

PUBLIC NOTICE AMENDMENTS

2021 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill modifies provisions relating to public notice requirements.

Highlighted Provisions:

This bill:

- ▶ provides publishing in a newspaper of general circulation as an option to other methods of providing notice, under certain circumstances;
- ▶ limits the number of notices required to be posted under a method of posting if that posting of notice option applies; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-2-406 (Superseded 07/01/21), as last amended by Laws of Utah 2021, Chapters 84 and 355

10-2-406 (Effective 07/01/21), as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

10-2-407 (Superseded 07/01/21), as last amended by Laws of Utah 2021, Chapters 84, 112, and 355

10-2-407 (Effective 07/01/21), as last amended by Laws of Utah 2021, Chapters 84,

30 112, 345, and 355
31 **10-2-415 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
32 and 355
33 **10-2-415 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
34 345, and 355
35 **10-2-418 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
36 and 355
37 **10-2-418 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
38 345, and 355
39 **10-2-419 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
40 and 355
41 **10-2-419 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
42 345, and 355
43 **10-2-502.5 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
44 84 and 355
45 **10-2-502.5 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
46 345, and 355
47 **10-2-703 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
48 and 355
49 **10-2-703 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
50 344, and 355
51 **10-2-708 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
52 and 355
53 **10-2-708 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
54 345, and 355
55 **10-2a-210 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
56 84, 112, and 355
57 **10-2a-210 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,

58 112, 345, and 355
59 **10-2a-213 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
60 and 355
61 **10-2a-213 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
62 345, and 355
63 **10-2a-214 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
64 and 355
65 **10-2a-214 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
66 345, and 355
67 **10-2a-215 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
68 and 355
69 **10-2a-215 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
70 345, and 355
71 **10-2a-404**, as last amended by Laws of Utah 2021, Chapter 355
72 **10-2a-405 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
73 and 355
74 **10-2a-405 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
75 345, and 355
76 **10-2a-410**, as last amended by Laws of Utah 2021, Chapter 355
77 **10-18-203 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
78 and 355
79 **10-18-203 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
80 345, and 355
81 **11-14-202 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84
82 and 355
83 **11-14-202 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
84 345, and 355
85 **17B-1-643 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters

86 84 and 355
87 **17B-1-643 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
88 345, and 355
89 **17B-2a-705 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
90 84 and 355
91 **17B-2a-705 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
92 345, and 355
93 **20A-1-206**, as last amended by Laws of Utah 2021, Chapter 355
94 **20A-3a-604 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
95 84 and 355
96 **20A-3a-604 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
97 345, and 355
98 **20A-4-104 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
99 62, 84, and 355
100 **20A-4-104 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 62,
101 84, 345, and 355
102 **20A-4-304 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
103 84 and 355
104 **20A-4-304 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
105 345, and 355
106 **20A-5-101 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
107 84 and 355
108 **20A-5-101 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
109 345, and 355
110 **20A-5-403.5 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
111 84 and 355
112 **20A-5-403.5 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
113 345, and 355

114 **20A-5-405 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
115 84 and 355

116 **20A-5-405 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
117 345, and 355

118 **20A-9-203 (Superseded 07/01/21)**, as last amended by Laws of Utah 2021, Chapters
119 84, 183, and 355

120 **20A-9-203 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 84,
121 183, 345, and 355

122

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

124 Section 1. Section **10-2-406 (Superseded 07/01/21)** is amended to read:

125 **10-2-406 (Superseded 07/01/21). Notice of certification -- Providing notice of**
126 **petition.**

127 (1) After receipt of the notice of certification from the city recorder or town clerk under
128 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall [~~publish~~] provide notice:

129 (a) within the area proposed for annexation and the unincorporated area within 1/2 mile
130 of the area proposed for annexation, no later than 10 days after the day on which the municipal
131 legislative body receives the notice of certification:

132 (i) by posting one notice, and at least one additional notice per 2,000 population within
133 the combined area, in places within the combined area that are most likely to give notice to the
134 residents within, and the owners of real property located within, the combined area, subject to a
135 maximum of 10 notices; or

136 (ii) by mailing the notice to each residence within, and to each owner of real property
137 located within, the combined area;

138 (b) by posting notice on the Utah Public Notice Website, created in Section
139 **63A-12-201**, for three weeks, beginning no later than 10 days after the day on which the
140 municipal legislative body receives the notice of certification;

141 (c) within 20 days after the day on which the municipal legislative body receives the

142 notice of certification, by mailing written notice to each affected entity; and

143 (d) if the municipality has a website, by posting notice on the municipality's website for
144 the period of time described in Subsection (1)(b).

145 (2) The notice described in Subsection (1) shall:

146 (a) state that a petition has been filed with the municipality proposing the annexation of
147 an area to the municipality;

148 (b) state the date of the municipal legislative body's receipt of the notice of certification
149 under Subsection 10-2-405(2)(c)(i);

150 (c) describe the area proposed for annexation in the annexation petition;

151 (d) state that the complete annexation petition is available for inspection and copying at
152 the office of the city recorder or town clerk;

153 (e) state in conspicuous and plain terms that the municipality may grant the petition
154 and annex the area described in the petition unless, within the time required under Subsection
155 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
156 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
157 municipality;

158 (f) state the address of the commission or, if a commission has not yet been created in
159 the county, the county clerk, where a protest to the annexation petition may be filed;

160 (g) state that the area proposed for annexation to the municipality will also
161 automatically be annexed to a local district providing fire protection, paramedic, and
162 emergency services or a local district providing law enforcement service, as the case may be, as
163 provided in Section 17B-1-416, if:

164 (i) the proposed annexing municipality is entirely within the boundaries of a local
165 district:

166 (A) that provides fire protection, paramedic, and emergency services or law
167 enforcement service, respectively; and

168 (B) in the creation of which an election was not required because of Subsection
169 17B-1-214(3)(c); and

170 (ii) the area proposed to be annexed to the municipality is not already within the
171 boundaries of the local district; and

172 (h) state that the area proposed for annexation to the municipality will be automatically
173 withdrawn from a local district providing fire protection, paramedic, and emergency services or
174 a local district providing law enforcement service, as the case may be, as provided in
175 Subsection 17B-1-502(2), if:

176 (i) the petition proposes the annexation of an area that is within the boundaries of a
177 local district:

178 (A) that provides fire protection, paramedic, and emergency services or law
179 enforcement service, respectively; and

180 (B) in the creation of which an election was not required because of Subsection
181 17B-1-214(3)(c); and

182 (ii) the proposed annexing municipality is not within the boundaries of the local
183 district.

184 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
185 written protest in terms of the actual date rather than by reference to the statutory citation.

186 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
187 for a proposed annexation of an area within a county of the first class shall include a statement
188 that a protest to the annexation petition may be filed with the commission by property owners if
189 it contains the signatures of the owners of private real property that:

190 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
191 annexation;

192 (ii) covers at least 25% of the private land area located in the unincorporated area
193 within 1/2 mile of the area proposed for annexation; and

194 (iii) is equal in value to at least 15% of all real property located in the unincorporated
195 area within 1/2 mile of the area proposed for annexation.

196 Section 2. Section 10-2-406 (Effective 07/01/21) is amended to read:

197 **10-2-406 (Effective 07/01/21). Notice of certification -- Providing notice of**

198 **petition.**

199 (1) After receipt of the notice of certification from the city recorder or town clerk under
200 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall ~~publish~~ provide notice:

201 (a) within the area proposed for annexation and the unincorporated area within 1/2 mile
202 of the area proposed for annexation, no later than 10 days after the day on which the municipal
203 legislative body receives the notice of certification:

204 (i) by posting one notice, and at least one additional notice per 2,000 population within
205 the combined area, in places within the combined area that are most likely to give notice to the
206 residents within, and the owners of real property located within, the combined area, subject to a
207 maximum of 10 notices; or

208 (ii) by mailing the notice to each residence within, and to each owner of real property
209 located within, the combined area;

210 (b) by posting notice on the Utah Public Notice Website, created in Section
211 63A-16-601, for three weeks, beginning no later than 10 days after the day on which the
212 municipal legislative body receives the notice of certification;

213 (c) within 20 days after the day on which the municipal legislative body receives the
214 notice of certification, by mailing written notice to each affected entity; and

215 (d) if the municipality has a website, by posting notice on the municipality's website for
216 the period of time described in Subsection (1)(b).

217 (2) The notice described in Subsection (1) shall:

218 (a) state that a petition has been filed with the municipality proposing the annexation of
219 an area to the municipality;

220 (b) state the date of the municipal legislative body's receipt of the notice of certification
221 under Subsection 10-2-405(2)(c)(i);

222 (c) describe the area proposed for annexation in the annexation petition;

223 (d) state that the complete annexation petition is available for inspection and copying at
224 the office of the city recorder or town clerk;

225 (e) state in conspicuous and plain terms that the municipality may grant the petition

226 and annex the area described in the petition unless, within the time required under Subsection
227 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
228 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
229 municipality;

230 (f) state the address of the commission or, if a commission has not yet been created in
231 the county, the county clerk, where a protest to the annexation petition may be filed;

232 (g) state that the area proposed for annexation to the municipality will also
233 automatically be annexed to a local district providing fire protection, paramedic, and
234 emergency services or a local district providing law enforcement service, as the case may be, as
235 provided in Section 17B-1-416, if:

236 (i) the proposed annexing municipality is entirely within the boundaries of a local
237 district:

238 (A) that provides fire protection, paramedic, and emergency services or law
239 enforcement service, respectively; and

240 (B) in the creation of which an election was not required because of Subsection
241 17B-1-214(3)(c); and

242 (ii) the area proposed to be annexed to the municipality is not already within the
243 boundaries of the local district; and

244 (h) state that the area proposed for annexation to the municipality will be automatically
245 withdrawn from a local district providing fire protection, paramedic, and emergency services or
246 a local district providing law enforcement service, as the case may be, as provided in
247 Subsection 17B-1-502(2), if:

248 (i) the petition proposes the annexation of an area that is within the boundaries of a
249 local district:

250 (A) that provides fire protection, paramedic, and emergency services or law
251 enforcement service, respectively; and

252 (B) in the creation of which an election was not required because of Subsection
253 17B-1-214(3)(c); and

254 (ii) the proposed annexing municipality is not within the boundaries of the local
255 district.

256 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
257 written protest in terms of the actual date rather than by reference to the statutory citation.

258 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
259 for a proposed annexation of an area within a county of the first class shall include a statement
260 that a protest to the annexation petition may be filed with the commission by property owners if
261 it contains the signatures of the owners of private real property that:

262 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
263 annexation;

264 (ii) covers at least 25% of the private land area located in the unincorporated area
265 within 1/2 mile of the area proposed for annexation; and

266 (iii) is equal in value to at least 15% of all real property located in the unincorporated
267 area within 1/2 mile of the area proposed for annexation.

268 Section 3. Section **10-2-407 (Superseded 07/01/21)** is amended to read:

269 **10-2-407 (Superseded 07/01/21). Protest to annexation petition -- Planning**
270 **advisory area planning commission recommendation -- Petition requirements --**
271 **Disposition of petition if no protest filed.**

272 (1) A protest to an annexation petition under Section **10-2-403** may be filed by:

273 (a) the legislative body or governing board of an affected entity;

274 (b) an owner of rural real property;

275 (c) for a proposed annexation of an area within a county of the first class, an owner of
276 private real property that:

277 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
278 annexation;

279 (ii) covers at least 25% of the private land area located in the unincorporated area
280 within 1/2 mile of the area proposed for annexation; and

281 (iii) is equal in value to at least 15% of all real property located in the unincorporated

282 area within 1/2 mile of the area proposed for annexation; or
283 (d) an owner of private real property located in a mining protection area.
284 (2) Each protest under Subsection (1) shall:
285 (a) be filed:
286 (i) no later than 30 days after the municipal legislative body's receipt of the notice of
287 certification under Subsection 10-2-405(2)(c)(i); and
288 (ii) (A) in a county that has already created a commission under Section 10-2-409, with
289 the commission; or
290 (B) in a county that has not yet created a commission under Section 10-2-409, with the
291 clerk of the county in which the area proposed for annexation is located;
292 (b) state each reason for the protest of the annexation petition and, if the area proposed
293 to be annexed is located in a specified county, justification for the protest under the standards
294 established in this chapter;
295 (c) if the area proposed to be annexed is located in a specified county, contain other
296 information that the commission by rule requires or that the party filing the protest considers
297 pertinent; and
298 (d) contain the name and address of a contact person who is to receive notices sent by
299 the commission with respect to the protest proceedings.
300 (3) The party filing a protest under this section shall on the same date deliver or mail a
301 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
302 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:
303 (a) immediately notify the county legislative body of the protest; and
304 (b) deliver the protest to the boundary commission within five days after:
305 (i) receipt of the protest, if the boundary commission has previously been created; or
306 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
307 boundary commission has not previously been created.
308 (5) (a) If a protest is filed under this section:
309 (i) the municipal legislative body may, at its next regular meeting after expiration of

310 the deadline under Subsection (2)(a)(i), deny the annexation petition; or

311 (ii) if the municipal legislative body does not deny the annexation petition under
312 Subsection (5)(a)(i), the municipal legislative body may take no further action on the
313 annexation petition until after receipt of the commission's notice of its decision on the protest
314 under Section 10-2-416.

315 (b) If a municipal legislative body denies an annexation petition under Subsection
316 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of
317 the denial in writing to:

318 (i) the contact sponsor of the annexation petition;

319 (ii) the commission; and

320 (iii) each entity that filed a protest.

321 (6) If no timely protest is filed under this section, the municipal legislative body may,
322 subject to Subsection (7), approve the petition.

323 (7) Before approving an annexation petition under Subsection (6), the municipal
324 legislative body shall hold a public hearing and ~~[publish]~~ provide notice of the public hearing:

325 (a) (i) at least seven days before the day of the public hearing, by posting one notice,
326 and at least one additional notice per 2,000 population within the municipality and the area
327 proposed for annexation, in places within that combined area that are most likely to give notice
328 to the residents within, and the owners of real property located within, the combined area,
329 subject to a maximum of 10 notices; or

330 (ii) at least 10 days before the day of the public hearing, by mailing the notice to each
331 residence within, and to each owner of real property located within, the combined area
332 described in Subsection (7)(a)(i);

333 (b) by posting notice on the Utah Public Notice Website, created in Section
334 63A-12-201, for seven days before the day of the public hearing; and

335 (c) if the municipality has a website, by posting notice on the municipality's website for
336 seven days before the day of the public hearing.

337 Section 4. Section 10-2-407 (Effective 07/01/21) is amended to read:

338 **10-2-407 (Effective 07/01/21). Protest to annexation petition -- Planning advisory**
339 **area planning commission recommendation -- Petition requirements -- Disposition of**
340 **petition if no protest filed.**

341 (1) A protest to an annexation petition under Section 10-2-403 may be filed by:

342 (a) the legislative body or governing board of an affected entity;

343 (b) an owner of rural real property;

344 (c) for a proposed annexation of an area within a county of the first class, an owner of
345 private real property that:

346 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
347 annexation;

348 (ii) covers at least 25% of the private land area located in the unincorporated area
349 within 1/2 mile of the area proposed for annexation; and

350 (iii) is equal in value to at least 15% of all real property located in the unincorporated
351 area within 1/2 mile of the area proposed for annexation; or

352 (d) an owner of private real property located in a mining protection area.

353 (2) Each protest under Subsection (1) shall:

354 (a) be filed:

355 (i) no later than 30 days after the municipal legislative body's receipt of the notice of
356 certification under Subsection 10-2-405(2)(c)(i); and

357 (ii) (A) in a county that has already created a commission under Section 10-2-409, with
358 the commission; or

359 (B) in a county that has not yet created a commission under Section 10-2-409, with the
360 clerk of the county in which the area proposed for annexation is located;

361 (b) state each reason for the protest of the annexation petition and, if the area proposed
362 to be annexed is located in a specified county, justification for the protest under the standards
363 established in this chapter;

364 (c) if the area proposed to be annexed is located in a specified county, contain other
365 information that the commission by rule requires or that the party filing the protest considers

366 pertinent; and

367 (d) contain the name and address of a contact person who is to receive notices sent by
368 the commission with respect to the protest proceedings.

369 (3) The party filing a protest under this section shall on the same date deliver or mail a
370 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

371 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

372 (a) immediately notify the county legislative body of the protest; and

373 (b) deliver the protest to the boundary commission within five days after:

374 (i) receipt of the protest, if the boundary commission has previously been created; or

375 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
376 boundary commission has not previously been created.

377 (5) (a) If a protest is filed under this section:

378 (i) the municipal legislative body may, at its next regular meeting after expiration of
379 the deadline under Subsection (2)(a)(i), deny the annexation petition; or

380 (ii) if the municipal legislative body does not deny the annexation petition under
381 Subsection (5)(a)(i), the municipal legislative body may take no further action on the
382 annexation petition until after receipt of the commission's notice of its decision on the protest
383 under Section 10-2-416.

384 (b) If a municipal legislative body denies an annexation petition under Subsection
385 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of
386 the denial in writing to:

387 (i) the contact sponsor of the annexation petition;

388 (ii) the commission; and

389 (iii) each entity that filed a protest.

390 (6) If no timely protest is filed under this section, the municipal legislative body may,
391 subject to Subsection (7), approve the petition.

392 (7) Before approving an annexation petition under Subsection (6), the municipal
393 legislative body shall hold a public hearing and [~~publish~~] provide notice of the public hearing:

394 (a) (i) at least seven days before the day of the public hearing, by posting one notice,
395 and at least one additional notice per 2,000 population within the municipality and the area
396 proposed for annexation, in places within that combined area that are most likely to give notice
397 to the residents within, and the owners of real property located within, the combined area,
398 subject to a maximum of 10 notices; or

399 (ii) at least 10 days before the day of the public hearing, by mailing the notice to each
400 residence within, and to each owner of real property located within, the combined area
401 described in Subsection (7)(a)(i);

402 (b) by posting notice on the Utah Public Notice Website, created in Section
403 63A-16-601, for seven days before the day of the public hearing; and

404 (c) if the municipality has a website, by posting notice on the municipality's website for
405 seven days before the day of the public hearing.

406 Section 5. Section 10-2-415 (Superseded 07/01/21) is amended to read:

407 **10-2-415 (Superseded 07/01/21). Public hearing -- Notice.**

408 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
409 requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
410 located in a county of the first class, the commission shall hold a public hearing within 30 days
411 after the day on which the commission receives the feasibility study or supplemental feasibility
412 study results.

413 (b) At the public hearing described in Subsection (1)(a), the commission shall:

414 (i) require the feasibility consultant to present the results of the feasibility study and, if
415 applicable, the supplemental feasibility study;

416 (ii) allow those present to ask questions of the feasibility consultant regarding the study
417 results; and

418 (iii) allow those present to speak to the issue of annexation.

419 (2) The commission shall ~~publish~~ provide notice of the public hearing described in
420 Subsection (1)(a) within the area proposed for annexation, the surrounding 1/2 mile of
421 unincorporated area, and the proposed annexing municipality:

422 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
423 and at least one additional notice per 2,000 population within the combined area, in places
424 within the combined area that are most likely to give notice of the public hearing to the
425 residents within, and the owners of real property located within, the combined area, subject to a
426 maximum of 10 notices; or

427 (ii) by mailing notice to each residence within, and to each owner of real property
428 located within, the combined area;

429 (b) by posting notice on the Utah Public Notice Website, created in Section
430 [63A-12-201](#), for two weeks before the day of the public hearing;

431 (c) by sending written notice of the public hearing to the municipal legislative body of
432 the proposed annexing municipality, the contact sponsor on the annexation petition, each entity
433 that filed a protest, and, if a protest was filed under Subsection [10-2-407\(1\)\(c\)](#), the contact
434 person;

435 (d) if the municipality has a website, by posting notice on the municipality's website for
436 two weeks before the day of the public hearing; and

437 (e) by posting notice on the county's website for two weeks before the day of the public
438 hearing.

439 (3) The notice described in Subsection (2) shall:

440 (a) be entitled, "notice of annexation hearing";

441 (b) state the name of the annexing municipality;

442 (c) describe the area proposed for annexation; and

443 (d) specify the following sources where an individual may obtain a copy of the
444 feasibility study conducted in relation to the proposed annexation:

445 (i) if the municipality has a website, the municipality's website;

446 (ii) a municipality's physical address; and

447 (iii) a mailing address and telephone number.

448 (4) Within 30 days after the time under Subsection [10-2-407\(2\)](#) for filing a protest has
449 expired with respect to a proposed annexation of an area located in a specified county, the

450 boundary commission shall hold a hearing on all protests that were filed with respect to the
451 proposed annexation.

452 (5) At least 14 days before the date of a hearing described in Subsection (4), the
453 commission chair shall [~~publish~~] provide notice of the hearing:

454 (a) (i) by posting one notice, and at least one additional notice per 2,000 population
455 within the area proposed for annexation, in places within the area that are most likely to give
456 notice of the hearing to the residents within, and the owners of real property located within, the
457 area, subject to a maximum of 10 notices; or

458 (ii) by mailing notice to each resident within, and each owner of real property located
459 within, the area proposed for annexation;

460 (b) by posting notice on the Utah Public Notice Website, created in Section
461 [63A-12-201](#), for 14 days before the day of the hearing;

462 (c) if the municipality has a website, by posting notice on the municipality's website for
463 two weeks before the day of the public hearing; and

464 (d) by posting notice on the county's website for two weeks before the day of the public
465 hearing.

466 (6) Each notice described in Subsection (5) shall:

467 (a) state the date, time, and place of the hearing;

468 (b) briefly summarize the nature of the protest; and

469 (c) state that a copy of the protest is on file at the commission's office.

470 (7) The commission may continue a hearing under Subsection (4) from time to time,
471 but no continued hearing may be held later than 60 days after the original hearing date.

472 (8) In considering protests, the commission shall consider whether the proposed
473 annexation:

474 (a) complies with the requirements of Sections [10-2-402](#) and [10-2-403](#) and the
475 annexation policy plan of the proposed annexing municipality;

476 (b) conflicts with the annexation policy plan of another municipality; and

477 (c) if the proposed annexation includes urban development, will have an adverse tax

478 consequence on the remaining unincorporated area of the county.

479 (9) (a) The commission shall record each hearing under this section by electronic
480 means.

481 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
482 applicable, information received at the hearing, and the written decision of the commission
483 shall constitute the record of the hearing.

484 Section 6. Section **10-2-415 (Effective 07/01/21)** is amended to read:

485 **10-2-415 (Effective 07/01/21). Public hearing -- Notice.**

486 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
487 requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area
488 located in a county of the first class, the commission shall hold a public hearing within 30 days
489 after the day on which the commission receives the feasibility study or supplemental feasibility
490 study results.

491 (b) At the public hearing described in Subsection (1)(a), the commission shall:

492 (i) require the feasibility consultant to present the results of the feasibility study and, if
493 applicable, the supplemental feasibility study;

494 (ii) allow those present to ask questions of the feasibility consultant regarding the study
495 results; and

496 (iii) allow those present to speak to the issue of annexation.

