

1 **MUNICIPAL INCORPORATION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Adam Robertson

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ repeals Title 10, Chapter 2a, Part 3, Incorporation of a Town;
- 14 ▶ adds the incorporation of a town to the existing process for incorporating a city;
- 15 ▶ establishes qualifications for an area to incorporate as a municipality;
- 16 ▶ establishes a population density threshold for an area to incorporate as a
- 17 municipality;
- 18 ▶ amends provisions related to the content of a feasibility study;
- 19 ▶ requires a feasibility consultant to consult with certain governmental entities when
- 20 drafting a feasibility study;
- 21 ▶ changes the deadline by which a feasibility consultant is required to complete a
- 22 feasibility study;
- 23 ▶ establishes the Municipal Incorporation Expendable Special Revenue Fund for the
- 24 lieutenant governor's provision of municipal incorporation services;
- 25 ▶ establishes provisions related to a new municipality's responsibility to repay the
- 26 lieutenant governor for certain services rendered by the lieutenant governor during
- 27 the incorporation process; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

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

33 • from the General Fund, \$40,000.

34 **Other Special Clauses:**

35 This bill provides revisor instructions.

36 This bill provides a coordination clause.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **10-2-403**, as last amended by Laws of Utah 2017, Chapter 452

40 **10-2a-102**, as renumbered and amended by Laws of Utah 2015, Chapter 352

41 **10-2a-106**, as last amended by Laws of Utah 2017, Chapter 452

42 **10-2a-201**, as enacted by Laws of Utah 2015, Chapter 352

43 **10-2a-202**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
44 amended by Laws of Utah 2015, Chapter 352

45 **10-2a-203**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
46 amended by Laws of Utah 2015, Chapter 352

47 **10-2a-204**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
48 amended by Laws of Utah 2015, Chapter 352

49 **10-2a-205**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
50 amended by Laws of Utah 2015, Chapter 352

51 **10-2a-206**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
52 amended by Laws of Utah 2015, Chapter 352

53 **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
54 amended by Laws of Utah 2015, Chapter 352

55 **10-2a-208**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
56 amended by Laws of Utah 2015, Chapter 352

57 **10-2a-209**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and

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

86 10-2a-221, as renumbered and amended by Laws of Utah 2015, Chapter 352
 87 10-2a-301, as enacted by Laws of Utah 2015, Chapter 352
 88 10-2a-302.5, as last amended by Laws of Utah 2018, Chapters 281 and 330
 89 10-2a-303, as last amended by Laws of Utah 2017, Chapter 452
 90 10-2a-304, as last amended by Laws of Utah 2017, Chapter 452
 91 10-2a-305, as renumbered and amended by Laws of Utah 2015, Chapter 352 and
 92 repealed and reenacted by Laws of Utah 2015, Chapter 111

93 10-2a-305.1, as last amended by Laws of Utah 2018, Chapter 11
 94 10-2a-305.2, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
 95 Coordination Clause, Laws of Utah 2015, Chapter 352

96 10-2a-306, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
 97 amended by Laws of Utah 2015, Chapter 352
 98 10-2a-307, as enacted by Laws of Utah 2015, Chapter 157 and last amended by
 99 Coordination Clause, Laws of Utah 2015, Chapter 352

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

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

102 **Utah Code Sections Affected by Coordination Clause:**

103 10-2a-207, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
 104 amended by Laws of Utah 2015, Chapter 352

105 10-2a-210, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered
 106 and amended by Laws of Utah 2015, Chapter 352

107 10-2a-213, as renumbered and amended by Laws of Utah 2015, Chapter 352

108 10-2a-214, as last amended by Laws of Utah 2017, Chapter 91

109 10-2a-215, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
 110 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
 111 Clause, Laws of Utah 2015, Chapter 352



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

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

115 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (A) be in writing;

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

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

143 Records show that you own property within an area that is intended to be included in a
144 proposed annexation to (state the name of the proposed annexing municipality) or that is within
145 300 feet of that area. If your property is within the area proposed for annexation, you may be
146 asked to sign a petition supporting the annexation. You may choose whether [~~or not~~] to sign
147 the petition. By signing the petition, you indicate your support of the proposed annexation. If
148 you sign the petition but later change your mind about supporting the annexation, you may
149 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
150 of (state the name of the proposed annexing municipality) within 30 days after (state the name
151 of the proposed annexing municipality) receives notice that the petition has been certified.

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

157 You may obtain more information on the proposed annexation by contacting (state the
158 name, mailing address, telephone number, and email address of the official or employee of the
159 proposed annexing municipality designated to respond to questions about the proposed
160 annexation), (state the name, mailing address, telephone number, and email address of the
161 county official or employee designated to respond to questions about the proposed annexation),
162 or (state the name, mailing address, telephone number, and email address of the person who
163 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
164 notice of intent, one of those persons). Once filed, the annexation petition will be available for
165 inspection and copying at the office of (state the name of the proposed annexing municipality)
166 located at (state the address of the municipal offices of the proposed annexing municipality).";
167 and

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

169 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any

170 other information or materials related or unrelated to the proposed annexation.

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

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

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

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

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

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

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

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

188 (C) covers 100% of the private land area within the area proposed for annexation, if the
189 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture and
190 Industrial Protection Areas, or a migratory bird production area created under Title 23, Chapter
191 28, Migratory Bird Production Area; and

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

194 (c) be accompanied by:

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

197 (ii) a copy of the notice sent to affected entities as required under Subsection

198 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

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

202 "Notice:

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

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

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

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

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

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

223 (a) the request or petition was filed before the filing of the annexation petition; and

224 (b) the request, or a petition under Section 10-2a-208 based on that request, [~~or a~~
225 ~~petition under Section 10-2a-302.5~~] is still pending on the date the annexation petition is filed.

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

228 (a) along the boundaries of existing local districts and special service districts for
229 sewer, water, and other services, along the boundaries of school districts whose boundaries
230 follow city boundaries or school districts adjacent to school districts whose boundaries follow
231 city boundaries, and along the boundaries of other taxing entities;

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

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

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

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

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

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

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

245 **10-2a-102. Definitions.**

246 (1) As used in this part:

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

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

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

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

252 (A) culinary water;

253 (B) secondary water;

- 254 (C) sewer service;
- 255 (D) storm drainage or flood control;
- 256 (E) recreational facilities or parks;
- 257 (F) electrical power generation or distribution;
- 258 (G) construction or maintenance of local streets and roads;
- 259 (H) street lighting;
- 260 (I) curb, gutter, and sidewalk maintenance;
- 261 (J) law or code enforcement service;
- 262 (K) fire protection service;
- 263 (L) animal services;
- 264 (M) planning and zoning;
- 265 (N) building permits and inspections;
- 266 (O) refuse collection; or
- 267 (P) weed control.

268 (ii) "Municipal service" includes the physical facilities required to provide a service
269 described in Subsection (1)(b)(i).

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

271 (2) For purposes of this part:

272 (a) the owner of real property shall be the record title owner according to the records of
273 the county recorder on the date of the filing of the request or petition; and

274 (b) the value of private real property shall be determined according to the last
275 assessment roll for county taxes before the filing of the request or petition.

276 (3) For purposes of each provision of this part that requires the owners of private real
277 property covering a percentage or fraction of the total private land area within an area to sign a
278 request or petition:

279 (a) a parcel of real property may not be included in the calculation of the required
280 percentage or fraction unless the request or petition is signed by:

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

282 ownership interest in that parcel; or
283 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
284 of owners of that parcel;
285 (b) the signature of a person signing a request or petition in a representative capacity on
286 behalf of an owner is invalid unless:
287 (i) the person's representative capacity and the name of the owner the person represents
288 are indicated on the request or petition with the person's signature; and
289 (ii) the person provides documentation accompanying the request or petition that
290 substantiates the person's representative capacity; and
291 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
292 request or petition on behalf of a deceased owner.

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

294 **10-2a-106. Feasibility study or petition to incorporate filed before May 12, 2015.**

295 (1) If a request for a feasibility study to incorporate a city is filed under Section
296 10-2a-202 before May 12, 2015, the request and a subsequent feasibility study, petition, public
297 hearing, election, and any other city incorporation action applicable to that request shall be
298 filed with and be acted upon, held, processed, or paid for by the county legislative body or
299 county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015,
300 Chapter 157, takes effect.

301 (2) If a petition to incorporate a town is filed [~~under Section 10-2a-302.5~~] before May
302 12, 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and
303 any other town incorporation action applicable to that petition to incorporate shall be filed with
304 and be acted upon, held, processed, or paid for by the county legislative body or county clerk,
305 as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157,
306 takes effect.

307 (3) If an individual files a request for a feasibility study for the incorporation of a city,
308 or an application for an incorporation petition for the incorporation of a town, before May 14,
309 2019, the process for incorporating that city or town under that request or application is not

310 subject to this bill.

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

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

313 **10-2a-201. Title.**

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

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

316 **10-2a-201.5. Qualifications for incorporation.**

317 (1) (a) An area may incorporate as a town in accordance with this part if the area:

318 (i) subject to Subsection (1)(c), is contiguous;

319 (ii) has a population of at least 100 people, but fewer than 1,000 people; and

320 (iii) is not already part of a municipality.

321 (b) An area may incorporate as a city in accordance with this part if the area:

322 (i) subject to Subsection (1)(c), is contiguous;

323 (ii) has a population of 1,000 people or more; and

324 (iii) is not already part of a municipality.

325 (c) An area is not contiguous for purposes of Subsection (1)(a)(i) or (b)(i) if:

326 (i) the area includes a strip of land that connects geographically separate areas; and

327 (ii) the distance between the geographically separate areas is greater than the average

328 width of the strip of land connecting the geographically separate areas.

329 (2) (a) An area may not incorporate under this part if:

330 (i) the area has a population of fewer than 100 people; or

331 (ii) except as provided in Subsection (2)(b), the area has an average population density

332 of fewer than seven people per square mile.

333 (b) Subject to Subsection (1)(c), an area that does not comply with Subsection (2)(a)(ii)

334 may incorporate under this part if the noncompliance is necessary to connect separate areas that

335 share a demonstrable community interest.

336 (3) Subject to Subsection (1)(c), an area incorporating under this part may not include

337 land owned by the United States federal government unless:

338 (a) incorporating the land is necessary to connect separate areas that share a
339 demonstrable community interest; or

340 (b) excluding the land from the incorporating area would create an unincorporated
341 island within the proposed municipality.

342 (4) (a) Except as provided in Subsection (4)(b), an area incorporating under this part
343 may not include some or all of an area proposed for annexation in an annexation petition under
344 Section 10-2-403 that:

345 (i) was filed before the filing of the request for a feasibility study, described in Section
346 10-2a-202, relating to the incorporating area; and

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

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

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

354 (ii) the request complies with Subsections 10-2a-202(1) and (2) with respect to
355 excluding the proposed annexation area from the area proposed for incorporation; and

356 (iii) excluding the area proposed for annexation from the area proposed for
357 incorporation would not cause the area proposed for incorporation to not be contiguous under
358 Subsection (1)(c).

