

1 **SPECIAL AND LOCAL DISTRICT TRANSPARENCY**
2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Norman K Thurston**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to local districts and special service districts.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires a local district or a special service district to post on the Utah Public Notice
14 Website the contact information of each member of the district's governing body;

15 ▶ addresses notice regarding the deadline for an individual to submit a declaration of
16 candidacy for an elective board position;

17 ▶ provides that an election for an elective board position shall be held by mail;

18 ▶ addresses a county's or a municipality's authority to audit a local district or a special
19 service district;

20 ▶ modifies the procedure to dissolve a local district; and

21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **17B-1-303**, as last amended by Laws of Utah 2014, Chapters 362 and 377
- 29 **17B-1-306**, as last amended by Laws of Utah 2014, Chapters 362 and 377
- 30 **17B-1-701**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 31 **17B-1-703**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 32 **17B-1-1301**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 33 **17B-1-1303**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 34 **17B-1-1306**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 35 **17B-1-1308**, as last amended by Laws of Utah 2009, Chapter 350
- 36 **17D-1-301**, as last amended by Laws of Utah 2015, Chapter 437
- 37 **20A-3-302**, as last amended by Laws of Utah 2015, Chapter 173
- 38 **63F-1-701**, as last amended by Laws of Utah 2013, Chapter 63

39 ENACTS:

- 40 **17B-1-1309**, Utah Code Annotated 1953
- 41 **17B-1-1310**, Utah Code Annotated 1953



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

44 Section 1. Section **17B-1-303** is amended to read:

45 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
46 **of board member contact information.**

47 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a
48 board of trustees shall begin at noon on the January 1 following the member's election or
49 appointment.

50 (b) The term of each member of the initial board of trustees of a newly created local
51 district shall begin:

- 52 (i) upon appointment, for an appointed member; and
- 53 (ii) upon the member taking the oath of office after the canvass of the election at which
54 the member is elected, for an elected member.

55 (c) The term of each water conservancy district board member appointed by the
56 governor as provided in Subsection **17B-2a-1005(2)(c)** shall:

- 57 (i) begin on the later of the following:
- 58 (A) the date on which the Senate consents to the appointment; or

59 (B) the expiration date of the prior term; and

60 (ii) end on the February 1 that is approximately four years after the date described in
61 Subsection (1)(c)(i)(A) or (B).

62 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the
63 term of each member of a board of trustees shall be four years, except that approximately half
64 the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that
65 the term of approximately half the board members expires every two years.

66 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
67 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
68 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in
69 the terms of their successors complying with:

70 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following
71 a member's election or appointment; and

72 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

73 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or
74 subtract more than a year from a member's term.

75 (b) Each board of trustees member shall serve until a successor is duly elected or
76 appointed and qualified, unless the member earlier is removed from office or resigns or
77 otherwise leaves office.

78 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
79 [17B-1-302\(1\)](#), or if the member's term expires without a duly elected or appointed successor:

80 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

81 (ii) the member may continue to serve until a successor is duly elected or appointed
82 and qualified.

83 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
84 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

85 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
86 the local district clerk.

87 (b) Each oath of office shall be filed with the clerk of the local district.

88 (c) The failure of a board of trustees member to take the oath required by Subsection
89 (3)(a) does not invalidate any official act of that member.

90 (4) A board of trustees member is not limited in the number of terms the member may
91 serve.

92 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
93 position shall be filled as provided in Section [20A-1-512](#).

94 (6) (a) For purposes of this Subsection (6):

95 (i) "Appointed official" means a person who:

96 (A) is appointed as a member of a local district board of trustees by a county or
97 municipality entitled to appoint a member to the board; and

98 (B) holds an elected position with the appointing county or municipality.

99 (ii) "Appointing entity" means the county or municipality that appointed the appointed
100 official to the board of trustees.

101 (b) The board of trustees shall declare a midterm vacancy for the board position held
102 by an appointed official if:

103 (i) during the appointed official's term on the board of trustees, the appointed official
104 ceases to hold the elected position with the appointing entity; and

105 (ii) the appointing entity submits a written request to the board to declare the vacancy.

106 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
107 appointing entity shall appoint another person to fill the remaining unexpired term on the board
108 of trustees.

109 (7) (a) Each member of a board of trustees shall give a bond for the faithful
110 performance of the member's duties, in the amount and with the sureties prescribed by the
111 board of trustees.