497 (2) The commission shall [~~publish~~] provide notice of the public hearing described in
498 Subsection (1)(a) within the area proposed for annexation, the surrounding 1/2 mile of
499 unincorporated area, and the proposed annexing municipality:

500 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
501 and at least one additional notice per 2,000 population within the combined area, in places
502 within the combined area that are most likely to give notice of the public hearing to the
503 residents within, and the owners of real property located within, the combined area, subject to a
504 maximum of 10 notices; or

505 (ii) by mailing notice to each residence within, and to each owner of real property

506 located within, the combined area;

507 (b) by posting notice on the Utah Public Notice Website, created in Section
508 63A-16-601, for two weeks before the day of the public hearing;

509 (c) by sending written notice of the public hearing to the municipal legislative body of
510 the proposed annexing municipality, the contact sponsor on the annexation petition, each entity
511 that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the contact
512 person;

513 (d) if the municipality has a website, by posting notice on the municipality's website for
514 two weeks before the day of the public hearing; and

515 (e) by posting notice on the county's website for two weeks before the day of the public
516 hearing.

517 (3) The notice described in Subsection (2) shall:

518 (a) be entitled, "notice of annexation hearing";

519 (b) state the name of the annexing municipality;

520 (c) describe the area proposed for annexation; and

521 (d) specify the following sources where an individual may obtain a copy of the
522 feasibility study conducted in relation to the proposed annexation:

523 (i) if the municipality has a website, the municipality's website;

524 (ii) a municipality's physical address; and

525 (iii) a mailing address and telephone number.

526 (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has
527 expired with respect to a proposed annexation of an area located in a specified county, the
528 boundary commission shall hold a hearing on all protests that were filed with respect to the
529 proposed annexation.

530 (5) At least 14 days before the date of a hearing described in Subsection (4), the
531 commission chair shall ~~publish~~ provide notice of the hearing:

532 (a) (i) by posting one notice, and at least one additional notice per 2,000 population
533 within the area proposed for annexation, in places within the area that are most likely to give

534 notice of the hearing to the residents within, and the owners of real property located within, the
535 area, subject to a maximum of 10 notices; or

536 (ii) by mailing notice to each resident within, and each owner of real property located
537 within, the area proposed for annexation;

538 (b) by posting notice on the Utah Public Notice Website, created in Section
539 [63A-16-601](#), for 14 days before the day of the hearing;

540 (c) if the municipality has a website, by posting notice on the municipality's website for
541 two weeks before the day of the public hearing; and

542 (d) by posting notice on the county's website for two weeks before the day of the public
543 hearing.

544 (6) Each notice described in Subsection (5) shall:

545 (a) state the date, time, and place of the hearing;

546 (b) briefly summarize the nature of the protest; and

547 (c) state that a copy of the protest is on file at the commission's office.

548 (7) The commission may continue a hearing under Subsection (4) from time to time,
549 but no continued hearing may be held later than 60 days after the original hearing date.

550 (8) In considering protests, the commission shall consider whether the proposed
551 annexation:

552 (a) complies with the requirements of Sections [10-2-402](#) and [10-2-403](#) and the
553 annexation policy plan of the proposed annexing municipality;

554 (b) conflicts with the annexation policy plan of another municipality; and

555 (c) if the proposed annexation includes urban development, will have an adverse tax
556 consequence on the remaining unincorporated area of the county.

557 (9) (a) The commission shall record each hearing under this section by electronic
558 means.

559 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
560 applicable, information received at the hearing, and the written decision of the commission
561 shall constitute the record of the hearing.

562 Section 7. Section **10-2-418 (Superseded 07/01/21)** is amended to read:

563 **10-2-418 (Superseded 07/01/21). Annexation of an island or peninsula without a**
564 **petition -- Notice -- Hearing.**

565 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
566 accordance with this section of an area located within a county of the first class,
567 "municipal-type services" does not include a service provided by a municipality pursuant to a
568 contract that the municipality has with another political subdivision as "political subdivision" is
569 defined in Section [17B-1-102](#).

570 (2) Notwithstanding Subsection [10-2-402\(2\)](#), a municipality may annex an
571 unincorporated area under this section without an annexation petition if:

572 (a) for an unincorporated area within the expansion area of more than one municipality,
573 each municipality agrees to the annexation; and

574 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within
575 or unincorporated peninsulas contiguous to the municipality;

576 (B) the majority of each island or peninsula consists of residential or commercial
577 development;

578 (C) the area proposed for annexation requires the delivery of municipal-type services;
579 and

580 (D) the municipality has provided most or all of the municipal-type services to the area
581 for more than one year;

582 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
583 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
584 residents; and

585 (B) the municipality has provided one or more municipal-type services to the area for
586 at least one year;

587 (iii) the area consists of:

588 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
589 municipality; and

590 (B) for an area outside of the county of the first class proposed for annexation, no more
591 than 50 acres; or

592 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
593 county of the second class;

594 (B) the area to be annexed is located in the expansion area of a municipality; and

595 (C) the county legislative body in which the municipality is located provides notice to
596 each property owner within the area to be annexed that the county legislative body will hold a
597 public hearing, no less than 15 days after the day on which the county legislative body provides
598 the notice, and may make a recommendation of annexation to the municipality whose
599 expansion area includes the area to be annexed after the public hearing.

600 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
601 portion of an unincorporated island or unincorporated peninsula under this section, leaving
602 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

603 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
604 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
605 the municipality's best interest; and

606 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
607 the entire island of unincorporated area, of which a portion is being annexed, complies with the
608 requirement of Subsection (2)(b)(ii) relating to the number of residents.

609 (4) (a) This ~~subsection~~ Subsection (4) applies only to an annexation within a county
610 of the first class.

611 (b) A county of the first class shall agree to an annexation if the majority of private
612 property owners within the area to be annexed give written consent to the annexation, in
613 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

614 (c) For purposes of Subsection (4)(b), the majority of private property owners is
615 property owners who own:

616 (i) the majority of the total private land area within the area proposed for annexation;
617 and

618 (ii) private real property equal to at least 1/2 the value of private real property within
619 the area proposed for annexation.

620 (d) A property owner consenting to annexation shall indicate the property owner's
621 consent on a form which includes language in substantially the following form:

622 "Notice: If this written consent is used to proceed with an annexation of your property
623 in accordance with Utah Code Section 10-2-418, no public election is required by law to
624 approve the annexation. If you sign this consent and later decide you do not want to support
625 the annexation of your property, you may withdraw your signature by submitting a signed,
626 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
627 choose to withdraw your signature, you must do so no later than the close of the public hearing
628 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".

629 (e) A private property owner may withdraw the property owner's signature indicating
630 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
631 close of the public hearing held in accordance with Subsection (5)(b).

632 (5) The legislative body of each municipality intending to annex an area under this
633 section shall:

634 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
635 area, describing the area proposed to be annexed; and

636 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
637 adoption of the resolution described in Subsection (5)(a).

638 (6) A legislative body described in Subsection (5) shall ~~publish~~ provide notice of a
639 public hearing described in Subsection (5)(b):

640 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
641 and at least one additional notice per 2,000 population in the municipality and the area
642 proposed for annexation, in places within the combined area that are most likely to give notice
643 to the residents within, and the owners of real property located within, the combined area,
644 subject to a maximum of 10 notices; or

645 (ii) at least three weeks before the day of the public hearing, by mailing notice to each

646 residence within, and each owner of real property located within, the combined area described
647 in Subsection (6)(a)(i);

648 (b) by posting a notice on the Utah Public Notice Website, created in Section
649 [63A-12-201](#), for three weeks before the day of the public hearing;

650 (c) by sending written notice to:

651 (i) the board of each local district and special service district whose boundaries contain
652 some or all of the area proposed for annexation; and

653 (ii) the legislative body of the county in which the area proposed for annexation is
654 located; and

655 (d) if the municipality has a website, by posting notice on the municipality's website for
656 three weeks before the day of the public hearing.

657 (7) The legislative body of the annexing municipality shall ensure that:

658 (a) each notice described in Subsection (6):

659 (i) states that the municipal legislative body has adopted a resolution indicating the
660 municipality's intent to annex the area proposed for annexation;

661 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

662 (iii) describes the area proposed for annexation; and

663 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),
664 states in conspicuous and plain terms that the municipal legislative body will annex the area
665 unless, at or before the public hearing described in Subsection (5)(b), written protests to the
666 annexation are filed by the owners of private real property that:

667 (A) is located within the area proposed for annexation;

668 (B) covers a majority of the total private land area within the entire area proposed for
669 annexation; and

670 (C) is equal in value to at least 1/2 the value of all private real property within the
671 entire area proposed for annexation; and

672 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
673 days after the day on which the municipal legislative body adopts a resolution under Subsection

674 (5)(a).

675 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
676 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
677 ordinance approving the annexation of the area proposed for annexation under this section
678 unless, at or before the hearing, written protests to the annexation have been filed with the
679 recorder or clerk of the municipality by the owners of private real property that:

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

681 (ii) covers a majority of the total private land area within the entire area proposed for
682 annexation; and

683 (iii) is equal in value to at least 1/2 the value of all private real property within the
684 entire area proposed for annexation.

685 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
686 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
687 annexation of the area proposed for annexation under this section without allowing or
688 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
689 land area within the entire area proposed for annexation, representing at least 75% of the value
690 of the private real property within the entire area proposed for annexation, have consented in
691 writing to the annexation.

692 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
693 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
694 validly annexed.

695 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
696 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
697 annexation of an area that the county legislative body proposes for annexation under this
698 section without allowing or considering protests under Subsection (8)(a) if the county
699 legislative body has formally recommended annexation to the annexing municipality and has
700 made a formal finding that:

701 (A) the area to be annexed can be more efficiently served by the municipality than by

702 the county;

703 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
704 the future as the result of urban development;

705 (C) annexation of the area is likely to facilitate the consolidation of overlapping
706 functions of local government; and

707 (D) annexation of the area is likely to result in an equitable distribution of community
708 resources and obligations.

709 (ii) The county legislative body may base the finding required in Subsection
710 (8)(c)(i)(B) on:

711 (A) existing development in the area;

712 (B) natural or other conditions that may limit the future development of the area; or

713 (C) other factors that the county legislative body considers relevant.

714 (iii) A county legislative body may make the recommendation for annexation required
715 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
716 information provided at the public hearing, the county legislative body makes a formal finding
717 that it would be equitable to leave a portion of the island unincorporated.

718 (iv) If a county legislative body has made a recommendation of annexation under
719 Subsection (8)(c)(i):

720 (A) the relevant municipality is not required to proceed with the recommended
721 annexation; and

722 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
723 the entire area that the county legislative body recommended for annexation.

724 (v) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
725 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
726 validly annexed.

727 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
728 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
729 approving the annexation of the area proposed for annexation, and the annexation proceedings

730 under this section shall be considered terminated.

731 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
732 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
733 island regarding which protests have been filed and proceeding under Subsection (3) to annex
734 some or all of the remaining portion of the unincorporated island.

735 Section 8. Section **10-2-418 (Effective 07/01/21)** is amended to read:

736 **10-2-418 (Effective 07/01/21). Annexation of an island or peninsula without a**
737 **petition -- Notice -- Hearing.**

738 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
739 accordance with this section of an area located within a county of the first class,
740 "municipal-type services" does not include a service provided by a municipality pursuant to a
741 contract that the municipality has with another political subdivision as "political subdivision" is
742 defined in Section [17B-1-102](#).

743 (2) Notwithstanding Subsection [10-2-402\(2\)](#), a municipality may annex an
744 unincorporated area under this section without an annexation petition if:

745 (a) for an unincorporated area within the expansion area of more than one municipality,
746 each municipality agrees to the annexation; and

747 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within
748 or unincorporated peninsulas contiguous to the municipality;

749 (B) the majority of each island or peninsula consists of residential or commercial
750 development;

751 (C) the area proposed for annexation requires the delivery of municipal-type services;
752 and

753 (D) the municipality has provided most or all of the municipal-type services to the area
754 for more than one year;

755 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
756 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
757 residents; and

758 (B) the municipality has provided one or more municipal-type services to the area for
759 at least one year;

760 (iii) the area consists of:

761 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
762 municipality; and

763 (B) for an area outside of the county of the first class proposed for annexation, no more
764 than 50 acres; or

765 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
766 county of the second class;

767 (B) the area to be annexed is located in the expansion area of a municipality; and

768 (C) the county legislative body in which the municipality is located provides notice to
769 each property owner within the area to be annexed that the county legislative body will hold a
770 public hearing, no less than 15 days after the day on which the county legislative body provides
771 the notice, and may make a recommendation of annexation to the municipality whose
772 expansion area includes the area to be annexed after the public hearing.

773 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
774 portion of an unincorporated island or unincorporated peninsula under this section, leaving
775 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

776 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
777 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
778 the municipality's best interest; and

779 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
780 the entire island of unincorporated area, of which a portion is being annexed, complies with the
781 requirement of Subsection (2)(b)(ii) relating to the number of residents.

782 (4) (a) This ~~subsection~~ Subsection (4) applies only to an annexation within a county
783 of the first class.

784 (b) A county of the first class shall agree to an annexation if the majority of private
785 property owners within the area to be annexed give written consent to the annexation, in

786 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

787 (c) For purposes of Subsection (4)(b), the majority of private property owners is
788 property owners who own:

789 (i) the majority of the total private land area within the area proposed for annexation;
790 and

791 (ii) private real property equal to at least 1/2 the value of private real property within
792 the area proposed for annexation.

793 (d) A property owner consenting to annexation shall indicate the property owner's
794 consent on a form which includes language in substantially the following form:

795 "Notice: If this written consent is used to proceed with an annexation of your property
796 in accordance with Utah Code Section 10-2-418, no public election is required by law to
797 approve the annexation. If you sign this consent and later decide you do not want to support
798 the annexation of your property, you may withdraw your signature by submitting a signed,
799 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
800 choose to withdraw your signature, you must do so no later than the close of the public hearing
801 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".

802 (e) A private property owner may withdraw the property owner's signature indicating
803 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
804 close of the public hearing held in accordance with Subsection (5)(b).

805 (5) The legislative body of each municipality intending to annex an area under this
806 section shall:

807 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
808 area, describing the area proposed to be annexed; and

809 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
810 adoption of the resolution described in Subsection (5)(a).

811 (6) A legislative body described in Subsection (5) shall [~~publish~~] provide notice of a
812 public hearing described in Subsection (5)(b):

813 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,

814 and at least one additional notice per 2,000 population in the municipality and the area
815 proposed for annexation, in places within the combined area that are most likely to give notice
816 to the residents within, and the owners of real property located within, the combined area,
817 subject to a maximum of 10 notices; or

818 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
819 residence within, and each owner of real property located within, the combined area described
820 in Subsection (6)(a)(i);

821 (b) by posting notice on the Utah Public Notice Website, created in Section
822 [63A-16-601](#), for three weeks before the day of the public hearing;

823 (c) by sending written notice to:

824 (i) the board of each local district and special service district whose boundaries contain
825 some or all of the area proposed for annexation; and

826 (ii) the legislative body of the county in which the area proposed for annexation is
827 located; and

828 (d) if the municipality has a website, by posting notice on the municipality's website for
829 three weeks before the day of the public hearing.

830 (7) The legislative body of the annexing municipality shall ensure that:

831 (a) each notice described in Subsection (6):

832 (i) states that the municipal legislative body has adopted a resolution indicating the
833 municipality's intent to annex the area proposed for annexation;

834 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

835 (iii) describes the area proposed for annexation; and

836 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),
837 states in conspicuous and plain terms that the municipal legislative body will annex the area
838 unless, at or before the public hearing described in Subsection (5)(b), written protests to the
839 annexation are filed by the owners of private real property that:

840 (A) is located within the area proposed for annexation;

841 (B) covers a majority of the total private land area within the entire area proposed for

842 annexation; and

843 (C) is equal in value to at least 1/2 the value of all private real property within the
844 entire area proposed for annexation; and

845 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
846 days after the day on which the municipal legislative body adopts a resolution under Subsection
847 (5)(a).

848 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
849 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
850 ordinance approving the annexation of the area proposed for annexation under this section
851 unless, at or before the hearing, written protests to the annexation have been filed with the
852 recorder or clerk of the municipality by the owners of private real property that:

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

854 (ii) covers a majority of the total private land area within the entire area proposed for
855 annexation; and

856 (iii) is equal in value to at least 1/2 the value of all private real property within the
857 entire area proposed for annexation.

858 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
859 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
860 annexation of the area proposed for annexation under this section without allowing or
861 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
862 land area within the entire area proposed for annexation, representing at least 75% of the value
863 of the private real property within the entire area proposed for annexation, have consented in
864 writing to the annexation.

865 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
866 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
867 validly annexed.

868 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
869 described in Subsection (5)(b), a municipality may adopt an ordinance approving the

870 annexation of an area that the county legislative body proposes for annexation under this
871 section without allowing or considering protests under Subsection (8)(a) if the county
872 legislative body has formally recommended annexation to the annexing municipality and has
873 made a formal finding that:

874 (A) the area to be annexed can be more efficiently served by the municipality than by
875 the county;

876 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
877 the future as the result of urban development;

878 (C) annexation of the area is likely to facilitate the consolidation of overlapping
879 functions of local government; and

880 (D) annexation of the area is likely to result in an equitable distribution of community
881 resources and obligations.

882 (ii) The county legislative body may base the finding required in Subsection
883 (8)(c)(i)(B) on:

884 (A) existing development in the area;

885 (B) natural or other conditions that may limit the future development of the area; or

886 (C) other factors that the county legislative body considers relevant.

887 (iii) A county legislative body may make the recommendation for annexation required
888 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
889 information provided at the public hearing, the county legislative body makes a formal finding
890 that it would be equitable to leave a portion of the island unincorporated.

891 (iv) If a county legislative body has made a recommendation of annexation under
892 Subsection (8)(c)(i):

893 (A) the relevant municipality is not required to proceed with the recommended
894 annexation; and

895 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
896 the entire area that the county legislative body recommended for annexation.

897 (v) Upon the effective date under Section [10-2-425](#) of an annexation approved by an

898 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
899 validly annexed.

900 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
901 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
902 approving the annexation of the area proposed for annexation, and the annexation proceedings
903 under this section shall be considered terminated.

904 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
905 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
906 island regarding which protests have been filed and proceeding under Subsection (3) to annex
907 some or all of the remaining portion of the unincorporated island.

908 Section 9. Section **10-2-419 (Superseded 07/01/21)** is amended to read:

909 **10-2-419 (Superseded 07/01/21). Boundary adjustment -- Notice and hearing --**
910 **Protest.**

911 (1) The legislative bodies of two or more municipalities having common boundaries
912 may adjust their common boundaries as provided in this section.

913 (2) The legislative body of each municipality intending to adjust a boundary that is
914 common with another municipality shall:

915 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
916 common boundary; and

917 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
918 adoption of the resolution under Subsection (2)(a).

919 (3) A legislative body described in Subsection (2) shall ~~publish~~ provide notice of a
920 public hearing described in Subsection (2)(b):

921 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
922 and at least one additional notice per 2,000 population of the municipality, in places within the
923 municipality that are most likely to give notice to residents of the municipality, subject to a
924 maximum of 10 notices; or

925 (ii) at least three weeks before the day of the public hearing, by mailing notice to each

926 residence in the municipality;

927 (b) by posting notice on the Utah Public Notice Website, created in Section
928 [63A-12-201](#), for three weeks before the day of the public hearing;

929 (c) if the proposed boundary adjustment may cause any part of real property owned by
930 the state to be within the geographic boundary of a different local governmental entity than
931 before the adjustment, by providing written notice, at least 50 days before the day of the public
932 hearing, to:

933 (i) the title holder of any state-owned real property described in this Subsection (3)(d);
934 and

935 (ii) the Utah State Developmental Center Board, created under Section [~~62A-5-202.2~~]
936 [62A-5-202.5](#), if any state-owned real property described in this Subsection (3)(d) is associated
937 with the Utah State Developmental Center; and

938 (d) if the municipality has a website, by posting notice on the municipality's website for
939 three weeks before the day of the public hearing.

940 (4) The notice described in Subsection (3) shall:

941 (a) state that the municipal legislative body has adopted a resolution indicating the
942 municipal legislative body's intent to adjust a boundary that the municipality has in common
943 with another municipality;

944 (b) describe the area proposed to be adjusted;

945 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

946 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
947 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
948 protest to the adjustment is filed by:

949 (i) an owner of private real property that:

950 (A) is located within the area proposed for adjustment;

951 (B) covers at least 25% of the total private land area within the area proposed for
952 adjustment; and

953 (C) is equal in value to at least 15% of the value of all private real property within the

954 area proposed for adjustment; or

955 (ii) a title holder of state-owned real property described in Subsection (3)(d);

956 (e) state that the area that is the subject of the boundary adjustment will, because of the
957 boundary adjustment, be automatically annexed to a local district providing fire protection,
958 paramedic, and emergency services or a local district providing law enforcement service, as the
959 case may be, as provided in Section 17B-1-416, if:

960 (i) the municipality to which the area is being added because of the boundary
961 adjustment is entirely within the boundaries of a local district:

962 (A) that provides fire protection, paramedic, and emergency services or law
963 enforcement service, respectively; and

964 (B) in the creation of which an election was not required because of Subsection
965 17B-1-214(3)(c); and

966 (ii) the municipality from which the area is being taken because of the boundary
967 adjustment is not within the boundaries of the local district; and

968 (f) state that the area proposed for annexation to the municipality will be automatically
969 withdrawn from a local district providing fire protection, paramedic, and emergency services,
970 as provided in Subsection 17B-1-502(2), if:

971 (i) the municipality to which the area is being added because of the boundary
972 adjustment is not within the boundaries of a local district:

973 (A) that provides fire protection, paramedic, and emergency services; and

974 (B) in the creation of which an election was not required because of Subsection
975 17B-1-214(3)(c); and

976 (ii) the municipality from which the area is being taken because of the boundary
977 adjustment is entirely within the boundaries of the local district.

978 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
979 municipal legislative body may adopt an ordinance approving the adjustment of the common
980 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
981 adjustment is filed with the city recorder or town clerk by a person described in Subsection

982 (3)(d)(i) or (ii).

983 (6) The municipal legislative body shall comply with the requirements of Section
984 10-2-425 as if the boundary adjustment were an annexation.

985 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
986 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
987 (5).

988 (b) The effective date of a boundary adjustment under this section is governed by
989 Section 10-2-425.

990 Section 10. Section 10-2-419 (Effective 07/01/21) is amended to read:

991 10-2-419 (Effective 07/01/21). **Boundary adjustment -- Notice and hearing --**
992 **Protest.**

993 (1) The legislative bodies of two or more municipalities having common boundaries
994 may adjust their common boundaries as provided in this section.

995 (2) The legislative body of each municipality intending to adjust a boundary that is
996 common with another municipality shall:

997 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
998 common boundary; and

999 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
1000 adoption of the resolution under Subsection (2)(a).