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

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

363 **10-2a-202. Request for feasibility study -- Requirements -- Limitations.**

364 (1) The process to incorporate a contiguous area of a county as a [city] municipality is
365 initiated by an individual filing a request for a feasibility study [filed] with the Office of the

366 Lieutenant Governor[-] that:

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

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

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

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

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

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

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

377 (d) [~~designate~~] designates up to five signers of the request as sponsors, one of whom
378 [~~shall be~~] is designated as the contact sponsor, with the mailing address and telephone number
379 of each;

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

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

385 [~~(3)~~] (2) A request for a feasibility study under this section may not propose for
386 incorporation an area that includes some or all of an area that is the subject of a completed
387 feasibility study or supplemental feasibility study whose results comply with Subsection
388 [~~10-2a-208(3)~~] 10-2a-205(6)(a) unless:

389 (a) the proposed incorporation that is the subject of the completed feasibility study or
390 supplemental feasibility study has been defeated by the voters at an election under Section
391 10-2a-210; or

392 (b) the time [~~provided under~~] described in Subsection 10-2a-208(1) for filing an
393 incorporation petition based on the completed feasibility study or supplemental feasibility study

394 has elapsed without ~~[the filing of a petition]~~ the sponsors filing an incorporation petition under
 395 Section 10-2a-208.

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

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

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

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

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

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

408 ~~[(iii) excluding the area proposed for annexation from the area proposed for~~
 409 ~~incorporation would not cause the area proposed for incorporation to lose its contiguity;]~~

410 ~~[(c) Except as provided in Section 10-2a-206, each request to which Subsection (4)(b)~~
 411 ~~applies shall be considered as not proposing the incorporation of the area proposed for~~
 412 ~~annexation.]~~

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

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

417 **10-2a-203. Notice to owner of property -- Exclusion of property from proposed**
 418 **boundaries.**

419 (1) As used in this section:

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

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

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

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

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

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

431 (3) If an owner owns, controls, or manages more than 1% of the assessed value of all
432 property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more
433 of the total private land area in the proposed incorporation boundaries, the owner may request
434 that the lieutenant governor exclude all or part of the property owned, controlled, or managed
435 by the owner from the proposed boundaries by filing a [~~Notice of Exclusion~~] notice of
436 exclusion with the Office of the Lieutenant Governor:

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

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

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

443 (a) the exclusion will leave an unincorporated island within the proposed municipality;
444 and

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

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

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

- 450 [~~(C) storm drainage or flood control;~~]
- 451 [~~(D) recreational facilities or parks;~~]
- 452 [~~(E) electric generation or transportation;~~]
- 453 [~~(F) construction or maintenance of local streets and roads;~~]
- 454 [~~(G) curb and gutter or sidewalk maintenance;~~]
- 455 [~~(H) garbage and refuse collection; and]~~
- 456 [~~(I) street lighting.~~]

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

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

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

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

467 **10-2a-204. Processing a request for incorporation -- Certification or rejection by**
468 **lieutenant governor -- Processing priority -- Determination by the Utah Population**
469 **Committee.**

470 (1) Within 45 days [~~of the filing of a request~~] after the day on which an individual files
471 a request under Section **10-2a-202**, the lieutenant governor shall:

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

475 (b) (i) if the lieutenant governor determines that the request complies with Section
476 **10-2a-202**:

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

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

480 (C) transmit written notification of the certification to the Utah Population Committee;
481 or

482 (ii) if the lieutenant governor determines that the request fails to comply with Section
483 [10-2a-202](#) ~~[requirements]~~, reject the request and notify the contact sponsor in writing of the
484 rejection and the reasons for the rejection.

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

487 (i) determine whether, on the date the sponsors filed the request under Section
488 [10-2a-202](#) for the proposed municipality, the proposed municipality complied with the
489 population, population density, and contiguity requirements described in Section [10-2a-201.5](#);
490 and

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

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

496 ~~[(2)]~~ (3) The lieutenant governor shall certify or reject requests under Subsection (1) in
497 the order in which ~~[they]~~ the requests are filed.

498 ~~[(3)]~~ (4) (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b)(ii),
499 the ~~[request may be amended]~~ sponsors may, subject to Section 10-2a-206, amend the request
500 to correct the deficiencies for which ~~[it was rejected and then refiled]~~ the lieutenant governor
501 rejected the request and refile the request with the lieutenant governor.

502 ~~[(ii)]~~ A signature on a request under Section [10-2a-202](#) may be used toward fulfilling
503 the signature requirement of Subsection [10-2a-202](#)(2)(a) for the request as modified under
504 Subsection (3)(a)(i):]

505 (ii) The sponsors shall submit any amended request within 90 days after the day on

506 which the lieutenant governor rejects the request under Subsection (1)(b)(ii).

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

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

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

515 **10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for**
 516 **proceeding with incorporation.**

517 (1) Within 90 days [of receipt of a certified request] after the day on which the
 518 lieutenant governor receives a request that the lieutenant governor certifies under Subsection
 519 10-2a-204(1)(b)(i), the lieutenant governor shall engage [the] a feasibility consultant [chosen
 520 under] selected, in accordance with Subsection (2), to conduct a feasibility study.

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

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

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

526 [~~(b) in accordance with applicable procurement procedures:]~~

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

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

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

532 (ii) is not affiliated with:

533 (A) a sponsor of the feasibility study request to which the feasibility study relates; or

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

562 (ii) the current and projected five-year demographics and tax base within the
563 boundaries of the proposed [city] municipality and surrounding area, including household size
564 and income, commercial and industrial development, and public facilities;

565 ~~[(iii) projected growth in the proposed city and in adjacent areas during the next five~~
566 ~~years;]~~

567 ~~[(iv) subject to Subsection (4)(b), the present and five-year projections of the cost,~~
568 ~~including overhead, of governmental services in the proposed city, including:]~~

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

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

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

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

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

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

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

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

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

578 (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing
579 municipal services to the proposed municipality, including administrative costs;

580 ~~[(v)]~~ (iv) assuming the same tax categories and tax rates as currently imposed by the
581 county and all other current service providers, the present and five-year projected revenue for
582 the proposed [city] municipality;

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

584 (v) an analysis of the risks and opportunities that might affect the actual costs described
585 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly
586 incorporated municipality;

587 (vi) an analysis of new revenue sources that may be available to the newly incorporated
588 municipality that are not available before the area incorporates, including an analysis of the
589 amount of revenues the municipality might obtain from those revenue sources;

590 (vii) the projected tax burden per household of any new taxes that may be levied within
591 the [incorporated area] proposed municipality within five years [of] after incorporation; [and]
592 [~~(vii)~~ (viii) the fiscal impact of the municipality's incorporation on unincorporated
593 areas, other municipalities, local districts, special service districts, and other governmental
594 entities in the county[-]; and

595 (ix) if the lieutenant governor excludes property from the proposed municipality under
596 Section 10-2a-203, an update to the map and legal description described in Subsection
597 10-2a-202(1)(e).

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

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

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

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

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

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

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

617 (i) if the proposed municipality will include lands owned by the United States federal

618 government, the entity within the United States federal government that has jurisdiction over
 619 the land;

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

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

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

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

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

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

639 [~~(6)~~] (7) If the results of the feasibility study or revised feasibility study do not [~~meet~~
 640 ~~the requirements of Subsection 10-2a-208(3)] comply with Subsection (6), and if requested by
 641 the sponsors of the request, the feasibility consultant shall, as part of the feasibility study or
 642 revised feasibility study [and if requested by the sponsors of the request], make
 643 recommendations [as to] regarding how the boundaries of the proposed [city] municipality may
 644 be altered [so that the requirements of Subsection 10-2a-208(3) may be met] to comply with
 645 Subsection (6).~~

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

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

650 **10-2a-206. Modified request for feasibility study -- Supplemental feasibility**
 651 **study.**

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

655 ~~[(A)]~~ (i) the results of the feasibility study do not ~~[meet the requirements of Subsection~~
 656 ~~10-2a-208(3)]~~ comply with Subsection 10-2a-205(6)(a); or

657 ~~[(B)]~~ ~~(†)~~ (ii) (A) the request ~~[meets the conditions of]~~ complies with Subsection
 658 ~~[10-2a-202]~~ 10-2a-201.5(4)(b);

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

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

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

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

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

672 (ii) Notwithstanding Subsection (1)~~[(b)]~~(c)(i), a signature on a request filed under
 673 Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection

674 ~~10-2a-202[(2)](1)(a)~~ for the request as modified under Subsection (1)(a), unless the modified
675 request proposes the incorporation of an area that is more than 20% ~~[greater]~~ larger or smaller
676 than the area described by the original request in terms of:

- 677 (A) private land area; or
678 (B) value of private real property.

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

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

684 (4) Within 10 days after the day on which the lieutenant ~~[governor's receipt of a~~
685 ~~certified] governor receives a~~ modified request under Subsection (1)(a)~~(i)(A) or a certified~~
686 ~~modified request under Subsection (1)(a)(i)(B) that was filed after the completion of a~~
687 ~~feasibility study on the original request] that relates to a request for which a feasibility study~~
688 has already been completed, the lieutenant governor shall commission the feasibility consultant
689 who conducted the feasibility study to ~~[supplement the feasibility study to take into account the~~
690 ~~information in the modified request that was not included in the original request] conduct a~~
691 supplemental feasibility study that accounts for the modified request.

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

696 (a) submit a draft of the supplemental feasibility study to each applicable person with
697 whom the feasibility consultant is required to consult under Subsection 10-2a-205(4)(c) within
698 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental
699 study;

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

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

- 704 (i) the lieutenant governor;
 705 (ii) the county legislative body of the county in which the incorporation is proposed;
 706 (iii) the contact sponsor; and
 707 (iv) each person to whom the consultant provided a draft under Subsection (5)(a).

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

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

714 [~~(b) A further modified request under Subsection (6)(a) shall, for purposes of its~~
 715 ~~processing priority, be considered as an original request for a feasibility study under Section~~
 716 ~~10-2a-202.]~~

717 (c) The lieutenant governor shall consider a modified request described in Subsection
 718 (6)(a) as an original request for a feasibility study for purposes of determining the modified
 719 request's processing priority under Subsection 10-2a-204(3).

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

721 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

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

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

728 (b) at least seven days apart;

729 (c) except in a proposed municipality that will be a city of the fifth class or a town, in

730 geographically diverse locations;

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

732 ~~[(d) for the purpose of allowing:]~~

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

734 and

735 ~~[(ii) the public to become informed about the feasibility study results and to ask~~

736 ~~questions about those results of the feasibility consultant.]~~

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

738 (2) At [a] each public hearing described in Subsection (1), the lieutenant governor

739 shall:

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

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

742 (c) allow members of the public to express [its] views about the proposed

743 incorporation, including ~~[its view]~~ views about the proposed ~~[boundary.]~~ boundaries; and

744 (d) allow the public to ask the feasibility consultant questions about the feasibility

745 study.

746 (3) (a) (i) The lieutenant governor shall publish notice of the public hearings ~~[required~~

747 ~~under]~~ described in Subsection (1):

748 (A) at least once a week for three ~~[successive]~~ consecutive weeks before the first

749 hearing in a newspaper of general circulation within the proposed [city] municipality; and

750 (B) for three weeks before the first hearing on the Utah Public Notice Website created

751 in Section [63F-1-701](#) ~~[, for three weeks].~~

752 (ii) The last ~~[publication of]~~ notice required to be published under Subsection

753 (3)(a)(i)(A) shall be published at least three days before the first public hearing ~~[required~~

754 ~~under]~~ described in Subsection (1).

755 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation

756 within the proposed [city] municipality, the lieutenant governor shall post at least one notice of

757 the hearings per 1,000 population in conspicuous places within the proposed [city] municipality

758 that are most likely to give notice of the hearings to the residents of the proposed [city]
759 municipality.

