

1 LOCAL BOARDS AND COUNCILS STRUCTURE

2 AMENDMENTS

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Jeffrey D. Stenquist

6 Senate Sponsor: \_\_\_\_\_

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8 LONG TITLE

9 General Description:

10 This bill requires a certain minimum number of members of local government boards,  
11 councils, and commissions to be elected at-large.

12 Highlighted Provisions:

13 This bill:

- 14 ▶ requires a certain minimum number of members of municipal, county, limited
- 15 purpose local government entity, and local school district boards, councils, and
- 16 commissions to be elected at-large;
- 17 ▶ amends references regarding local elections by district; and
- 18 ▶ makes technical and conforming changes.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 None

23 Utah Code Sections Affected:

24 AMENDS:

25 10-2a-211, as renumbered and amended by Laws of Utah 2015, Chapter 352

26 10-2a-213, as renumbered and amended by Laws of Utah 2015, Chapter 352

27 10-2a-214, as last amended by Laws of Utah 2017, Chapter 91



- 28 [10-2a-410](#), as last amended by Laws of Utah 2017, Chapter 158
- 29 [10-3-205.5](#), as last amended by Laws of Utah 2016, Chapter 14
- 30 [10-3b-603](#), as enacted by Laws of Utah 2015, Chapter 352
- 31 [11-58-302](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 32 [17-52a-201](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 33 [17-52a-202](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 34 [17-52a-203](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 35 [17-52a-204](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 36 [17-52a-404](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
- 37 [17B-1-306.5](#), as last amended by Laws of Utah 2014, Chapter 377
- 38 [17B-2a-404](#), as last amended by Laws of Utah 2018, Chapter 112
- 39 [17B-2a-504](#), as enacted by Laws of Utah 2007, Chapter 329
- 40 [17B-2a-505](#), as enacted by Laws of Utah 2007, Chapter 329
- 41 [20A-14-201](#), as last amended by Laws of Utah 2011, Chapter 297
- 42 [20A-14-202](#), as last amended by Laws of Utah 2016, Chapter 144

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

45 Section 1. Section **10-2a-211** is amended to read:

46 **10-2a-211. Ballot used at the incorporation election.**

47 (1) The ballot at the incorporation election under Subsection [10-2a-210](#)(1) shall pose  
 48 the incorporation question substantially as follows:

49 "Shall the area described as (insert a description of the proposed city) be incorporated  
 50 as the city of (insert the proposed name of the proposed city)?"

51 (2) The ballot shall provide a space for the voter to answer yes or no to the question in  
 52 Subsection (1).

53 (3) (a) The ballot at the incorporation election shall also pose the question relating to  
 54 the form of government substantially as follows:

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

57 Five-member council form

58 Six-member council form

59 Five-member council-mayor form  
60 Seven-member council-mayor form."

61 (b) The ballot shall provide a space for the voter to vote for one form of government.

62 (4) (a) The ballot at the incorporation election shall also pose the question of whether  
63 to elect a portion of the city council members by district, in accordance with Subsection  
64 10-3-205.5(2), substantially as follows:

65 If the above incorporation proposal passes, shall a portion of the members of the city  
66 council of (insert the name of the proposed city) be elected by district?

67 (b) The ballot shall provide a space for the voter to answer yes or no to the question in  
68 Subsection (4)(a).

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

70 **10-2a-213. Determination of number of council members -- Determination of**  
71 **election districts -- Hearings and notice.**

72 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of  
73 the canvass of the election under Section 10-2a-210:

74 (a) if the voters at the incorporation election choose the council-mayor form of  
75 government, determine the number of council members that will constitute the council of the  
76 future city;

77 (b) if the voters at the incorporation election vote to elect a portion of the council  
78 members by district<sup>[;]</sup>:

79 (i) determine the number of council members to be elected by district [~~and~~] in  
80 accordance with Subsection 10-3-205.5(2);

81 (ii) draw the boundaries of [~~those districts, which shall be~~] the districts described in  
82 Subsection (1)(b)(i); and

83 (iii) ensure that the boundaries described in Subsection (1)(b)(ii) are substantially equal  
84 in population;

85 (c) determine the initial terms of the mayor and members of the city council so that:

86 (i) the mayor and approximately half the members of the city council are elected to  
87 serve an initial term, of no less than one year, that allows [~~their~~] subsequently elected  
88 successors to serve a full four-year term that coincides with the schedule established in  
89 Subsection 10-3-205(1); and

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

93 (d) submit in writing to the county legislative body the results of the sponsors'  
94 determinations under Subsections (1)(a), (b), and (c).

95 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition  
96 sponsors shall hold a public hearing within the future city on the applicable issues under  
97 Subsections (1)(a), (b), and (c).

98 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection  
99 (2)(a):

100 (A) in a newspaper of general circulation within the future city at least once a week for  
101 two successive weeks before the hearing; and

102 (B) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
103 before the hearing.

104 (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three  
105 days before the public hearing under Subsection (2)(a).

106 (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general  
107 circulation within the future city, the petition sponsors shall post at least one notice of the  
108 hearing per 1,000 population in conspicuous places within the future city that are most likely to  
109 give notice of the hearing to the residents of the future city.

110 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven  
111 days before the hearing under Subsection (2)(a).