1001 (3) A legislative body described in Subsection (2) shall [~~publish~~] provide notice of a
1002 public hearing described in Subsection (2)(b):

1003 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
1004 and at least one additional notice per 2,000 population of the municipality, in places within the
1005 municipality that are most likely to give notice to residents of the municipality, subject to a
1006 maximum of 10 notices; or

1007 (ii) at least three weeks before the day of the public hearing, by mailing notice to each
1008 residence in the municipality;

1009 (b) by posting notice on the Utah Public Notice Website, created in Section

1010 [63A-16-601](#), for three weeks before the day of the public hearing;

1011 (c) if the proposed boundary adjustment may cause any part of real property owned by
1012 the state to be within the geographic boundary of a different local governmental entity than
1013 before the adjustment, by providing written notice, at least 50 days before the day of the public
1014 hearing, to:

1015 (i) the title holder of any state-owned real property described in this Subsection (3)(d);
1016 and

1017 (ii) the Utah State Developmental Center Board, created under Section [~~62A-5-202.2~~]
1018 [62A-5-202.5](#), if any state-owned real property described in this Subsection (3)(d) is associated
1019 with the Utah State Developmental Center; and

1020 (d) if the municipality has a website, by posting notice on the municipality's website for
1021 three weeks before the day of the public hearing.

1022 (4) The notice described in Subsection (3) shall:

1023 (a) state that the municipal legislative body has adopted a resolution indicating the
1024 municipal legislative body's intent to adjust a boundary that the municipality has in common
1025 with another municipality;

1026 (b) describe the area proposed to be adjusted;

1027 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

1028 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
1029 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
1030 protest to the adjustment is filed by:

1031 (i) an owner of private real property that:

1032 (A) is located within the area proposed for adjustment;

1033 (B) covers at least 25% of the total private land area within the area proposed for
1034 adjustment; and

1035 (C) is equal in value to at least 15% of the value of all private real property within the
1036 area proposed for adjustment; or

1037 (ii) a title holder of state-owned real property described in Subsection (3)(d);

1038 (e) state that the area that is the subject of the boundary adjustment will, because of the
1039 boundary adjustment, be automatically annexed to a local district providing fire protection,
1040 paramedic, and emergency services or a local district providing law enforcement service, as the
1041 case may be, as provided in Section 17B-1-416, if:

1042 (i) the municipality to which the area is being added because of the boundary
1043 adjustment is entirely within the boundaries of a local district:

1044 (A) that provides fire protection, paramedic, and emergency services or law
1045 enforcement service, respectively; and

1046 (B) in the creation of which an election was not required because of Subsection
1047 17B-1-214(3)(c); and

1048 (ii) the municipality from which the area is being taken because of the boundary
1049 adjustment is not within the boundaries of the local district; and

1050 (f) state that the area proposed for annexation to the municipality will be automatically
1051 withdrawn from a local district providing fire protection, paramedic, and emergency services,
1052 as provided in Subsection 17B-1-502(2), if:

1053 (i) the municipality to which the area is being added because of the boundary
1054 adjustment is not within the boundaries of a local district:

1055 (A) that provides fire protection, paramedic, and emergency services; and

1056 (B) in the creation of which an election was not required because of Subsection
1057 17B-1-214(3)(c); and

1058 (ii) the municipality from which the area is being taken because of the boundary
1059 adjustment is entirely within the boundaries of the local district.

1060 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
1061 municipal legislative body may adopt an ordinance approving the adjustment of the common
1062 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
1063 adjustment is filed with the city recorder or town clerk by a person described in Subsection
1064 (3)(d)(i) or (ii).

1065 (6) The municipal legislative body shall comply with the requirements of Section

1066 10-2-425 as if the boundary adjustment were an annexation.

1067 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
1068 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
1069 (5).

1070 (b) The effective date of a boundary adjustment under this section is governed by
1071 Section 10-2-425.

1072 Section 11. Section 10-2-502.5 (Superseded 07/01/21) is amended to read:

1073 **10-2-502.5 (Superseded 07/01/21). Hearing on request for disconnection --**
1074 **Determination by municipal legislative body -- Petition in district court.**

1075 (1) No sooner than three weeks after notice is provided under Subsection 10-2-501(3),
1076 the legislative body of the municipality in which the area proposed for disconnection is located
1077 shall hold a public hearing.

1078 (2) The municipal legislative body shall provide notice of the public hearing:

1079 (a) at least seven days before the hearing date, in writing to the petitioner and to the
1080 legislative body of the county in which the area proposed for disconnection is located;

1081 (b) (i) at least seven days before the hearing date, by posting one notice, and at least
1082 one additional notice per 2,000 population of the municipality, in places within the
1083 municipality that are most likely to give notice to residents within, and the owners of real
1084 property located within, the municipality, subject to a maximum of 10 notices; or

1085 (ii) at least 10 days before the hearing date, by mailing notice to each residence within,
1086 and each owner of real property located within, the municipality;

1087 (c) by posting notice on the Utah Public Notice Website, created in Section
1088 63A-12-201, for seven days before the hearing date; and

1089 (d) if the municipality has a website, by posting notice on the municipality's website for
1090 seven days before the hearing date.

1091 (3) In the public hearing, any person may speak and submit documents regarding the
1092 disconnection proposal.

1093 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

- 1094 (a) determine whether to grant the request for disconnection; and
1095 (b) if the municipality determines to grant the request, adopt an ordinance approving
1096 disconnection of the area from the municipality.

1097 (5) (a) A petition against the municipality challenging the municipal legislative body's
1098 determination under Subsection (4) may be filed in district court by:

- 1099 (i) the petitioner; or
1100 (ii) the county in which the area proposed for disconnection is located.
1101 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
1102 disconnection.

1103 Section 12. Section **10-2-502.5 (Effective 07/01/21)** is amended to read:

1104 **10-2-502.5 (Effective 07/01/21). Hearing on request for disconnection --**
1105 **Determination by municipal legislative body -- Petition in district court.**

1106 (1) No sooner than three weeks after notice is provided under Subsection **10-2-501(3)**,
1107 the legislative body of the municipality in which the area proposed for disconnection is located
1108 shall hold a public hearing.

1109 (2) The municipal legislative body shall provide notice of the public hearing:

1110 (a) at least seven days before the hearing date, in writing to the petitioner and to the
1111 legislative body of the county in which the area proposed for disconnection is located;

1112 (b) (i) at least seven days before the hearing date, by posting one notice, and at least
1113 one additional notice per 2,000 population of the municipality, in places within the
1114 municipality that are most likely to give notice to residents within, and the owners of real
1115 property located within, the municipality, subject to a maximum of 10 notices; or

1116 (ii) at least 10 days before the hearing date, by mailing notice to each residence within,
1117 and each owner of real property located within, the municipality;

1118 (c) by posting notice on the Utah Public Notice Website, created in Section
1119 **63A-16-601**, for seven days before the hearing date; and

1120 (d) if the municipality has a website, by posting notice on the municipality's website for
1121 seven days before the hearing date.

1122 (3) In the public hearing, any person may speak and submit documents regarding the
1123 disconnection proposal.

1124 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

1125 (a) determine whether to grant the request for disconnection; and

1126 (b) if the municipality determines to grant the request, adopt an ordinance approving
1127 disconnection of the area from the municipality.

1128 (5) (a) A petition against the municipality challenging the municipal legislative body's
1129 determination under Subsection (4) may be filed in district court by:

1130 (i) the petitioner; or

1131 (ii) the county in which the area proposed for disconnection is located.

1132 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
1133 disconnection.

1134 Section 13. Section **10-2-703 (Superseded 07/01/21)** is amended to read:

1135 **10-2-703 (Superseded 07/01/21). Providing notice of election.**

1136 (1) Immediately after setting the date for the election, the court shall order for
1137 [~~publication~~] notice to be provided of the:

1138 (a) petition; and

1139 (b) date the election is to be held to determine the question of dissolution.

1140 (2) The notice described in Subsection (1) shall be [~~published~~] provided:

1141 (a) (i) at least four weeks before the day of the election, by posting one notice, and at
1142 least one additional notice per 2,000 population of the municipality, in places within the
1143 municipality that are most likely to give notice to the voters in the municipality, subject to a
1144 maximum of 10 notices; or

1145 (ii) at least one month before the day of the election, by mailing notice to each
1146 registered voter in the municipality;

1147 (b) by posting notice on the Utah Public Notice Website, created in Section
1148 [63A-12-201](#), for four weeks before the day of the election; and

1149 (c) if the municipality has a website, by posting notice on the municipality's website for

1150 four weeks before the day of the election.

1151 Section 14. Section **10-2-703 (Effective 07/01/21)** is amended to read:

1152 **10-2-703 (Effective 07/01/21). Providing notice of election.**

1153 (1) Immediately after setting the date for the election, the court shall order for

1154 [~~publication~~] notice to be provided of the:

1155 (a) petition; and

1156 (b) date the election is to be held to determine the question of dissolution.

1157 (2) The notice described in Subsection (1) shall be [~~published~~] provided:

1158 (a) (i) at least four weeks before the day of the election, by posting one notice, and at
1159 least one additional notice per 2,000 population of the municipality, in places within the
1160 municipality that are most likely to give notice to the voters in the municipality, subject to a
1161 maximum of 10 notices; or

1162 (ii) at least one month before the day of the election, by mailing notice to each
1163 registered voter in the municipality;

1164 (b) by posting notice on the Utah Public Notice Website, created in Section
1165 [63A-16-601](#), for four weeks before the day of the election; and

1166 (c) if the municipality has a website, by posting notice on the municipality's website for
1167 four weeks before the day of the election.

1168 Section 15. Section **10-2-708 (Superseded 07/01/21)** is amended to read:

1169 **10-2-708 (Superseded 07/01/21). Notice of disincorporation.**

1170 When a municipality has been dissolved, the clerk of the court shall [~~publish~~] provide
1171 notice of the dissolution:

1172 (1) (a) by posting one notice, and at least one additional notice per 2,000 population of
1173 the county in places within the county that are most likely to give notice to the residents within,
1174 and the owners of real property located within, the county, including the residents and owners
1175 within the municipality that is dissolved, subject to a maximum of 10 notices; or

1176 (b) by mailing notice to each residence within, and each owner of real property located
1177 within, the county;

1178 (2) by posting notice on the Utah Public Notice Website, created in Section
1179 63A-12-201, for four weeks;

1180 (3) if the municipality has a website, by posting notice on the municipality's website for
1181 four weeks; and

1182 (4) by posting notice on the county's website for four weeks.

1183 Section 16. Section 10-2-708 (Effective 07/01/21) is amended to read:

1184 **10-2-708 (Effective 07/01/21). Notice of disincorporation.**

1185 When a municipality has been dissolved, the clerk of the court shall [publish] provide
1186 notice of the dissolution:

1187 (1) (a) by posting one notice, and at least one additional notice per 2,000 population of
1188 the county in places within the county that are most likely to give notice to the residents within,
1189 and the owners of real property located within, the county, including the residents and owners
1190 within the municipality that is dissolved, subject to a maximum of 10 notices; or

1191 (b) by mailing notice to each residence within, and each owner of real property located
1192 within, the county;

1193 (2) by posting notice on the Utah Public Notice Website, created in Section
1194 63A-16-601, for four weeks;

1195 (3) if the municipality has a website, by posting notice on the municipality's website for
1196 four weeks; and

1197 (4) by posting notice on the county's website for four weeks.

1198 Section 17. Section 10-2a-210 (Superseded 07/01/21) is amended to read:

1199 **10-2a-210 (Superseded 07/01/21). Incorporation election -- Notice of election --**
1200 **Voter information pamphlet.**

1201 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
1202 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1203 described in the petition to be held on the date of the next regular general election described in
1204 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
1205 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1206 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1207 which the proposed municipality is located to hold the election on the date that the lieutenant
1208 governor schedules under Subsection (1)(a).

1209 (ii) The county shall hold the election as directed by the lieutenant governor under
1210 Subsection (1)(b)(i).

1211 (2) The county clerk shall [~~publish~~] provide notice of the election:

1212 (a) (i) by publishing notice in a newspaper of general circulation within the area
1213 proposed to be incorporated at least once a week for three successive weeks before the election;

1214 [~~(a)(i)~~] (ii) at least three weeks before the day of the election, by posting one notice,
1215 and at least one additional notice per 2,000 population of the area proposed to be incorporated,
1216 in places within the area proposed to be incorporated that are most likely to give notice to the
1217 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or

1218 [~~(ii)~~] (iii) at least three weeks before the day of the election, by mailing notice to each
1219 registered voter in the area proposed to be incorporated;

1220 (b) by posting notice on the Utah Public Notice Website, created in Section
1221 [63A-12-201](#), for three weeks before the day of the election;

1222 (c) if the proposed municipality has a website, by posting notice on the proposed
1223 municipality's website for three weeks before the day of the election; and

1224 (d) by posting notice on the county's website for three weeks before the day of the
1225 election.

1226 (3) (a) The notice required by Subsection (2) shall contain:

1227 (i) a statement of the contents of the petition;

1228 (ii) a description of the area proposed to be incorporated as a municipality;

1229 (iii) a statement of the date and time of the election and the location of polling places;

1230 and

1231 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in
1232 Subsection [10-2a-205](#)(3)(c) and a statement that a full copy of the study is available on the
1233 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1234 (b) Instead of [~~publishing~~] including the feasibility summary under Subsection
1235 (3)(a)(iv), the notice may include a statement that specifies the following sources where a
1236 registered voter in the area proposed to be incorporated may view or obtain a copy of the
1237 feasibility study:

- 1238 (i) the lieutenant governor's website;
- 1239 (ii) the physical address of the Office of the Lieutenant Governor; and
- 1240 (iii) a mailing address and telephone number.

1241 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall
1242 publish and distribute, before the incorporation election is held, a voter information pamphlet:

- 1243 (i) in accordance with the procedures and requirements of Section 20A-7-402;
- 1244 (ii) in consultation with the lieutenant governor; and
- 1245 (iii) in a manner that the county clerk determines is adequate, subject to Subsections
1246 (4)(a)(i) and (ii).

1247 (b) The voter information pamphlet described in Subsection (4)(a):

- 1248 (i) shall inform the public of the proposed incorporation; and
- 1249 (ii) may include written statements, printed in the same font style and point size, from
1250 proponents and opponents of the proposed incorporation.

1251 (5) An individual may not vote in an incorporation election under this section unless
1252 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1253 boundaries of the proposed municipality.

1254 (6) If a majority of those who vote in an incorporation election held under this section
1255 cast votes in favor of incorporation, the area shall incorporate.

1256 Section 18. Section 10-2a-210 (Effective 07/01/21) is amended to read:

1257 **10-2a-210 (Effective 07/01/21). Incorporation election -- Notice of election --**
1258 **Voter information pamphlet.**

1259 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
1260 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1261 described in the petition to be held on the date of the next regular general election described in

1262 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
1263 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1264 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1265 which the proposed municipality is located to hold the election on the date that the lieutenant
1266 governor schedules under Subsection (1)(a).

1267 (ii) The county shall hold the election as directed by the lieutenant governor under
1268 Subsection (1)(b)(i).

1269 (2) The county clerk shall [~~publish~~] provide notice of the election:

1270 (a) (i) by publishing notice in a newspaper of general circulation within the area
1271 proposed to be incorporated at least once a week for three successive weeks before the election;

1272 [~~(a)(i)~~] (ii) at least three weeks before the day of the election, by posting one notice,
1273 and at least one additional notice per 2,000 population of the area proposed to be incorporated,
1274 in places within the area proposed to be incorporated that are most likely to give notice to the
1275 voters within the area proposed to be incorporated, subject to a maximum of 10 notices; or

1276 [~~(ii)~~] (iii) at least three weeks before the day of the election, by mailing notice to each
1277 registered voter in the area proposed to be incorporated;

1278 (b) by posting notice on the Utah Public Notice Website, created in Section
1279 63A-16-601, for three weeks before the day of the election;

1280 (c) if the proposed municipality has a website, by posting notice on the proposed
1281 municipality's website for three weeks before the day of the election; and

1282 (d) by posting notice on the county's website for three weeks before the day of the
1283 election.

1284 (3) (a) The notice required by Subsection (2) shall contain:

1285 (i) a statement of the contents of the petition;

1286 (ii) a description of the area proposed to be incorporated as a municipality;

1287 (iii) a statement of the date and time of the election and the location of polling places;

1288 and

1289 (iv) except as provided in Subsection (3)(b), the feasibility study summary described in

1290 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
1291 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1292 (b) Instead of [publishing] including the feasibility summary under Subsection
1293 (3)(a)(iv), the notice may include a statement that specifies the following sources where a
1294 registered voter in the area proposed to be incorporated may view or obtain a copy of the
1295 feasibility study:

1296 (i) the lieutenant governor's website;

1297 (ii) the physical address of the Office of the Lieutenant Governor; and

1298 (iii) a mailing address and telephone number.

1299 (4) (a) In addition to the notice required under Subsection (2), the county clerk shall
1300 publish and distribute, before the incorporation election is held, a voter information pamphlet:

1301 (i) in accordance with the procedures and requirements of Section 20A-7-402;

1302 (ii) in consultation with the lieutenant governor; and

1303 (iii) in a manner that the county clerk determines is adequate, subject to Subsections
1304 (4)(a)(i) and (ii).

1305 (b) The voter information pamphlet described in Subsection (4)(a):

1306 (i) shall inform the public of the proposed incorporation; and

1307 (ii) may include written statements, printed in the same font style and point size, from
1308 proponents and opponents of the proposed incorporation.

1309 (5) An individual may not vote in an incorporation election under this section unless
1310 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1311 boundaries of the proposed municipality.

1312 (6) If a majority of those who vote in an incorporation election held under this section
1313 cast votes in favor of incorporation, the area shall incorporate.

1314 Section 19. Section 10-2a-213 (Superseded 07/01/21) is amended to read:

1315 **10-2a-213 (Superseded 07/01/21). Determination of number of council members --**
1316 **Determination of election districts -- Hearings and notice.**

1317 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days

1318 after the day on which the county conducts the canvass of the election under Section
1319 [10-2a-212](#):

1320 (a) for the incorporation of a city:

1321 (i) if the voters at the incorporation election choose the council-mayor form of
1322 government, determine the number of council members that will constitute the city council of
1323 the city; and

1324 (ii) if the voters at the incorporation election vote to elect council members by district,
1325 determine the number of council members to be elected by district and draw the boundaries of
1326 those districts, which shall be substantially equal in population; and

1327 (b) for the incorporation of any municipality:

1328 (i) determine the initial terms of the mayor and members of the municipal council so
1329 that:

1330 (A) the mayor and approximately half the members of the municipal council are
1331 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1332 successors to serve a full four-year term that coincides with the schedule established in
1333 Subsection [10-3-205\(1\)](#); and

1334 (B) the remaining members of the municipal council are elected to serve an initial
1335 term, of no less than one year, that allows the members' successors to serve a full four-year
1336 term that coincides with the schedule established in Subsection [10-3-205\(2\)](#); and

1337 (ii) submit in writing to the county legislative body the results of the determinations
1338 made by the sponsors under Subsections (1)(a) and (b)(i).

1339 (2) A newly incorporated town shall operate under the five-member council form of
1340 government as defined in Section [10-3b-102](#).

1341 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1342 sponsors shall hold a public hearing within the future municipality on the applicable issues
1343 described in Subsections (1)(a) and (b)(i).

1344 (4) The petition sponsors shall [~~publish~~] provide notice of the public hearing described
1345 in Subsection (3):

1346 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
1347 and at least one additional notice per 2,000 population of the future municipality, in places
1348 within the future municipality that are most likely to give notice to the residents within, and the
1349 owners of real property located within, the future municipality, subject to a maximum of 10
1350 notices; or

1351 (ii) at least two weeks before the day of the public hearing, by mailing notice to each
1352 residence within, and each owner of real property located within, the future municipality;

1353 (b) by posting notice on the Utah Public Notice Website, created in Section
1354 [63A-12-201](#), for two weeks before the day of the public hearing;

1355 (c) if the future municipality has a website, by posting notice on the future
1356 municipality's website for two weeks before the day of the public hearing; and

1357 (d) by posting notice on the county's website for two weeks before the day of the public
1358 hearing.

1359 Section 20. Section **10-2a-213 (Effective 07/01/21)** is amended to read:

1360 **10-2a-213 (Effective 07/01/21). Determination of number of council members --**
1361 **Determination of election districts -- Hearings and notice.**

1362 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
1363 after the day on which the county conducts the canvass of the election under Section
1364 [10-2a-212](#):

1365 (a) for the incorporation of a city:

1366 (i) if the voters at the incorporation election choose the council-mayor form of
1367 government, determine the number of council members that will constitute the city council of
1368 the city; and

1369 (ii) if the voters at the incorporation election vote to elect council members by district,
1370 determine the number of council members to be elected by district and draw the boundaries of
1371 those districts, which shall be substantially equal in population; and

1372 (b) for the incorporation of any municipality:

1373 (i) determine the initial terms of the mayor and members of the municipal council so

1374 that:

1375 (A) the mayor and approximately half the members of the municipal council are
1376 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1377 successors to serve a full four-year term that coincides with the schedule established in
1378 Subsection 10-3-205(1); and

1379 (B) the remaining members of the municipal council are elected to serve an initial
1380 term, of no less than one year, that allows the members' successors to serve a full four-year
1381 term that coincides with the schedule established in Subsection 10-3-205(2); and

1382 (ii) submit in writing to the county legislative body the results of the determinations
1383 made by the sponsors under Subsections (1)(a) and (b)(i).

1384 (2) A newly incorporated town shall operate under the five-member council form of
1385 government as defined in Section 10-3b-102.

1386 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1387 sponsors shall hold a public hearing within the future municipality on the applicable issues
1388 described in Subsections (1)(a) and (b)(i).

1389 (4) The petition sponsors shall [~~publish~~] provide notice of the public hearing described
1390 in Subsection (3):

1391 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
1392 and at least one additional notice per 2,000 population of the future municipality, in places
1393 within the future municipality that are most likely to give notice to the residents within, and the
1394 owners of real property located within, the future municipality, subject to a maximum of 10
1395 notices; or

1396 (ii) at least two weeks before the day of the public hearing, by mailing notice to each
1397 residence within, and each owner of real property located within, the future municipality;

1398 (b) by posting notice on the Utah Public Notice Website, created in Section
1399 63A-16-601, for two weeks before the day of the public hearing;

1400 (c) if the future municipality has a website, by posting notice on the future
1401 municipality's website for two weeks before the day of the public hearing; and

1402 (d) by posting notice on the county's website for two weeks before the day of the public
1403 hearing.

1404 Section 21. Section **10-2a-214 (Superseded 07/01/21)** is amended to read:

1405 **10-2a-214 (Superseded 07/01/21). Notice of number of commission or council**
1406 **members to be elected and of district boundaries -- Declaration of candidacy for**
1407 **municipal office.**

1408 (1) Within 20 days after the day on which a county legislative body receives the
1409 petition sponsors' determination under Subsection **10-2a-213(1)(b)(ii)**, the county clerk shall
1410 [~~publish~~] provide a notice, in accordance with Subsection (2), [~~notice~~] containing:

1411 (a) the number of municipal council members to be elected for the new municipality;

1412 (b) except as provided in Subsection (3), if some or all of the municipal council
1413 members are to be elected by district, a description of the boundaries of those districts;

1414 (c) information about the deadline for an individual to file a declaration of candidacy to
1415 become a candidate for mayor or municipal council; and

1416 (d) information about the length of the initial term of each of the municipal officers.