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

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

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

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

770 **10-2a-208. Incorporation petition -- Requirements and form.**

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

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

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

780 ~~[(i) (a) 10% of all registered voters within the area proposed to be incorporated as a~~
781 ~~[city, according to the official voter registration list maintained by the county on] municipality,~~
782 ~~as of the date the petition is filed; [and]~~

783 ~~[(ii) (b) if the petition proposes the incorporation of a city, and subject to Subsection~~
784 ~~(4), 10% of all registered voters within[, subject to Subsection (5),] 90% of the voting precincts~~
785 ~~within the area proposed to be incorporated as a city, [according to the official voter~~

786 registration list maintained by the county on] as of the date the petition is filed; and

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

788 (i) is located within the proposed municipality;

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

790 and

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

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

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

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

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

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

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

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

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

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

811 ~~[(h)]~~ (g) substantially [comply] complies with and ~~[be]~~ is circulated in the following
812 form:

813 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed

814 [city] municipality)

815 To the Honorable Lieutenant Governor:

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

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

829 [(4)] (3) A valid signature on a request [~~under~~] described in Section 10-2a-202 or a
830 modified request [~~under~~] described in Section 10-2a-206 may not be used toward fulfilling the
831 signature requirement [~~of~~] described in Subsection [(2)(a)] (1):

832 (a) if the request [~~under Section 10-2a-202 or modified request under Section~~
833 ~~10-2a-206~~] notified the signer in conspicuous language that the signature, unless withdrawn,
834 would also be used for [~~purposes of~~] a petition for incorporation under this section; and

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

837 [(5)] (4) (a) A signature does not qualify [~~as a signature to meet the requirement~~
838 ~~described in Subsection (2)(a)(ii)] under Subsection (1)(b) if the signature is gathered from a
839 voting precinct that:~~

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

842 (ii) includes less than 50 registered voters.

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

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

847 **10-2a-209. Processing of petition by lieutenant governor -- Certification or**
848 **rejection -- Petition modification.**

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

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

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

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

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

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

868 (c) A valid signature on an incorporation petition ~~[under]~~ described in Section
869 **10-2a-208** may be used toward fulfilling the signature requirement ~~[of Subsection~~

870 ~~10-2a-208(2)(a) for the petition as]~~ described in Subsection 10-2a-208(1) for a petition that is
 871 modified under Subsection (2)(a).

872 (3) (a) Within 20 days ~~[of the lieutenant governor's receipt of]~~ after the day on which
 873 the lieutenant governor receives a modified petition under Subsection (2)(a), the lieutenant
 874 governor shall ~~[follow the same procedure for the modified petition as provided under~~
 875 ~~Subsection (1) for an original petition]~~ review the modified petition in accordance with
 876 Subsection (1).

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

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

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

882 **10-2a-210. Incorporation election.**

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

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

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

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

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

895 ~~[(ii)]~~ (b)(i) The lieutenant governor shall direct the county legislative body of the
 896 county in which the ~~[incorporation is]~~ proposed municipality is located to hold the election on
 897 the date ~~[determined by]~~ that the lieutenant governor [in accordance with] schedules under

898 Subsection (1)(a)(~~(i)~~).

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

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

904 (2) (a) ~~[The]~~ Except as provided in Subsection (2)(d)(i), the county clerk shall publish
905 notice of the election:

906 (i) at least once a week for three consecutive weeks before the election in a newspaper
907 of general circulation within ~~[the area proposed to be incorporated at least once a week for~~
908 ~~three successive weeks]~~ the proposed municipality; and

909 (ii) for three weeks before the election in accordance with Section 45-1-101 ~~[for three~~
910 ~~weeks].~~

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

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

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

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

916 and

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

920 (c) The last ~~[publication of]~~ notice required to be published under Subsection (2)(a)
921 shall ~~[occur]~~ be published at least one day₂ but no more than seven days₂ before the election.

922 (d) (i) ~~[In accordance with Subsection (2)(a)(i), if]~~ If there is no newspaper of general
923 circulation within the proposed ~~[city]~~ municipality, the county clerk shall post at least one
924 notice of the election, and at least one additional notice of the election per 1,000 population of
925 the proposed municipality, in conspicuous places within the proposed ~~[city]~~ municipality that

926 are most likely to give notice of the election to the voters of the proposed [city] municipality.

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

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

932 [~~(3)~~] (4) If a majority of those [~~casting votes within the area boundaries of the proposed~~
933 ~~city vote to incorporate as a city,~~] who vote in an incorporation election held under this section
934 cast votes in favor of incorporation, the area shall incorporate.

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

936 **10-2a-211. Ballot used in incorporation election.**

937 (1) (a) The ballot [~~at the~~] used in an incorporation election [~~under Subsection~~
938 ~~10-2a-210(1)~~] described in Section 10-2a-210 shall pose the incorporation question
939 substantially as follows:

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

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

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

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

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

949 Five-member council form

950 Six-member council form

951 Five-member council-mayor form

952 Seven-member council-mayor form."

953 [~~(b)~~] (ii) [~~The ballot shall~~] provide a space for the voter to vote for one form of

954 government[-]; and

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

956 (b)(i) pose the question of whether to elect city council members by district

957 substantially as follows:

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

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

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

963 **10-2a-212. Notification to lieutenant governor of incorporation election results.**

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

966 (1) the results of the election; and

967 (2) if the incorporation measure passes~~[(a)]~~, the name of the ~~[city; and]~~ municipality.

968 ~~[(b) the class of the city as provided under Section 10-2-301.]~~

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

970 **10-2a-213. Determination of number of council members -- Determination of**
971 **election districts -- Hearings and notice.**

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

975 (a) for the incorporation of a city:

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

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

982 (b) for the incorporation of any municipality:

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

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

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

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

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

997 ~~[(2)]~~ (3) (a) Before making a determination under Subsection ~~[(1)(a), (b), or (c)]~~ (1)(a)
998 or (b)(i), the petition sponsors shall hold a public hearing within the future [city] municipality
999 on the applicable issues ~~[under]~~ described in Subsections (1)(a)~~[(b), and (c)]~~ and (b)(i).

1000 (b) (i) ~~[The]~~ Except as provided in Subsection (3)(c), the petition sponsors shall
1001 publish notice of the public hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a):

1002 (A) at least once a week for two consecutive weeks before the hearing in a newspaper
1003 of general circulation within the future ~~[city at least once a week for two successive weeks~~
1004 ~~before the hearing]~~ municipality; and

1005 (B) for two weeks before the hearing on the Utah Public Notice Website created in
1006 Section 63F-1-701~~[(b), for two weeks before the hearing]~~.

1007 (ii) The last ~~[publication of]~~ notice required to be published under Subsection ~~[(2)]~~
1008 (3)(b)(i)(A) shall be published at least three days before the public hearing ~~[under]~~ described in
1009 Subsection ~~[(2)]~~ (3)(a).

1010 (c) (i) ~~[In accordance with Subsection (2)(b)(i)(A), if]~~ If there is no newspaper of
 1011 general circulation within the future [city] municipality, the petition sponsors shall post at least
 1012 one notice of the hearing, and at least one additional notice of the hearing per 1,000 population
 1013 of the proposed municipality, in conspicuous places within the future [city] municipality that
 1014 are most likely to give notice of the hearing to the residents of the future [city] municipality.

1015 (ii) The petition sponsors shall post the notices ~~[under]~~ described in Subsection ~~[(2)]~~
 1016 ~~(3)(c)(i)~~ at least seven days before the hearing [under] described in Subsection [(2)] (3)(a).

1017 Section 18. Section **10-2a-214** is amended to read:

1018 **10-2a-214. Notice of number of council members to be elected and of district**
 1019 **boundaries -- Declaration of candidacy for municipal office.**

1020 (1) (a) Within 20 days ~~[of the county legislative body's receipt of the information]~~ after
 1021 the day on which a county legislative body receives the petition sponsors' determination under
 1022 Subsection 10-2a-213(1)(~~d~~)(b)(ii), the county clerk shall publish, in accordance with
 1023 Subsection (1)(b), notice containing:

1024 (i) the number of ~~[commission or]~~ municipal council members to be elected for the
 1025 new ~~[city]~~ municipality;

1026 (ii) if some or all of the ~~[commission or]~~ municipal council members are to be elected
 1027 by district, a description of the boundaries of those districts ~~[as designated by the petition~~
 1028 ~~sponsors under Subsection 10-2a-213(1)(b)];~~

1029 (iii) information about the deadline for ~~[filing]~~ an individual to file a declaration of
 1030 candidacy ~~[for those seeking to become candidates]~~ to become a candidate for mayor or ~~[city~~
 1031 ~~commission or]~~ municipal council; and

1032 (iv) information about the length of the initial term of each of the ~~[city officers, as~~
 1033 ~~determined by the petition sponsors under Subsection 10-2a-213(1)(c)]~~ municipal officers.

1034 ~~[(b) The notice under Subsection (1)(a) shall be published:]~~

1035 (b) Except as provided in Subsection (1)(c), the county clerk shall publish the notice
 1036 described in Subsection (1)(a):

1037 (i) at least once a week for two consecutive weeks, before the deadline for filing a

1038 declaration of candidacy under Subsection (2), in a newspaper of general circulation within the
 1039 future [city at least once a week for two successive weeks] municipality; and

1040 (ii) for two weeks, before the deadline for filing a declaration of candidacy under
 1041 Subsection (2), in accordance with Section 45-1-101 [for two weeks].

1042 (c) (i) [~~In accordance with Subsection (1)(b)(i), if~~] If there is no newspaper of general
 1043 circulation within the future [city] municipality, the county clerk shall post at least one notice
 1044 described in Subsection (1)(a), and one additional notice described in Subsection (1)(a) per
 1045 1,000 population of the proposed municipality, in conspicuous places within the future [city]
 1046 municipality that are most likely to give notice to the residents of the future [city] municipality.

1047 [~~(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~
 1048 ~~Subsection (1)(a):]~~

1049 [(iii)] (ii) [~~The petition sponsors~~] The county clerk shall post the notices [under]
 1050 described in Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration
 1051 of candidacy under Subsection (2).

1052 (2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
 1053 candidate for mayor or [~~city commission or~~] municipal council of a [city] municipality
 1054 incorporating under this part shall file a declaration of candidacy with the clerk of the county in
 1055 which the future [city] municipality is located and in accordance with [~~the deadlines set by the~~
 1056 ~~clerk as authorized by Section 10-2a-215.]:~~

1057 (a) for an incorporation held on the date of a regular general election, the deadlines for
 1058 filing a declaration of candidacy under Section 20A-9-202; or

1059 (b) for an incorporation held on the date of a municipal general election, the deadlines
 1060 for filing a declaration of candidacy under Section 20A-9-203.

1061 Section 19. Section 10-2a-215 is amended to read:

1062 **10-2a-215. Election of officers of new municipality -- Primary and final election**
 1063 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1064 (1) For the election of [city] municipal officers, the county legislative body shall:

1065 (a) unless a primary election is prohibited [~~by~~] under Subsection 20A-9-404(2), hold a

1066 primary election; and

1067 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1068 final election.

1069 (2) Each election ~~[under]~~ described in Subsection (1) shall be held:

1070 (a) consistent with the petition sponsors' determination of the length of each council
1071 member's initial term; and

1072 (b) for the incorporation of a city:

1073 ~~[(a)]~~ (i) appropriate to the form of government chosen by the voters at the
1074 incorporation election;

1075 ~~[(b)]~~ (ii) consistent with the voters' decision about whether to elect ~~[commission or]~~
1076 city council members by district and, if applicable, consistent with the boundaries of those
1077 districts as determined by the petition sponsors; and

1078 ~~[(c)]~~ (iii) consistent with the sponsors' determination of the number of ~~[commission or]~~
1079 city council members to be elected [and the length of their initial term].