112 Section 3. Section 10-2a-214 is amended to read:

113 **10-2a-214. Notice of number of commission or council members to be elected and**  
114 **of district boundaries -- Declaration of candidacy for city office.**

115 (1) (a) Within 20 days of the county legislative body's receipt of the information under  
116 Subsection 10-2a-213(1)(d), the county clerk shall publish, in accordance with Subsection  
117 (1)(b), notice containing:

118 (i) the number of commission or council members to be elected for the new city and  
119 the district determination in Subsection 10-2a-213(1)(b);

120 (ii) if [~~some or all~~] a portion of the commission or council members are to be elected

121 by district, a description of the boundaries of those districts as designated by the petition  
 122 sponsors under Subsection 10-2a-213(1)(b);

123 (iii) information about the deadline for filing a declaration of candidacy for those  
 124 seeking to become candidates for mayor or city commission or council; and

125 (iv) information about the length of the initial term of each of the city officers, as  
 126 determined by the petition sponsors under Subsection 10-2a-213(1)(c).

127 (b) The notice under Subsection (1)(a) shall be published:

128 (i) in a newspaper of general circulation within the future city at least once a week for  
 129 two successive weeks; and

130 (ii) in accordance with Section 45-1-101 for two weeks.

131 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general  
 132 circulation within the future city, the county clerk shall post at least one notice per 1,000  
 133 population in conspicuous places within the future city that are most likely to give notice to the  
 134 residents of the future city.

135 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under  
 136 Subsection (1)(a).

137 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least  
 138 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

139 (2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a  
 140 candidate for mayor or city commission or council of a city incorporating under this part shall  
 141 file a declaration of candidacy with the clerk of the county in which the future city is located  
 142 and in accordance with the deadlines set by the clerk as authorized by Section 10-2a-215.

143 Section 4. Section 10-2a-410 is amended to read:

144 **10-2a-410. Determination of metro township districts -- Determination of metro**  
 145 **township or city initial officer terms -- Adoption of proposed districts.**

146 (1) (a) If a metro township with a population of 10,000 or more is incorporated in  
 147 accordance with an election held under Section 10-2a-404:

148 (i) two of the five metro township council members shall be elected at-large;

149 [~~(i)~~] (ii) [~~each~~] three of the five metro township council members shall be elected by  
 150 district; and

151 [~~(i)~~] (iii) the boundaries of the [~~five~~] three council districts for election and the terms

152 of office of each of the metro township council members shall be designated and determined in  
153 accordance with this section.

154 (b) If a metro township with a population of less than 10,000 or a town is incorporated  
155 at an election held in accordance with Section 10-2a-404, the five council members shall be  
156 elected at-large for terms as designated and determined in accordance with this section.

157 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

158 (i) (A) one of the four members of the council district who are not the mayor shall be  
159 elected at-large;

160 (B) three of the four members of the council district who are not the mayor shall be  
161 elected by district; and

162 [~~B~~] (C) the boundaries of the [~~four~~] three council districts for election and the [~~term~~]  
163 terms of office of each of the council members shall be designated and determined in  
164 accordance with this section; and

165 (ii) the mayor shall be elected at-large for a term designated and determined in  
166 accordance with this section.

167 (2) (a) No later than 90 days after the election day on which the metro township, city,  
168 or town is successfully incorporated under this part, the legislative body of the county in which  
169 the metro township, city, or town is located shall adopt by resolution:

170 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,  
171 the council terms for a length of time in accordance with this section; and

172 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of  
173 the [~~five~~] council districts, in accordance with Section 10-3-205.5; and

174 (B) for a city, the boundaries of the [~~four~~] council districts, in accordance with Section  
175 10-3-205.5.

176 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
177 initial terms of the members of the metro township council, city council, or town council so  
178 that:

179 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the  
180 council, including the mayor in the case of a city, are elected to serve an initial term, of no less  
181 than one year, that allows [~~their~~] subsequently elected successors to serve a full four-year term  
182 that coincides with the schedule established in Subsection 10-3-205(1); and

183 (B) the remaining members of the council are elected to serve an initial term, of no less  
184 than one year, that allows [~~their~~] subsequently elected successors to serve a full four-year term  
185 that coincides with the schedule established in Subsection 10-3-205(2).

186 (ii) For a city that incorporated in a county of the first class in 2016, the term of office  
187 for the office of mayor is:

188 (A) three years for the initial term of office; and

189 (B) four years for each subsequent term of office.

190 [~~(iii) For a metro township with a population of 10,000 or more, the county legislative~~  
191 ~~body shall divide the metro township into five council districts that comply with Section~~  
192 ~~10-3-205.5;]~~

193 [~~(iv) For a city, the county legislative body shall divide the city into four council~~  
194 ~~districts that comply with Section 10-3-205.5;]~~

195 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under  
196 Subsection (2), the county clerk shall publish, in accordance with Subsection (3)(b), notice  
197 containing:

198 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

199 (A) for a metro township with a population of 10,000 or more, the metro township  
200 council districts; or

201 (B) the city council districts;

202 (ii) information about the deadline for filing a declaration of candidacy for those  
203 seeking to become candidates for metro township council, city council, town council, or city  
204 mayor, respectively; and

205 (iii) information about the length of the initial term of city mayor or each of the metro  
206 township, city, or town council offices, as described in the resolution.

207 (b) The notice under Subsection (3)(a) shall be published:

208 (i) in a newspaper of general circulation within the metro township, city, or town at  
209 least once a week for two successive weeks; and

210 (ii) in accordance with Section 45-1-101 for two weeks.

211 (c) (i) In accordance with Subsection (3)(b)(i), if there is no newspaper of general  
212 circulation within the future metro township, city, or town, the county clerk shall post at least  
213 one notice per 1,000 population in conspicuous places within the future metro township, city,

214 or town that are most likely to give notice to the residents of the future metro township, city, or  
 215 town.