1417 (2) The county clerk shall [~~publish~~] provide the notice described in Subsection (1):

1418 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
1419 the future municipality, in places within the future municipality that are most likely to give
1420 notice to the residents in the future municipality, subject to a maximum of 10 notices; or

1421 (ii) by mailing notice to each residence in the future municipality;

1422 (b) by posting notice on the Utah Public Notice Website, created in Section
1423 **63A-12-201**, for two weeks;

1424 (c) if the future municipality has a website, by posting notice on the future
1425 municipality's website for two weeks; and

1426 (d) by posting notice on the county's website for two weeks.

1427 (3) Instead of [~~publishing~~] including a description of the district boundaries [~~described~~
1428 ~~in~~] under Subsection (1)(b), the notice may include a statement that specifies the following
1429 sources where a resident of the future municipality may view or obtain a copy of the district

1430 boundaries:

1431 (a) the county website;

1432 (b) the physical address of the county offices; and

1433 (c) a mailing address and telephone number.

1434 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
1435 candidate for mayor or municipal council of a municipality incorporating under this part shall
1436 file a declaration of candidacy with the clerk of the county in which the future municipality is
1437 located and in accordance with:

1438 (a) for an incorporation held on the date of a regular general election, the deadlines for
1439 filing a declaration of candidacy under Section 20A-9-202; or

1440 (b) for an incorporation held on the date of a municipal general election, the deadlines
1441 for filing a declaration of candidacy under Section 20A-9-203.

1442 Section 22. Section 10-2a-214 (Effective 07/01/21) is amended to read:

1443 **10-2a-214 (Effective 07/01/21). Notice of number of commission or council**
1444 **members to be elected and of district boundaries -- Declaration of candidacy for**
1445 **municipal office.**

1446 (1) Within 20 days after the day on which a county legislative body receives the
1447 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall
1448 [~~publish~~] provide a notice, in accordance with Subsection (2), [~~notice~~] containing:

1449 (a) the number of municipal council members to be elected for the new municipality;

1450 (b) except as provided in Subsection (3), if some or all of the municipal council
1451 members are to be elected by district, a description of the boundaries of those districts;

1452 (c) information about the deadline for an individual to file a declaration of candidacy to
1453 become a candidate for mayor or municipal council; and

1454 (d) information about the length of the initial term of each of the municipal officers.

1455 (2) The county clerk shall [~~publish~~] provide the notice described in Subsection (1):

1456 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
1457 the future municipality, in places within the future municipality that are most likely to give

1458 notice to the residents in the future municipality, subject to a maximum of 10 notices; or

1459 (ii) by mailing notice to each residence in the future municipality;

1460 (b) by posting notice on the Utah Public Notice Website, created in Section

1461 [63A-16-601](#), for two weeks;

1462 (c) if the future municipality has a website, by posting notice on the future

1463 municipality's website for two weeks; and

1464 (d) by posting notice on the county's website for two weeks.

1465 (3) Instead of [~~publishing~~] including a description of the district boundaries [~~described~~

1466 ~~in~~] under Subsection (1)(b), the notice may include a statement that specifies the following

1467 sources where a resident of the future municipality may view or obtain a copy of the district

1468 boundaries:

1469 (a) the county website;

1470 (b) the physical address of the county offices; and

1471 (c) a mailing address and telephone number.

1472 (4) Notwithstanding Subsection [20A-9-203](#)(3)(a), each individual seeking to become a

1473 candidate for mayor or municipal council of a municipality incorporating under this part shall

1474 file a declaration of candidacy with the clerk of the county in which the future municipality is

1475 located and in accordance with:

1476 (a) for an incorporation held on the date of a regular general election, the deadlines for

1477 filing a declaration of candidacy under Section [20A-9-202](#); or

1478 (b) for an incorporation held on the date of a municipal general election, the deadlines

1479 for filing a declaration of candidacy under Section [20A-9-203](#).

1480 Section 23. Section **10-2a-215 (Superseded 07/01/21)** is amended to read:

1481 **10-2a-215 (Superseded 07/01/21). Election of officers of new municipality --**

1482 **Primary and final election dates -- County clerk duties -- Candidate duties -- Occupation**

1483 **of office.**

1484 (1) For the election of municipal officers, the county legislative body shall:

1485 (a) unless a primary election is prohibited under Subsection [20A-9-404](#)(2), hold a

1486 primary election; and

1487 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1488 final election.

1489 (2) Each election described in Subsection (1) shall be held:

1490 (a) consistent with the petition sponsors' determination of the length of each council
1491 member's initial term; and

1492 (b) for the incorporation of a city:

1493 (i) appropriate to the form of government chosen by the voters at the incorporation
1494 election;

1495 (ii) consistent with the voters' decision about whether to elect city council members by
1496 district and, if applicable, consistent with the boundaries of those districts as determined by the
1497 petition sponsors; and

1498 (iii) consistent with the sponsors' determination of the number of city council members
1499 to be elected.

1500 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
1501 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1502 (i) regular primary election described in Subsection 20A-1-201.5(1); or

1503 (ii) municipal primary election described in Section 20A-9-404.

1504 (b) The county shall hold the primary election, if necessary, on the next election date
1505 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1506 10-2a-210.

1507 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
1508 Subsection (1)(b):

1509 (i) on the following election date that next follows the date of the incorporation
1510 election held under Subsection 10-2a-210(1)(a);

1511 (ii) a regular general election described in Section 20A-1-201; or

1512 (iii) a regular municipal general election under Section 20A-1-202.

1513 (b) The county shall hold the final election on the earliest of the next election date that

1514 is listed in Subsection (4)(a)(i), (ii), or (iii):

1515 (i) that is after a primary election; or

1516 (ii) if there is no primary election, that is at least:

1517 (A) 75 days after the incorporation election under Section 10-2a-210; and

1518 (B) 65 days after the candidate filing period.

1519 (5) The county clerk shall [~~publish~~] provide notice of an election under this section:

1520 (a) (i) at least two weeks before the day of the election, by posting one notice, and at

1521 least one additional notice per 2,000 population of the future municipality, in places within the

1522 future municipality that are most likely to give notice to the voters within the future

1523 municipality, subject to a maximum of 10 notices; or

1524 (ii) at least two weeks before the day of the election, by mailing notice to each

1525 registered voter within the future municipality;

1526 (b) by posting notice on the Utah Public Notice Website, created in Section

1527 63A-12-201, for two weeks before the day of the election;

1528 (c) if the future municipality has a website, by posting notice on the future

1529 municipality's website for two weeks before the day of the election; and

1530 (d) by posting notice on the county's website for two weeks before the day of the

1531 election.

1532 (6) Until the municipality is incorporated, the county clerk:

1533 (a) is the election officer for all purposes related to the election of municipal officers;

1534 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions

1535 related to the election of municipal officers for a new municipality that are not otherwise

1536 contrary to law;

1537 (c) shall require and determine deadlines for municipal office candidates to file

1538 campaign financial disclosures in accordance with Section 10-3-208; and

1539 (d) shall ensure that the ballot for the election includes each office that is required to be

1540 included in the election for officers of the newly incorporated municipality, including the term

1541 of each office.

1542 (7) An individual who has filed as a candidate for an office described in this section
1543 shall comply with:

- 1544 (a) the campaign finance disclosure requirements described in Section 10-3-208; and
- 1545 (b) the requirements and deadlines established by the county clerk under this section.

1546 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described
1547 in Subsection (4)(a) shall take office:

- 1548 (a) after taking the oath of office; and
- 1549 (b) at noon on the first Monday following the day on which the election official
- 1550 transmits a certificate of nomination or election under the officer's seal to each elected
- 1551 candidate in accordance with Subsection 20A-4-304(4)(b).

1552 Section 24. Section 10-2a-215 (Effective 07/01/21) is amended to read:

1553 **10-2a-215 (Effective 07/01/21). Election of officers of new municipality -- Primary**
1554 **and final election dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1555 (1) For the election of municipal officers, the county legislative body shall:

- 1556 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
- 1557 primary election; and
- 1558 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
- 1559 final election.

1560 (2) Each election described in Subsection (1) shall be held:

1561 (a) consistent with the petition sponsors' determination of the length of each council
1562 member's initial term; and

1563 (b) for the incorporation of a city:

1564 (i) appropriate to the form of government chosen by the voters at the incorporation
1565 election;

1566 (ii) consistent with the voters' decision about whether to elect city council members by
1567 district and, if applicable, consistent with the boundaries of those districts as determined by the
1568 petition sponsors; and

1569 (iii) consistent with the sponsors' determination of the number of city council members

1570 to be elected.

1571 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
1572 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1573 (i) regular primary election described in Subsection 20A-1-201.5(1); or

1574 (ii) municipal primary election described in Section 20A-9-404.

1575 (b) The county shall hold the primary election, if necessary, on the next election date
1576 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1577 10-2a-210.

1578 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
1579 Subsection (1)(b):

1580 (i) on the following election date that next follows the date of the incorporation
1581 election held under Subsection 10-2a-210(1)(a);

1582 (ii) a regular general election described in Section 20A-1-201; or

1583 (iii) a regular municipal general election under Section 20A-1-202.

1584 (b) The county shall hold the final election on the earliest of the next election date that
1585 is listed in Subsection (4)(a)(i), (ii), or (iii):

1586 (i) that is after a primary election; or

1587 (ii) if there is no primary election, that is at least:

1588 (A) 75 days after the incorporation election under Section 10-2a-210; and

1589 (B) 65 days after the candidate filing period.

1590 (5) The county clerk shall [~~publish~~] provide notice of an election under this section:

1591 (a) (i) at least two weeks before the day of the election, by posting one notice, and at
1592 least one additional notice per 2,000 population of the future municipality, in places within the
1593 future municipality that are most likely to give notice to the voters within the future
1594 municipality, subject to a maximum of 10 notices; or

1595 (ii) at least two weeks before the day of the election, by mailing notice to each
1596 registered voter within the future municipality;

1597 (b) by posting notice on the Utah Public Notice Website, created in Section

1598 [63A-16-601](#), for two weeks before the day of the election;

1599 (c) if the future municipality has a website, by posting notice on the future
1600 municipality's website for two weeks before the day of the election; and

1601 (d) by posting notice on the county's website for two weeks before the day of the
1602 election.

1603 (6) Until the municipality is incorporated, the county clerk:

1604 (a) is the election officer for all purposes related to the election of municipal officers;

1605 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1606 related to the election of municipal officers for a new municipality that are not otherwise
1607 contrary to law;

1608 (c) shall require and determine deadlines for municipal office candidates to file
1609 campaign financial disclosures in accordance with Section [10-3-208](#); and

1610 (d) shall ensure that the ballot for the election includes each office that is required to be
1611 included in the election for officers of the newly incorporated municipality, including the term
1612 of each office.

1613 (7) An individual who has filed as a candidate for an office described in this section
1614 shall comply with:

1615 (a) the campaign finance disclosure requirements described in Section [10-3-208](#); and

1616 (b) the requirements and deadlines established by the county clerk under this section.

1617 (8) Notwithstanding Section [10-3-201](#), the officers elected at a final election described
1618 in Subsection (4)(a) shall take office:

1619 (a) after taking the oath of office; and

1620 (b) at noon on the first Monday following the day on which the election official
1621 transmits a certificate of nomination or election under the officer's seal to each elected
1622 candidate in accordance with Subsection [20A-4-304\(4\)\(b\)](#).

1623 Section 25. Section **10-2a-404** is amended to read:

1624 **10-2a-404. Election.**

1625 (1) (a) Notwithstanding Section [20A-1-203](#), a county of the first class shall hold a local

1626 special election on November 3, 2015, on the following ballot propositions:

1627 (i) for registered voters residing within a planning township:

1628 (A) whether the planning township shall be incorporated as a city or town, according to
1629 the classifications of Section 10-2-301, or as a metro township; and

1630 (B) if the planning township incorporates as a metro township, whether the metro
1631 township is included in a municipal services district; and

1632 (ii) for registered voters residing within an unincorporated island, whether the island
1633 should maintain its unincorporated status or be annexed into an eligible city.

1634 (b) (i) A metro township incorporated under this part shall be governed by the
1635 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1636 Municipal Government.

1637 (ii) A city or town incorporated under this part shall be governed by the five-member
1638 council form of government as defined in Section 10-3b-102.

1639 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,
1640 within the boundaries of a planning township or an unincorporated island, the person may not
1641 vote on the proposed incorporation or annexation.

1642 (3) The county clerk shall [~~publish~~] post notice of the election on the Utah Public
1643 Notice Website, created in Section [~~63F-1-701~~] 63A-12-201, for three weeks before the
1644 election.

1645 (4) The notice required by Subsection (3) shall contain:

1646 (a) for residents of a planning township:

1647 (i) a statement that the voters will vote:

1648 (A) to incorporate as a city or town, according to the classifications of Section
1649 10-2-301, or as a metro township; and

1650 (B) if the planning township incorporates as a metro township, whether the metro
1651 township is included in a municipal services district;

1652 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the
1653 planning township boundaries that would be effective upon incorporation;

1654 (iii) a statement that if the residents of the planning township elect to incorporate:

1655 (A) as a metro township, the metro township shall be governed by a five-member
1656 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form
1657 of Municipal Government; or

1658 (B) as a city or town, the city or town shall be governed by the five-member council
1659 form of government as defined in Section 10-3b-102; and

1660 (iv) a statement of the date and time of the election and the location of polling places;

1661 (b) for residents of an unincorporated island:

1662 (i) a statement that the voters will vote either to be annexed into an eligible city or
1663 maintain unincorporated status; and

1664 (ii) a statement of the eligible city, as determined by the county legislative body in
1665 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

1666 (c) a statement of the date and time of the election and the location of polling places.

1667 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall
1668 post at least one notice of the election per 1,000 population in conspicuous places within the
1669 planning township or unincorporated island that are most likely to give notice of the election to
1670 the voters of the proposed incorporation or annexation, subject to a maximum of 10 notices.

1671 (b) The clerk shall post the notices under Subsection (5)(a) at least seven days before
1672 the election under Subsection (1).

1673 (6) (a) In a planning township, if a majority of those casting votes within the planning
1674 township vote to:

1675 (i) incorporate as a city or town, the planning township shall incorporate as a city or
1676 town, respectively; or

1677 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1678 township.

1679 (b) If a majority of those casting votes within the planning township vote to incorporate
1680 as a metro township, and a majority of those casting votes vote to include the metro township
1681 in a municipal services district and limit the metro township's municipal powers, the metro

1682 township shall be included in a municipal services district and have limited municipal powers.

1683 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1684 unincorporated island vote to:

1685 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1686 (ii) remain an unincorporated area, the area shall remain unincorporated.

1687 (7) The county shall, in consultation with interested parties, prepare and provide
1688 information on an annexation or incorporation subject to this part and an election held in
1689 accordance with this section.

1690 Section 26. Section **10-2a-405 (Superseded 07/01/21)** is amended to read:

1691 **10-2a-405 (Superseded 07/01/21). Duties of county legislative body -- Public**
1692 **hearing -- Notice -- Other election and incorporation issues -- Rural real property**
1693 **excluded.**

1694 (1) The legislative body of a county of the first class shall before an election described
1695 in Section [10-2a-404](#):

1696 (a) in accordance with Subsection (3), [~~publish~~] provide notice of the public hearing
1697 described in Subsection (1)(b);

1698 (b) hold a public hearing; and

1699 (c) at the public hearing, adopt a resolution:

1700 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1701 islands within the county;

1702 (ii) identifying each eligible city that will annex each unincorporated island, including
1703 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1704 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
1705 and

1706 (iii) identifying, including a map prepared by the county surveyor, the planning
1707 townships within the county and any changes to the boundaries of a planning township that the
1708 county legislative body proposes under Subsection (5).

1709 (2) The county legislative body shall exclude from a resolution adopted under

1710 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1711 consent to include the property in accordance with Subsection (7).

1712 (3) (a) The county clerk shall [~~publish~~] provide notice of the public hearing described
1713 in Subsection (1)(b):

1714 (i) by mailing notice to each owner of real property located in an unincorporated island
1715 or planning township no later than 15 days before the day of the public hearing;

1716 (ii) by posting notice on the Utah Public Notice Website₂ created in Section
1717 [63A-12-201](#), for three weeks before the day of the public hearing; and

1718 (iii) by posting at least one notice of the hearing per 1,000 population in conspicuous
1719 places within the selected unincorporated island, eligible city, or planning township, as
1720 applicable, that are most likely to give notice of the hearing to the residents of the
1721 unincorporated island, eligible city, or planning township, subject to a maximum of 10 notices.

1722 (b) The clerk shall post the notices under Subsection (3)(a)(iii) at least seven days
1723 before the hearing under Subsection (1)(b).

1724 (c) The notice under Subsection (3)(a) shall include:

1725 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1726 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by
1727 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1728 the eligible city or cities; or

1729 (B) for residents of a planning township, a statement that the property in the planning
1730 township shall be, pending the results of the election held under Section [10-2a-404](#),
1731 incorporated as a city, town, or metro township;

1732 (ii) the location and time of the public hearing; and

1733 (iii) the county website where a map may be accessed showing:

1734 (A) how the unincorporated island boundaries will change if annexed by an eligible
1735 city; or

1736 (B) how the planning township area boundaries will change, if applicable under
1737 Subsection (5), when the planning township incorporates as a metro township or as a city or

1738 town.

1739 (d) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the
1740 county website.

1741 (4) The county legislative body may, by ordinance or resolution adopted at a public
1742 meeting and in accordance with applicable law, resolve an issue that arises with an election
1743 held in accordance with this part or the incorporation and establishment of a metro township in
1744 accordance with this part.

1745 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1746 meeting, change the boundaries of a planning township.

1747 (b) A change to a planning township boundary under this Subsection (5) is effective
1748 only upon the vote of the residents of the planning township at an election under Section
1749 [10-2a-404](#) to incorporate as a metro township or as a city or town and does not affect the
1750 boundaries of the planning township before the election.

1751 (c) The county legislative body:

1752 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1753 alteration:

1754 (A) affects less than 5% of the residents residing within the planning advisory area; and

1755 (B) does not increase the area located within the planning township's boundaries; and

1756 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1757 surrounded by one or more municipalities.

1758 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1759 annexation or an incorporation process that, if approved, would change the boundaries of a
1760 planning township.

1761 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1762 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1763 (ii) that does not include residential units with a density greater than one unit per acre.

1764 (b) Unless an owner of rural real property gives written consent to a county legislative
1765 body, rural real property described in Subsection (7)(c) may not be:

1766 (i) included in a planning township identified under Subsection (1)(c); or
 1767 (ii) incorporated as part of a metro township, city, or town, in accordance with this
 1768 part.

1769 (c) The following rural real property is subject to an owner's written consent under
 1770 Subsection (7)(b):

1771 (i) rural real property that consists of 1,500 or more contiguous acres of real property
 1772 consisting of one or more tax parcels;

1773 (ii) rural real property that is not contiguous to, but used in connection with, rural real
 1774 property that consists of 1,500 or more contiguous acres of real property consisting of one or
 1775 more tax parcels;

1776 (iii) rural real property that is owned, managed, or controlled by a person, company, or
 1777 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
 1778 contiguous acres of rural real property consisting of one or more tax parcels; or

1779 (iv) rural real property that is located in whole or in part in one of the following as
 1780 defined in Section 17-41-101:

1781 (A) an agricultural protection area;

1782 (B) an industrial protection area; or

1783 (C) a mining protection area.

1784 Section 27. Section 10-2a-405 (Effective 07/01/21) is amended to read:

1785 **10-2a-405 (Effective 07/01/21). Duties of county legislative body -- Public hearing**
 1786 **-- Notice -- Other election and incorporation issues -- Rural real property excluded.**

1787 (1) The legislative body of a county of the first class shall before an election described
 1788 in Section 10-2a-404:

1789 (a) in accordance with Subsection (3), [~~publish~~] provide notice of the public hearing
 1790 described in Subsection (1)(b);

1791 (b) hold a public hearing; and

1792 (c) at the public hearing, adopt a resolution:

1793 (i) identifying, including a map prepared by the county surveyor, all unincorporated

1794 islands within the county;

1795 (ii) identifying each eligible city that will annex each unincorporated island, including
1796 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1797 by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404;
1798 and

1799 (iii) identifying, including a map prepared by the county surveyor, the planning
1800 townships within the county and any changes to the boundaries of a planning township that the
1801 county legislative body proposes under Subsection (5).

1802 (2) The county legislative body shall exclude from a resolution adopted under
1803 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1804 consent to include the property in accordance with Subsection (7).

1805 (3) (a) The county clerk shall ~~publish~~ provide notice of the public hearing described
1806 in Subsection (1)(b):

1807 (i) by mailing notice to each owner of real property located in an unincorporated island
1808 or planning township no later than 15 days before the day of the public hearing;

1809 (ii) by posting notice on the Utah Public Notice Website, created in Section
1810 63A-16-601, for three weeks before the day of the public hearing; and

1811 (iii) by posting at least one notice of the hearing per 1,000 population in conspicuous
1812 places within the selected unincorporated island, eligible city, or planning township, as
1813 applicable, that are most likely to give notice of the hearing to the residents of the
1814 unincorporated island, eligible city, or planning township, subject to a maximum of 10 notices.

1815 (b) The clerk shall post the notices under Subsection (3)(a)(iii) at least seven days
1816 before the hearing under Subsection (1)(b).

1817 (c) The notice under Subsection (3)(a) shall include:

1818 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1819 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by
1820 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1821 the eligible city or cities; or

1822 (B) for residents of a planning township, a statement that the property in the planning
1823 township shall be, pending the results of the election held under Section 10-2a-404,
1824 incorporated as a city, town, or metro township;

1825 (ii) the location and time of the public hearing; and

1826 (iii) the county website where a map may be accessed showing:

1827 (A) how the unincorporated island boundaries will change if annexed by an eligible
1828 city; or

1829 (B) how the planning township area boundaries will change, if applicable under
1830 Subsection (5), when the planning township incorporates as a metro township or as a city or
1831 town.

1832 (d) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the
1833 county website.

1834 (4) The county legislative body may, by ordinance or resolution adopted at a public
1835 meeting and in accordance with applicable law, resolve an issue that arises with an election
1836 held in accordance with this part or the incorporation and establishment of a metro township in
1837 accordance with this part.

1838 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1839 meeting, change the boundaries of a planning township.

1840 (b) A change to a planning township boundary under this Subsection (5) is effective
1841 only upon the vote of the residents of the planning township at an election under Section
1842 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the
1843 boundaries of the planning township before the election.

1844 (c) The county legislative body:

1845 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1846 alteration:

1847 (A) affects less than 5% of the residents residing within the planning advisory area; and

1848 (B) does not increase the area located within the planning township's boundaries; and

1849 (ii) may not alter the boundaries of a planning township whose boundaries are entirely

1850 surrounded by one or more municipalities.

