905 subsection numbers used in Laws of Utah 2017, Chapter 448.

906 (18) Subsection [17-34-1\(5\)\(d\)](#), regarding county funding of certain municipal services  
907 in a designated recreation area, is repealed June 1, 2021.

908 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed  
909 January 1, 2022.

910 ~~[(19)]~~ (20) On June 1, ~~[2020]~~ 2022:

911 (a) Section [17-52a-104](#) is repealed;

912 (b) in Subsection [17-52a-301\(3\)\(a\)](#), the language that states "or under a provision  
913 described in Subsection [17-52a-104](#)~~[(2)]~~(1)(b) or (2)(b)," is repealed; and

914 (c) Subsection [17-52a-301\(3\)\(a\)](#)~~[(vi)]~~(iv) regarding the first initiated process is  
915 repealed[;].

916 ~~[(d) in Subsection [17-52a-501\(1\)](#), the language that states "or, for a county under a  
917 pending process described in Section [17-52a-104](#), under Section [17-52-204](#) as that section was  
918 in effect on March 14, 2018," is repealed; and]~~

919 ~~[(e) in Subsection [17-52a-501\(3\)\(a\)](#), the language that states "or, for a county under a  
920 pending process described in Section [17-52a-104](#), the attorney's report that is described in  
921 Section [17-52-204](#) as that section was in effect on March 14, 2018 and that contains a  
922 statement described in Subsection [17-52-204\(5\)](#) as that subsection was in effect on March 14,  
923 2018," is repealed.]~~

924 ~~[(20)]~~ (21) On January 1, 2028, Subsection ~~[[17-52a-102](#)]~~ [17-52a-103\(3\)](#) requiring  
925 certain counties to initiate a change of form of government process by July 1, 2018, is repealed.

926 Section 18. **Repealer.**

927 This bill repeals:

928 Section [17-52a-304](#), **Election to determine whether study committee should be**  
929 **established.**

930 Section [17-52a-401](#), **Procedure for appointing members to study committee.**

931 Section 19. **Effective date.**

932 If approved by two-thirds of all the members elected to each house, this bill takes effect  
933 upon approval by the governor, or the day following the constitutional time limit of Utah  
934 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
935 the date of veto override.

936 Section 20. **Revisor instructions.**

937 The Legislature intends that the Office of Legislative Research and General Counsel, in  
938 preparing the Utah Code database for publication, replace the following references in:

939 (1) Subsections [17-52a-103](#)(4), [17-52a-104](#)(2)(a), [17-52a-104](#)(2)(b), and  
940 [17-52a-104](#)(2)(c)(i) from "the effective date of this bill" to the bill's actual effective date;

941 (2) Subsection [17-52a-104](#)(2)(a)(i), from "this bill" to the bill's designated chapter  
942 number in the Laws of Utah; and

943 (3) Subsections [17-52a-104](#)(1)(a)(ii)(B), (1)(a)(ii)(C), (1)(a)(ii)(D), (2)(a)(ii)(A),  
944 (2)(b)(i)(A), and (2)(b)(i)(B), from "the day immediately before the day on which this bill takes  
945 effect" to the actual date before the day that the bill takes effect.