112 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

113 (8) The lieutenant governor may extend the term of an elected district board member
114 by one year in order to compensate for a change in the election year under Subsection
115 [17B-1-306\(13\)](#).

116 (9) (a) A local district shall:

117 (i) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,
118 phone number, and email address of each member of the local district's board of trustees;

119 (ii) update the information described in Subsection (9)(a)(i) when:

120 (A) the membership of the board of trustees changes; or

121 (B) a member of the board of trustees' phone number or email address changes; and
 122 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day
 123 on which the change requiring the update occurs.

124 (b) This Subsection (9) applies regardless of whether the county or municipal
 125 legislative body also serves as the board of trustees of the local district.

126 Section 2. Section **17B-1-306** is amended to read:

127 **17B-1-306. Local district board -- Election procedures.**

128 (1) Except as provided in Subsection (11), each elected board member shall be selected
 129 as provided in this section.

130 (2) (a) Each election of a local district board member shall be held:

131 (i) at the same time as the municipal general election or the regular general election, as
 132 applicable; and

133 (ii) entirely by absentee ballot in accordance with Section 20A-3-302.

134 ~~[(i)] (b) Notwithstanding Subsection (2)(a)(ii), a local district may allow voters who~~
 135 ~~do not vote by absentee ballot to vote at one or more polling places designated by the local~~
 136 ~~district board in consultation with the county clerk for each county in which the local district is~~
 137 ~~located, [which polling places shall coincide with municipal general election or regular general~~
 138 ~~election polling places, as applicable, whenever feasible.]~~

139 ~~[(b) The local district board, in consultation with the county clerk, may consolidate two~~
 140 ~~or more polling places to enable voters from more than one district to vote at one consolidated~~
 141 ~~polling place.]~~

142 ~~[(c) (i) Subject to Subsections (4)(f) and (g), the number of polling places under~~
 143 ~~Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one~~
 144 ~~polling place per division of the district, designated by the district board.]~~

145 ~~[(ii) Each polling place designated by an irrigation district board under Subsection~~
 146 ~~(2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection~~
 147 ~~(2)(a)(ii).]~~

148 (3) (a) The clerk of each local district with a board member position to be filled at the
 149 next municipal general election or regular general election, as applicable, shall provide notice
 150 of:

151 (i) each elective position of the local district to be filled at the next municipal general

152 election or regular general election, as applicable;

153 (ii) the constitutional and statutory qualifications for each position; and

154 (iii) the dates [~~and~~], times, and location for filing a declaration of candidacy.

155 (b) The notice required under Subsection (3)(a) shall be:

156 (i) posted in at least five public places within the local district at least 10 days before
157 the first day for filing a declaration of candidacy; or

158 (ii) (A) published in a newspaper of general circulation within the local district at least
159 three but no more than 10 days before the first day for filing a declaration of candidacy; and

160 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for
161 filing a declaration of candidacy.

162 (c) At least 10 days before the first day on which a candidate may file a declaration of
163 candidacy for an elective local district board position, the local district shall mail a notice
164 described in Subsection (3)(a) to the owner of record of each parcel within the boundaries of
165 the local district.

166 (4) (a) To become a candidate for an elective local district board position, the
167 prospective candidate shall file a declaration of candidacy in person with the local district,
168 during office hours, within the candidate filing period for the applicable election year in which
169 the election for the local district board is held.

170 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
171 filing time shall be extended until the close of normal office hours on the following regular
172 business day.

173 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
174 officer shall:

175 (A) read to the prospective candidate the constitutional and statutory qualification
176 requirements for the office that the candidate is seeking; and

177 (B) require the candidate to state whether or not the candidate meets those
178 requirements.

179 (ii) If the prospective candidate does not meet the qualification requirements for the
180 office, the filing officer may not accept the declaration of candidacy.

181 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
182 the filing officer shall accept the declaration of candidacy.

183 (d) The declaration of candidacy shall substantially comply with the following form:

184 "I, (print name) _____, being first duly sworn, say that I reside at (Street)

185 _____, City of _____, County of _____, State of Utah,

186 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications

187 for the office of board of trustees member for _____ (state the name of

188 the local district); that I am a candidate for that office to be voted upon at the next election, and

189 I hereby request that my name be printed upon the official ballot for that election.

190 (Signed) _____

191 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day

192 of _____, _____.

193 (Signed) _____

194 (Clerk or Notary Public)"

195 (e) Each person wishing to become a valid write-in candidate for an elective local
196 district board position is governed by Section 20A-9-601.