1851 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1852 annexation or an incorporation process that, if approved, would change the boundaries of a
1853 planning township.

1854 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1855 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1856 (ii) that does not include residential units with a density greater than one unit per acre.

1857 (b) Unless an owner of rural real property gives written consent to a county legislative
1858 body, rural real property described in Subsection (7)(c) may not be:

1859 (i) included in a planning township identified under Subsection (1)(c); or

1860 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1861 part.

1862 (c) The following rural real property is subject to an owner's written consent under
1863 Subsection (7)(b):

1864 (i) rural real property that consists of 1,500 or more contiguous acres of real property
1865 consisting of one or more tax parcels;

1866 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1867 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1868 more tax parcels;

1869 (iii) rural real property that is owned, managed, or controlled by a person, company, or
1870 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
1871 contiguous acres of rural real property consisting of one or more tax parcels; or

1872 (iv) rural real property that is located in whole or in part in one of the following as
1873 defined in Section 17-41-101:

1874 (A) an agricultural protection area;

1875 (B) an industrial protection area; or

1876 (C) a mining protection area.

1877 Section 28. Section **10-2a-410** is amended to read:

1878 **10-2a-410. Determination of metro township districts -- Determination of metro**
1879 **township or city initial officer terms -- Adoption of proposed districts.**

1880 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
1881 accordance with an election held under Section 10-2a-404:

1882 (i) each of the five metro township council members shall be elected by district; and

1883 (ii) the boundaries of the five council districts for election and the terms of office shall
1884 be designated and determined in accordance with this section.

1885 (b) If a metro township with a population of less than 10,000 or a town is incorporated
1886 at an election held in accordance with Section 10-2a-404, the five council members shall be
1887 elected at-large for terms as designated and determined in accordance with this section.

1888 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

1889 (i) (A) the four members of the council district who are not the mayor shall be elected
1890 by district; and

1891 (B) the boundaries of the four council districts for election and the term of office shall
1892 be designated and determined in accordance with this section; and

1893 (ii) the mayor shall be elected at-large for a term designated and determined in
1894 accordance with this section.

1895 (2) (a) No later than 90 days after the election day on which the metro township, city,
1896 or town is successfully incorporated under this part, the legislative body of the county in which
1897 the metro township, city, or town is located shall adopt by resolution:

1898 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,
1899 the council terms for a length of time in accordance with this section; and

1900 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
1901 the five council districts; and

1902 (B) for a city, the boundaries of the four council districts.

1903 (b) (i) For each metro township, city, or town, the county legislative body shall set the
1904 initial terms of the members of the metro township council, city council, or town council so
1905 that:

1906 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the
1907 council, including the mayor in the case of a city, are elected to serve an initial term, of no less
1908 than one year, that allows their successors to serve a full four-year term that coincides with the
1909 schedule established in Subsection 10-3-205(1); and

1910 (B) the remaining members of the council are elected to serve an initial term, of no less
1911 than one year, that allows their successors to serve a full four-year term that coincides with the
1912 schedule established in Subsection 10-3-205(2).

1913 (ii) For a city that incorporated in a county of the first class in 2016, the term of office
1914 for the office of mayor is:

1915 (A) three years for the initial term of office; and

1916 (B) four years for each subsequent term of office.

1917 (iii) For a metro township with a population of 10,000 or more, the county legislative
1918 body shall divide the metro township into five council districts that comply with Section
1919 10-3-205.5.

1920 (iv) For a city, the county legislative body shall divide the city into four council
1921 districts that comply with Section 10-3-205.5.

1922 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under
1923 Subsection (2), the county clerk shall ~~[publish]~~ provide a notice, in accordance with Subsection
1924 (3)(b), ~~[notice]~~ containing:

1925 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

1926 (A) for a metro township with a population of 10,000 or more, the metro township
1927 council districts; or

1928 (B) the city council districts;

1929 (ii) information about the deadline for filing a declaration of candidacy for those
1930 seeking to become candidates for metro township council, city council, town council, or city
1931 mayor, respectively; and

1932 (iii) information about the length of the initial term of city mayor or each of the metro
1933 township, city, or town council offices, as described in the resolution.

- 1934 (b) The county clerk shall [~~publish~~] provide the notice required under Subsection
1935 (3)(a):
- 1936 (i) by posting notice on the Utah Public Notice Website, created in Section
1937 [~~63F-1-701~~] 63A-12-201, for two weeks; and
- 1938 (ii) by posting at least one notice per 1,000 population in conspicuous places within the
1939 future metro township, city, or town that are most likely to give notice to the residents of the
1940 future metro township, city, or town, subject to a maximum of 10 notices.
- 1941 (c) The notice under Subsection (3)(b)(ii) shall contain the information required under
1942 Subsection (3)(a).
- 1943 (d) The county clerk shall post the notices under Subsection (3)(b)(ii) at least seven
1944 days before the deadline for filing a declaration of candidacy under Subsection (4).
- 1945 (4) A person seeking to become a candidate for metro township, city, or town council
1946 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with
1947 the clerk of the county in which the metro township, city, or town is located for an election
1948 described in Section 10-2a-411.
- 1949 Section 29. Section **10-18-203 (Superseded 07/01/21)** is amended to read:
- 1950 **10-18-203 (Superseded 07/01/21). Feasibility study on providing cable television**
1951 **or public telecommunications services -- Public hearings.**
- 1952 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
1953 the municipality shall require the feasibility consultant to:
- 1954 (a) complete the feasibility study in accordance with this section;
- 1955 (b) submit to the legislative body by no later than 180 days from the date the feasibility
1956 consultant is hired to conduct the feasibility study:
- 1957 (i) the full written results of the feasibility study; and
- 1958 (ii) a summary of the results that is no longer than one page in length; and
- 1959 (c) attend the public hearings described in Subsection (4) to:
- 1960 (i) present the feasibility study results; and
- 1961 (ii) respond to questions from the public.

- 1962 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
- 1963 (a) (i) if the municipality is proposing to provide cable television services to
- 1964 subscribers, whether the municipality providing cable television services in the manner
- 1965 proposed by the municipality will hinder or advance competition for cable television services
- 1966 in the municipality; or
- 1967 (ii) if the municipality is proposing to provide public telecommunications services to
- 1968 subscribers, whether the municipality providing public telecommunications services in the
- 1969 manner proposed by the municipality will hinder or advance competition for public
- 1970 telecommunications services in the municipality;
- 1971 (b) whether but for the municipality any person would provide the proposed:
- 1972 (i) cable television services; or
- 1973 (ii) public telecommunications services;
- 1974 (c) the fiscal impact on the municipality of:
- 1975 (i) the capital investment in facilities that will be used to provide the proposed:
- 1976 (A) cable television services; or
- 1977 (B) public telecommunications services; and
- 1978 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 1979 (A) cable television services; or
- 1980 (B) public telecommunications services;
- 1981 (d) the projected growth in demand in the municipality for the proposed:
- 1982 (i) cable television services; or
- 1983 (ii) public telecommunications services;
- 1984 (e) the projections at the time of the feasibility study and for the next five years, of a
- 1985 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 1986 facilities necessary to provide the proposed:
- 1987 (i) cable television services; or
- 1988 (ii) public telecommunications services; and
- 1989 (f) the projections at the time of the feasibility study and for the next five years of the

1990 revenues to be generated from the proposed:

1991 (i) cable television services; or

1992 (ii) public telecommunications services.

1993 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),

1994 the feasibility consultant shall assume that the municipality will price the proposed cable

1995 television services or public telecommunications services consistent with Subsection

1996 [10-18-303](#)(5).

1997 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection

1998 [10-18-202](#)(3), the legislative body, at the next regular meeting after the legislative body

1999 receives the results of the feasibility study, shall schedule at least two public hearings to be

2000 held:

2001 (a) within 60 days of the meeting at which the public hearings are scheduled;

2002 (b) at least seven days apart; and

2003 (c) for the purpose of allowing:

2004 (i) the feasibility consultant to present the results of the feasibility study; and

2005 (ii) the public to:

2006 (A) become informed about the feasibility study results; and

2007 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2008 (5) (a) The municipality shall ~~publish~~ provide notice of the public hearings required

2009 under Subsection (4) by:

2010 (i) posting the notice on the Utah Public Notice Website₂ created in Section

2011 [63A-12-201](#), for three weeks, at least three days before the first public hearing required under

2012 Subsection (4); and

2013 (ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous

2014 place within the municipality that is likely to give notice of the hearings to the greatest number

2015 of residents of the municipality, subject to a maximum of 10 notices.

2016 (b) The municipality shall post the notices at least seven days before the first public

2017 hearing required under Subsection (4) is held.

2018 Section 30. Section **10-18-203 (Effective 07/01/21)** is amended to read:
2019 **10-18-203 (Effective 07/01/21). Feasibility study on providing cable television or**
2020 **public telecommunications services -- Public hearings.**

2021 (1) If a feasibility consultant is hired under Section **10-18-202**, the legislative body of
2022 the municipality shall require the feasibility consultant to:

2023 (a) complete the feasibility study in accordance with this section;

2024 (b) submit to the legislative body by no later than 180 days from the date the feasibility
2025 consultant is hired to conduct the feasibility study:

2026 (i) the full written results of the feasibility study; and
2027 (ii) a summary of the results that is no longer than one page in length; and

2028 (c) attend the public hearings described in Subsection (4) to:

2029 (i) present the feasibility study results; and
2030 (ii) respond to questions from the public.

2031 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

2032 (a) (i) if the municipality is proposing to provide cable television services to
2033 subscribers, whether the municipality providing cable television services in the manner
2034 proposed by the municipality will hinder or advance competition for cable television services
2035 in the municipality; or

2036 (ii) if the municipality is proposing to provide public telecommunications services to
2037 subscribers, whether the municipality providing public telecommunications services in the
2038 manner proposed by the municipality will hinder or advance competition for public
2039 telecommunications services in the municipality;

2040 (b) whether but for the municipality any person would provide the proposed:

2041 (i) cable television services; or
2042 (ii) public telecommunications services;

2043 (c) the fiscal impact on the municipality of:

2044 (i) the capital investment in facilities that will be used to provide the proposed:
2045 (A) cable television services; or

- 2046 (B) public telecommunications services; and
- 2047 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 2048 (A) cable television services; or
- 2049 (B) public telecommunications services;
- 2050 (d) the projected growth in demand in the municipality for the proposed:
- 2051 (i) cable television services; or
- 2052 (ii) public telecommunications services;
- 2053 (e) the projections at the time of the feasibility study and for the next five years, of a
- 2054 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 2055 facilities necessary to provide the proposed:
- 2056 (i) cable television services; or
- 2057 (ii) public telecommunications services; and
- 2058 (f) the projections at the time of the feasibility study and for the next five years of the
- 2059 revenues to be generated from the proposed:
- 2060 (i) cable television services; or
- 2061 (ii) public telecommunications services.
- 2062 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
- 2063 the feasibility consultant shall assume that the municipality will price the proposed cable
- 2064 television services or public telecommunications services consistent with Subsection
- 2065 [10-18-303\(5\)](#).
- 2066 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
- 2067 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
- 2068 receives the results of the feasibility study, shall schedule at least two public hearings to be
- 2069 held:
- 2070 (a) within 60 days of the meeting at which the public hearings are scheduled;
- 2071 (b) at least seven days apart; and
- 2072 (c) for the purpose of allowing:
- 2073 (i) the feasibility consultant to present the results of the feasibility study; and

2074 (ii) the public to:
2075 (A) become informed about the feasibility study results; and
2076 (B) ask questions of the feasibility consultant about the results of the feasibility study.
2077 (5) (a) The municipality shall ~~publish~~ provide notice of the public hearings required
2078 under Subsection (4) by:

2079 (i) posting the notice on the Utah Public Notice Website₂ created in Section
2080 63A-16-601, for three weeks, at least three days before the first public hearing required under
2081 Subsection (4); and

2082 (ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous
2083 place within the municipality that is likely to give notice of the hearings to the greatest number
2084 of residents of the municipality, subject to a maximum of 10 notices.

2085 (b) The municipality shall post the notices at least seven days before the first public
2086 hearing required under Subsection (4) is held.

2087 Section 31. Section **11-14-202 (Superseded 07/01/21)** is amended to read:

2088 **11-14-202 (Superseded 07/01/21). Notice of election -- Voter information**
2089 **pamphlet option -- Changing or designating additional precinct polling places.**

2090 (1) The governing body shall ~~publish~~ provide notice of the election:

2091 (a) (i) at least 21 days before the day of the election, by posting one notice, and at least
2092 one additional notice per 2,000 population of the local political subdivision, in places within
2093 the local political subdivision that are most likely to give notice to the voters in the local
2094 political subdivision, subject to a maximum of 10 notices; or

2095 (ii) at least three weeks before the day of the election, by mailing notice to each
2096 registered voter in the local political subdivision;

2097 (b) by posting notice on the Utah Public Notice Website₂ created in Section
2098 63A-12-201, for three weeks before the day of the election; and

2099 (c) if the local political subdivision has a website, by posting notice on the local
2100 political subdivision's website for at least three weeks before the day of the election.

2101 (2) When the debt service on the bonds to be issued will increase the property tax

2102 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2103 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2104 notification described in Subsection (8):

2105 (a) at least 15 days, but not more than 45 days, before the bond election;
2106 (b) to each household containing a registered voter who is eligible to vote on the
2107 bonds; and

2108 (c) that includes the information required by Subsections (4) and (5).

2109 (3) The election officer may change the location of, or establish an additional:

2110 (a) voting precinct polling place, in accordance with Subsection (6);

2111 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2112 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2113 (4) The notice described in Subsection (1) and the voter information pamphlet
2114 described in Subsection (2):

2115 (a) shall include, in the following order:

2116 (i) the date of the election;

2117 (ii) the hours during which the polls will be open;

2118 (iii) the address of the Statewide Electronic Voter Information Website and, if
2119 available, the address of the election officer's website, with a statement indicating that the
2120 election officer will post on the website the location of each polling place for each voting
2121 precinct, each early voting polling place, and each election day voting center, including any
2122 changes to the location of a polling place and the location of an additional polling place;

2123 (iv) a phone number that a voter may call to obtain information regarding the location
2124 of a polling place; and

2125 (v) the title and text of the ballot proposition, including the property tax cost of the
2126 bond described in Subsection 11-14-206(2)(a); and

2127 (b) may include the location of each polling place.

2128 (5) The voter information pamphlet required by this section shall include:

2129 (a) the information required under Subsection (4); and

2130 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
2131 which may be based on information the governing body determines to be useful, including:
2132 (i) expected debt service on the bonds to be issued;
2133 (ii) a description of the purpose, remaining principal balance, and maturity date of any
2134 outstanding general obligation bonds of the issuer;
2135 (iii) funds other than property taxes available to pay debt service on general obligation
2136 bonds;
2137 (iv) timing of expenditures of bond proceeds;
2138 (v) property values; and
2139 (vi) any additional information that the governing body determines may be useful to
2140 explain the property tax impact of issuance of the bonds.
2141 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
2142 deadlines described in Subsections (1) and (2):
2143 (i) if necessary, change the location of a voting precinct polling place; or
2144 (ii) if the election officer determines that the number of voting precinct polling places
2145 is insufficient due to the number of registered voters who are voting, designate additional
2146 voting precinct polling places.
2147 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
2148 location of a voting precinct polling place or designates an additional voting precinct polling
2149 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2150 times, and location of a changed voting precinct polling place or an additional voting precinct
2151 polling place:
2152 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2153 Information Website;
2154 (ii) by posting the information on the website of the election officer, if available; and
2155 (iii) by posting notice:
2156 (A) of a change in the location of a voting precinct polling place, at the new location
2157 and, if possible, the old location; and

2158 (B) of an additional voting precinct polling place, at the additional voting precinct
2159 polling place.

2160 (7) The governing body shall pay the costs associated with the notice required by this
2161 section.

2162 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2163 preaddressed return form that a person may use to request delivery of a voter information
2164 pamphlet by mail.

2165 (b) The notice described in Subsection (8)(a) shall include:

2166 (i) the website upon which the voter information pamphlet is available; and

2167 (ii) the phone number a voter may call to request delivery of a voter information
2168 pamphlet by mail.

2169 (9) A local school board shall comply with the voter information pamphlet
2170 requirements described in Section [53G-4-603](#).

2171 Section 32. Section **11-14-202 (Effective 07/01/21)** is amended to read:

2172 **11-14-202 (Effective 07/01/21). Notice of election -- Voter information pamphlet**
2173 **option -- Changing or designating additional precinct polling places.**

2174 (1) The governing body shall ~~publish~~ provide notice of the election:

2175 (a) (i) at least 21 days before the day of the election, by posting one notice, and at least
2176 one additional notice per 2,000 population of the local political subdivision, in places within
2177 the local political subdivision that are most likely to give notice to the voters in the local
2178 political subdivision, subject to a maximum of 10 notices; or

2179 (ii) at least three weeks before the day of the election, by mailing notice to each
2180 registered voter in the local political subdivision;

2181 (b) by posting notice on the Utah Public Notice Website, created in Section
2182 [63A-16-601](#), for three weeks before the day of the election; and

2183 (c) if the local political subdivision has a website, by posting notice on the local
2184 political subdivision's website for at least three weeks before the day of the election.

2185 (2) When the debt service on the bonds to be issued will increase the property tax

2186 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2187 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2188 notification described in Subsection (8):

2189 (a) at least 15 days, but not more than 45 days, before the bond election;
2190 (b) to each household containing a registered voter who is eligible to vote on the
2191 bonds; and

2192 (c) that includes the information required by Subsections (4) and (5).

2193 (3) The election officer may change the location of, or establish an additional:

2194 (a) voting precinct polling place, in accordance with Subsection (6);

2195 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2196 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2197 (4) The notice described in Subsection (1) and the voter information pamphlet
2198 described in Subsection (2):

2199 (a) shall include, in the following order:

2200 (i) the date of the election;

2201 (ii) the hours during which the polls will be open;

2202 (iii) the address of the Statewide Electronic Voter Information Website and, if
2203 available, the address of the election officer's website, with a statement indicating that the
2204 election officer will post on the website the location of each polling place for each voting
2205 precinct, each early voting polling place, and each election day voting center, including any
2206 changes to the location of a polling place and the location of an additional polling place;

2207 (iv) a phone number that a voter may call to obtain information regarding the location
2208 of a polling place; and

2209 (v) the title and text of the ballot proposition, including the property tax cost of the
2210 bond described in Subsection 11-14-206(2)(a); and

2211 (b) may include the location of each polling place.

2212 (5) The voter information pamphlet required by this section shall include:

2213 (a) the information required under Subsection (4); and

2214 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
2215 which may be based on information the governing body determines to be useful, including:
2216 (i) expected debt service on the bonds to be issued;
2217 (ii) a description of the purpose, remaining principal balance, and maturity date of any
2218 outstanding general obligation bonds of the issuer;
2219 (iii) funds other than property taxes available to pay debt service on general obligation
2220 bonds;
2221 (iv) timing of expenditures of bond proceeds;
2222 (v) property values; and
2223 (vi) any additional information that the governing body determines may be useful to
2224 explain the property tax impact of issuance of the bonds.
2225 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
2226 deadlines described in Subsections (1) and (2):
2227 (i) if necessary, change the location of a voting precinct polling place; or
2228 (ii) if the election officer determines that the number of voting precinct polling places
2229 is insufficient due to the number of registered voters who are voting, designate additional
2230 voting precinct polling places.
2231 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
2232 location of a voting precinct polling place or designates an additional voting precinct polling
2233 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2234 times, and location of a changed voting precinct polling place or an additional voting precinct
2235 polling place:
2236 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2237 Information Website;
2238 (ii) by posting the information on the website of the election officer, if available; and
2239 (iii) by posting notice:
2240 (A) of a change in the location of a voting precinct polling place, at the new location
2241 and, if possible, the old location; and

2242 (B) of an additional voting precinct polling place, at the additional voting precinct
2243 polling place.

2244 (7) The governing body shall pay the costs associated with the notice required by this
2245 section.

2246 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2247 preaddressed return form that a person may use to request delivery of a voter information
2248 pamphlet by mail.

2249 (b) The notice described in Subsection (8)(a) shall include:

2250 (i) the website upon which the voter information pamphlet is available; and

2251 (ii) the phone number a voter may call to request delivery of a voter information
2252 pamphlet by mail.

2253 (9) A local school board shall comply with the voter information pamphlet
2254 requirements described in Section [53G-4-603](#).

2255 Section 33. Section **17B-1-643 (Superseded 07/01/21)** is amended to read:

2256 **17B-1-643 (Superseded 07/01/21). Imposing or increasing a fee for service**
2257 **provided by local district.**

2258 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
2259 by a local district, each local district board of trustees shall first hold a public hearing at which:

2260 (i) the local district shall demonstrate its need to impose or increase the fee; and

2261 (ii) any interested person may speak for or against the proposal to impose a fee or to
2262 increase an existing fee.

2263 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
2264 no earlier than 6 p.m.

2265 (c) A public hearing required under this Subsection (1) may be combined with a public
2266 hearing on a tentative budget required under Section [17B-1-610](#).

2267 (d) Except to the extent that this section imposes more stringent notice requirements,
2268 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
2269 in holding the public hearing under Subsection (1)(a).

2270 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
2271 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

2272 (b) The local district board shall:

2273 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website
2274 [~~established~~], created in Section [63A-12-201](#); and

2275 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000
2276 population within the local district, at places within the local district that are most likely to
2277 provide actual notice to residents within the local district, subject to a maximum of 10 notices.

2278 (c) The notice described in Subsection (2)(b) shall state that the local district board
2279 intends to impose or increase a fee for a service provided by the local district and will hold a
2280 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
2281 seven days after the day the first notice is published, for the purpose of hearing comments
2282 regarding the proposed imposition or increase of a fee and to explain the reasons for the
2283 proposed imposition or increase.

2284 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
2285 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
2286 within the district who:

2287 (A) will be charged the fee for a district service, if the fee is being imposed for the first
2288 time; or

2289 (B) are being charged a fee, if the fee is proposed to be increased.

2290 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

2291 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
2292 fee.

2293 (e) If the hearing required under this section is combined with the public hearing
2294 required under Section [17B-1-610](#), the notice required under this Subsection (2):

2295 (i) may be combined with the notice required under Section [17B-1-609](#); and

2296 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

2297 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie

2298 evidence that notice was properly given.

2299 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
2300 within 30 days after the date of the hearing, the notice is considered adequate and proper.

2301 (3) After holding a public hearing under Subsection (1), a local district board may:

2302 (a) impose the new fee or increase the existing fee as proposed;

2303 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
2304 then impose the new fee or increase the existing fee as adjusted; or

2305 (c) decline to impose the new fee or increase the existing fee.

2306 (4) This section applies to each new fee imposed and each increase of an existing fee
2307 that occurs on or after July 1, 1998.

2308 (5) (a) This section does not apply to an impact fee.

2309 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
2310 Impact Fees Act.