1080 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
1081 the primary election [under] described in Subsection (1)(a) shall be held at the earliest of the
1082 next:

1083 ~~[(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section~~
1084 ~~20A-1-201;]~~

1085 ~~[(ii)]~~ (i) ~~[notwithstanding Subsection 20A-1-201.5(2),]~~ regular primary election ~~[under]~~
1086 described in Subsection 20A-1-201.5(1); or

1087 ~~[(iii)]~~ (ii) municipal primary election ~~[under]~~ described in Section 20A-9-404~~[-or].~~

1088 ~~[(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under~~
1089 ~~Section 20A-1-202.]~~

1090 (b) The county shall hold the primary election, if necessary, on the next ~~[earliest]~~
1091 election date [listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least: (i) 75 days]
1092 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1093 10-2a-210[-and].

- 1094 ~~[(ii) 65 days after the last day of the candidate filing period.]~~
- 1095 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election ~~[under]~~
- 1096 described in Subsection (1)(b) [on one of the following election dates]:
- 1097 (i) on the following election date that next follows the date of the incorporation
- 1098 election held under Subsection 10-2a-210(1)(a);
- 1099 ~~[(i)]~~ (ii) a regular general election [under] described in Section 20A-1-201; or
- 1100 ~~[(ii) municipal primary election under Section 20A-9-404;]~~
- 1101 ~~[(iii)]~~ (iii) a regular municipal general election under Section 20A-1-202[; or].
- 1102 ~~[(iv) regular primary election under Section 20A-1-201.5.]~~
- 1103 (b) The county shall hold the final election on the earliest of the next election date that
- 1104 is listed in Subsection (4)(a)(i), (ii), or (iii)~~[; or (iv)]~~:
- 1105 (i) that is after a primary election; or
- 1106 (ii) if there is no primary election, that is at least:
- 1107 (A) 75 days after the incorporation election under Section 10-2a-210; and
- 1108 (B) 65 days after the candidate filing period.
- 1109 (5) (a) (i) ~~[The]~~ Except as provided in Subsection (5)(b), the county clerk shall publish
- 1110 notice of an election conducted under this section:
- 1111 (A) at least once a week for two ~~[successive]~~ consecutive weeks before the election in
- 1112 a newspaper of general circulation within the future [city] municipality; and
- 1113 (B) for two weeks in accordance with Section 45-1-101 [for two weeks].
- 1114 (ii) The ~~[later]~~ last notice required to be published under Subsection (5)(a)(i) shall be
- 1115 published at least one day, but no more than seven days, before the election.
- 1116 (b) (i) ~~[In accordance with Subsection (5)(a)(i)(A), if]~~ If there is no newspaper of
- 1117 general circulation within the future [city] municipality, the county clerk shall post at least one
- 1118 notice of the election, and at least one additional notice of the election per 1,000 population in
- 1119 the proposed municipality, in conspicuous places within the future [city] municipality that are
- 1120 most likely to give notice of the election to the voters of the municipality.
- 1121 (ii) The county clerk shall post the notices ~~[under]~~ described in Subsection (5)(b)(i) at

1122 least seven days before each election ~~[under]~~ described in Subsection (1).

1123 (6) ~~[(a)]~~ Until the ~~[city]~~ municipality is incorporated, the county clerk:

1124 ~~[(i)]~~ (a) is the election officer for all purposes ~~[in an election of officers of the city~~
1125 ~~approved at an incorporation election; and]~~ related to the election of municipal officers;

1126 ~~[(ii)]~~ (b) may, as necessary, determine appropriate deadlines, procedures, and
1127 instructions related to the election of municipal officers for a new municipality that are not
1128 otherwise contrary to law[-];

1129 ~~[(b)]~~ (c) ~~[The county clerk]~~ shall require and determine deadlines for ~~[the filing of]~~
1130 municipal office candidates to file campaign financial disclosures ~~[of city officer candidates]~~ in
1131 accordance with Section 10-3-208[-]; and

1132 ~~[(c)]~~ ~~The county clerk is responsible to ensure that:~~

1133 ~~[(i)]~~ ~~a primary or final election for the officials of a newly incorporated city is held on a~~
1134 ~~date authorized by this section; and]~~

1135 ~~[(ii)]~~ (d) shall ensure that the ballot for the election includes each office that is
1136 required to be included in the election for officers of the newly incorporated ~~[city and]~~
1137 municipality, including the term of each office.

1138 (7) ~~[A person]~~ An individual who has filed as a candidate for an office described in this
1139 section shall comply with:

1140 (a) the campaign finance disclosure requirements ~~[of]~~ described in Section 10-3-208;
1141 and

1142 (b) the requirements and deadlines ~~[as lawfully set forth]~~ established by the county
1143 clerk under this section.

1144 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described
1145 in Subsection (4)(a) shall take office:

1146 (a) after taking the oath of office; and

1147 (b) at noon on the first Monday following the day on which the election official
1148 transmits a certificate of nomination or election under the officer's seal to each elected
1149 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

1150 Section 20. Section **10-2a-216** is amended to read:

1151 **10-2a-216. Notification to lieutenant governor of election of municipal officers.**

1152 Within 10 days [of] after the day on which the county conducts the canvass of the final
 1153 election of [city] municipal officers under Section **10-2a-215**, the county clerk shall send
 1154 written notice to the lieutenant governor of the name and position of each officer elected in a
 1155 new municipality and the term for which each has been elected.

1156 Section 21. Section **10-2a-217** is amended to read:

1157 **10-2a-217. Filing of notice and approved final local entity plat with lieutenant**
 1158 **governor -- Effective date of incorporation -- Necessity of recording documents and effect**
 1159 **of not recording.**

1160 (1) The mayor of the future [city] municipality shall:

1161 (a) within 30 days after the day of the canvass of the final election of [city] municipal
 1162 officers under Section **10-2a-215**, file with the lieutenant governor:

1163 (i) a copy of a notice of an impending boundary action, as defined in Section **67-1a-6.5**,
 1164 that [~~meets the requirements of~~] complies with Subsection **67-1a-6.5(3)**; and

1165 (ii) a copy of an approved final local entity plat, as defined in Section **67-1a-6.5**; and

1166 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
 1167 Section **67-1a-6.5**:

1168 (i) if the [city] municipality is located within the boundary of a single county, submit to
 1169 the recorder of that county the original:

1170 (A) notice of an impending boundary action;

1171 (B) certificate of incorporation; and

1172 (C) approved final local entity plat; or

1173 (ii) if the [city] municipality is located within the boundaries of more than [~~a single~~]
 1174 one county, submit the original of the documents [~~listed in Subsections (1)(b)(i)(A), (B), and~~
 1175 ~~(C)~~] described in Subsection (1)(b)(i) to one of those counties and a certified copy of those
 1176 documents to each other county.

1177 (2) (a) The incorporation of a new municipality is effective upon the lieutenant

1178 governor's issuance of a certificate of incorporation under Section 67-1a-6.5.

1179 (b) Notwithstanding any other provision of law, a [city] municipality is conclusively
1180 presumed to be lawfully incorporated and existing if, for two years following the [city's]
1181 municipality's incorporation:

1182 (i) (A) the [city] municipality has levied and collected a property tax; or

1183 (B) for a [city] municipality incorporated on or after July 1, 1998, the [city]
1184 municipality has imposed a sales and use tax; and

1185 (ii) no challenge to the existence or incorporation of the [city] municipality has been
1186 filed in the district court for the county in which the [city] municipality is located.

1187 (3) (a) The effective date of an incorporation for purposes of assessing property within
1188 the new [city] municipality is governed by Section 59-2-305.5.

1189 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
1190 recorder of each county in which the property is located, a newly incorporated [city]
1191 municipality may not:

1192 (i) levy or collect a property tax on property within the [city] municipality;

1193 (ii) levy or collect an assessment on property within the [city] municipality; or

1194 (iii) charge or collect a fee for service provided to property within the [city]
1195 municipality.

1196 Section 22. Section 10-2a-218 is amended to read:

1197 **10-2a-218. Powers of officers-elect.**

1198 (1) ~~Upon the~~ After the county conducts the canvass of the final election of [city]
1199 municipal officers under Section 10-2a-215, and until the future [city] municipality becomes
1200 legally incorporated, the officers of the future [city] municipality may:

1201 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,
1202 a proposed budget and compilation of ordinances;

1203 (b) negotiate and make personnel contracts and hirings;

1204 (c) negotiate and make service contracts;

1205 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1206 (e) borrow funds from the county in which the future [city] municipality is located
1207 under Subsection 10-2a-219(3);

1208 (f) borrow funds for startup expenses of the future [city] municipality;

1209 (g) issue tax anticipation notes in the name of the future [city] municipality; and

1210 (h) make appointments to the [city's] municipality's planning commission.

1211 (2) The ~~[city's legislative body]~~ municipal council shall review and ratify each contract
1212 made by ~~[the officers]~~ a municipal officer under Subsection (1) within 30 days after the day on
1213 which the municipality's incorporation is effective ~~[date of incorporation]~~ under Section
1214 10-2a-217.

1215 Section 23. Section 10-2a-219 is amended to read:

1216 **10-2a-219. Division of municipal service revenues -- County may provide startup**
1217 **funds.**

1218 (1) The county in which an area incorporating under this part is located shall, until the
1219 ~~[date of the city's]~~ day on which the municipality's incorporation is effective under Section
1220 10-2a-217, continue to:

1221 (a) ~~[to]~~ levy and collect ad valorem property tax and other revenues from or pertaining
1222 to the future [city] municipality; and

1223 (b) except as otherwise agreed by the county and the officers of the [city] municipality,
1224 to provide the same services to the future [city] municipality as the county provided before the
1225 commencement of the incorporation proceedings.

1226 (2) (a) The legislative body of the county in which a newly incorporated [city]
1227 municipality is located shall share pro rata with the new [city] municipality, based on the date
1228 of incorporation, the taxes and service charges or fees levied and collected by the county under
1229 Section 17-34-3 during the year of the new [city's] municipality's incorporation if and to the
1230 extent that the new [city] municipality provides, by itself or by contract, the same services for
1231 which the county levied and collected the taxes and service charges or fees.

1232 (b) (i) The legislative body of a county in which a [city] municipality incorporated after
1233 January 1, 2004, is located may share with the new [city] municipality taxes and service

1234 charges or fees that were levied and collected by the county under Section 17-34-3:

1235 (A) before the year of the new [city's] municipality's incorporation;

1236 (B) from the previously unincorporated area that, because of the [city's] municipality's
1237 incorporation, is located within the boundaries of the newly incorporated [city] municipality;
1238 and

1239 (C) [~~for the purpose of providing~~] to provide services to the area that before the new
1240 [city's] municipality's incorporation was unincorporated.

1241 (ii) A county legislative body may share taxes and service charges or fees under
1242 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts
1243 due under a contract for [~~municipal-type services~~] a municipal service provided by the county
1244 to the new [city] municipality.

1245 (3) (a) The legislative body of a county in which an area incorporating under this part is
1246 located may appropriate county funds to:

1247 (i) before incorporation but after the canvass of the final election of [city] municipal
1248 officers under Section 10-2a-215, the officers of the future [city] municipality to pay startup
1249 expenses of the future [city] municipality; or

1250 (ii) after incorporation, the new [city] municipality.