197 (f) If at least one person does not file a declaration of candidacy as required by this
198 section, a person shall be appointed to fill that board position by following the procedures and
199 requirements for appointment established in Section 20A-1-512.

200 (g) If only one candidate files a declaration of candidacy and there is no write-in
201 candidate who complies with Section 20A-9-601, the board, in accordance with Section
202 20A-1-206, may:

- 203 (i) consider the candidate to be elected to the position; and
- 204 (ii) cancel the election.

205 (5) (a) A primary election may be held if:

- 206 (i) the election is authorized by the local district board; and
- 207 (ii) the number of candidates for a particular local board position or office exceeds
208 twice the number of persons needed to fill that position or office.

209 (b) The primary election shall be conducted:

210 (i) on the same date as the municipal primary election or the regular primary election,
211 as applicable; and

212 (ii) according to the procedures for primary elections provided under Title 20A,
213 Election Code.

214 (6) (a) Except as provided in Subsection (6)(c), within one business day after the
215 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
216 names to the clerk of each county in which the local district is located.

217 (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section
218 [20A-6-305](#), the clerk of each county in which the local district is located and the local district
219 clerk shall coordinate the placement of the name of each candidate for local district office in
220 the nonpartisan section of the ballot with the appropriate election officer.

221 (ii) If consolidation of the local district election ballot with the municipal general
222 election ballot or the regular general election ballot, as applicable, is not feasible, the local
223 district board of trustees, in consultation with the county clerk, shall provide for a separate
224 local district election ballot to be administered by poll workers at polling locations designated
225 under Subsection (2).

226 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
227 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

228 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
229 prescribe the form of the ballot for each board member election.

230 (B) Each ballot for an election of an irrigation district board member shall be in a
231 nonpartisan format.

232 (C) The name of each candidate shall be placed on the ballot in the order specified
233 under Section [20A-6-305](#).

234 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

235 (i) be a registered voter within the district, except for an election of:

236 (A) an irrigation district board of trustees member; or

237 (B) a basic local district board of trustees member who is elected by property owners;

238 and

239 (ii) meet the requirements to vote established by the district.

240 (b) Each voter may vote for as many candidates as there are offices to be filled.

241 (c) The candidates who receive the highest number of votes are elected.

242 (8) Except as otherwise provided by this section, the election of local district board
243 members is governed by Title 20A, Election Code.

244 (9) (a) Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve on a

245 local district board shall serve a four-year term, beginning at noon on the January 1 after the
246 person's election.

247 (b) A person elected shall be sworn in as soon as practical after January 1.

248 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
249 the county or municipality holding an election under this section for the costs of the election
250 attributable to that local district.

251 (b) Each irrigation district shall bear its own costs of each election it holds under this
252 section.

253 (11) This section does not apply to an improvement district that provides electric or gas
254 service.

255 (12) Except as provided in Subsection [20A-3-605\(1\)\(b\)](#), the provisions of Title 20A,
256 Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

257 (13) (a) As used in this Subsection (13), "board" means:

258 (i) a local district board; or

259 (ii) the administrative control board of a special service district that has elected
260 members on the board.

261 (b) A board may hold elections for membership on the board at a regular general
262 election instead of a municipal general election if the board submits an application to the
263 lieutenant governor that:

264 (i) requests permission to hold elections for membership on the board at a regular
265 general election instead of a municipal general election; and

266 (ii) indicates that holding elections at the time of the regular general election is
267 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
268 material reason.

269 (c) Upon receipt of an application described in Subsection (13)(b), the lieutenant
270 governor may approve the application if the lieutenant governor concludes that holding the
271 elections at the regular general election is beneficial based on the criteria described in
272 Subsection (13)(b)(ii).

273 (d) If the lieutenant governor approves a board's application described in this section:

274 (i) all future elections for membership on the board shall be held at the time of the
275 regular general election; and

276 (ii) the board may not hold elections at the time of a municipal general election unless
277 the board receives permission from the lieutenant governor to hold all future elections for
278 membership on the board at a municipal general election instead of a regular general election,
279 under the same procedure, and by applying the same criteria, described in this Subsection (13).