2311 Section 34. Section **17B-1-643 (Effective 07/01/21)** is amended to read:

2312 **17B-1-643 (Effective 07/01/21). Imposing or increasing a fee for service provided**
2313 **by local district.**

2314 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
2315 by a local district, each local district board of trustees shall first hold a public hearing at which:

2316 (i) the local district shall demonstrate its need to impose or increase the fee; and

2317 (ii) any interested person may speak for or against the proposal to impose a fee or to
2318 increase an existing fee.

2319 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
2320 no earlier than 6 p.m.

2321 (c) A public hearing required under this Subsection (1) may be combined with a public
2322 hearing on a tentative budget required under Section **17B-1-610**.

2323 (d) Except to the extent that this section imposes more stringent notice requirements,
2324 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
2325 in holding the public hearing under Subsection (1)(a).

2326 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
2327 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

2328 (b) The local district board shall:

2329 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website
2330 [~~established~~], created in Section [63A-16-601](#); and

2331 (ii) post at least one of the notices required under Subsection (2)(a) per 1,000
2332 population within the local district, at places within the local district that are most likely to
2333 provide actual notice to residents within the local district, subject to a maximum of 10 notices.

2334 (c) The notice described in Subsection (2)(b) shall state that the local district board
2335 intends to impose or increase a fee for a service provided by the local district and will hold a
2336 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
2337 seven days after the day the first notice is published, for the purpose of hearing comments
2338 regarding the proposed imposition or increase of a fee and to explain the reasons for the
2339 proposed imposition or increase.

2340 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
2341 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
2342 within the district who:

2343 (A) will be charged the fee for a district service, if the fee is being imposed for the first
2344 time; or

2345 (B) are being charged a fee, if the fee is proposed to be increased.

2346 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c).

2347 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
2348 fee.

2349 (e) If the hearing required under this section is combined with the public hearing
2350 required under Section [17B-1-610](#), the notice required under this Subsection (2):

2351 (i) may be combined with the notice required under Section [17B-1-609](#); and

2352 (ii) shall be posted or mailed in accordance with the notice provisions of this section.

2353 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie

2354 evidence that notice was properly given.

2355 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
2356 within 30 days after the date of the hearing, the notice is considered adequate and proper.

2357 (3) After holding a public hearing under Subsection (1), a local district board may:

2358 (a) impose the new fee or increase the existing fee as proposed;

2359 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
2360 then impose the new fee or increase the existing fee as adjusted; or

2361 (c) decline to impose the new fee or increase the existing fee.

2362 (4) This section applies to each new fee imposed and each increase of an existing fee
2363 that occurs on or after July 1, 1998.

2364 (5) (a) This section does not apply to an impact fee.

2365 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
2366 Impact Fees Act.

2367 Section 35. Section **17B-2a-705 (Superseded 07/01/21)** is amended to read:

2368 **17B-2a-705 (Superseded 07/01/21). Taxation -- Additional levy -- Election.**

2369 (1) If a mosquito abatement district board of trustees determines that the funds required
2370 during the next ensuing fiscal year will exceed the maximum amount that the district is
2371 authorized to levy under Subsection [17B-1-103\(2\)\(g\)](#), the board of trustees may call an election
2372 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether
2373 the district should be authorized to impose an additional tax to raise the necessary additional
2374 funds.

2375 (2) The board shall [~~publish~~] provide notice of the election:

2376 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
2377 the district, in places within the district that are most likely to give notice to the voters in the
2378 district, subject to a maximum of 10 notices; or

2379 (ii) at least four weeks before the day of the election, by mailing notice to each
2380 registered voter in the district;

2381 (b) by posting notice on the Utah Public Notice Website₂, created in Section

2382 63A-12-201, for four weeks before the day of the election; and

2383 (c) if the district has a website, by posting notice on the district's website for four
2384 weeks before the day of the election.

2385 (3) No particular form of ballot is required, and no informalities in conducting the
2386 election may invalidate the election, if it is otherwise fairly conducted.

2387 (4) At the election each ballot shall contain the words, "Shall the district be authorized
2388 to impose an additional tax to raise the additional sum of \$ ____?"

2389 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
2390 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
2391 additional levy to raise the additional amount of money required.

2392 Section 36. Section 17B-2a-705 (Effective 07/01/21) is amended to read:

2393 **17B-2a-705 (Effective 07/01/21). Taxation -- Additional levy -- Election.**

2394 (1) If a mosquito abatement district board of trustees determines that the funds required
2395 during the next ensuing fiscal year will exceed the maximum amount that the district is
2396 authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may call an election
2397 on a date specified in Section 20A-1-204 and submit to district voters the question of whether
2398 the district should be authorized to impose an additional tax to raise the necessary additional
2399 funds.

2400 (2) The board shall [~~publish~~] provide notice of the election:

2401 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
2402 the district, in places within the district that are most likely to give notice to the voters in the
2403 district, subject to a maximum of 10 notices; or

2404 (ii) at least four weeks before the day of the election, by mailing notice to each
2405 registered voter in the district;

2406 (b) by posting notice on the Utah Public Notice Website, created in Section

2407 63A-16-601, for four weeks before the day of the election; and

2408 (c) if the district has a website, by posting notice on the district's website for four
2409 weeks before the day of the election.

2410 (3) No particular form of ballot is required, and no informalities in conducting the
2411 election may invalidate the election, if it is otherwise fairly conducted.

2412 (4) At the election each ballot shall contain the words, "Shall the district be authorized
2413 to impose an additional tax to raise the additional sum of \$ ____?"

2414 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
2415 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
2416 additional levy to raise the additional amount of money required.

2417 Section 37. Section **20A-1-206** is amended to read:

2418 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**
2419 **Notice.**

2420 (1) A municipal legislative body may cancel a local election if:

2421 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
2422 [10-3-205.5\(1\)](#); and

2423 (B) the number of municipal officer candidates, including any eligible write-in
2424 candidates under Section [20A-9-601](#), for the at-large municipal offices does not exceed the
2425 number of open at-large municipal offices for which the candidates have filed; or

2426 (ii) (A) the municipality has adopted an ordinance under Subsection [10-3-205.5\(2\)](#);

2427 (B) the number of municipal officer candidates, including any eligible write-in
2428 candidates under Section [20A-9-601](#), for the at-large municipal offices, if any, does not exceed
2429 the number of open at-large municipal offices for which the candidates have filed; and

2430 (C) each municipal officer candidate, including any eligible write-in candidates under
2431 Section [20A-9-601](#), in each district is unopposed;

2432 (b) there are no other municipal ballot propositions; and

2433 (c) the municipal legislative body passes, no later than 20 days before the day of the
2434 scheduled election, a resolution that cancels the election and certifies that:

2435 (i) each municipal officer candidate is:

2436 (A) unopposed; or

2437 (B) a candidate for an at-large municipal office for which the number of candidates

2438 does not exceed the number of open at-large municipal offices; and
2439 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
2440 (2) A municipal legislative body that cancels a local election in accordance with
2441 Subsection (1) shall give notice that the election is cancelled by:
2442 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter
2443 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day
2444 of the scheduled election;
2445 (b) if the municipality has a public website, posting notice on the municipality's public
2446 website for 15 days before the day of the scheduled election;
2447 (c) if the ~~[municipality publishes a]~~ election officials or departments of the municipality
2448 regularly publish a printed or electronic newsletter or other periodical, publishing notice in the
2449 next scheduled newsletter or other periodical published before the day of the scheduled
2450 election;
2451 (d) (i) publishing notice at least twice in a newspaper of general circulation in the
2452 municipality before the day of the scheduled election;
2453 ~~[(d)-(i)]~~ (ii) at least 10 days before the day of the scheduled election, posting one
2454 notice, and at least one additional notice per 2,000 population within the municipality, in places
2455 within the municipality that are most likely to give notice to the voters in the municipality,
2456 subject to a maximum of 10 notices; or
2457 ~~[(d)-(i)]~~ (iii) at least 10 days before the day of the scheduled election, mailing notice to
2458 each registered voter in the municipality; and
2459 (e) posting notice on the Utah Public Notice Website, created in Section ~~[63F-1-701]~~
2460 [63A-12-201](#), for at least 10 days before the day of the scheduled election.
2461 (3) A local district board may cancel an election as described in Section [17B-1-306](#) if:
2462 (a) (i) (A) any local district officers are elected in an at-large election; and
2463 (B) the number of local district officer candidates for the at-large local district offices,
2464 including any eligible write-in candidates under Section [20A-9-601](#), does not exceed the
2465 number of open at-large local district offices for which the candidates have filed; or

2466 (ii) (A) the local district has divided the local district into divisions under Section
2467 17B-1-306.5;

2468 (B) the number of local district officer candidates, including any eligible write-in
2469 candidates under Section 20A-9-601, for the at-large local district offices within the local
2470 district, if any, does not exceed the number of open at-large local district offices for which the
2471 candidates have filed; and

2472 (C) each local district officer candidate, including any eligible write-in candidates
2473 under Section 20A-9-601, in each division of the local district is unopposed;

2474 (b) there are no other local district ballot propositions; and

2475 (c) the local district governing body, no later than 20 days before the day of the
2476 scheduled election, adopts a resolution that cancels the election and certifies that:

2477 (i) each local district officer candidate is:

2478 (A) unopposed; or

2479 (B) a candidate for an at-large local district office for which the number of candidates
2480 does not exceed the number of open at-large local district offices; and

2481 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

2482 (4) A local district that cancels a local election in accordance with Subsection (3) shall
2483 ~~publish~~ provide notice that the election is cancelled:

2484 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter
2485 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
2486 of the scheduled election;

2487 (b) if the local district has a public website, by posting notice on the local district's
2488 public website for 15 days before the day of the scheduled election;

2489 (c) if the local district publishes a newsletter or other periodical, by publishing notice
2490 in the next scheduled newsletter or other periodical published before the day of the scheduled
2491 election;

2492 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the
2493 local district before the scheduled election;

2494 ~~[(d)]~~ (ii) at least 10 days before the day of the scheduled election~~[-(f)]~~, by posting one
2495 notice, and at least one additional notice per 2,000 population of the local district, in places
2496 within the local district that are most likely to give notice to the voters in the local district,
2497 subject to a maximum of 10 notices; or

2498 ~~[(f)]~~ (iii) at least 10 days before the day of the scheduled election, by mailing notice to
2499 each registered voter in the local district; and

2500 (e) by posting notice on the Utah Public Notice Website, created in Section
2501 ~~[63F-1-701]~~ 63A-12-201, for at least 10 days before the day of the scheduled election.

2502 (5) A municipal legislative body that posts a notice in accordance with Subsection
2503 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for
2504 a notice that fails to post due to technical or other error by the publisher of the Statewide
2505 Electronic Voter Information Website.

2506 Section 38. Section **20A-3a-604 (Superseded 07/01/21)** is amended to read:

2507 **20A-3a-604 (Superseded 07/01/21). Notice of time and place of early voting.**

2508 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the
2509 election officer shall, at least 19 days before the date of the election, ~~[publish]~~ provide notice of
2510 the dates, times, and locations of early voting:

2511 (a) (i) by publishing notice in at least one issue of a newspaper of general circulation in
2512 the county;

2513 ~~[(a)-(i)]~~ (ii) by posting one notice, and at least one additional notice per 2,000
2514 population of the county, in places within the county that are most likely to give notice to the
2515 residents in the county, subject to a maximum of 10 notices; or

2516 ~~[(f)]~~ (iii) by mailing notice to each registered voter in the county;

2517 (b) by posting ~~[the]~~ notice at each early voting polling place;

2518 (c) by posting notice on the Utah Public Notice Website, created in Section
2519 63A-12-201, for 19 days before the day of the election; and

2520 (d) by posting notice on the county's website for 19 days before the day of the election.

2521 (2) Instead of ~~[publishing]~~ specifying all dates, times, and locations of early voting

2522 [~~under Subsection (1), the election officer may publish a statement that specifies~~], a notice
2523 required under Subsection (1) may specify the following sources where a voter may view or
2524 obtain a copy of all dates, times, and locations of early voting:

2525 (a) the county's website;

2526 (b) the physical address of the county's offices; and

2527 (c) a mailing address and telephone number.

2528 (3) The election officer shall include in the notice described in Subsection (1):

2529 (a) the address of the Statewide Electronic Voter Information Website and, if available,
2530 the address of the election officer's website, with a statement indicating that the election officer
2531 will post on the website the location of each early voting polling place, including any changes
2532 to the location of an early voting polling place and the location of additional early voting
2533 polling places; and

2534 (b) a phone number that a voter may call to obtain information regarding the location
2535 of an early voting polling place.

2536 Section 39. Section **20A-3a-604 (Effective 07/01/21)** is amended to read:

2537 **20A-3a-604 (Effective 07/01/21). Notice of time and place of early voting.**

2538 (1) Except as provided in Section **20A-1-308** or Subsection **20A-3a-603(2)**, the
2539 election officer shall, at least 19 days before the date of the election, [~~publish~~] provide notice of
2540 the dates, times, and locations of early voting:

2541 (a) (i) by publishing notice in at least one issue of a newspaper of general circulation in
2542 the county;

2543 [~~(i)~~] (ii) by posting one notice, and at least one additional notice per 2,000
2544 population of the county, in places within the county that are most likely to give notice to the
2545 residents in the county, subject to a maximum of 10 notices; or

2546 [~~(i)~~] (iii) by mailing notice to each registered voter in the county;

2547 (b) by posting [~~the~~] notice at each early voting polling place;

2548 (c) by posting notice on the Utah Public Notice Website, created in Section
2549 **63A-16-601**, for 19 days before the day of the election; and

2550 (d) by posting notice on the county's website for 19 days before the day of the election.

2551 (2) Instead of [~~publishing~~] specifying all dates, times, and locations of early voting

2552 [~~under Subsection (1), the election officer may publish a statement that specifies~~], a notice

2553 required under Subsection (1) may specify the following sources where a voter may view or

2554 obtain a copy of all dates, times, and locations of early voting:

2555 (a) the county's website;

2556 (b) the physical address of the county's offices; and

2557 (c) a mailing address and telephone number.

2558 (3) The election officer shall include in the notice described in Subsection (1):

2559 (a) the address of the Statewide Electronic Voter Information Website and, if available,

2560 the address of the election officer's website, with a statement indicating that the election officer

2561 will post on the website the location of each early voting polling place, including any changes

2562 to the location of an early voting polling place and the location of additional early voting

2563 polling places; and

2564 (b) a phone number that a voter may call to obtain information regarding the location

2565 of an early voting polling place.

2566 Section 40. Section **20A-4-104 (Superseded 07/01/21)** is amended to read:

2567 **20A-4-104 (Superseded 07/01/21). Counting ballots electronically.**

2568 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the

2569 election officer shall test the automatic tabulating equipment to ensure that it will accurately

2570 count the votes cast for all offices and all measures.

2571 (b) The election officer shall [~~publish~~] provide public notice of the time and place of

2572 the test:

2573 (i) (A) by publishing notice at least 48 hours before the test in a newspaper of general

2574 circulation in the county, municipality, or jurisdiction where the equipment is used;

2575 [(i) (B) at least 10 days before the day of the test[:~~(A)~~] by posting one notice, and at

2576 least one additional notice per 2,000 population of the county, municipality, or jurisdiction, in

2577 places within the county, municipality, or jurisdiction that are most likely to give notice to the

- 2578 voters in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or
2579 ~~[(B)]~~ (C) at least 10 days before the day of the test, by mailing notice to each registered
2580 voter in the county, municipality, or jurisdiction where the equipment is used;
- 2581 (ii) by posting notice on the Utah Public Notice Website, created in Section
2582 [63A-12-201](#), for four weeks before the day of the test; and
- 2583 (iii) if the county, municipality, or jurisdiction has a website, by posting notice on the
2584 website for four weeks before the day of the test.
- 2585 (c) The election officer shall conduct the test by processing a preaudited group of
2586 ballots.
- 2587 (d) The election officer shall ensure that:
- 2588 (i) a predetermined number of valid votes for each candidate and measure are recorded
2589 on the ballots;
- 2590 (ii) for each office, one or more ballots have votes in excess of the number allowed by
2591 law in order to test the ability of the automatic tabulating equipment to reject those votes; and
- 2592 (iii) a different number of valid votes are assigned to each candidate for an office, and
2593 for and against each measure.
- 2594 (e) If any error is detected, the election officer shall determine the cause of the error
2595 and correct it.
- 2596 (f) The election officer shall ensure that:
- 2597 (i) the automatic tabulating equipment produces an errorless count before beginning
2598 the actual counting; and
- 2599 (ii) the automatic tabulating equipment passes the same test at the end of the count
2600 before the election returns are approved as official.
- 2601 (2) (a) The election officer or the election officer's designee shall supervise and direct
2602 all proceedings at the counting center.
- 2603 (b) (i) Proceedings at the counting center are public and may be observed by interested
2604 persons.
- 2605 (ii) Only those persons authorized to participate in the count may touch any ballot or

2606 return.

2607 (c) The election officer shall deputize and administer an oath or affirmation to all
2608 persons who are engaged in processing and counting the ballots that they will faithfully
2609 perform their assigned duties.

2610 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
2611 automatic tabulating equipment, the election officer shall ensure that two counting judges
2612 jointly:

- 2613 (a) make a true replication of the ballot with an identifying serial number;
- 2614 (b) substitute the replicated ballot for the damaged or defective ballot;
- 2615 (c) label the replicated ballot "replicated"; and
- 2616 (d) record the replicated ballot's serial number on the damaged or defective ballot.

2617 (4) The election officer may:

- 2618 (a) conduct an unofficial count before conducting the official count in order to provide
2619 early unofficial returns to the public;
- 2620 (b) release unofficial returns from time to time after the polls close; and
- 2621 (c) report the progress of the count for each candidate during the actual counting of
2622 ballots.

2623 (5) Beginning on the day after the date of the election, if an election officer releases
2624 early unofficial returns or reports the progress of the count for each candidate under Subsection
2625 (4), the election officer shall, with each release or report, disclose an estimate of the total
2626 number of voted ballots in the election officer's custody that have not yet been counted.

2627 (6) The election officer shall review and evaluate the provisional ballot envelopes and
2628 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

2629 (7) (a) The election officer or the election officer's designee shall:

- 2630 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 2631 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

2632 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
2633 more votes for an office than that voter is entitled to vote for that office, the poll workers shall

2634 count the valid write-in vote as being the obvious intent of the voter.

2635 (8) (a) The election officer shall certify the return printed by the automatic tabulating
2636 equipment, to which have been added write-in and absentee votes, as the official return of each
2637 voting precinct.

2638 (b) Upon completion of the count, the election officer shall make official returns open
2639 to the public.

2640 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
2641 tabulating equipment, the election officer may direct that they be counted manually according
2642 to the procedures and requirements of this part.

2643 (10) After the count is completed, the election officer shall seal and retain the
2644 programs, test materials, and ballots as provided in Section [20A-4-202](#).

2645 Section 41. Section **20A-4-104 (Effective 07/01/21)** is amended to read:

2646 **20A-4-104 (Effective 07/01/21). Counting ballots electronically.**

2647 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
2648 election officer shall test the automatic tabulating equipment to ensure that it will accurately
2649 count the votes cast for all offices and all measures.

2650 (b) The election officer shall ~~publish~~ provide public notice of the time and place of
2651 the test:

2652 (i) (A) by publishing notice at least 48 hours before the test in a newspaper of general
2653 circulation in the county, municipality, or jurisdiction where the equipment is used;

2654 ~~[(i)] (B)~~ at least 10 days before the day of the test~~[-(A)]~~, by posting one notice, and at
2655 least one additional notice per 2,000 population of the county, municipality, or jurisdiction, in
2656 places within the county, municipality, or jurisdiction that are most likely to give notice to the
2657 voters in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or

2658 ~~[(B)] (C)~~ at least 10 days before the day of the test, by mailing notice to each registered
2659 voter in the county, municipality, or jurisdiction where the equipment is used;

2660 (ii) by posting notice on the Utah Public Notice Website, created in Section
2661 [63A-16-601](#), for four weeks before the day of the test; and

2662 (iii) if the county, municipality, or jurisdiction has a website, by posting notice on the
2663 website for four weeks before the day of the test.

2664 (c) The election officer shall conduct the test by processing a preaudited group of
2665 ballots.

2666 (d) The election officer shall ensure that:

2667 (i) a predetermined number of valid votes for each candidate and measure are recorded
2668 on the ballots;

2669 (ii) for each office, one or more ballots have votes in excess of the number allowed by
2670 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

2671 (iii) a different number of valid votes are assigned to each candidate for an office, and
2672 for and against each measure.

2673 (e) If any error is detected, the election officer shall determine the cause of the error
2674 and correct it.

2675 (f) The election officer shall ensure that:

2676 (i) the automatic tabulating equipment produces an errorless count before beginning
2677 the actual counting; and

2678 (ii) the automatic tabulating equipment passes the same test at the end of the count
2679 before the election returns are approved as official.

2680 (2) (a) The election officer or the election officer's designee shall supervise and direct
2681 all proceedings at the counting center.

2682 (b) (i) Proceedings at the counting center are public and may be observed by interested
2683 persons.

2684 (ii) Only those persons authorized to participate in the count may touch any ballot or
2685 return.

2686 (c) The election officer shall deputize and administer an oath or affirmation to all
2687 persons who are engaged in processing and counting the ballots that they will faithfully
2688 perform their assigned duties.

2689 (3) If any ballot is damaged or defective so that it cannot properly be counted by the

2690 automatic tabulating equipment, the election officer shall ensure that two counting judges
2691 jointly:

- 2692 (a) make a true replication of the ballot with an identifying serial number;
- 2693 (b) substitute the replicated ballot for the damaged or defective ballot;
- 2694 (c) label the replicated ballot "replicated"; and
- 2695 (d) record the replicated ballot's serial number on the damaged or defective ballot.

2696 (4) The election officer may:

2697 (a) conduct an unofficial count before conducting the official count in order to provide
2698 early unofficial returns to the public;

2699 (b) release unofficial returns from time to time after the polls close; and

2700 (c) report the progress of the count for each candidate during the actual counting of
2701 ballots.

2702 (5) Beginning on the day after the date of the election, if an election officer releases
2703 early unofficial returns or reports the progress of the count for each candidate under Subsection
2704 (4), the election officer shall, with each release or report, disclose an estimate of the total
2705 number of voted ballots in the election officer's custody that have not yet been counted.

2706 (6) The election officer shall review and evaluate the provisional ballot envelopes and
2707 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

2708 (7) (a) The election officer or the election officer's designee shall:

2709 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

2710 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

2711 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
2712 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
2713 count the valid write-in vote as being the obvious intent of the voter.

2714 (8) (a) The election officer shall certify the return printed by the automatic tabulating
2715 equipment, to which have been added write-in and absentee votes, as the official return of each
2716 voting precinct.

2717 (b) Upon completion of the count, the election officer shall make official returns open

2718 to the public.

2719 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
2720 tabulating equipment, the election officer may direct that they be counted manually according
2721 to the procedures and requirements of this part.

2722 (10) After the count is completed, the election officer shall seal and retain the
2723 programs, test materials, and ballots as provided in Section [20A-4-202](#).