216 (ii) The notice under Subsection (3)(c)(i) shall contain the information required under  
 217 Subsection (3)(a).

218 (iii) The county clerk shall post the notices under Subsection (3)(c)(i) at least seven  
 219 days before the deadline for filing a declaration of candidacy under Subsection (3)(d).

220 (d) A person seeking to become a candidate for metro township, city, or town council  
 221 or city mayor shall, in accordance with Section [20A-9-202](#), file a declaration of candidacy with  
 222 the clerk of the county in which the metro township, city, or town is located for an election  
 223 described in Section [10-2a-411](#).

224 (4) (a) A metro township council member or a city council member who was elected by  
 225 district before May 14, 2019, may serve the remainder of the member's term.

226 (b) No later than August 14, 2019, the county legislative body shall:

227 (i) adopt a resolution to adjust the boundaries of the council districts described in  
 228 Subsection (2)(a) to comply with Subsection (1) and Section [10-3-205.5](#); and

229 (ii) ensure that the next council positions to be elected satisfy the at-large election  
 230 requirement in Subsection (1).

231 Section 5. Section [10-3-205.5](#) is amended to read:

232 **[10-3-205.5. At-large election of officers -- Election of commissioners or council](#)**  
 233 **[members.](#)**

234 (1) Except as provided in Subsection (2), (3), or (4), the officers of each city shall be  
 235 elected in an at-large election held at the time and in the manner provided for electing  
 236 municipal officers.

237 (2) (a) The governing body of a city may by ordinance provide for the election of [~~some~~  
 238 ~~or all~~] a portion of the commissioners or council members, as the case may be, by district, in  
 239 accordance with Subsections (2)(b) and (c), equal in number to the number of commissioners  
 240 or council members elected by district.

241 (b) (i) [~~Each district shall be~~] The governing body of a city shall ensure that each  
 242 district described in Subsection (2)(a) is of substantially equal population as the other districts.

243 (ii) Within six months after the Legislature completes its redistricting process, the  
 244 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make



245 any adjustments in the boundaries of the districts as may be required to maintain districts of  
246 substantially equal population.

247 (c) For a commission or council having any member who is elected by district, the  
248 following number of members shall be elected at-large:

249 (i) in a body of three or four members, at least one;

250 (ii) in a body of five or six members, at least two;

251 (iii) in a body of seven or eight members, at least three;

252 (iv) in a body of nine or ten members, at least four; and

253 (v) in a body of eleven or more members, at least five.

254 (d) If the governing body of a city had provided for the election of some or all  
255 commissioners or council members by district before May 14, 2019:

256 (i) before August 14, 2019, the governing body shall:

257 (A) amend the ordinance providing for election by districts to ensure compliance with  
258 Subsection (2)(c); and

259 (B) structure the council districts so that the next commission or council positions to be  
260 elected satisfy the at-large election requirement in Subsection (2)(c); and

261 (ii) a commission or council member who was elected by district before May 14, 2019,  
262 may serve the remainder of the member's term.

263 (3) (a) The municipal council members of a metro township, as defined in Section  
264 10-2a-403, are elected:

265 (i) for a metro township with a population of 10,000 or more, by district in accordance  
266 with Subsection 10-2a-410(1)(a); or

267 (ii) for a metro township with a population of less than 10,000, at-large in accordance  
268 with Subsection 10-2a-410(1)(b).

269 (b) The council districts in a metro township with a population of 10,000 or more shall  
270 comply with the requirements of Subsections (2)(b)(i) and (ii).

271 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
272 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
273 12, 2015:

274 (i) the council members are elected by district in accordance with Section 10-2a-410;  
275 and

276 (ii) the mayor is elected at-large in accordance with Section 10-2a-410.

277 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
278 requirements of Subsections (2)(b)(i) and (ii).

279 Section 6. Section 10-3b-603 is amended to read:

280 **10-3b-603. Resolution or petition proposing a change in the form of government.**

281 (1) The process to change the form of government under which a municipality operates  
282 is initiated by:

283 (a) the council's adoption of a resolution proposing a change; or

284 (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives  
285 - Procedures, proposing a change.

286 (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the  
287 declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the  
288 council shall hold at least two public hearings on the proposed change.

289 (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on  
290 the proposed change in the form of government at the next municipal general election or  
291 regular general election that is more than 75 days after, as the case may be:

292 (i) a resolution under Subsection (1)(a) is adopted; or

293 (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section  
294 20A-7-507.

295 (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of  
296 government may not be held if:

297 (i) in the case of a proposed change initiated by the council's adoption of a resolution  
298 under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

299 (ii) in the case of a proposed change initiated by a petition under Subsection (1)(b),  
300 enough signatures are withdrawn from the petition within 60 days after the petition is declared  
301 sufficient under Section 20A-7-507 that the petition is no longer sufficient.

302 (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection  
303 (1)(b) shall:

304 (a) state the method of election and initial terms of council members; and

305 (b) specify the boundaries of districts substantially equal in population, if ~~some or all~~  
306 a portion of council members are to be elected by district, in accordance with Section

307 [10-3-205.5](#).

308 (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing  
309 a change to a council-mayor form of government may require that, if the change is adopted, the  
310 mayor appoint, with the council's advice and consent and subject to Section [10-3b-202](#), a chief  
311 administrative officer, to exercise the administrative powers and perform the duties that the  
312 mayor prescribes.