280 Section 3. Section **17B-1-701** is amended to read:

281 **17B-1-701. Definitions.**

282 As used in this part:

283 (1) "Audit reports" means the reports of any independent audit of the district performed
284 by:

285 (a) an independent auditor as required by Title 51, Chapter 2a, Accounting Reports
286 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

287 (b) the state auditor; [or]

288 (c) the legislative auditor[-]; or

289 (d) a constituent entity.

290 (2) "Board" means the local district board of trustees.

291 (3) "Budget" means a plan of financial operations for a fiscal year that includes:

292 (a) estimates of proposed expenditures for given purposes and the proposed means of
293 financing them;

294 (b) the source and amount of estimated revenue for the district for the fiscal year;

295 (c) fund balance in each fund at the beginning of the fiscal year and the projected fund
296 balance for each fund at the end of the fiscal year; and

297 (d) capital projects or budgets for proposed construction or improvement to capital
298 facilities within the district.

299 (4) "Constituent entity" means any county, city, or town that levies property taxes
300 within the boundaries of the district.

301 (5) (a) "Customer agencies" means those governmental entities, except school districts,
302 institutions of higher education, and federal government agencies that purchase or obtain
303 services from the local district.

304 (b) "Customer agencies" for purposes of state agencies means the state auditor.

305 Section 4. Section **17B-1-703** is amended to read:

306 **17B-1-703. Local districts to submit audit reports.**

307 (1) (a) Except as provided in Subsection (1)(b), within 30 days after it is presented to
308 the board, the board of each local district with an annual budget of \$50,000 or more shall send
309 a copy of any audit report to:

- 310 (i) each of its constituent entities that has in writing requested a copy; and
- 311 (ii) each of its customer agencies that has in writing requested a copy.

312 (b) Within 30 days after it is presented to the board, the board of a public transit district
313 serving a population of more than 200,000 people shall send a copy of its annual audit report
314 to:

- 315 (i) each of its constituent entities; and
- 316 (ii) each of its customer agencies that has in writing requested a copy.

317 (2) Each constituent entity and each customer agency that received the audit report
318 shall review the audit report submitted by the district and, if necessary, request a meeting with
319 the district board to discuss the audit report.

320 (3) At the meeting, the local district board shall:

- 321 (a) answer any questions about the audit report; and
- 322 (b) discuss their plans to implement suggestions made by the auditor.

323 (4) (a) A constituent entity may audit the books, records, and accounts of a local
324 district.

325 (b) Upon request from a constituent entity, a local district shall make the local district's
326 books, records, and accounts available for inspection and copy during normal business hours to
327 the constituent entity for the purpose of performing an audit described in Subsection (4)(a).

328 Section 5. Section **17B-1-1301** is amended to read:

329 **17B-1-1301. Definitions.**

330 For purposes of this part:

- 331 (1) "Active" means, with respect to a local district, that the district is not inactive.
- 332 (2) "Administrative body" means:

333 (a) if the local district proposed to be dissolved has a duly constituted board of trustees
334 in sufficient numbers to form a quorum, the board of trustees; or

335 (b) except as provided in Subsection (2)(a):

- 336 (i) for a local district located entirely within a single municipality, the legislative body
337 of that municipality;

338 (ii) for a local district located in multiple municipalities within the same county or at
339 least partly within the unincorporated area of a county, the legislative body of that county; or

340 (iii) for a local district located within multiple counties, the legislative body of the
341 county whose boundaries include more of the local district than is included within the
342 boundaries of any other county.

343 (3) "Clerk" means:

344 (a) the board of trustees if the board is also the administrative body under Subsection
345 (2)(a);

346 (b) the clerk or recorder of the municipality whose legislative body is the
347 administrative body under Subsection (2)(b)(i); or

348 (c) the clerk of the county whose legislative body is the administrative body under
349 Subsection (2)(b)(ii) or (iii).

350 (4) "Controlling legislative body" means:

351 (a) for a local district located entirely within a single municipality, the legislative body
352 of that municipality;

353 (b) for a local district located in multiple municipalities within the same county or at
354 least partly within the unincorporated area of a county, the legislative body of that county; or

355 (c) for a local district located within multiple counties, the legislative body of the
356 county whose boundaries include more of the local district than is included within the
357 boundaries of any other county.

358 [~~4~~] (5) "Inactive" means, with respect to a local district, that during the preceding
359 three years the district has not:

360 (a) provided any service or otherwise operated;

361 (b) received property taxes or user or other fees; and

362 (c) expended any funds.