2724 Section 42. Section **20A-4-304 (Superseded 07/01/21)** is amended to read:

2725 **20A-4-304 (Superseded 07/01/21). Declaration of results -- Canvassers' report.**

2726 (1) Each board of canvassers shall:

2727 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
2728 declare "elected" or "nominated" those persons who:

2729 (i) had the highest number of votes; and

2730 (ii) sought election or nomination to an office completely within the board's
2731 jurisdiction;

2732 (b) declare:

2733 (i) "approved" those ballot propositions that:

2734 (A) had more "yes" votes than "no" votes; and

2735 (B) were submitted only to the voters within the board's jurisdiction;

2736 (ii) "rejected" those ballot propositions that:

2737 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
2738 votes; and

2739 (B) were submitted only to the voters within the board's jurisdiction;

2740 (c) certify the vote totals for persons and for and against ballot propositions that were
2741 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
2742 the lieutenant governor; and

2743 (d) if applicable, certify the results of each local district election to the local district
2744 clerk.

2745 (2) As soon as the result is declared, the election officer shall prepare a report of the

2746 result, which shall contain:

2747 (a) the total number of votes cast in the board's jurisdiction;

2748 (b) the names of each candidate whose name appeared on the ballot;

2749 (c) the title of each ballot proposition that appeared on the ballot;

2750 (d) each office that appeared on the ballot;

2751 (e) from each voting precinct:

2752 (i) the number of votes for each candidate;

2753 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

2754 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

2755 potential ballot-counting phase and the name of the candidate excluded in each canvassing

2756 phase; and

2757 (iii) the number of votes for and against each ballot proposition;

2758 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

2759 and against each ballot proposition;

2760 (g) the number of ballots that were rejected; and

2761 (h) a statement certifying that the information contained in the report is accurate.

2762 (3) The election officer and the board of canvassers shall:

2763 (a) review the report to ensure that it is correct; and

2764 (b) sign the report.

2765 (4) The election officer shall:

2766 (a) record or file the certified report in a book kept for that purpose;

2767 (b) prepare and transmit a certificate of nomination or election under the officer's seal

2768 to each nominated or elected candidate;

2769 (c) publish a copy of the certified report in accordance with Subsection (5); and

2770 (d) file a copy of the certified report with the lieutenant governor.

2771 (5) Except as provided in Subsection (6), the election officer shall, no later than seven

2772 days after the day on which the board of canvassers declares the election results, [~~publish~~]

2773 publicize the certified report described in Subsection (2):

2774 (a) (i) by publishing notice at least once in a newspaper of general circulation within
2775 the jurisdiction;

2776 [(a)(i)] (ii) by posting one notice, and at least one additional notice per 2,000
2777 population of the jurisdiction, in places within the jurisdiction that are most likely to give
2778 notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or

2779 [(ii)] (iii) by mailing notice to each residence within the jurisdiction;

2780 (b) by posting notice on the Utah Public Notice Website, created in Section
2781 63A-12-201, for one week; and

2782 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
2783 one week.

2784 (6) Instead of ~~[publishing]~~ including a copy of the entire certified report [under
2785 Subsection (5), the election officer may publish], a notice required under Subsection (5) may
2786 contain a statement that:

2787 (a) includes the following: "The Board of Canvassers for [indicate name of
2788 jurisdiction] has prepared a report of the election results for the [indicate type and date of
2789 election]."; and

2790 (b) specifies the following sources where an individual may view or obtain a copy of
2791 the entire certified report:

2792 (i) if the jurisdiction has a website, the jurisdiction's website;

2793 (ii) the physical address for the jurisdiction; and

2794 (iii) a mailing address and telephone number.

2795 (7) When there has been a regular general or a statewide special election for statewide
2796 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
2797 or more county ballot proposition, each board of canvassers shall:

2798 (a) prepare a separate report detailing the number of votes for each candidate and the
2799 number of votes for and against each ballot proposition; and

2800 (b) transmit the separate report by registered mail to the lieutenant governor.

2801 (8) In each county election, municipal election, school election, local district election,

2802 and local special election, the election officer shall transmit the reports to the lieutenant
2803 governor within 14 days after the date of the election.

2804 (9) In a regular primary election and in a presidential primary election, the board shall
2805 transmit to the lieutenant governor:

2806 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
2807 governor not later than the second Tuesday after the election; and

2808 (b) a complete tabulation showing voting totals for all primary races, precinct by
2809 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
2810 primary election.

2811 Section 43. Section **20A-4-304 (Effective 07/01/21)** is amended to read:

2812 **20A-4-304 (Effective 07/01/21). Declaration of results -- Canvassers' report.**

2813 (1) Each board of canvassers shall:

2814 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
2815 declare "elected" or "nominated" those persons who:

2816 (i) had the highest number of votes; and

2817 (ii) sought election or nomination to an office completely within the board's
2818 jurisdiction;

2819 (b) declare:

2820 (i) "approved" those ballot propositions that:

2821 (A) had more "yes" votes than "no" votes; and

2822 (B) were submitted only to the voters within the board's jurisdiction;

2823 (ii) "rejected" those ballot propositions that:

2824 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
2825 votes; and

2826 (B) were submitted only to the voters within the board's jurisdiction;

2827 (c) certify the vote totals for persons and for and against ballot propositions that were
2828 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
2829 the lieutenant governor; and

- 2830 (d) if applicable, certify the results of each local district election to the local district
2831 clerk.
- 2832 (2) As soon as the result is declared, the election officer shall prepare a report of the
2833 result, which shall contain:
- 2834 (a) the total number of votes cast in the board's jurisdiction;
2835 (b) the names of each candidate whose name appeared on the ballot;
2836 (c) the title of each ballot proposition that appeared on the ballot;
2837 (d) each office that appeared on the ballot;
2838 (e) from each voting precinct:
2839 (i) the number of votes for each candidate;
2840 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
2841 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
2842 potential ballot-counting phase and the name of the candidate excluded in each canvassing
2843 phase; and
2844 (iii) the number of votes for and against each ballot proposition;
2845 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
2846 and against each ballot proposition;
2847 (g) the number of ballots that were rejected; and
2848 (h) a statement certifying that the information contained in the report is accurate.
- 2849 (3) The election officer and the board of canvassers shall:
2850 (a) review the report to ensure that it is correct; and
2851 (b) sign the report.
- 2852 (4) The election officer shall:
2853 (a) record or file the certified report in a book kept for that purpose;
2854 (b) prepare and transmit a certificate of nomination or election under the officer's seal
2855 to each nominated or elected candidate;
2856 (c) publish a copy of the certified report in accordance with Subsection (5); and
2857 (d) file a copy of the certified report with the lieutenant governor.

2858 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
2859 days after the day on which the board of canvassers declares the election results, [~~publish~~
2860 publicize the certified report described in Subsection (2):

2861 (a) (i) by publishing notice at least once in a newspaper of general circulation within
2862 the jurisdiction;

2863 [~~(a)(i)~~] (ii) by posting one notice, and at least one additional notice per 2,000
2864 population of the jurisdiction, in places within the jurisdiction that are most likely to give
2865 notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or

2866 [~~(ii)~~] (iii) by mailing notice to each residence within the jurisdiction;

2867 (b) by posting notice on the Utah Public Notice Website₂ created in Section
2868 [63A-16-601](#), for one week; and

2869 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
2870 one week.

2871 (6) Instead of [~~publishing~~] including a copy of the entire certified report [~~under~~
2872 ~~Subsection (5), the election officer may publish~~], a notice required under Subsection (5) may
2873 contain a statement that:

2874 (a) includes the following: "The Board of Canvassers for [indicate name of
2875 jurisdiction] has prepared a report of the election results for the [indicate type and date of
2876 election]."; and

2877 (b) specifies the following sources where an individual may view or obtain a copy of
2878 the entire certified report:

2879 (i) if the jurisdiction has a website, the jurisdiction's website;

2880 (ii) the physical address for the jurisdiction; and

2881 (iii) a mailing address and telephone number.

2882 (7) When there has been a regular general or a statewide special election for statewide
2883 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
2884 or more county ballot proposition, each board of canvassers shall:

2885 (a) prepare a separate report detailing the number of votes for each candidate and the

2886 number of votes for and against each ballot proposition; and

2887 (b) transmit the separate report by registered mail to the lieutenant governor.

2888 (8) In each county election, municipal election, school election, local district election,
2889 and local special election, the election officer shall transmit the reports to the lieutenant
2890 governor within 14 days after the date of the election.

2891 (9) In a regular primary election and in a presidential primary election, the board shall
2892 transmit to the lieutenant governor:

2893 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
2894 governor not later than the second Tuesday after the election; and

2895 (b) a complete tabulation showing voting totals for all primary races, precinct by
2896 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
2897 primary election.

2898 Section 44. Section **20A-5-101 (Superseded 07/01/21)** is amended to read:

2899 **20A-5-101 (Superseded 07/01/21). Notice of election.**

2900 (1) On or before November 15 in the year before each regular general election year, the
2901 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

2902 (a) designates the offices to be filled at the next year's regular general election;

2903 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
2904 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
2905 and [20A-9-408](#) for those offices; and

2906 (c) contains a description of any ballot propositions to be decided by the voters that
2907 have qualified for the ballot as of that date.

2908 (2) (a) No later than seven business days after the day on which the lieutenant governor
2909 transmits the written notice described in Subsection (1), each county clerk shall ~~[publish]~~
2910 provide notice, in accordance with Subsection (3):

2911 ~~[(a)-(i)]~~ (i) by posting notice in a conspicuous place most likely to give notice of the
2912 election to the voters in each voting precinct within the county; ~~[and]~~

2913 ~~[(ii) prepare an affidavit of the posting, showing a copy of the notice and the places~~

2914 ~~where the notice was posted;]~~

2915 (ii) (A) by publishing notice in a newspaper of general circulation in the county;

2916 ~~[(b)(i)] (B)~~ by posting one notice, and at least one additional notice per 2,000
2917 population of the county, in places within the county that are most likely to give notice of the
2918 election to the voters in the county, subject to a maximum of 10 notices; or

2919 ~~[(ii)] (C)~~ by mailing notice to each registered voter in the county;

2920 ~~[(c)] (iii)~~ by posting notice on the Utah Public Notice Website, created in Section
2921 [63A-12-201](#), for seven days before the day of the election; and

2922 ~~[(d)] (iv)~~ by posting notice on the county's website for seven days before the day of the
2923 election.

2924 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i),
2925 showing a copy of the notice and the places where the notice was posted.

2926 (3) The notice described in Subsection (2) shall:

2927 (a) designate the offices to be voted on in that election; and

2928 (b) identify the dates for filing a declaration of candidacy for those offices.

2929 (4) Except as provided in Subsection (6), before each election, the election officer shall
2930 give printed notice of the following information:

2931 (a) the date of election;

2932 (b) the hours during which the polls will be open;

2933 (c) the polling places for each voting precinct, early voting polling place, and election
2934 day voting center;

2935 (d) the address of the Statewide Electronic Voter Information Website and, if available,
2936 the address of the election officer's website, with a statement indicating that the election officer
2937 will post on the website any changes to the location of a polling place and the location of any
2938 additional polling place;

2939 (e) a phone number that a voter may call to obtain information regarding the location of
2940 a polling place; and

2941 (f) the qualifications for persons to vote in the election.

2942 (5) ~~[To provide the printed notice described in Subsection (4), the]~~ The election officer
2943 shall ~~[publish]~~ provide the notice described in Subsection (4):

2944 (a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction
2945 to which the election pertains, at least two days before the day of the election;

2946 ~~[(a)(i)]~~ (ii) at least two days before the day of the election, by posting one notice, and
2947 at least one additional notice per 2,000 population of the jurisdiction, in places within the
2948 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction,
2949 subject to a maximum of 10 notices; or

2950 ~~[(ii)]~~ (iii) by mailing the notice to each registered voter who resides in the jurisdiction
2951 to which the election pertains at least five days before the day of the election;

2952 (b) by posting notice on the Utah Public Notice Website, created in Section
2953 [63A-12-201](#), for two days before the day of the election; and

2954 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
2955 two days before the day of the election.

2956 (6) Instead of including the information described in Subsection (4) in the notice, the
2957 election officer may give printed notice that:

2958 (a) is entitled "Notice of Election";

2959 (b) includes the following: "A [indicate election type] will be held in [indicate the
2960 jurisdiction] on [indicate date of election]. Information relating to the election, including
2961 polling places, polling place hours, and qualifications of voters may be obtained from the
2962 following sources:"; and

2963 (c) specifies the following sources where an individual may view or obtain the
2964 information described in Subsection (4):

2965 (i) if the jurisdiction has a website, the jurisdiction's website;

2966 (ii) the physical address of the jurisdiction offices; and

2967 (iii) a mailing address and telephone number.

2968 Section 45. Section **20A-5-101 (Effective 07/01/21)** is amended to read:

2969 **20A-5-101 (Effective 07/01/21). Notice of election.**

2970 (1) On or before November 15 in the year before each regular general election year, the
2971 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

2972 (a) designates the offices to be filled at the next year's regular general election;

2973 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
2974 certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,
2975 and 20A-9-408 for those offices; and

2976 (c) contains a description of any ballot propositions to be decided by the voters that
2977 have qualified for the ballot as of that date.

2978 (2) (a) No later than seven business days after the day on which the lieutenant governor
2979 transmits the written notice described in Subsection (1), each county clerk shall ~~publish~~
2980 provide notice, in accordance with Subsection (3):

2981 ~~[(a)(i)]~~ (i) by posting notice in a conspicuous place most likely to give notice of the
2982 election to the voters in each voting precinct within the county; ~~[and]~~

2983 ~~[(ii)]~~ ~~prepare an affidavit of the posting, showing a copy of the notice and the places~~
2984 ~~where the notice was posted;]~~

2985 (ii) (A) by publishing notice in a newspaper of general circulation in the county;

2986 ~~[(b)(i)]~~ (B) by posting one notice, and at least one additional notice per 2,000
2987 population of the county, in places within the county that are most likely to give notice of the
2988 election to the voters in the county, subject to a maximum of 10 notices; or

2989 ~~[(ii)]~~ (C) by mailing notice to each registered voter in the county;

2990 ~~[(e)]~~ (iii) by posting notice on the Utah Public Notice Website, created in Section
2991 63A-16-601, for seven days before the day of the election; and

2992 ~~[(d)]~~ (iv) by posting notice on the county's website for seven days before the day of the
2993 election.

2994 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i),
2995 showing a copy of the notice and the places where the notice was posted.

2996 (3) The notice described in Subsection (2) shall:

2997 (a) designate the offices to be voted on in that election; and

2998 (b) identify the dates for filing a declaration of candidacy for those offices.
2999 (4) Except as provided in Subsection (6), before each election, the election officer shall
3000 give printed notice of the following information:
3001 (a) the date of election;
3002 (b) the hours during which the polls will be open;
3003 (c) the polling places for each voting precinct, early voting polling place, and election
3004 day voting center;
3005 (d) the address of the Statewide Electronic Voter Information Website and, if available,
3006 the address of the election officer's website, with a statement indicating that the election officer
3007 will post on the website any changes to the location of a polling place and the location of any
3008 additional polling place;
3009 (e) a phone number that a voter may call to obtain information regarding the location of
3010 a polling place; and
3011 (f) the qualifications for persons to vote in the election.
3012 (5) ~~[To provide the printed notice described in Subsection (4), the]~~ The election officer
3013 shall ~~[publish]~~ provide the notice described in Subsection (4):
3014 (a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction
3015 to which the election pertains, at least two days before the day of the election;
3016 ~~[(a) (i)]~~ (ii) at least two days before the day of the election, by posting one notice, and
3017 at least one additional notice per 2,000 population of the jurisdiction, in places within the
3018 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction,
3019 subject to a maximum of 10 notices; or
3020 ~~[(i)]~~ (iii) by mailing the notice to each registered voter who resides in the jurisdiction
3021 to which the election pertains at least five days before the day of the election;
3022 (b) by posting notice on the Utah Public Notice Website₂ created in Section
3023 63A-16-601, for two days before the day of the election; and
3024 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
3025 two days before the day of the election.

3026 (6) Instead of including the information described in Subsection (4) in the notice, the
 3027 election officer may give printed notice that:

3028 (a) is entitled "Notice of Election";

3029 (b) includes the following: "A [indicate election type] will be held in [indicate the
 3030 jurisdiction] on [indicate date of election]. Information relating to the election, including
 3031 polling places, polling place hours, and qualifications of voters may be obtained from the
 3032 following sources:"; and

3033 (c) specifies the following sources where an individual may view or obtain the
 3034 information described in Subsection (4):

3035 (i) if the jurisdiction has a website, the jurisdiction's website;

3036 (ii) the physical address of the jurisdiction offices; and

3037 (iii) a mailing address and telephone number.

3038 Section 46. Section **20A-5-403.5 (Superseded 07/01/21)** is amended to read:

3039 **20A-5-403.5 (Superseded 07/01/21). Ballot drop boxes.**

3040 (1) An election officer:

3041 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

3042 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
 3043 election officer's jurisdiction.

3044 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer
 3045 shall, at least 19 days before the date of the election, [~~publish~~] provide notice of the location of
 3046 each ballot drop box designated under Subsection (1):

3047 (a) (i) by publishing notice in at least one issue of a newspaper of general circulation in
 3048 the jurisdiction holding the election;

3049 [~~(a) (i)~~] (ii) by posting one notice, and at least one additional notice per 2,000
 3050 population of the jurisdiction holding the election, in places within the jurisdiction that are
 3051 most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10
 3052 notices; or

3053 [~~(i)~~] (iii) by mailing notice to each registered voter in the jurisdiction holding the

3054 election;

3055 (b) by posting notice on the Utah Public Notice Website, created in Section
3056 [63A-12-201](#), for 19 days before the day of the election; and

3057 (c) by posting notice on the jurisdiction's website for 19 days before the day of the
3058 election.

3059 (3) Instead of [~~publishing~~] including the location of ballot drop boxes, a notice required
3060 under Subsection (2)[~~, the election officer may publish a statement that specifies~~] may specify
3061 the following sources where a voter may view or obtain a copy of all ballot drop box locations:

3062 (a) the jurisdiction's website;

3063 (b) the physical address of the jurisdiction's offices; and

3064 (c) a mailing address and telephone number.

3065 (4) The election officer shall include in the notice described in Subsection (2):

3066 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3067 the address of the election officer's website, with a statement indicating that the election officer
3068 will post on the website the location of each ballot drop box, including any changes to the
3069 location of a ballot drop box and the location of additional ballot drop boxes; and

3070 (b) a phone number that a voter may call to obtain information regarding the location
3071 of a ballot drop box.

3072 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
3073 deadline described in Subsection (2):

3074 (i) if necessary, change the location of a ballot drop box; or

3075 (ii) if the election officer determines that the number of ballot drop boxes is
3076 insufficient due to the number of registered voters who are voting, designate additional ballot
3077 drop boxes.

3078 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
3079 location of a ballot box or designates an additional ballot drop box location, the election officer
3080 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
3081 the additional ballot drop box location:

- 3082 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- 3083 (ii) by posting the information on the website of the election officer, if available; and
- 3084 (iii) by posting notice:

3085 (A) for a change in the location of a ballot drop box, at the new location and, if
3086 possible, the old location; and

3087 (B) for an additional ballot drop box location, at the additional ballot drop box
3088 location.

3089 (6) An election officer may, at any time, authorize two or more poll workers to remove
3090 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

3091 Section 47. Section **20A-5-403.5 (Effective 07/01/21)** is amended to read:

3092 **20A-5-403.5 (Effective 07/01/21). Ballot drop boxes.**

3093 (1) An election officer:

3094 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

3095 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
3096 election officer's jurisdiction.

3097 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer
3098 shall, at least 19 days before the date of the election, ~~[publish]~~ provide notice of the location of
3099 each ballot drop box designated under Subsection (1):

3100 (a) (i) by publishing notice in at least one issue of a newspaper of general circulation in
3101 the jurisdiction holding the election;

3102 ~~[(a) (i)]~~ (ii) by posting one notice, and at least one additional notice per 2,000
3103 population of the jurisdiction holding the election, in places within the jurisdiction that are
3104 most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10
3105 notices; or

3106 ~~[(i)]~~ (iii) by mailing notice to each registered voter in the jurisdiction holding the
3107 election;

3108 (b) by posting notice on the Utah Public Notice Website, created in Section
3109 **63A-16-601**, for 19 days before the day of the election; and

3110 (c) by posting notice on the jurisdiction's website for 19 days before the day of the
3111 election.

3112 (3) Instead of [~~publishing~~] including the location of ballot drop boxes, a notice required
3113 under Subsection (2) [~~, the election officer may publish a statement that specifies~~] may specify
3114 the following sources where a voter may view or obtain a copy of all ballot drop box locations:

3115 (a) the jurisdiction's website;

3116 (b) the physical address of the jurisdiction's offices; and

3117 (c) a mailing address and telephone number.

3118 (4) The election officer shall include in the notice described in Subsection (2):

3119 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3120 the address of the election officer's website, with a statement indicating that the election officer
3121 will post on the website the location of each ballot drop box, including any changes to the
3122 location of a ballot drop box and the location of additional ballot drop boxes; and

3123 (b) a phone number that a voter may call to obtain information regarding the location
3124 of a ballot drop box.

3125 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
3126 deadline described in Subsection (2):

3127 (i) if necessary, change the location of a ballot drop box; or

3128 (ii) if the election officer determines that the number of ballot drop boxes is
3129 insufficient due to the number of registered voters who are voting, designate additional ballot
3130 drop boxes.

3131 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
3132 location of a ballot box or designates an additional ballot drop box location, the election officer
3133 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
3134 the additional ballot drop box location:

3135 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

3136 (ii) by posting the information on the website of the election officer, if available; and

3137 (iii) by posting notice:

3138 (A) for a change in the location of a ballot drop box, at the new location and, if
3139 possible, the old location; and

3140 (B) for an additional ballot drop box location, at the additional ballot drop box
3141 location.