313 Section 7. Section **11-58-302** is amended to read:

314 **11-58-302. Number of board members -- Appointment -- Vacancies.**

315 (1) The authority's board shall consist of 11 members, as provided in Subsection (2).

316 (2) (a) The governor shall appoint two board members, one of whom shall be an  
317 employee or officer of the Governor's Office of Economic Development, created in Section  
318 [63N-1-201](#).

319 (b) The president of the Senate shall appoint one board member.

320 (c) The speaker of the House of Representatives shall appoint one board member.

321 (d) The Salt Lake County mayor shall appoint one board member.

322 (e) The chair of the Permanent Community Impact Fund Board, created in Section  
323 [35A-8-304](#), shall appoint one board member from among the members of the Permanent  
324 Community Impact Fund Board.

325 (f) The chair of the Salt Lake Airport Advisory Board, or the chair's designee, shall  
326 serve as a board member.

327 (g) (i) ~~[The]~~ If a member of the Salt Lake City council [who] is elected by district and  
328 [whose] the member's district includes the Salt Lake City Airport, the member shall serve as a  
329 board member.

330 (ii) If no member of the Salt Lake City council is elected by district for the area that  
331 includes the Salt Lake City Airport, the chair of the Salt Lake City council shall appoint a  
332 member of the Salt Lake City council to serve as a board member.

333 (h) The city manager of West Valley City, with the consent of the city council of West  
334 Valley City, shall appoint one board member.

335 (i) The executive director of the Department of Transportation, appointed under  
336 Section [72-1-202](#), shall serve as a board member.

337 (j) The director of the Salt Lake County office of Regional Economic Development

338 shall serve as a board member.

339 (3) An individual required under Subsection (2) to appoint a board member shall  
340 appoint each initial board member the individual is required to appoint no later than June 1,  
341 2018.

342 (4) (a) A vacancy in the board shall be filled in the same manner under this section as  
343 the appointment of the member whose vacancy is being filled.

344 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of  
345 the member whose vacancy the person is filling.

346 (5) A member of the board appointed by the governor, president of the Senate, or  
347 speaker of the House of Representatives serves at the pleasure of and may be removed and  
348 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker  
349 of the House of Representatives, respectively.

350 (6) The authority may appoint nonvoting members of the board and set terms for those  
351 nonvoting members.

352 (7) Upon a vote of a majority of all board members, the board may appoint a board  
353 chair and any other officer of the board.

354 (8) (a) An individual designated as a board member under Subsection (2)(g), (i), or (j)  
355 who would be precluded from serving as a board member because of Subsection 11-58-304(2):

356 (i) may serve as a board member notwithstanding Subsection 11-58-304(2); and

357 (ii) shall disclose in writing to the board the circumstances that would otherwise have  
358 precluded the individual from serving as a board member under Subsection 11-58-304(2).

359 (b) A written disclosure under Subsection (8)(a)(ii) is a public record under Title 63G,  
360 Chapter 2, Government Records Access and Management Act.

361 (9) The board may appoint one or more advisory committees that may include  
362 individuals from impacted public entities, community organizations, environmental  
363 organizations, business organizations, or other organizations or associations.

364 Section 8. Section 17-52a-201 is amended to read:

365 **17-52a-201. County commission form of government -- Commission member**  
366 **elections.**

367 (1) As used in this section:

368 (a) "Midterm vacancy" means a county commission position that is being filled at an

369 election for less than the position's full term as established in:

370 (i) Subsection (4)(a); or

371 (ii) a county's optional plan under Subsection 17-52a-404(5)(b).

372 (b) "Open position" means a county commission position that is being filled at a

373 regular general election for the position's full term as established in:

374 (i) Subsection (4)(a); or

375 (ii) a county's optional plan under Subsection 17-52a-404(5)(b).

376 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),

377 chosen to conduct county commissioner elections in accordance with Subsection (6).

378 (2) A county commission consisting of three members shall govern each county

379 operating under the county commission form of government.

380 (3) A county commission under a county commission form of government is both the

381 county legislative body and the county executive and has the powers, duties, and functions of a

382 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,

383 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

384 (4) Except as otherwise provided in an optional plan adopted under this chapter:

385 (a) the term of office of each county commission member is four years;

386 (b) the terms of county commission members shall be staggered so that two members

387 are elected at a regular general election date that alternates with the regular general election

388 date of the other member; and

389 (c) each county commission member shall be elected:

390 (i) at large, unless otherwise required by a court order that requires no more than two of

391 the three members to be elected by district; and

392 (ii) subject to the provisions of this section, in accordance with Title 20A, Election

393 Code.

394 (5) Except as provided in Subsection (6):

395 (a) if two county commission positions are vacant for an election, the positions shall be  
396 designated "county commission seat A" and "county commission seat B";

397 (b) each candidate who files a declaration of candidacy when two positions are vacant  
398 shall designate on the declaration of candidacy form whether the candidate is a candidate for  
399 seat A or seat B; and

400 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
401 to two county commission positions in the same election.

402 (6) (a) A county of the first or second class may, through an optional plan as described  
403 in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections  
404 in accordance with this Subsection (6).

405 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk  
406 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
407 designate:

- 408 (i) each open position as "open position"; and
- 409 (ii) each midterm vacancy as "midterm vacancy."

410 (c) An individual who files a declaration of candidacy for the office of county  
411 commissioner in an opt-in county:

412 (i) if there is more than one open position, is not required to indicate which open  
413 position the individual is running for;

414 (ii) if there is at least one open position and at least one midterm vacancy, shall  
415 designate on the declaration of candidacy whether the individual is filing for an open position  
416 or a midterm vacancy; and

417 (iii) may not file a declaration of candidacy for an open position and a midterm  
418 vacancy in the same election.