363 Section 6. Section **17B-1-1303** is amended to read:

364 **17B-1-1303. Initiation of dissolution process.**

365 The process to dissolve a local district may be initiated by:

366 (1) for an inactive local district:

367 (a) (i) for a local district whose board of trustees is elected by electors based on the
368 acre-feet of water allotted to the land owned by the elector, a petition signed by the owners of

369 25% of the acre-feet of water allotted to the land within the local district; or
 370 (ii) for all other districts:
 371 (A) a petition signed by the owners of private real property that:
 372 (I) is located within the local district proposed to be dissolved;
 373 (II) covers at least 25% of the private land area within the local district; and
 374 (III) is equal in assessed value to at least 25% of the assessed value of all private real
 375 property within the local district; or
 376 (B) a petition signed by registered voters residing within the local district proposed to
 377 be dissolved equal in number to at least 25% of the number of votes cast in the district for the
 378 office of governor at the last regular general election before the filing of the petition; or
 379 (b) a resolution adopted by the administrative body; and
 380 (2) for an active local district[-];
 381 (a) a petition signed by:
 382 ~~[(a)]~~ (i) for a local district whose board of trustees is elected by electors based on the
 383 acre-feet of water allotted to the land owned by the elector, ~~[a petition signed by]~~ the owners of
 384 100% of the acre-feet of water allotted to the land within the local district; or
 385 ~~[(b)]~~ (ii) for all other districts, the owners of 100% of the private real property located
 386 within or 100% of registered voters residing within the local district proposed to be
 387 dissolved[-]; or
 388 (b) a resolution adopted by the controlling legislative body.
 389 Section 7. Section **17B-1-1306** is amended to read:
 390 **17B-1-1306. Public hearing.**
 391 (1) (a) For each petition certified under Section **17B-1-1305** and each resolution
 392 adopted by an administrative body under Subsection **17B-1-1303(1)(b)**, the administrative body
 393 shall hold a public hearing on the proposed dissolution.
 394 (b) For each resolution adopted by a controlling legislative body under Subsection
 395 **17B-1-1303(2)(b)**, the controlling legislative body shall hold a public hearing on the proposed
 396 dissolution.
 397 (2) Each public hearing under Subsection (1) shall be held:
 398 (a) no later than 45 days after certification of the petition under Section **17B-1-1305** or
 399 adoption of a resolution under Subsection **17B-1-1303(1)(b)** or (2)(b), as the case may be;

- 400 (b) within the local district proposed to be dissolved;
- 401 (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
- 402 (d) for the purpose of allowing:
- 403 (i) the public to ask questions and obtain further information about the proposed
- 404 dissolution and issues raised by it; and
- 405 (ii) any interested person to address the administrative body or the controlling
- 406 legislative body concerning the proposed dissolution.

407 (3) A quorum of the administrative body or the controlling legislative body shall be
 408 present throughout each public hearing under this section.

409 Section 8. Section **17B-1-1308** is amended to read:

410 **17B-1-1308. Dissolution resolution by administrative board -- Limitations on**
 411 **dissolution.**

412 (1) After the public hearing [~~required under Section~~] described in Subsection
 413 17B-1-1306(1)(a) and subject to Subsection (2), the administrative body may adopt a resolution
 414 approving dissolution of the local district.

415 (2) [~~A~~] The administrative body may not adopt a resolution under Subsection (1) [~~may~~
 416 ~~not be adopted~~] unless:

- 417 (a) any outstanding debt of the local district is:
- 418 (i) satisfied and discharged in connection with the dissolution; or
- 419 (ii) assumed by another governmental entity with the consent of all the holders of that
- 420 debt and all the holders of other debts of the local district;

421 (b) for a local district that has provided service during the preceding three years or
 422 undertaken planning or other activity preparatory to providing service:

- 423 (i) another entity has committed to provide the same service to the area being served or
- 424 proposed to be served by the local district; and
- 425 (ii) all who are to receive the service have consented to the service being provided by
- 426 the other entity; and

427 (c) all outstanding contracts to which the local district is a party are resolved through
 428 mutual termination or the assignment of the local district's rights, duties, privileges, and
 429 responsibilities to another entity with the consent of the other parties to the contract.

430 [~~(3)(a)(i) Any assets of the local district remaining after paying all debts and other~~]

431 obligations of the local district shall be used to pay costs associated with the dissolution
432 process under this part.]