1251 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a
1252 grant, a loan, or as an advance against future distributions made under Subsection (2).

1253 Section 24. Section **10-2a-220** is amended to read:

1254 **10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.**

1255 (1) (a) There is created an expendable special revenue fund known as the "Municipal
1256 Incorporation Expendable Special Revenue Fund."

1257 (b) The fund shall consist of:

1258 (i) appropriations from the Legislature; and

1259 (ii) fees the Office of the Lieutenant Governor collects and remits to the fund under
1260 this section.

1261 (c) The Office of the Lieutenant Governor shall deposit all money collected under this

1262 section into the fund.

1263 ~~[(1)]~~ (2) (a) The lieutenant governor shall establish a fee in accordance with Section
1264 63J-1-504 for a cost incurred by the lieutenant governor for an incorporation proceeding,
1265 including:

1266 (i) a request certification;

1267 (ii) a feasibility study;

1268 (iii) a petition certification;

1269 (iv) publication of notices;

1270 (v) public hearings;

1271 (vi) all other incorporation activities occurring after the elections; and

1272 (vii) any other cost incurred by the lieutenant governor in relation to an incorporation
1273 proceeding.

1274 (b) A cost under Subsection ~~[(1)]~~ (2)(a) does not include a cost incurred by a county for
1275 holding an election under Section 10-2a-210.

1276 ~~[(2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental
1277 appropriations,]~~

1278 (3) The lieutenant governor shall pay for a cost described in [Subsections (1)(a)(i)
1279 through (vii)] Subsection (2)(a) using funds from the Municipal Incorporation Expendable
1280 Special Revenue Fund.

1281 ~~[(3) If incorporation occurs, the new city shall pay:]~~

1282 (4) (a) An area that incorporates as a municipality shall pay:

1283 ~~[(a)]~~ (i) to the lieutenant governor each fee established under Subsection ~~[(1)]~~ (2) for
1284 each ~~[incurred cost described in Subsections (1)(a)(i) through (vii)]~~ cost described in
1285 Subsection (2)(a) incurred by the lieutenant governor; and

1286 ~~[(b)]~~ (ii) the county for a cost described in Subsection ~~[(1)]~~ (2)(b).

1287 (b) The lieutenant governor shall execute a payback agreement with each new
1288 municipality for the new municipality to pay the fees described in Subsection (4)(a) over a
1289 period that, except as provided in Subsection (4)(c), may not exceed five years.

1290 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the
1291 deadline described in Subsection (4)(b) by amending the payback agreement described in
1292 Subsection (4)(b).

1293 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects
1294 under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.

1295 (5) If the lieutenant governor expends funds from the Municipal Incorporation
1296 Expendable Special Revenue Fund that are not repaid to the lieutenant governor under
1297 Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall
1298 appropriate money to the fund in an amount equal to the funds that are not repaid.

1299 Section 25. Section **10-2a-402** is amended to read:

1300 **10-2a-402. Application.**

1301 (1) The provisions of this part:

1302 (a) apply to a planning township that is:

1303 (i) located in a county of the first class; and

1304 (ii) established before January 1, 2015; and

1305 (b) do not apply to a planning advisory area, as defined in Section [17-27a-103](#), or any
1306 other unincorporated area located outside of a county of the first or second class.

1307 (2) (a) The provisions of Part 2, Incorporation of a [~~City, and Part 3, Incorporation of a~~
1308 ~~Town,~~] Municipality, apply to an unincorporated area described in Subsection (1) for an
1309 incorporation as a city after November 3, 2015.

1310 (b) The provisions of Chapter 2, Part 4, Annexation₂ apply to an unincorporated island
1311 that is not annexed at an election under this part for purposes of annexation on or after
1312 November 4, 2015.

1313 Section 26. Section **10-2a-413** is amended to read:

1314 **10-2a-413. Incorporation under this part subject to other provisions.**

1315 (1) An incorporation of a metro township, city, or town under this part is subject to the
1316 following provisions to the same extent as the incorporation of a city under Part 2,
1317 Incorporation of a [~~City~~] Municipality:

- 1318 (a) Section 10-2a-217;
- 1319 (b) Section 10-2a-219; and
- 1320 (c) Section 10-2a-220.

1321 (2) An incorporation of a city or town under this part is subject to Section 10-2a-218 to
1322 the same extent as the incorporation of a city or town under Part 2, Incorporation of a [City]
1323 Municipality.

1324 Section 27. Section 20A-1-203 is amended to read:

1325 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
1326 **limitations.**

1327 (1) Statewide and local special elections may be held for any purpose authorized by
1328 law.

1329 (2) (a) Statewide special elections shall be conducted using the procedure for regular
1330 general elections.

1331 (b) Except as otherwise provided in this title, local special elections shall be conducted
1332 using the procedures for regular municipal elections.

1333 (3) The governor may call a statewide special election by issuing an executive order
1334 that designates:

1335 (a) the date for the statewide special election; and

1336 (b) the purpose for the statewide special election.

1337 (4) The Legislature may call a statewide special election by passing a joint or
1338 concurrent resolution that designates:

1339 (a) the date for the statewide special election; and

1340 (b) the purpose for the statewide special election.

1341 (5) (a) The legislative body of a local political subdivision may call a local special
1342 election only for:

1343 (i) a vote on a bond or debt issue;

1344 (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;

1345 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

- 1346 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 1347 (v) if required or authorized by federal law, a vote to determine whether ~~[or not]~~ Utah's
- 1348 legal boundaries should be changed;
- 1349 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- 1350 (vii) a vote to elect members to school district boards for a new school district and a
- 1351 remaining school district, as defined in Section 53G-3-102, following the creation of a new
- 1352 school district under Section 53G-3-302;
- 1353 (viii) a vote on a municipality providing cable television services or public
- 1354 telecommunications services under Section 10-18-204;
- 1355 (ix) a vote to create a new county under Section 17-3-1;
- 1356 (x) a vote on the creation of a study committee under Sections 17-52a-302 and
- 1357 17-52a-304;
- 1358 (xi) a vote on a special property tax under Section 53F-8-402;
- 1359 (xii) a vote on the incorporation of a [city] municipality in accordance with Section
- 1360 10-2a-210; or
- 1361 [~~(xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or~~]
- 1362 [~~(xiv)~~] (xiii) a vote on incorporation or annexation as described in Section 10-2a-404.
- 1363 (b) The legislative body of a local political subdivision may call a local special election
- 1364 by adopting an ordinance or resolution that designates:
- 1365 (i) the date for the local special election as authorized by Section 20A-1-204; and
- 1366 (ii) the purpose for the local special election.
- 1367 (c) A local political subdivision may not call a local special election unless the
- 1368 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 1369 two-thirds majority of all members of the legislative body, if the local special election is for:
- 1370 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- 1371 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- 1372 (iii) a vote authorized or required for a sales tax issue as described in Subsection
- 1373 (5)(a)(vi).

1374 Section 28. Section **20A-11-101** is amended to read:

1375 **20A-11-101. Definitions.**

1376 As used in this chapter:

1377 (1) "Address" means the number and street where an individual resides or where a
1378 reporting entity has its principal office.

1379 (2) "Agent of a reporting entity" means:

1380 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1381 entity;

1382 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1383 reporting entity;

1384 (c) the personal campaign committee of a candidate or officeholder;

1385 (d) a member of the personal campaign committee of a candidate or officeholder in the
1386 member's capacity as a member of the personal campaign committee of the candidate or
1387 officeholder; or

1388 (e) a political consultant of a reporting entity.

1389 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1390 amendments, and any other ballot propositions submitted to the voters that are authorized by
1391 the Utah Code Annotated 1953.

1392 (4) "Candidate" means any person who:

1393 (a) files a declaration of candidacy for a public office; or

1394 (b) receives contributions, makes expenditures, or gives consent for any other person to
1395 receive contributions or make expenditures to bring about the person's nomination or election
1396 to a public office.

1397 (5) "Chief election officer" means:

1398 (a) the lieutenant governor for state office candidates, legislative office candidates,
1399 officeholders, political parties, political action committees, corporations, political issues
1400 committees, state school board candidates, judges, and labor organizations, as defined in
1401 Section **20A-11-1501**; and

- 1402 (b) the county clerk for local school board candidates.
- 1403 (6) (a) "Contribution" means any of the following when done for political purposes:
- 1404 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 1405 value given to the filing entity;
- 1406 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 1407 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 1408 anything of value to the filing entity;
- 1409 (iii) any transfer of funds from another reporting entity to the filing entity;
- 1410 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 1411 personal services provided without charge to the filing entity;
- 1412 (v) remuneration from:
- 1413 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 1414 or
- 1415 (B) any agency or subdivision of the state, including school districts;
- 1416 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 1417 (vii) in-kind contributions.
- 1418 (b) "Contribution" does not include:
- 1419 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 1420 of the filing entity if the services are provided without compensation by the filing entity or any
- 1421 other person;
- 1422 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 1423 business; or
- 1424 (iii) goods or services provided for the benefit of a candidate or political party at less
- 1425 than fair market value that are not authorized by or coordinated with the candidate or political
- 1426 party.
- 1427 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 1428 candidate or political party are provided:
- 1429 (a) with the candidate's or political party's prior knowledge, if the candidate or political

1430 party does not object;

1431 (b) by agreement with the candidate or political party;

1432 (c) in coordination with the candidate or political party; or

1433 (d) using official logos, slogans, and similar elements belonging to a candidate or

1434 political party.

1435 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1436 organization that is registered as a corporation or is authorized to do business in a state and
1437 makes any expenditure from corporate funds for:

1438 (i) the purpose of expressly advocating for political purposes; or

1439 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1440 proposition.

1441 (b) "Corporation" does not mean:

1442 (i) a business organization's political action committee or political issues committee; or

1443 (ii) a business entity organized as a partnership or a sole proprietorship.

1444 (9) "County political party" means, for each registered political party, all of the persons
1445 within a single county who, under definitions established by the political party, are members of
1446 the registered political party.

1447 (10) "County political party officer" means a person whose name is required to be
1448 submitted by a county political party to the lieutenant governor in accordance with Section
1449 [20A-8-402](#).

1450 (11) "Detailed listing" means:

1451 (a) for each contribution or public service assistance:

1452 (i) the name and address of the individual or source making the contribution or public
1453 service assistance, except to the extent that the name or address of the individual or source is
1454 unknown;

1455 (ii) the amount or value of the contribution or public service assistance; and

1456 (iii) the date the contribution or public service assistance was made; and

1457 (b) for each expenditure:

- 1458 (i) the amount of the expenditure;
- 1459 (ii) the person or entity to whom it was disbursed;
- 1460 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1461 (iv) the date the expenditure was made.
- 1462 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 1463 for membership in the corporation, to a corporation without receiving full and adequate
- 1464 consideration for the money.
- 1465 (b) "Donor" does not include a person that signs a statement that the corporation may
- 1466 not use the money for an expenditure or political issues expenditure.
- 1467 (13) "Election" means each:
- 1468 (a) regular general election;
- 1469 (b) regular primary election; and
- 1470 (c) special election at which candidates are eliminated and selected.
- 1471 (14) "Electioneering communication" means a communication that:
- 1472 (a) has at least a value of \$10,000;
- 1473 (b) clearly identifies a candidate or judge; and
- 1474 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 1475 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 1476 identified candidate's or judge's election date.
- 1477 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 1478 agent of a reporting entity on behalf of the reporting entity:
- 1479 (i) any disbursement from contributions, receipts, or from the separate bank account
- 1480 required by this chapter;
- 1481 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1482 or anything of value made for political purposes;
- 1483 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1484 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1485 value for political purposes;

1486 (iv) compensation paid by a filing entity for personal services rendered by a person
1487 without charge to a reporting entity;

1488 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1489 committee; or

1490 (vi) goods or services provided by the filing entity to or for the benefit of another
1491 reporting entity for political purposes at less than fair market value.