419 (d) If there is an open position and a midterm vacancy being voted upon in the same  
420 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
421 positions are open positions and which positions are midterm vacancies.

422 (e) In an opt-in county:

423 (i) the candidates for open positions, in a number equal to the number of open  
424 positions, who receive the highest number of votes are:

425 (A) for the purposes of a regular primary election, nominated by the candidates' party  
426 for the open positions; and

427 (B) for the purposes of a regular general election, elected to fill the open positions; and

428 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm  
429 vacancies, who receive the highest number of votes are:

430 (A) for the purposes of a regular primary election, nominated by the candidates' party

431 for the midterm vacancies; and

432 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

433 Section 9. Section **17-52a-202** is amended to read:

434 **17-52a-202. Expanded county commission form of government -- Commission**

435 **member elections.**

436 (1) As used in this section:

437 (a) "Midterm vacancy" means the same as that term is defined in Section [17-52a-201](#).

438 (b) "Open position" means the same as that term is defined in Section [17-52a-201](#).

439 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),

440 chosen to conduct county commissioner elections in accordance with Subsection (6).

441 (2) A county commission consisting of five or seven members shall govern each

442 county operating under an expanded county commission form of government.

443 (3) A county commission under the expanded county commission form of government

444 is both the county legislative body and the county executive and has the powers, duties, and

445 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and

446 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County

447 Executive.

448 (4) Except as otherwise provided in an optional plan adopted under this chapter:

449 (a) the term of office of each county commission member is four years;

450 (b) the terms of county commission members shall be staggered so that approximately

451 half the members are elected at alternating regular general election dates; and

452 (c) each county commission member shall be elected:

453 (i) ~~[at large]~~ at-large, unless otherwise required by a court order that requires no more

454 than three of the five or four of the seven members to be elected by district; and

455 (ii) subject to the provisions of this section, in accordance with Title 20A, Election

456 Code.

457 (5) Except as provided in Subsection (6):

458 (a) if multiple at-large county commission positions are vacant for an election, the

459 positions shall be designated "county commission seat A," "county commission seat B," and so

460 on as necessary for the number of vacant positions;

461 (b) each candidate who files a declaration of candidacy when multiple positions are

462 vacant shall designate the letter of the county commission seat for which the candidate is a  
463 candidate; and

464 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected  
465 to two county commission positions in the same election.

466 (6) (a) A county of the first or second class may, through an optional plan as described  
467 in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections  
468 in accordance with this Subsection (6).

469 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk  
470 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,  
471 designate:

472 (i) each open position as "open position"; and

473 (ii) each midterm vacancy as "midterm vacancy."

474 (c) An individual who files a declaration of candidacy for the office of county  
475 commissioner in an opt-in county:

476 (i) if there is more than one open position, is not required to indicate which open  
477 position the individual is running for;

478 (ii) if there is at least one open position and at least one midterm vacancy, shall  
479 designate on the declaration of candidacy whether the individual is filing for an open position  
480 or a midterm vacancy; and

481 (iii) may not file a declaration of candidacy for an open position and a midterm  
482 vacancy in the same election.

483 (d) If there is an open position and a midterm vacancy being voted upon in the same  
484 election in an opt-in county, the county clerk shall indicate on the ballot for the election which  
485 positions are open positions and which positions are midterm vacancies.

486 (e) In an opt-in county:

487 (i) the candidates for open positions, in a number equal to the number of open  
488 positions, who receive the highest number of votes are:

489 (A) for the purposes of a regular primary election, nominated by the candidates' party  
490 for the open positions; and

491 (B) for the purposes of a regular general election, elected to fill the open positions; and

492 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm



493 vacancies, who receive the highest number of votes are:

494 (A) for the purposes of a regular primary election, nominated by the candidates' party  
495 for the midterm vacancies; and

496 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

497 Section 10. Section **17-52a-203** is amended to read:

498 **17-52a-203. County executive-council form of county government.**

499 (1) (a) The following shall govern a county operating under the form of government  
500 known as the "county executive-council" form:

501 (i) an elected county council[;] that is composed of an odd number of members from  
502 three to nine, in accordance with the optional plan described in Section [17-52a-404](#), and elected  
503 at-large, unless otherwise required by a court order that requires no more than the following to  
504 be elected by district:

505 (A) if the council has three members, two of the three members;

506 (B) if the council has five members, three of the five members;

507 (C) if the council has seven members, four of the seven members; and

508 (D) if the council has nine members, five of the nine members;

509 (ii) an elected county executive; and

510 (iii) other officers and employees authorized by law.

511 (b) The optional plan shall provide for the qualifications, time, and manner of election,  
512 term of office and compensation of the county executive.

513 (2) The county executive is the chief executive officer or body of the county.

514 (3) In the county executive-council form of county government:

515 (a) the county council is the county legislative body and has the powers, duties, and  
516 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and

517 (b) the county executive has the powers, duties, and functions of a county executive  
518 under Chapter 53, Part 3, County Executive.

519 (4) References in any statute or state rule to the "governing body" or the "board of  
520 county commissioners" of the county, in the county executive-council form of county  
521 government, means:

522 (a) the county council, with respect to legislative functions, duties, and powers; and

523 (b) the county executive, with respect to executive functions, duties, and powers.