3142 (6) An election officer may, at any time, authorize two or more poll workers to remove
3143 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

3144 Section 48. Section **20A-5-405 (Superseded 07/01/21)** is amended to read:

3145 **20A-5-405 (Superseded 07/01/21). Election officer to provide ballots.**

3146 (1) An election officer shall:

3147 (a) provide ballots for every election of public officers in which the voters, or any of
3148 the voters, within the election officer's jurisdiction participate;

3149 (b) cause the name of every candidate whose nomination has been certified to or filed
3150 with the election officer in the manner provided by law to be included on each ballot;

3151 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
3152 be included on each ballot;

3153 (d) ensure that the ballots are prepared and in the possession of the election officer
3154 before commencement of voting;

3155 (e) allow candidates and their agents and the sponsors of ballot propositions that have
3156 qualified for the official ballot to inspect the ballots;

3157 (f) cause sample ballots to be printed that are in the same form as official ballots and
3158 that contain the same information as official ballots but that are printed on different colored
3159 paper than official ballots or are identified by a watermark;

3160 (g) ensure that the sample ballots are printed and in the possession of the election
3161 officer at least seven days before commencement of voting;

3162 (h) make the sample ballots available for public inspection by:

3163 (i) posting a copy of the sample ballot in the election officer's office at least seven days
3164 before commencement of voting;

3165 (ii) mailing a copy of the sample ballot to:

- 3166 (A) each candidate listed on the ballot; and
3167 (B) the lieutenant governor;
3168 (iii) [~~publishing~~] publicizing a copy of the sample ballot:
3169 (A) at least seven days before the day of the election, by posting one copy of the
3170 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3171 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3172 the jurisdiction, subject to a maximum of 10 notices; or
3173 (B) at least 10 days before the day of the election, by mailing a copy of the sample
3174 ballot to each registered voter who resides in the jurisdiction holding the election;
3175 (iv) [~~publishing~~] posting a copy of the sample ballot on the Utah Public Notice
3176 Website, created in Section [63A-12-201](#), for seven days before the day of the election; and
3177 (v) if the jurisdiction has a website, [~~publishing~~] posting a copy of the sample ballot on
3178 the jurisdiction's website for at least seven days before the day of the election;
3179 (i) deliver at least five copies of the sample ballot to poll workers for each polling
3180 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
3181 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
3182 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
3183 each voting precinct.
3184 (2) Instead of [~~publishing~~] posting the entire sample ballot under Subsection
3185 (1)(h)(iii)(A), the election officer may [~~publish~~] post a statement that:
3186 (a) is entitled, "sample ballot";
3187 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
3188 upcoming [indicate type and date of election] may be obtained from the following sources:";
3189 and
3190 (c) specifies the following sources where an individual may view or obtain a copy of
3191 the sample ballot:
3192 (i) if the jurisdiction has a website, the jurisdiction's website;
3193 (ii) the physical address of the jurisdiction's offices; and

3194 (iii) a mailing address and telephone number.

3195 (3) (a) Each election officer shall, without delay, correct any error discovered in any
3196 ballot, if the correction can be made without interfering with the timely distribution of the
3197 ballots.

3198 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
3199 not possible to correct the error or omission, the election officer shall direct the poll workers to
3200 make the necessary corrections on the manual ballots before the ballots are distributed.

3201 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
3202 not possible to correct the error or omission by revising the electronic ballot, the election
3203 officer shall direct the poll workers to post notice of each error or omission with instructions on
3204 how to correct each error or omission in a prominent position at each polling booth.

3205 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
3206 candidate or a candidate's agent may file a verified petition with the district court asserting that:

3207 (A) an error or omission has occurred in:

3208 (I) the publication of the name or description of a candidate;

3209 (II) the preparation or display of an electronic ballot; or

3210 (III) in the printing of sample or official manual ballots; and

3211 (B) the election officer has failed to correct or provide for the correction of the error or
3212 omission.

3213 (ii) The district court shall issue an order requiring correction of any error in a ballot or
3214 an order to show cause why the error should not be corrected if it appears to the court that the
3215 error or omission has occurred and the election officer has failed to correct or provide for the
3216 correction of the error or omission.

3217 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
3218 Supreme Court within five days after the day on which the district court enters the decision.

3219 Section 49. Section **20A-5-405 (Effective 07/01/21)** is amended to read:

3220 **20A-5-405 (Effective 07/01/21). Election officer to provide ballots.**

3221 (1) An election officer shall:

- 3222 (a) provide ballots for every election of public officers in which the voters, or any of
3223 the voters, within the election officer's jurisdiction participate;
- 3224 (b) cause the name of every candidate whose nomination has been certified to or filed
3225 with the election officer in the manner provided by law to be included on each ballot;
- 3226 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
3227 be included on each ballot;
- 3228 (d) ensure that the ballots are prepared and in the possession of the election officer
3229 before commencement of voting;
- 3230 (e) allow candidates and their agents and the sponsors of ballot propositions that have
3231 qualified for the official ballot to inspect the ballots;
- 3232 (f) cause sample ballots to be printed that are in the same form as official ballots and
3233 that contain the same information as official ballots but that are printed on different colored
3234 paper than official ballots or are identified by a watermark;
- 3235 (g) ensure that the sample ballots are printed and in the possession of the election
3236 officer at least seven days before commencement of voting;
- 3237 (h) make the sample ballots available for public inspection by:
- 3238 (i) posting a copy of the sample ballot in the election officer's office at least seven days
3239 before commencement of voting;
- 3240 (ii) mailing a copy of the sample ballot to:
- 3241 (A) each candidate listed on the ballot; and
- 3242 (B) the lieutenant governor;
- 3243 (iii) [~~publishing~~] publicizing a copy of the sample ballot:
- 3244 (A) at least seven days before the day of the election, by posting one copy of the
3245 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3246 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3247 the jurisdiction, subject to a maximum of 10 notices; or
- 3248 (B) at least 10 days before the day of the election, by mailing a copy of the sample
3249 ballot to each registered voter who resides in the jurisdiction holding the election;

3250 (iv) [~~publishing~~] posting a copy of the sample ballot on the Utah Public Notice
3251 Website, created in Section 63A-16-601, for seven days before the day of the election; and
3252 (v) if the jurisdiction has a website, [~~publishing~~] posting a copy of the sample ballot on
3253 the jurisdiction's website for at least seven days before the day of the election;
3254 (i) deliver at least five copies of the sample ballot to poll workers for each polling
3255 place and direct them to post the sample ballots as required by Section 20A-5-102; and
3256 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
3257 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
3258 each voting precinct.

3259 (2) Instead of [~~publishing~~] posting the entire sample ballot under Subsection
3260 (1)(h)(iii)(A), the election officer may [~~publish~~] post a statement that:
3261 (a) is entitled, "sample ballot";
3262 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
3263 upcoming [indicate type and date of election] may be obtained from the following sources:";
3264 and
3265 (c) specifies the following sources where an individual may view or obtain a copy of
3266 the sample ballot:
3267 (i) if the jurisdiction has a website, the jurisdiction's website;
3268 (ii) the physical address of the jurisdiction's offices; and
3269 (iii) a mailing address and telephone number.

3270 (3) (a) Each election officer shall, without delay, correct any error discovered in any
3271 ballot, if the correction can be made without interfering with the timely distribution of the
3272 ballots.
3273 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
3274 not possible to correct the error or omission, the election officer shall direct the poll workers to
3275 make the necessary corrections on the manual ballots before the ballots are distributed.
3276 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
3277 not possible to correct the error or omission by revising the electronic ballot, the election

3278 officer shall direct the poll workers to post notice of each error or omission with instructions on
3279 how to correct each error or omission in a prominent position at each polling booth.

3280 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
3281 candidate or a candidate's agent may file a verified petition with the district court asserting that:

3282 (A) an error or omission has occurred in:

3283 (I) the publication of the name or description of a candidate;

3284 (II) the preparation or display of an electronic ballot; or

3285 (III) in the printing of sample or official manual ballots; and

3286 (B) the election officer has failed to correct or provide for the correction of the error or
3287 omission.

3288 (ii) The district court shall issue an order requiring correction of any error in a ballot or
3289 an order to show cause why the error should not be corrected if it appears to the court that the
3290 error or omission has occurred and the election officer has failed to correct or provide for the
3291 correction of the error or omission.

3292 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
3293 Supreme Court within five days after the day on which the district court enters the decision.

3294 Section 50. Section **20A-9-203 (Superseded 07/01/21)** is amended to read:

3295 **20A-9-203 (Superseded 07/01/21). Declarations of candidacy -- Municipal general**
3296 **elections.**

3297 (1) An individual may become a candidate for any municipal office if:

3298 (a) the individual is a registered voter; and

3299 (b) (i) the individual has resided within the municipality in which the individual seeks
3300 to hold elective office for the 12 consecutive months immediately before the date of the
3301 election; or

3302 (ii) the territory in which the individual resides was annexed into the municipality, the
3303 individual has resided within the annexed territory or the municipality the 12 consecutive
3304 months immediately before the date of the election.

3305 (2) (a) For purposes of determining whether an individual meets the residency

3306 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
3307 before the election, the municipality is considered to have been incorporated 12 months before
3308 the date of the election.

3309 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
3310 council position shall, if elected from a district, be a resident of the council district from which
3311 the candidate is elected.

3312 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
3313 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
3314 against the elective franchise may not hold office in this state until the right to hold elective
3315 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

3316 (3) (a) An individual seeking to become a candidate for a municipal office shall,
3317 regardless of the nomination method by which the individual is seeking to become a candidate:

3318 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
3319 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
3320 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
3321 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
3322 and June 7 of any odd-numbered year; and

3323 (ii) pay the filing fee, if one is required by municipal ordinance.

3324 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
3325 declaration of candidacy with the city recorder or town clerk if:

3326 (i) the individual is located outside of the state during the entire filing period;

3327 (ii) the designated agent appears in person before the city recorder or town clerk;

3328 (iii) the individual communicates with the city recorder or town clerk using an
3329 electronic device that allows the individual and city recorder or town clerk to see and hear each
3330 other; and

3331 (iv) the individual provides the city recorder or town clerk with an email address to
3332 which the city recorder or town clerk may send the individual the copies described in
3333 Subsection (4).

3334 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

3335 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
3336 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
3337 the office hours described in Section 10-3-301 and not later than the close of those office
3338 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
3339 of the nomination petition of the lesser of at least:

3340 (A) 25 registered voters who reside in the municipality; or

3341 (B) 20% of the registered voters who reside in the municipality; and

3342 (ii) paying the filing fee, if one is required by municipal ordinance.

3343 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
3344 petition, the filing officer shall:

3345 (i) read to the prospective candidate or individual filing the petition the constitutional
3346 and statutory qualification requirements for the office that the candidate is seeking;

3347 (ii) require the candidate or individual filing the petition to state whether the candidate
3348 meets the requirements described in Subsection (4)(a)(i); and

3349 (iii) inform the candidate or the individual filing the petition that an individual who
3350 holds a municipal elected office may not, at the same time, hold a county elected office.

3351 (b) If the prospective candidate does not meet the qualification requirements for the
3352 office, the filing officer may not accept the declaration of candidacy or nomination petition.

3353 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
3354 filing officer shall:

3355 (i) inform the candidate that the candidate's name will appear on the ballot as it is
3356 written on the declaration of candidacy;

3357 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
3358 for the office the candidate is seeking and inform the candidate that failure to comply will
3359 result in disqualification as a candidate and removal of the candidate's name from the ballot;

3360 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
3361 Electronic Voter Information Website Program and inform the candidate of the submission

3362 deadline under Subsection 20A-7-801(4)(a);
3363 (iv) provide the candidate with a copy of the pledge of fair campaign practices
3364 described under Section 20A-9-206 and inform the candidate that:
3365 (A) signing the pledge is voluntary; and
3366 (B) signed pledges shall be filed with the filing officer; and
3367 (v) accept the declaration of candidacy or nomination petition.
3368 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
3369 officer shall:
3370 (i) accept the candidate's pledge; and
3371 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
3372 candidate's pledge to the chair of the county or state political party of which the candidate is a
3373 member.
3374 (5) (a) The declaration of candidacy shall be in substantially the following form:
3375 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
3376 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number
3377 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
3378 (stating the term). I will meet the legal qualifications required of candidates for this office. If
3379 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
3380 candidate filing period. I will file all campaign financial disclosure reports as required by law
3381 and I understand that failure to do so will result in my disqualification as a candidate for this
3382 office and removal of my name from the ballot. I request that my name be printed upon the
3383 applicable official ballots. (Signed) _____
3384 Subscribed and sworn to (or affirmed) before me by ____ on this
3385 _____(month\day\year).
3386 (Signed) _____ (Clerk or other officer qualified to administer oath)."
3387 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
3388 not sign the form described in Subsection (5)(a).
3389 (c) (i) A nomination petition shall be in substantially the following form:

3390 "NOMINATION PETITION

3391 The undersigned residents of (name of municipality), being registered voters, nominate
3392 (name of nominee) for the office of (name of office) for the (length of term of office)."

3393 (ii) The remainder of the petition shall contain lines and columns for the signatures of
3394 individuals signing the petition and each individual's address and phone number.

3395 (6) If the declaration of candidacy or nomination petition fails to state whether the
3396 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
3397 for the four-year term.

3398 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
3399 voters.

3400 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
3401 print the candidate's name on the ballot.

3402 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
3403 clerk shall:

3404 (a) [~~publish~~] publicize a list of the names of the candidates as they will appear on the
3405 ballot:

3406 (i) (A) by publishing the list in at least two successive publications of a newspaper of
3407 general circulation in the municipality;

3408 [~~(i)-(A)] (B) by posting one copy of the list, and at least one additional copy of the list~~

3409 per 2,000 population of the municipality, in places within the municipality that are most likely

3410 to give notice to the voters in the municipality, subject to a maximum of 10 lists; or

3411 [~~(B)] (C) by mailing [~~notice~~] the list to each registered voter in the municipality;~~

3412 (ii) by posting the list on the Utah Public Notice Website₂ created in Section
3413 [63A-12-201](#), for seven days; and

3414 (iii) if the municipality has a website, by posting the list on the municipality's website
3415 for seven days; and

3416 (b) notify the lieutenant governor of the names of the candidates as they will appear on
3417 the ballot.

3418 (9) Except as provided in Subsection (10)(c), an individual may not amend a
3419 declaration of candidacy or nomination petition filed under this section after the candidate
3420 filing period ends.

3421 (10) (a) A declaration of candidacy or nomination petition that an individual files under
3422 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
3423 10 days after the last day for filing.

3424 (b) If a person files an objection, the clerk shall:

3425 (i) mail or personally deliver notice of the objection to the affected candidate
3426 immediately; and

3427 (ii) decide any objection within 48 hours after the objection is filed.

3428 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
3429 days after the day on which the clerk sustains the objection, correct the problem for which the
3430 objection is sustained by amending the candidate's declaration of candidacy or nomination
3431 petition, or by filing a new declaration of candidacy.

3432 (d) (i) The clerk's decision upon objections to form is final.

3433 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
3434 prompt application is made to the district court.

3435 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
3436 of its discretion, agrees to review the lower court decision.

3437 (11) A candidate who qualifies for the ballot under this section may withdraw as a
3438 candidate by filing a written affidavit with the municipal clerk.

3439 Section 51. Section **20A-9-203 (Effective 07/01/21)** is amended to read:

3440 **20A-9-203 (Effective 07/01/21). Declarations of candidacy -- Municipal general**
3441 **elections.**

3442 (1) An individual may become a candidate for any municipal office if:

3443 (a) the individual is a registered voter; and

3444 (b) (i) the individual has resided within the municipality in which the individual seeks
3445 to hold elective office for the 12 consecutive months immediately before the date of the

3446 election; or

3447 (ii) the territory in which the individual resides was annexed into the municipality, the
3448 individual has resided within the annexed territory or the municipality the 12 consecutive
3449 months immediately before the date of the election.

3450 (2) (a) For purposes of determining whether an individual meets the residency
3451 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
3452 before the election, the municipality is considered to have been incorporated 12 months before
3453 the date of the election.

3454 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
3455 council position shall, if elected from a district, be a resident of the council district from which
3456 the candidate is elected.

3457 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
3458 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
3459 against the elective franchise may not hold office in this state until the right to hold elective
3460 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

3461 (3) (a) An individual seeking to become a candidate for a municipal office shall,
3462 regardless of the nomination method by which the individual is seeking to become a candidate:

3463 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
3464 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
3465 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
3466 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
3467 and June 7 of any odd-numbered year; and

3468 (ii) pay the filing fee, if one is required by municipal ordinance.

3469 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
3470 declaration of candidacy with the city recorder or town clerk if:

3471 (i) the individual is located outside of the state during the entire filing period;

3472 (ii) the designated agent appears in person before the city recorder or town clerk;

3473 (iii) the individual communicates with the city recorder or town clerk using an

3474 electronic device that allows the individual and city recorder or town clerk to see and hear each
3475 other; and

3476 (iv) the individual provides the city recorder or town clerk with an email address to
3477 which the city recorder or town clerk may send the individual the copies described in
3478 Subsection (4).

3479 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

3480 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
3481 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
3482 the office hours described in Section 10-3-301 and not later than the close of those office
3483 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
3484 of the nomination petition of the lesser of at least:

3485 (A) 25 registered voters who reside in the municipality; or

3486 (B) 20% of the registered voters who reside in the municipality; and

3487 (ii) paying the filing fee, if one is required by municipal ordinance.

3488 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
3489 petition, the filing officer shall:

3490 (i) read to the prospective candidate or individual filing the petition the constitutional
3491 and statutory qualification requirements for the office that the candidate is seeking;

3492 (ii) require the candidate or individual filing the petition to state whether the candidate
3493 meets the requirements described in Subsection (4)(a)(i); and

3494 (iii) inform the candidate or the individual filing the petition that an individual who
3495 holds a municipal elected office may not, at the same time, hold a county elected office.

3496 (b) If the prospective candidate does not meet the qualification requirements for the
3497 office, the filing officer may not accept the declaration of candidacy or nomination petition.

3498 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
3499 filing officer shall:

3500 (i) inform the candidate that the candidate's name will appear on the ballot as it is
3501 written on the declaration of candidacy;

3502 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
3503 for the office the candidate is seeking and inform the candidate that failure to comply will
3504 result in disqualification as a candidate and removal of the candidate's name from the ballot;

3505 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
3506 Electronic Voter Information Website Program and inform the candidate of the submission
3507 deadline under Subsection 20A-7-801(4)(a);

3508 (iv) provide the candidate with a copy of the pledge of fair campaign practices
3509 described under Section 20A-9-206 and inform the candidate that:

3510 (A) signing the pledge is voluntary; and

3511 (B) signed pledges shall be filed with the filing officer; and

3512 (v) accept the declaration of candidacy or nomination petition.

3513 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
3514 officer shall:

3515 (i) accept the candidate's pledge; and

3516 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
3517 candidate's pledge to the chair of the county or state political party of which the candidate is a
3518 member.

3519 (5) (a) The declaration of candidacy shall be in substantially the following form:

3520 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
3521 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
3522 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
3523 (stating the term). I will meet the legal qualifications required of candidates for this office. If
3524 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
3525 candidate filing period. I will file all campaign financial disclosure reports as required by law
3526 and I understand that failure to do so will result in my disqualification as a candidate for this
3527 office and removal of my name from the ballot. I request that my name be printed upon the
3528 applicable official ballots. (Signed) _____

3529 Subscribed and sworn to (or affirmed) before me by _____ on this

3530 _____(month\day\year).

3531 (Signed) _____ (Clerk or other officer qualified to administer oath)."

3532 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
3533 not sign the form described in Subsection (5)(a).

3534 (c) (i) A nomination petition shall be in substantially the following form:

3535 "NOMINATION PETITION

3536 The undersigned residents of (name of municipality), being registered voters, nominate
3537 (name of nominee) for the office of (name of office) for the (length of term of office)."

3538 (ii) The remainder of the petition shall contain lines and columns for the signatures of
3539 individuals signing the petition and each individual's address and phone number.

3540 (6) If the declaration of candidacy or nomination petition fails to state whether the
3541 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
3542 for the four-year term.

3543 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
3544 voters.

3545 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
3546 print the candidate's name on the ballot.

3547 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
3548 clerk shall:

3549 (a) [~~publish~~] publicize a list of the names of the candidates as they will appear on the
3550 ballot:

3551 (i) (A) by publishing the list in at least two successive publications of a newspaper of
3552 general circulation in the municipality;

3553 [~~(i)-(A)~~] (B) by posting one copy of the list, and at least one additional copy of the list
3554 per 2,000 population of the municipality, in places within the municipality that are most likely
3555 to give notice to the voters in the municipality, subject to a maximum of 10 lists; or

3556 [~~(B)~~] (C) by mailing [~~notice~~] the list to each registered voter in the municipality;

3557 (ii) by posting the list on the Utah Public Notice Website, created in Section

3558 63A-16-601, for seven days; and

3559 (iii) if the municipality has a website, by posting the list on the municipality's website
3560 for seven days; and

3561 (b) notify the lieutenant governor of the names of the candidates as they will appear on
3562 the ballot.

3563 (9) Except as provided in Subsection (10)(c), an individual may not amend a
3564 declaration of candidacy or nomination petition filed under this section after the candidate
3565 filing period ends.

3566 (10) (a) A declaration of candidacy or nomination petition that an individual files under
3567 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
3568 10 days after the last day for filing.

3569 (b) If a person files an objection, the clerk shall:

3570 (i) mail or personally deliver notice of the objection to the affected candidate
3571 immediately; and

3572 (ii) decide any objection within 48 hours after the objection is filed.

3573 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
3574 days after the day on which the clerk sustains the objection, correct the problem for which the
3575 objection is sustained by amending the candidate's declaration of candidacy or nomination
3576 petition, or by filing a new declaration of candidacy.

3577 (d) (i) The clerk's decision upon objections to form is final.

3578 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
3579 prompt application is made to the district court.

3580 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
3581 of its discretion, agrees to review the lower court decision.

3582 (11) A candidate who qualifies for the ballot under this section may withdraw as a
3583 candidate by filing a written affidavit with the municipal clerk.

3584 **Section 52. Effective date.**

3585 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

3586 elected to each house, this bill takes effect upon approval by the governor, or the day following
3587 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
3588 signature, or in the case of a veto, the date of veto override.

3589 (2) The amendments to the following sections take effect on July 1, 2021:

3590 (a) Section [10-2-406](#) (Effective 07/01/21);

3591 (b) Section [10-2-407](#) (Effective 07/01/21);

3592 (c) Section [10-2-415](#) (Effective 07/01/21);

3593 (d) Section [10-2-418](#) (Effective 07/01/21);

3594 (e) Section [10-2-419](#) (Effective 07/01/21);

3595 (f) Section [10-2-502.5](#) (Effective 07/01/21);

3596 (g) Section [10-2-703](#) (Effective 07/01/21);

3597 (h) Section [10-2-708](#) (Effective 07/01/21);

3598 (i) Section [10-2a-210](#) (Effective 07/01/21);

3599 (j) Section [10-2a-213](#) (Effective 07/01/21);

3600 (k) Section [10-2a-214](#) (Effective 07/01/21);

3601 (l) Section [10-2a-215](#) (Effective 07/01/21);

3602 (m) Section [10-2a-405](#) (Effective 07/01/21);

3603 (n) Section [10-18-203](#) (Effective 07/01/21);

3604 (o) Section [11-14-202](#) (Effective 07/01/21);

3605 (p) Section [17B-1-643](#) (Effective 07/01/21);

3606 (q) Section [17B-2a-705](#) (Effective 07/01/21);

3607 (r) Section [20A-3a-604](#) (Effective 07/01/21);

3608 (s) Section [20A-4-104](#) (Effective 07/01/21);

3609 (t) Section [20A-4-304](#) (Effective 07/01/21);

3610 (u) Section [20A-5-101](#) (Effective 07/01/21);

3611 (v) Section [20A-5-403.5](#) (Effective 07/01/21);

3612 (w) Section [20A-5-405](#) (Effective 07/01/21); and

3613 (x) Section [20A-9-203](#) (Effective 07/01/21).

3614