1492 (b) "Expenditure" does not include:

1493 (i) services provided without compensation by individuals volunteering a portion or all
1494 of their time on behalf of a reporting entity;

1495 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1496 business; or

1497 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1498 candidates for office or officeholders in states other than Utah.

1499 (16) "Federal office" means the office of president of the United States, United States
1500 Senator, or United States Representative.

1501 (17) "Filing entity" means the reporting entity that is required to file a financial
1502 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1503 (18) "Financial statement" includes any summary report, interim report, verified
1504 financial statement, or other statement disclosing contributions, expenditures, receipts,
1505 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1506 Retention Elections.

1507 (19) "Governing board" means the individual or group of individuals that determine the
1508 candidates and committees that will receive expenditures from a political action committee,
1509 political party, or corporation.

1510 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
1511 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
1512 metro township.

1513 (21) "Incorporation election" means the election [~~authorized by~~] conducted under

1514 Section 10-2a-210~~[, 10-2a-304,]~~ or 10-2a-404.

1515 (22) "Incorporation petition" means a petition [~~authorized by~~] described in Section
1516 10-2a-208 ~~[or 10-2a-302.5]~~.

1517 (23) "Individual" means a natural person.

1518 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1519 by or coordinated with a filing entity.

1520 (25) "Interim report" means a report identifying the contributions received and
1521 expenditures made since the last report.

1522 (26) "Legislative office" means the office of state senator, state representative, speaker
1523 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1524 whip of any party caucus in either house of the Legislature.

1525 (27) "Legislative office candidate" means a person who:

1526 (a) files a declaration of candidacy for the office of state senator or state representative;

1527 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1528 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1529 assistant whip of any party caucus in either house of the Legislature; or

1530 (c) receives contributions, makes expenditures, or gives consent for any other person to
1531 receive contributions or make expenditures to bring about the person's nomination, election, or
1532 appointment to a legislative office.

1533 (28) "Major political party" means either of the two registered political parties that
1534 have the greatest number of members elected to the two houses of the Legislature.

1535 (29) "Officeholder" means a person who holds a public office.

1536 (30) "Party committee" means any committee organized by or authorized by the
1537 governing board of a registered political party.

1538 (31) "Person" means both natural and legal persons, including individuals, business
1539 organizations, personal campaign committees, party committees, political action committees,
1540 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1541 (32) "Personal campaign committee" means the committee appointed by a candidate to

1542 act for the candidate as provided in this chapter.

1543 (33) "Personal use expenditure" has the same meaning as provided under Section
1544 [20A-11-104](#).

1545 (34) (a) "Political action committee" means an entity, or any group of individuals or
1546 entities within or outside this state, a major purpose of which is to:

1547 (i) solicit or receive contributions from any other person, group, or entity for political
1548 purposes; or

1549 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1550 vote for or against any candidate or person seeking election to a municipal or county office.

1551 (b) "Political action committee" includes groups affiliated with a registered political
1552 party but not authorized or organized by the governing board of the registered political party
1553 that receive contributions or makes expenditures for political purposes.

1554 (c) "Political action committee" does not mean:

1555 (i) a party committee;

1556 (ii) any entity that provides goods or services to a candidate or committee in the regular
1557 course of its business at the same price that would be provided to the general public;

1558 (iii) an individual;

1559 (iv) individuals who are related and who make contributions from a joint checking
1560 account;

1561 (v) a corporation, except a corporation a major purpose of which is to act as a political
1562 action committee; or

1563 (vi) a personal campaign committee.

1564 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1565 by another person on behalf of and with the knowledge of the reporting entity, to provide
1566 political advice to the reporting entity.

1567 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
1568 where the person:

1569 (i) has already been paid, with money or other consideration;

1570 (ii) expects to be paid in the future, with money or other consideration; or
1571 (iii) understands that the person may, in the discretion of the reporting entity or another
1572 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1573 money or other consideration.

1574 (36) "Political convention" means a county or state political convention held by a
1575 registered political party to select candidates.

1576 (37) (a) "Political issues committee" means an entity, or any group of individuals or
1577 entities within or outside this state, a major purpose of which is to:

1578 (i) solicit or receive donations from any other person, group, or entity to assist in
1579 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1580 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1581 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1582 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1583 proposed ballot proposition or an incorporation in an incorporation election; or

1584 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1585 ballot or to assist in keeping a ballot proposition off the ballot.

1586 (b) "Political issues committee" does not mean:

1587 (i) a registered political party or a party committee;

1588 (ii) any entity that provides goods or services to an individual or committee in the
1589 regular course of its business at the same price that would be provided to the general public;

1590 (iii) an individual;

1591 (iv) individuals who are related and who make contributions from a joint checking
1592 account;

1593 (v) a corporation, except a corporation a major purpose of which is to act as a political
1594 issues committee; or

1595 (vi) a group of individuals who:

1596 (A) associate together for the purpose of challenging or supporting a single ballot
1597 proposition, ordinance, or other governmental action by a county, city, town, local district,

1598 special service district, or other local political subdivision of the state;

1599 (B) have a common liberty, property, or financial interest that is directly impacted by
1600 the ballot proposition, ordinance, or other governmental action;

1601 (C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A),
1602 via a legal entity;

1603 (D) do not receive funds for challenging or supporting the ballot proposition,
1604 ordinance, or other governmental action from a person other than an individual in the group;
1605 and

1606 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
1607 (37)(b)(vi)(A).

1608 (38) (a) "Political issues contribution" means any of the following:

1609 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1610 anything of value given to a political issues committee;

1611 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1612 issues donation to influence the approval or defeat of any ballot proposition;

1613 (iii) any transfer of funds received by a political issues committee from a reporting
1614 entity;

1615 (iv) compensation paid by another reporting entity for personal services rendered
1616 without charge to a political issues committee; and

1617 (v) goods or services provided to or for the benefit of a political issues committee at
1618 less than fair market value.

1619 (b) "Political issues contribution" does not include:

1620 (i) services provided without compensation by individuals volunteering a portion or all
1621 of their time on behalf of a political issues committee; or

1622 (ii) money lent to a political issues committee by a financial institution in the ordinary
1623 course of business.

1624 (39) (a) "Political issues expenditure" means any of the following when made by a
1625 political issues committee or on behalf of a political issues committee by an agent of the

1626 reporting entity:

1627 (i) any payment from political issues contributions made for the purpose of influencing

1628 the approval or the defeat of:

1629 (A) a ballot proposition; or

1630 (B) an incorporation petition or incorporation election;

1631 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for

1632 the express purpose of influencing the approval or the defeat of:

1633 (A) a ballot proposition; or

1634 (B) an incorporation petition or incorporation election;

1635 (iii) an express, legally enforceable contract, promise, or agreement to make any

1636 political issues expenditure;

1637 (iv) compensation paid by a reporting entity for personal services rendered by a person

1638 without charge to a political issues committee; or

1639 (v) goods or services provided to or for the benefit of another reporting entity at less

1640 than fair market value.

1641 (b) "Political issues expenditure" does not include:

1642 (i) services provided without compensation by individuals volunteering a portion or all

1643 of their time on behalf of a political issues committee; or

1644 (ii) money lent to a political issues committee by a financial institution in the ordinary

1645 course of business.

1646 (40) "Political purposes" means an act done with the intent or in a way to influence or

1647 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or

1648 against any:

1649 (a) candidate or a person seeking a municipal or county office at any caucus, political

1650 convention, or election; or

1651 (b) judge standing for retention at any election.

1652 (41) (a) "Poll" means the survey of a person regarding the person's opinion or

1653 knowledge of an individual who has filed a declaration of candidacy for public office, or of a

1654 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1655 person or by telephone, facsimile, Internet, postal mail, or email.

1656 (b) "Poll" does not include:

1657 (i) a ballot; or

1658 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1659 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1660 (B) all individuals in the focus group are present during the interview.

1661 (42) "Primary election" means any regular primary election held under the election
1662 laws.

1663 (43) "Publicly identified class of individuals" means a group of 50 or more individuals
1664 sharing a common occupation, interest, or association that contribute to a political action
1665 committee or political issues committee and whose names can be obtained by contacting the
1666 political action committee or political issues committee upon whose financial statement the
1667 individuals are listed.

1668 (44) "Public office" means the office of governor, lieutenant governor, state auditor,
1669 state treasurer, attorney general, state school board member, state senator, state representative,
1670 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
1671 assistant whip of any party caucus in either house of the Legislature.

1672 (45) (a) "Public service assistance" means the following when given or provided to an
1673 officeholder to defray the costs of functioning in a public office or aid the officeholder to
1674 communicate with the officeholder's constituents:

1675 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
1676 money or anything of value to an officeholder; or

1677 (ii) goods or services provided at less than fair market value to or for the benefit of the
1678 officeholder.

1679 (b) "Public service assistance" does not include:

1680 (i) anything provided by the state;

1681 (ii) services provided without compensation by individuals volunteering a portion or all

1682 of their time on behalf of an officeholder;

1683 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1684 business;

1685 (iv) news coverage or any publication by the news media; or

1686 (v) any article, story, or other coverage as part of any regular publication of any
1687 organization unless substantially all the publication is devoted to information about the
1688 officeholder.

1689 (46) "Receipts" means contributions and public service assistance.

1690 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
1691 Lobbyist Disclosure and Regulation Act.

1692 (48) "Registered political action committee" means any political action committee that
1693 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1694 Governor.

1695 (49) "Registered political issues committee" means any political issues committee that
1696 is required by this chapter to file a statement of organization with the Office of the Lieutenant
1697 Governor.

1698 (50) "Registered political party" means an organization of voters that:

1699 (a) participated in the last regular general election and polled a total vote equal to 2%
1700 or more of the total votes cast for all candidates for the United States House of Representatives
1701 for any of its candidates for any office; or

1702 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1703 Party Formation and Procedures.

1704 (51) (a) "Remuneration" means a payment:

1705 (i) made to a legislator for the period the Legislature is in session; and

1706 (ii) that is approximately equivalent to an amount a legislator would have earned
1707 during the period the Legislature is in session in the legislator's ordinary course of business.

1708 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1709 (i) the legislator's primary employer in the ordinary course of business; or

1710 (ii) a person or entity in the ordinary course of business:

1711 (A) because of the legislator's ownership interest in the entity; or

1712 (B) for services rendered by the legislator on behalf of the person or entity.

1713 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
1714 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
1715 action committee, a political issues committee, a corporation, or a labor organization, as
1716 defined in Section 20A-11-1501.

1717 (53) "School board office" means the office of state school board.

1718 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or
1719 intangible asset that comprises the contribution.

1720 (b) "Source" means, for political action committees and corporations, the political
1721 action committee and the corporation as entities, not the contributors to the political action
1722 committee or the owners or shareholders of the corporation.

1723 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
1724 state auditor, and state treasurer.

1725 (56) "State office candidate" means a person who:

1726 (a) files a declaration of candidacy for a state office; or

1727 (b) receives contributions, makes expenditures, or gives consent for any other person to
1728 receive contributions or make expenditures to bring about the person's nomination, election, or
1729 appointment to a state office.