524 Section 11. Section **17-52a-204** is amended to read:

525 **17-52a-204. Council-manager form of county government.**

526 (1) (a) The following shall govern a county operating under the form of government  
527 known as the "council-manager" form:

528 (i) an elected county council[;] that is composed of an odd number of members from  
529 three to nine, in accordance with the optional plan described in Section 17-52a-404, and elected  
530 at-large, unless otherwise required by a court order that requires no more than the following to  
531 be elected by district:

532 (A) if the council has three members, two of the three members;

533 (B) if the council has five members, three of the five members;

534 (C) if the council has seven members, four of the seven members; and

535 (D) if the council has nine members, five of the nine members;

536 (ii) a county manager appointed by the council; and

537 (iii) other officers and employees authorized by law.

538 (b) The optional plan shall provide for the qualifications, time and manner of  
539 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of  
540 the county manager.

541 (2) The county manager is the administrative head of the county government and has  
542 the powers, functions, and duties of a county executive, except:

543 (a) as the county legislative body otherwise provides by ordinance; and

544 (b) that the county manager may not veto any ordinances enacted by the council.

545 (3) (a) A member of the council may not directly or indirectly, by suggestion or  
546 otherwise:

547 (i) attempt to influence or coerce the manager in:

548 (A) making any appointment;

549 (B) removing any officer or employee; or

550 (C) purchasing supplies;

551 (ii) attempt to exact any promise relative to any appointment from any candidate for  
552 manager; or

553 (iii) discuss directly or indirectly with the manager the matter of specific appointments  
554 to any county office or employment.

555 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the  
556 office of the offending member of the council.

557 (ii) Nothing in this section shall be construed, however, as prohibiting the council  
558 while in open session from fully and freely discussing with or suggesting to the manager  
559 anything pertaining to county affairs or the interests of the county.

560 (iii) Neither manager nor any person in the employ of the county shall take part in  
561 securing, or contributing any money toward, the nomination or election of any candidate for a  
562 county office.

563 (iv) The optional plan may provide procedures for implementing this Subsection (3).

564 (4) In the council-manager form of county government:

565 (a) the legislative powers of the county are vested in the county council; and

566 (b) the executive powers of the county are vested in the county manager.

567 (5) A reference in statute or state rule to the "governing body" or the "board of county  
568 commissioners" of the county, in the council-manager form of county government, means:

569 (a) the county council, with respect to legislative functions, duties, and powers; and

570 (b) the county manager, with respect to executive functions, duties, and powers.

571 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of  
572 time that:

573 (i) begins on the day on which a general election described in Section 17-16-6 is held  
574 to elect a council member; and

575 (ii) ends on the day on which the council member-elect begins the council member's  
576 term.

577 (b) (i) The county council may not appoint a county manager during an interim vacancy  
578 period.

579 (ii) Notwithstanding Subsection (6)(b)(i):

580 (A) the county council may appoint an interim county manager during an interim  
581 vacancy period; and

582 (B) the interim county manager's term shall expire once a new county manager is  
583 appointed by the new administration after the interim vacancy period has ended.

584 (c) Subsection (6)(b) does not apply if all the county council members who held office  
585 on the day of the county general election whose term of office was vacant for the election are

586 re-elected to the council for the following term.

587 (7) A county council that appoints a county manager in accordance with this section  
588 may not, on or after May 10, 2011, enter into an employment contract that contains an  
589 automatic renewal provision with the county manager.

590 Section 12. Section **17-52a-404** is amended to read:

591 **17-52a-404. Contents of proposed optional plan.**

592 (1) The study committee, a county legislative body that adopts a resolution described in  
593 Subsection **17-52a-302**(1)(b), or the sponsors of a petition described in Subsection  
594 **17-52a-303**(1)(a)(ii) shall ensure that each optional plan the committee, legislative body, or  
595 registered voters propose under this chapter, respectively:

596 (a) proposes the adoption of one of the forms of county government listed in  
597 Subsection **17-52a-405**(1)(a);

598 (b) contains detailed provisions relating to the transition from the existing form of  
599 county government to the form proposed in the optional plan, including provisions relating to  
600 the:

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

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

606 (iii) continuity of existing ordinances and regulations;

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

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

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

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

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

616 (i) the county executive's role is to prepare and present a proposed budget to the county

617 legislative body; and

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

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

621 (3) An optional plan may not include any provision that is inconsistent with or  
622 prohibited by the Utah Constitution or any statute.

623 (4) The optional plan proponent described in Subsection (1) shall ensure that each  
624 optional plan proposing to change the form of government to the county executive-council  
625 form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:

626 (a) provides for the same executive and legislative officers as are specified in the  
627 applicable section for the form of government that the optional plan proposes;

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

629 (c) specifies the number of county council members, which shall be an odd number  
630 from three to nine;

631 [~~(d) specifies whether the members of the county council are to be elected from  
632 districts, at large, or by a combination of at large and by district;~~]

633 [~~(e)~~] (d) specifies county council members' qualifications and terms and whether the  
634 terms are to be staggered;

635 [~~(f)~~] (e) contains procedures for filling vacancies on the county council, consistent with  
636 the provisions of Section 20A-1-508; and

637 [~~(g)~~] (f) states the initial compensation, if any, of county council members and  
638 procedures for prescribing and changing compensation.

639 (5) The optional plan proponent described in Subsection (1) shall ensure that each  
640 optional plan proposing to change the form of government to the county commission form  
641 under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202  
642 specifies:

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

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

647 (b) the terms of office for county commission members and whether the terms are to be

648 staggered; and

649 ~~[(e) whether members of the county commission are to be elected from districts, at~~  
650 ~~large, or by a combination of at large and from districts;]~~

651 ~~[(d) if any members of the county commission are to be elected from districts, the~~  
652 ~~district residency requirements for those commission members; and]~~

653 [(e)] (c) [if any members of the county commission are to be elected at large,] whether  
654 the election of county commission members is subject to the provisions of Subsection  
655 17-52a-201(6) or Subsection 17-52a-202(6).