433 [~~(ii) Any costs of the dissolution process remaining after exhausting the remaining
434 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body;]~~

435 [~~(b) Any assets of the local district remaining after application of Subsection (3)(a)
436 shall be distributed:]~~

437 [~~(i) proportionately to the owners of real property within the dissolved local district if
438 there is a readily identifiable connection between a financial burden borne by the real property
439 owners in the district and the remaining assets; or]~~

440 [~~(ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
441 the dissolved local district was located before dissolution in the same proportion that the land
442 area of the local district located within the unincorporated area of the county or within the city
443 or town bears to the total local district land area.]~~

444 [~~(4) (a) The administrative body shall:]~~

445 [~~(i) within 30 days after adopting a resolution approving dissolution, file with the
446 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
447 [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and]~~

448 [~~(ii) upon the lieutenant governor's issuance of a certificate of dissolution under
449 Section [67-1a-6.5](#):]~~

450 [~~(A) if the local district was located within the boundary of a single county, submit to
451 the recorder of that county:]~~

452 [~~(I) the original:]~~

453 [~~(Aa) notice of an impending boundary action; and]~~

454 [~~(Bb) certificate of dissolution; and]~~

455 [~~(H) a certified copy of the resolution adopted under Subsection (1); or]~~

456 [~~(B) if the local district was located within the boundaries of more than a single
457 county:]~~

458 [~~(I) submit to the recorder of one of those counties:]~~

459 [~~(Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa) and (Bb);
460 and]~~

461 [~~(Bb) a certified copy of the resolution adopted under Subsection (1); and]~~

462 ~~[(H) submit to the recorder of each other county:]~~
 463 ~~[(Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa) and~~
 464 ~~(Bb); and]~~
 465 ~~[(Bb) a certified copy of the resolution adopted under Subsection (1).]~~
 466 ~~[(b) Upon the lieutenant governor's issuance of the certificate of dissolution under~~
 467 ~~Section ~~67-1a-6.5~~, the local district is dissolved.]~~

468 Section 9. Section **17B-1-1309** is enacted to read:

469 **17B-1-1309. Dissolution resolution by controlling legislative body -- Election to**
 470 **dissolve local district -- Notice to lieutenant governor -- Recording requirements.**

471 (1) (a) Subject to Subsection (1)(b), after the public hearing described in Subsection
 472 17B-1-1306(1)(b), the controlling legislative body may adopt a dissolution resolution that:

473 (i) certifies that the requirements described in Subsection (1)(b) are satisfied; and

474 (ii) initiates the dissolution election described in Subsection (2).

475 (b) The controlling legislative body may not adopt a dissolution resolution described in
 476 Subsection (1)(a) unless:

477 (i) any outstanding debt of the local district is:

478 (A) satisfied and discharged in connection with the dissolution; or

479 (B) assumed by another governmental entity with the consent of all the holders of that
 480 debt and all the holders of other debts of the local district;

481 (ii) for a local district that has provided service during the preceding three years or
 482 undertaken planning or other activity preparatory to providing service, another entity has
 483 committed to provide the same service to the area being served or proposed to be served by the
 484 local district; and

485 (iii) all outstanding contracts to which the local district is a party are resolved through
 486 mutual termination or the assignment of the local district's rights, duties, privileges, and
 487 responsibilities to another entity.

488 (2) After a controlling legislative body adopts a dissolution resolution described in
 489 Subsection (1), the voters within the boundaries of the local district shall, in the next municipal
 490 or general election, vote whether to dissolve the local district.

491 Section 10. Section **17B-1-1310** is enacted to read:

492 **17B-1-1310. Distribution of remaining assets -- Notice to lieutenant governor --**

493 **Recording requirements.**

494 (1) (a) (i) After dissolution of a local district under this part, any assets of the local
495 district remaining after paying all debts and other obligations of the local district shall be used
496 to pay costs associated with the dissolution process.

497 (ii) Any costs of the dissolution process remaining after exhausting the remaining
498 assets of the local district described in Subsection (1)(a)(i) shall be paid by the administrative
499 body.

500 (b) Any assets of the local district remaining after application of Subsection (1)(a) shall
501 be distributed:

502 (i) proportionately to the owners of real property within the dissolved local district if
503 there is a readily identifiable connection between a financial burden borne by the real property
504 owners in the district and the remaining assets; or

505 (ii) except as provided in Subsection (1)(b)(i), to each county, city, metro township, or
506 town in which the dissolved local district was located before dissolution in the same proportion
507 that the land area of the local district located within the unincorporated area of the county or
508 within the city or town bears to the total local district land area.