1730 (57) "Summary report" means the year end report containing the summary of a
1731 reporting entity's contributions and expenditures.

1732 (58) "Supervisory board" means the individual or group of individuals that allocate
1733 expenditures from a political issues committee.

1734 Section 29. Section 63I-2-210 is amended to read:

1735 **63I-2-210. Repeal dates -- Title 10.**

1736 [~~(1) On July 1, 2018, the following are repealed:~~]

1737 [~~(a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";~~]

1738 [~~(b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";~~]
 1739 [~~(c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";~~]
 1740 [~~(d) Section 10-2a-302;~~]
 1741 [~~(e) Subsection 10-2a-302.5(2)(a);~~]
 1742 [~~(f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";~~]
 1743 [~~(g) in Subsection 10-2a-303(4), the language that states "10-2a-302(7)(b)(v) or" and~~
 1744 ~~"10-2a-302(7)(b)(iv) or";~~]
 1745 [~~(h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and~~]
 1746 [~~(i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection~~
 1747 ~~10-2a-302(5) or".~~]

1748 [(2)] (1) Subsection 10-9a-304(2) is repealed June 1, 2020.

1749 [(3)] (2) When repealing Subsection 10-9a-304(2), the Office of Legislative Research
 1750 and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3),
 1751 make necessary changes to subsection numbering and cross references.

1752 Section 30. Section 67-1a-2 is amended to read:

67-1a-2. Duties enumerated.

1754 (1) The lieutenant governor shall:
 1755 (a) perform duties delegated by the governor, including assignments to serve in any of
 1756 the following capacities:

1757 (i) as the head of any one department, if so qualified, with the consent of the Senate,
 1758 and, upon appointment at the pleasure of the governor and without additional compensation;

1759 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
 1760 law for the purpose of advising the governor or coordinating intergovernmental or
 1761 interdepartmental policies or programs;

1762 (iii) as liaison between the governor and the state Legislature to coordinate and
 1763 facilitate the governor's programs and budget requests;

1764 (iv) as liaison between the governor and other officials of local, state, federal, and
 1765 international governments or any other political entities to coordinate, facilitate, and protect the

1766 interests of the state;

1767 (v) as personal advisor to the governor, including advice on policies, programs,
1768 administrative and personnel matters, and fiscal or budgetary matters; and

1769 (vi) as chairperson or member of any temporary or permanent boards, councils,
1770 commissions, committees, task forces, or other group appointed by the governor;

1771 (b) serve on all boards and commissions in lieu of the governor, whenever so
1772 designated by the governor;

1773 (c) serve as the chief election officer of the state as required by Subsection (2);

1774 (d) keep custody of the Great Seal of Utah;

1775 (e) keep a register of, and attest, the official acts of the governor;

1776 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1777 which the official signature of the governor is required; and

1778 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1779 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1780 it and pays the fee.

1781 (2) (a) As the chief election officer, the lieutenant governor shall:

1782 (i) exercise general supervisory authority over all elections;

1783 (ii) exercise direct authority over the conduct of elections for federal, state, and
1784 multicounty officers and statewide or multicounty ballot propositions and any recounts
1785 involving those races;

1786 (iii) assist county clerks in unifying the election ballot;

1787 (iv) (A) prepare election information for the public as required by statute and as
1788 determined appropriate by the lieutenant governor; and

1789 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
1790 news media on the Internet and in other forms as required by statute or as determined
1791 appropriate by the lieutenant governor;

1792 (v) receive and answer election questions and maintain an election file on opinions
1793 received from the attorney general;

1794 (vi) maintain a current list of registered political parties as defined in Section
1795 20A-8-101;

1796 (vii) maintain election returns and statistics;

1797 (viii) certify to the governor the names of those persons who have received the highest
1798 number of votes for any office;

1799 (ix) ensure that all voting equipment purchased by the state complies with the
1800 requirements of Subsection 20A-5-302(2) and Sections 20A-5-802 and 20A-5-803;

1801 (x) conduct the study described in Section 67-1a-14;

1802 (xi) during a declared emergency, to the extent that the lieutenant governor determines
1803 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location
1804 relating to:

1805 (A) voting on election day;

1806 (B) early voting;

1807 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1808 (D) the counting of an absentee ballot or military-overseas ballot; or

1809 (E) the canvassing of election returns; and

1810 (xii) perform other election duties as provided in Title 20A, Election Code.

1811 (b) As chief election officer, the lieutenant governor may not assume the
1812 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
1813 officials by Title 20A, Election Code.

1814 (3) (a) The lieutenant governor shall:

1815 (i) determine a new [city's] municipality's classification under Section 10-2-301 upon
1816 the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a [City]
1817 Municipality, based on the [city's] municipality's population using the population estimate from
1818 the Utah Population Committee; and

1819 (ii) (A) prepare a certificate indicating the class in which the new [city] municipality
1820 belongs based on the [city's] municipality's population; and

1821 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1822 [city's] municipality's legislative body.

1823 (b) The lieutenant governor shall:

1824 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1825 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
1826 Consolidation of Municipalities, using population information from:

1827 (A) each official census or census estimate of the United States Bureau of the Census;

1828 or

1829 (B) the population estimate from the Utah Population Committee, if the population of a
1830 municipality is not available from the United States Bureau of the Census; and

1831 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
1832 belongs based on the municipality's population; and

1833 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1834 consolidated municipality's legislative body.

1835 (c) The lieutenant governor shall:

1836 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1837 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1838 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1839 2015, based on the metro township's population using the population estimates from the Utah
1840 Population Committee; and

1841 (ii) prepare a certificate indicating the class in which the new metro township belongs
1842 based on the metro township's population and, within 10 days after preparing the certificate,
1843 deliver a copy of the certificate to the metro township's legislative body.

1844 (d) The lieutenant governor shall monitor the population of each municipality using
1845 population information from:

1846 (i) each official census or census estimate of the United States Bureau of the Census; or

1847 (ii) the population estimate from the Utah Population Committee, if the population of a
1848 municipality is not available from the United States Bureau of the Census.

1849 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a

1850 municipality's population has increased beyond the population for its current class, the
1851 lieutenant governor shall:

1852 (i) prepare a certificate indicating the class in which the municipality belongs based on
1853 the increased population figure; and

1854 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1855 legislative body of the municipality whose class has changed.

1856 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1857 municipality's population has decreased below the population for its current class, the
1858 lieutenant governor shall send written notification of that fact to the municipality's legislative
1859 body.

1860 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1861 population has decreased below the population for its current class, the lieutenant governor
1862 shall:

1863 (A) prepare a certificate indicating the class in which the municipality belongs based
1864 on the decreased population figure; and

1865 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1866 legislative body of the municipality whose class has changed.

1867 **Section 31. Repealer.**

1868 This bill repeals:

1869 Section 10-2a-221, **Incorporation petition or feasibility study before May 8, 2012.**

1870 Section 10-2a-301, **Title.**

1871 Section 10-2a-302.5, **Incorporation of a town -- Petition.**

1872 Section 10-2a-303, **Incorporation of a town -- Public hearing on feasibility.**

1873 Section 10-2a-304, **Incorporation of a town -- Election to incorporate -- Ballot**
1874 **form.**

1875 Section 10-2a-305, **Form of government -- Determination of council officer terms --**
1876 **Hearings and notice.**

1877 Section 10-2a-305.1, **Notice of number of council members to be elected and of**

1878 **district boundaries -- Declaration of candidacy for city office -- Occupation of office.**

1879 Section **10-2a-305.2**, Election of officers of new town -- Primary and final election
1880 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1881 Section **10-2a-306**, Notice to lieutenant governor -- Effective date of incorporation
1882 **-- Effect of recording documents.**

1883 Section **10-2a-307**, Costs of town incorporation -- Fees established by lieutenant
1884 **governor.**

1885 Section 32. **Appropriation.**

1886 The following sums of money are appropriated for the fiscal year beginning July 1,
1887 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
1888 fiscal year 2020. The Legislature has reviewed the following expendable funds. The Legislature
1889 authorizes the State Division of Finance to transfer amounts between funds and accounts as
1890 indicated. Outlays and expenditures from the funds or accounts to which the money is
1891 transferred may be made without further legislative action, in accordance with statutory
1892 provisions relating to the funds or accounts.

1893 ITEM 1

1894 To the Municipal Incorporation Expendable Special Revenue Fund

1895 From General Fund, One-time \$40,000

1896 Schedule of Programs:

1897 Municipal Incorporation Expendable

1898 Special Revenue Fund \$40,000

1899 Section 33. **Revisor instructions.**

1900 The Legislature intends that the Office of Legislative Research and General Counsel, in
1901 preparing the Utah Code database for publication, replace the reference in Subsection
1902 10-2a-106(3), from "this bill" to the bill's designated chapter number in the Laws of Utah.

1903 Section 34. **Coordinating S.B. 35 with S.B. 33 -- Substantive and technical**
1904 **amendments.**

1905 If this S.B. 35 and S.B. 33, Political Procedures Amendments, both pass and become

1906 law, it is the intent of the Legislature that the Office of Legislative Research and General
 1907 Counsel shall prepare the Utah Code database for publication, as follows:

1908 (1) Subsection [10-2a-207\(3\)](#) is amended to read:

1909 ~~"(3) [(a)-(i)]~~ The lieutenant governor shall publish notice of the public hearings
 1910 ~~[required under]~~ described in Subsection (1):

1911 ~~[(A)]~~ (a) (i) at least once a week for three ~~[successive]~~ consecutive weeks before the
 1912 first public hearing in a newspaper of general circulation within the proposed ~~[city]~~
 1913 municipality; [and]

1914 (ii) if there is no newspaper of general circulation in the proposed municipality, at least
 1915 three weeks before the day of the first public hearing, by posting one notice, and at least one
 1916 additional notice per 2,000 population of the proposed municipality, in places within the
 1917 proposed municipality that are most likely to give notice to the residents within, and the owners
 1918 of real property located within, the proposed municipality; or

1919 (iii) at least three weeks before the first public hearing, by mailing notice to each
 1920 residence within, and each owner of real property located within, the proposed municipality;

1921 ~~[(B)]~~ (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three
 1922 weeks~~[-]~~ before the day of the first public hearing;

1923 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the first
 1924 public hearing; and

1925 (d) on the lieutenant governor's website for three weeks before the day of the first
 1926 public hearing.

1927 ~~[(ii)]~~ (4) The last ~~[publication of]~~ notice required to be published under Subsection
 1928 (3)(a)(i)~~[(A)]~~ shall be at least three days before the first public hearing required under
 1929 Subsection (1).

1930 ~~[(b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation~~
 1931 ~~within the proposed city, the lieutenant governor shall post at least one notice of the hearings~~
 1932 ~~per 1,000 population in conspicuous places within the proposed city that are most likely to give~~
 1933 ~~notice of the hearings to the residents of the proposed city.]~~

1934 ~~[(ii) The lieutenant governor shall post the notices under Subsection (3)(b)(i) at least~~
 1935 ~~seven days before the first hearing under Subsection (1).]~~

1936 ~~[(c) The notice under Subsections (3)(a) and (b)]~~

1937 (5) (a) Except as provided in Subsection (5)(b), the notice described in Subsection (3)
 1938 shall include the feasibility study summary [under] described in Subsection
 1939 10-2a-205(3)[(b)](c) and shall indicate that a full copy of the study is available [for inspection
 1940 and copying] on the lieutenant governor's website and for inspection at the Office of the
 1941 Lieutenant Governor.