656 Section 13. Section **17B-1-306.5** is amended to read:

657 **17B-1-306.5. Dividing a local district into divisions.**

658 (1) Subject to ~~[Subsection]~~ Subsections (3) and (4), the board of trustees of a local  
659 district that has elected board members may, upon a vote of two-thirds of the members of the  
660 board, divide the local district, or the portion of the local district represented by elected board  
661 of trustees members, into divisions so that some ~~[or all]~~ of the elected members of the board of  
662 trustees may be elected by division rather than at large.

663 (2) Subject to Subsection (3), the appointing authority of a local district that has  
664 appointed board members may, upon a vote of two-thirds of the members of the appointing  
665 authority, divide the local district, or the portion of the local district represented by appointed  
666 board members, into divisions so that some or all of the appointed members of the board of  
667 trustees may be appointed by division rather than at large.

668 (3) Before dividing a local district into divisions or before changing the boundaries of  
669 divisions already established, the board of trustees under Subsection (1), or the appointing  
670 authority, under Subsection (2), shall:

671 (a) prepare a proposal that describes the boundaries of the proposed divisions; and

672 (b) hold a public hearing at which any interested person may appear and speak for or  
673 against the proposal.

674 (4) (a) For a board of trustees of a local district having any member who is elected by  
675 division under Subsection (1), the following number of members shall be elected at-large:

676 (i) for a board with three elected members, at least one;

677 (ii) for a board with five elected members, at least two;

678 (iii) for a board with seven elected members, at least three;

679 (iv) for a board with nine elected members, at least four; and  
680 (v) for a board with ten or more elected members, a number of members elected  
681 at-large that equals at least 40% of the total number of elected members.

682 (b) If a board of trustees of a local district had provided for the election of some or all  
683 board members by division before May 14, 2019:

684 (i) notwithstanding Subsection (5) and before the next election, the board shall:

685 (A) divide the district into new divisions, if necessary, to ensure compliance with  
686 Subsection (4)(a); and

687 (B) structure the district divisions so that the next board positions to be elected satisfy  
688 the at-large election requirement in Subsection (4)(a); and

689 (ii) a board member who was elected by division before May 14, 2019, may serve the  
690 remainder of the member's term.

691 [~~4~~] (5) (a) The board of trustees or the appointing authority shall review the division  
692 boundaries at least every 10 years.

693 (b) Except for changes in the divisions required under Subsection (4)(b) or necessitated  
694 by annexations to or withdrawals from the local district, the boundaries of divisions established  
695 under Subsection (1) or (2) may not be changed more often than every five years.

696 (c) Changes to the boundaries of divisions already established under Subsection (1) or  
697 (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

698 Section 14. Section **17B-2a-404** is amended to read:

699 **17B-2a-404. Improvement district board of trustees.**

700 (1) As used in this section:

701 (a) "County district" means an improvement district that does not include within its  
702 boundaries any territory of a municipality.

703 (b) "County member" means a member of a board of trustees of a county district.

704 (c) "Electric district" means an improvement district that was created for the purpose of  
705 providing electric service.

706 (d) "Included municipality" means a municipality whose boundaries are entirely  
707 contained within but do not coincide with the boundaries of an improvement district.

708 (e) "Municipal district" means an improvement district whose boundaries coincide  
709 with the boundaries of a single municipality.

710 (f) "Regular district" means an improvement district that is not a county district,  
711 electric district, or municipal district.

712 (g) "Remaining area" means the area of a regular district that:

713 (i) is outside the boundaries of an included municipality; and

714 (ii) includes the area of an included municipality whose legislative body elects, under  
715 Subsection (5)(a)(ii), not to appoint a member to the board of trustees of the regular district.

716 (h) "Remaining area member" means a member of a board of trustees of a regular  
717 district who is appointed, or, if applicable, elected to represent the remaining area of the  
718 district.

719 (2) The legislative body of the municipality included within a municipal district may:

720 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
721 district; and

722 (b) adopt at any time a resolution providing for:

723 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

724 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

725 (3) (a) The legislative body of a county whose unincorporated area is partly or  
726 completely within a county district may:

727 (i) elect, at the time of the creation of the district, to be the board of trustees of the  
728 district, even though a member of the legislative body of the county may not meet the  
729 requirements of Subsection 17B-1-302(1);

730 (ii) adopt at any time a resolution providing for:

731 (A) the election of board of trustees members, as provided in Section 17B-1-306; or

732 (B) except as provided in Subsection (4), the appointment of board of trustees  
733 members, as provided in Section 17B-1-304; and

734 (iii) if the conditions of Subsection (3)(b) are met, appoint a member of the legislative  
735 body of the county to the board of trustees, except that the legislative body of the county may  
736 not appoint more than three members of the legislative body of the county to the board of  
737 trustees.

738 (b) A legislative body of a county whose unincorporated area is partly or completely  
739 within a county district may take an action under Subsection (3)(a)(iii) if:

740 (i) more than 35% of the residences within a county district that receive service from



741 the district are seasonally occupied homes, as defined in Subsection 17B-1-302(2)(a)(ii);

742 (ii) the board of trustees are appointed by the legislative body of the county; and

743 (iii) there are at least two appointed board members who meet the requirements of

744 Subsections 17B-1-302(1), (2), and (3), except that a member of the legislative body of the

745 county need not satisfy the requirements of Subsections 17B-1-302(1), (2), and (3).