509 (2) For a dissolution under Section 11-13-1308, the administrative body, or for a
510 dissolution under Section 11-13-1309, the controlling legislative body, shall file with the
511 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
512 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3):

513 (a) within 30 days after the day on which the administrative body adopts a resolution
514 approving dissolution under Section 17B-1-1308; or

515 (b) within 30 days after the day on which a majority of the voters within a local district
516 approve dissolution of the local district in an election described in Subsection 17B-1-1309(2).

517 (3) Upon the lieutenant governor's issuance of a certificate of dissolution under Section
518 67-1a-6.5, the administrative body or the controlling legislative body shall:

519 (a) if the local district was located within the boundary of a single county, submit to the
520 recorder of that county:

521 (i) the original:

522 (A) notice of an impending boundary action; and

523 (B) certificate of dissolution; and

- 524 (ii) a certified copy of the resolution adopted under Subsection [17B-1-1308\(1\)](#); or
525 (b) if the local district was located within the boundaries of more than a single county:
526 (i) submit to the recorder of one of those counties:
527 (A) the original of the documents listed in Subsections (3)(a)(i)(A) and (B); and
528 (B) if applicable, a certified copy of the resolution adopted under Subsection
529 [17B-1-1308\(1\)](#); and
530 (ii) submit to the recorder of each other county:
531 (A) a certified copy of the documents listed in Subsections (3)(a)(i)(A) and (B); and
532 (B) if applicable, a certified copy of the resolution adopted under Subsection
533 [17B-1-1308\(1\)](#).
534 (4) Upon the lieutenant governor's issuance of the certificate of dissolution under
535 Section [67-1a-6.5](#), the local district is dissolved.

536 Section 11. Section **17D-1-301** is amended to read:

537 **17D-1-301. Governance of a special service district -- Authority to create and**
538 **delegate authority to an administrative control board -- Limitations on authority to**
539 **delegate -- Notice of governing body contact information.**

540 (1) Each special service district shall be governed by the legislative body of the county
541 or municipality that creates the special service district, subject to any delegation under this
542 section of a right, power, or authority to an administrative control board.

543 (2) At the time a special service district is created or at any time thereafter, the
544 legislative body of a county or municipality that creates a special service district may, by
545 resolution or ordinance:

546 (a) create an administrative control board for the special service district;

547 (b) subject to Subsection (3), delegate to the administrative control board the exercise
548 of any right, power, or authority that the legislative body possesses with respect to the
549 governance of the special service district; and

550 (c) specify the members of the initial administrative control board by name or other
551 designation that clearly identifies each member of the initial administrative control board.

552 (3) A county or municipal legislative body may not delegate to an administrative
553 control board of a special service district the power to:

554 (a) annex an area to an existing special service district or add a service within the area

555 of an existing special service district under Part 4, Annexing a New Area and Adding a New
556 Service;

557 (b) designate, under Section [17D-1-107](#), the classes of special service district contracts
558 that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects;

559 (c) levy a tax on the taxable property within the special service district;

560 (d) issue special service district bonds payable from taxes;

561 (e) call or hold an election for the authorization of a property tax or the issuance of
562 bonds;

563 (f) levy an assessment;

564 (g) issue interim warrants or bonds payable from an assessment; or

565 (h) appoint a board of equalization under Section [11-42-403](#).

566 (4) (a) A county or municipal legislative body that has delegated a right, power, or
567 authority under this section to an administrative control board may at any time modify, limit, or
568 revoke any right, power, or authority delegated to the administrative control board.

569 (b) A modification, limitation, or revocation under Subsection (4)(a) does not affect the
570 validity of an action taken by an administrative control board before the modification,
571 limitation, or revocation.

572 (5) A special service district shall:

573 (a) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,
574 phone number, and email address of each member of the special service district's governing
575 body;

576 (b) update the information described in Subsection (5)(a) when:

577 (i) the membership of the governing body changes; or

578 (ii) a member of the governing body's phone number or email address changes; and

579 (c) post any update required under Subsection (5)(b) within 30 days after the day on
580 which the change requiring the update occurs.

581 Section 12. Section **20A-3-302** is amended to read:

582 **20A-3-302. Conducting entire election by absentee ballot.**

583 (1) [~~Notwithstanding Section [17B-1-306](#), an~~] An election officer may administer an
584 election entirely by absentee ballot.