1942 ~~[(d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant~~
 1943 ~~governor's website and make a copy available for public review at the Office of the Lieutenant~~
 1944 ~~Governor.]~~

1945 (b) Instead of publishing the feasibility summary under Subsection (5)(a), the
 1946 lieutenant governor may publish a statement that specifies the following sources where a
 1947 resident within, or the owner of real property located within, the proposed municipality, may
 1948 view or obtain a copy of the feasibility study:

1949 (i) the lieutenant governor's website;

1950 (ii) the physical address of the Office of the Lieutenant Governor; and

1951 (iii) a mailing address and telephone number.";

1952 (2) Subsections 10-2a-210(2) and (3) are amended to read:

1953 "(2) [(a)] The county clerk shall publish notice of the election:

1954 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
 1955 at least once a week for three successive weeks[; and] before the election;

1956 (ii) if there is no newspaper of general circulation in the area proposed to be
 1957 incorporated, at least three weeks before the day of the election, by posting one notice, and at
 1958 least one additional notice per 2,000 population of the area proposed to be incorporated, in
 1959 places within the area proposed to be incorporated that are most likely to give notice to the
 1960 voters within the area proposed to be incorporated; or

1961 (iii) at least three weeks before the day of the election, by mailing notice to each

1962 registered voter in the area proposed to be incorporated;

1963 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
 1964 before the day of the election;

1965 [(ii)] (c) in accordance with Section 45-1-101, for three weeks[-] before the day of the
 1966 election; and

1967 (d) on the county's website for three weeks before the day of the election.

1968 [(b)] (3) (a) The notice required by Subsection (2)[(a)] shall contain:

1969 (i) a statement of the contents of the petition;

1970 (ii) a description of the area proposed to be incorporated as a [city] municipality;

1971 (iii) a statement of the date and time of the election and the location of polling places;

1972 and

1973 (iv) except as provided in Subsection (3)(c), the feasibility study summary [under]
 1974 described in Subsection 10-2a-205(3)[(b)](c) and a statement that a full copy of the study is
 1975 available on the lieutenant governor's website and for inspection [and copying] at the Office of
 1976 the Lieutenant Governor.

1977 [(c)] (b) The last [publication of] notice required to be published under Subsection
 1978 (2)(a)(i) shall [occur] be published at least one day, but no more than seven days, before the
 1979 day of the election.

1980 [(d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
 1981 circulation within the proposed city, the county clerk shall post at least one notice of the
 1982 election per 1,000 population in conspicuous places within the proposed city that are most
 1983 likely to give notice of the election to the voters of the proposed city.]

1984 [(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days
 1985 before the election under Subsection (1).]

1986 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the
 1987 notice may include a statement that specifies the following sources where a registered voter in
 1988 area proposed to be incorporated may view or obtain a copy the feasibility study:

1989 (i) the lieutenant governor's website;

1990 (ii) the physical address of the Office of the Lieutenant Governor; and

1991 (iii) a mailing address and telephone number.

1992 (4) An individual may not vote in an incorporation election under this section unless
 1993 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
 1994 boundaries of the proposed municipality.

1995 ~~[(3)]~~ (5) If a majority of those [casting votes within the area boundaries of the proposed
 1996 city vote to incorporate as a city,] who vote in an incorporation election held under this section
 1997 cast votes in favor of incorporation, the area shall incorporate.";

1998 (3) Subsections 10-2a-213(2) and (3) are amended to read:

1999 ~~[(2)(a)]~~ (3) Before making a determination under Subsection (1)(a)[, (b), or (c)] or
 2000 (b)(i), the petition sponsors shall hold a public hearing within the future [city] municipality on
 2001 the applicable issues [under] described in Subsections (1)(a)[, (b), and (c)] and (b)(i).

2002 ~~[(b)(i)]~~ (4) The petition sponsors shall publish notice of the public hearing [under]
 2003 described in Subsection [(2)(a)] (3):

2004 ~~[(A)]~~ (a) (i) in a newspaper of general circulation within the future [city] municipality
 2005 at least once a week for two successive weeks before the public hearing; [and]

2006 (ii) if there is no newspaper of general circulation in the future municipality, at least
 2007 two weeks before the day of the public hearing, by posting one notice, and at least one
 2008 additional notice per 2,000 population of the future municipality, in places within the future
 2009 municipality that are most likely to give notice to the residents within, and the owners of real
 2010 property located within, the future municipality; or

2011 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
 2012 residence within, and each owner of real property located within, the future municipality;

2013 ~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two
 2014 weeks before the day of the public hearing[-];

2015 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the
 2016 public hearing; and

2017 (d) on the county's website for two weeks before the day of the public hearing.

2018 [(ii)] (5) The last [~~publication of~~] notice required to be published under Subsection
 2019 [(2)(b)(i)(A)] (4)(a)(i) shall be published at least three days before the day of the public hearing
 2020 [~~under~~] described in Subsection [(2)(a)] (3).

2021 [(c) (i) ~~In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general~~
 2022 ~~circulation within the future city, the petition sponsors shall post at least one notice of the~~
 2023 ~~hearing per 1,000 population in conspicuous places within the future city that are most likely to~~
 2024 ~~give notice of the hearing to the residents of the future city.]~~

2025 [(ii) ~~The petition sponsors shall post the notices under Subsection (2)(c)(i) at least~~
 2026 ~~seven days before the hearing under Subsection (2)(a).]";~~

2027 (4) Section 10-2a-214 is amended to read:

2028 "**10-2a-214. Notice of number of commission or council members to be elected and**
 2029 **of district boundaries -- Declaration of candidacy for city office.**

2030 (1) [(a)] Within 20 days [~~of the county legislative body's receipt of the information]~~
 2031 after the day on which a county legislative body receives the petition sponsors' determination
 2032 under Subsection 10-2a-213(1)[(d)](b)(ii), the county clerk shall publish, in accordance with
 2033 Subsection [(1)(b)] (2), notice containing:

2034 [(i)] (a) the number of [~~commission or~~] municipal council members to be elected for
 2035 the new [~~city~~] municipality;

2036 [(ii)] (b) except as provided in Subsection (3), if some or all of the [~~commission or~~
 2037 municipal council members are to be elected by district, a description of the boundaries of
 2038 those districts [~~as designated by the petition sponsors under Subsection 10-2a-213(1)(b)]~~;

2039 [(iii)] (c) information about the deadline for [~~filing~~] an individual to file a declaration
 2040 of candidacy [~~for those seeking to become candidates]~~ to become a candidate for mayor or [~~city~~
 2041 ~~commission or~~] municipal council; and

2042 [(iv)] (d) information about the length of the initial term of each of the [~~city officers, as~~
 2043 ~~determined by the petition sponsors under Subsection 10-2a-213(1)(c)] municipal officers.~~

2044 [(b)] (2) The county clerk shall publish the notice [~~under~~] described in Subsection
 2045 (1)[(a) ~~shall be published~~]:

2046 (a) (i) in a newspaper of general circulation within the future [city] at least once a week
2047 for two [successive] consecutive weeks; [and]

2048 (ii) if there is no newspaper of general circulation in the future municipality, by posting
2049 one notice, and at least one additional notice per 2,000 population of the future municipality, in
2050 places within the future municipality that are most likely to give notice to the residents in the
2051 future municipality; or

2052 (iii) by mailing notice to each residence in the future municipality;

2053 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;

2054 [(ii)] (c) in accordance with Section 45-1-101, for two weeks[-]; and

2055 (d) on the county's website for two weeks.

2056 [~~(c)(i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general~~
2057 ~~circulation within the future city, the county clerk shall post at least one notice per 1,000~~
2058 ~~population in conspicuous places within the future city that are most likely to give notice to the~~
2059 ~~residents of the future city.]~~

2060 [~~(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~
2061 ~~Subsection (1)(a).]~~

2062 [~~(iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least~~
2063 ~~seven days before the deadline for filing a declaration of candidacy under Subsection (2).]~~

2064 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
2065 notice may include a statement that specifies the following sources where a resident of the
2066 future municipality may view or obtain a copy the district:

2067 (a) the county website;

2068 (b) the physical address of the county offices; and

2069 (c) a mailing address and telephone number.

2070 [(2)] (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to
2071 become a candidate for mayor or [~~city commission or~~] municipal council of a [city]
2072 municipality incorporating under this part shall file a declaration of candidacy with the clerk of
2073 the county in which the future [city] municipality is located and in accordance with [the

2074 ~~deadlines set by the clerk as authorized by Section 10-2a-215];~~
2075 (a) for an incorporation held on the date of a regular general election, the deadlines for
2076 filing a declaration of candidacy under Section 20A-9-202; or
2077 (b) for an incorporation held on the date of a municipal general election, the deadlines
2078 for filing a declaration of candidacy under Section 20A-9-203."; and
2079 (5) Subsections 10-2a-215(5) and (6) are amended to read:
2080 "(5) [(a)-(i)] The county clerk shall publish notice of an election under this section:
2081 [(A)] (a) (i) in accordance with Subsection (6), at least once a week for two
2082 [successive] consecutive weeks before the election in a newspaper of general circulation within
2083 the future [city] municipality; [and]
2084 (ii) if there is no newspaper of general circulation in the future municipality, at least
2085 two weeks before the day of the election, by posting one notice, and at least one additional
2086 notice per 2,000 population of the future municipality, in places within the future municipality
2087 that are most likely to give notice to the voters within the future municipality; or
2088 (iii) at least two weeks before the day of the election, by mailing notice to each
2089 registered voter within the future municipality;
2090 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
2091 before the day of the election;
2092 [(B)] (c) in accordance with Section 45-1-101, for two weeks[:] before the day of the
2093 election; and
2094 (d) on the county's website for two weeks before the day of the election.
2095 [(ii)] (6) The [later] last notice required to be published under Subsection (5)(a)(i) shall
2096 be published at least one day but no more than seven days before the day of the election.
2097 [(b)-(i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general
2098 circulation within the future city, the county clerk shall post at least one notice of the election
2099 per 1,000 population in conspicuous places within the future city that are most likely to give
2100 notice of the election to the voters.]
2101 [(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven

2102 ~~days before each election under Subsection (1):]~~
2103 ~~[(6)(a)]~~ (7) Until the [city] municipality is incorporated, the county clerk:
2104 ~~[(i)]~~ (a) is the election officer for all purposes ~~[in an election of officers of the city~~
2105 ~~approved at an incorporation election; and]~~ related to the election of municipal officers;
2106 ~~[(ii)]~~ (b) may, as necessary, determine appropriate deadlines, procedures, and
2107 instructions related to the election of municipal officers for a new municipality that are not
2108 otherwise contrary to law[-];
2109 ~~[(b)]~~ (c) ~~[The county clerk]~~ shall require and determine deadlines for ~~[the filing of]~~
2110 municipal office candidates to file campaign financial disclosures ~~[of city officer candidates]~~ in
2111 accordance with Section 10-3-208[-]; and
2112 ~~[(c)]~~ ~~The county clerk is responsible to ensure that:]~~
2113 ~~[(i)]~~ ~~a primary or final election for the officials of a newly incorporated city is held on a~~
2114 ~~date authorized by this section; and]~~
2115 ~~[(ii)]~~ (d) shall ensure that the ballot for the election includes each office that is required
2116 to be included in the election for officers of the newly incorporated ~~[city and]~~ municipality,
2117 including the term of each office."