585 (2) If the election officer decides to administer an election entirely by absentee ballot,

586 the election officer shall mail to each registered voter within that voting precinct:

587 (a) an absentee ballot;

588 (b) for an election administered by a county clerk, information regarding the location
589 and hours of operation of any election day voting center at which the voter may vote;

590 (c) a courtesy reply mail envelope;

591 (d) instructions for returning the ballot that include an express notice about any
592 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

593 (e) for an election administered by an election officer other than a county clerk, if the
594 election officer does not operate a polling location or an election day voting center, a warning,
595 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
596 the instructions included with the absentee ballot, the voter will be unable to vote in that
597 election because there will be no polling place in the voting precinct on the day of the election.

598 (3) A voter who votes by absentee ballot under this section is not required to apply for
599 an absentee ballot as required by this part.

600 (4) An election officer who administers an election entirely by absentee ballot shall:

601 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
602 the election; or

603 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
604 and

605 (b) maintain the signatures on file in the election officer's office.

606 (5) (a) Upon receiving the returned absentee ballots, the election officer shall compare
607 the signature on each absentee ballot with the voter's signature that is maintained on file and
608 verify that the signatures are the same.

609 (b) If the election officer questions the authenticity of the signature on the absentee
610 ballot, the election officer shall immediately contact the voter to verify the signature.

611 (c) If the election official determines that the signature on the absentee ballot does not
612 match the voter's signature that is maintained on file, the election officer shall:

613 (i) unless the absentee ballot application deadline described in Section [20A-3-304](#) has
614 passed, immediately send another absentee ballot and other voting materials as required by this
615 section to the voter; and

616 (ii) disqualify the initial absentee ballot.

- 617 (6) A county that administers an election entirely by absentee ballot:
618 (a) shall provide at least one election day voting center in accordance with Title 20A,
619 Chapter 3, Part 7, Election Day Voting Center;
- 620 (b) shall ensure that an election day voting center operated by the county has at least
621 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
622 Pub. L. No. 107-252, for individuals with disabilities; and
- 623 (c) is not required to pay return postage for an absentee ballot.
- 624 Section 13. Section **63F-1-701** is amended to read:
- 625 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**
- 626 (1) As used in this part:
- 627 (a) "Division" means the Division of Archives and Records Service of the Department
628 of Administrative Services.
- 629 (b) "Public body" has the same meaning as provided under Section [52-4-103](#).
- 630 (c) "Public information" means a public body's public notices, minutes, audio
631 recordings, and other materials that are required to be posted to the website under Title 52,
632 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.
- 633 (d) "Website" means the Utah Public Notice Website created under this section.
- 634 (2) There is created the Utah Public Notice Website to be administered by the Division
635 of Archives and Records Service.
- 636 (3) The website shall consist of an Internet website provided to assist the public to find
637 posted public information.
- 638 (4) The division, with the technical assistance of the Department of Technology
639 Services, shall create the website which shall:
- 640 (a) allow a public body, or other certified entity, to easily post any public information,
641 including the contact information required under Subsections [17B-1-303\(9\)](#) and [17D-1-301\(5\)](#);
- 642 (b) allow the public to search the public information by:
- 643 (i) public body name;
- 644 (ii) date of posting of the notice;
- 645 (iii) date of any meeting or deadline included as part of the public information; and
- 646 (iv) any other criteria approved by the division;
- 647 (c) allow the public to search and view past, archived public information;

- 648 (d) allow a person to subscribe to receive updates and notices associated with a public
- 649 body or a particular type of public information;
- 650 (e) be easily accessible by the public from the State of Utah home page;
- 651 (f) have a unique and simplified website address;
- 652 (g) be directly accessible via a link from the main page of the official state website; and
- 653 (h) include other links, features, or functionality that will assist the public in obtaining
- 654 and reviewing public information posted on the website, as may be approved by the division.
- 655 (5) The division shall be responsible for:
 - 656 (a) establishing and maintaining the website, including the provision of equipment,
 - 657 resources, and personnel as is necessary;
 - 658 (b) providing a mechanism for public bodies or other certified entities to have access to
 - 659 the website for the purpose of posting and modifying public information; and
 - 660 (c) maintaining an archive of all public information posted to the website.
- 661 (6) The timing for posting and the content of the public information posted to the
- 662 website shall be the responsibility of the public body or other entity posting the public
- 663 information.

Legislative Review Note
Office of Legislative Research and General Counsel