746 (4) Subject to Subsection (6)(d), the legislative body of a county may not adopt a

747 resolution providing for the appointment of board of trustees members as provided in

748 Subsection (3)(a)(ii)(B) at any time after the county district is governed by an elected board of

749 trustees unless:

750 (a) the elected board has ceased to function;

751 (b) the terms of all of the elected board members have expired without the board

752 having called an election; or

753 (c) the elected board of trustees unanimously adopts a resolution approving the change

754 from an elected to an appointed board.

755 (5) (a) (i) Except as provided in Subsection (5)(a)(ii), the legislative body of each

756 included municipality shall each appoint one member to the board of trustees of a regular

757 district.

758 (ii) The legislative body of an included municipality may elect not to appoint a member

759 to the board under Subsection (5)(a)(i).

760 (b) Except as provided in Subsection (6), the legislative body of each county whose

761 boundaries include a remaining area shall appoint all other members to the board of trustees of

762 a regular district.

763 (6) Notwithstanding Subsection (3), each remaining area member of a regular district

764 and each county member of a county district shall be elected, as provided in Section

765 17B-1-306, if:

766 (a) the petition or resolution initiating the creation of the district provides for remaining  
767 area or county members to be elected;

768 (b) the district holds an election to approve the district's issuance of bonds;

769 (c) for a regular district, an included municipality elects, under Subsection (5)(a)(ii),

770 not to appoint a member to the board of trustees; or

771 (d) (i) at least 90 days before the municipal general election or regular general election,

772 as applicable, a petition is filed with the district's board of trustees requesting remaining area  
773 members or county members, as the case may be, to be elected; and

774 (ii) the petition is signed by registered voters within the remaining area or county  
775 district, as the case may be, equal in number to at least 10% of the number of registered voters  
776 within the remaining area or county district, respectively, who voted in the last gubernatorial  
777 election.

778 (7) Subject to Section 17B-1-302, the number of members of a board of trustees of a  
779 regular district shall be:

780 (a) the number of included municipalities within the district, if:

781 (i) the number of included municipalities is greater than nine or is an odd number that  
782 is not greater than nine; and

783 (ii) the district does not include a remaining area;

784 (b) the number of included municipalities plus one, if the number of included  
785 municipalities within the district is an even number that is less than nine; and

786 (c) the number of included municipalities plus two, if:

787 (i) the number of included municipalities is an odd number that is less than nine; and

788 (ii) the district includes a remaining area.

789 (8) (a) Except as provided in Subsection (8)(b), each remaining area member of the  
790 board of trustees of a regular district shall reside within the remaining area.

791 (b) Notwithstanding Subsection (8)(a) and subject to Subsection (8)(c), each remaining  
792 area member shall be chosen from the district at large if:

793 (i) the population of the remaining area is less than 5% of the total district population;

794 or

795 (ii) (A) the population of the remaining area is less than 50% of the total district  
796 population; and

797 (B) the majority of the members of the board of trustees are remaining area members.

798 (c) Application of Subsection (8)(b) may not prematurely shorten the term of any  
799 remaining area member serving the remaining area member's elected or appointed term on May  
800 11, 2010.

801 (9) If the election of remaining area or county members of the board of trustees is  
802 required because of a bond election, as provided in Subsection (6)(b):

803 (a) a person may file a declaration of candidacy if:

804 (i) the person resides within:

805 (A) the remaining area, for a regular district; or

806 (B) the county district, for a county district; and

807 (ii) otherwise qualifies as a candidate;

808 (b) the board of trustees shall, if required, provide a ballot separate from the bond  
809 election ballot, containing the names of candidates and blanks in which a voter may write  
810 additional names; and

811 (c) the election shall otherwise be governed by Title 20A, Election Code.

812 (10) (a) (i) This Subsection (10) applies to the board of trustees members of an electric  
813 district.

814 (ii) Subsections (2) through (9) do not apply to an electric district.

815 (b) The legislative body of the county in which an electric district is located may  
816 appoint the initial board of trustees of the electric district as provided in Section [17B-1-304](#).

817 (c) After the initial board of trustees is appointed as provided in Subsection (10)(b),  
818 each member of the board of trustees of an electric district shall be elected by persons using  
819 electricity from and within the district.

820 (d) Each member of the board of trustees of an electric district shall be a user of  
821 electricity from the district and, if applicable, the division of the district from which elected.

822 (e) The board of trustees of an electric district, in accordance with Subsection  
823 [17B-1-306\(4\)](#), may be elected from geographic divisions within the district.

824 (f) A municipality within an electric district is not entitled to automatic representation  
825 on the board of trustees.

826 Section 15. Section **17B-2a-504** is amended to read:

827 **17B-2a-504. Irrigation district board of trustees -- Bond for board of trustees**  
828 **members and district if the district is appointed as fiscal or other agent for the United**  
829 **States.**

830 (1) (a) One board of trustees member shall be elected from each division established as  
831 provided in Section [17B-2a-505](#).

832 (b) A number of board of trustees members shall be elected at-large to ensure that the  
833 composition of the board complies with Subsection [17B-1-306.5\(4\)](#).

834           ~~[(b)]~~ (c) Each landowner within an irrigation district may vote for one board of trustees  
835 member for the division in which the landowner's land is located.

836           ~~[(c)]~~ (d) Each landowner is entitled to cast one vote for each acre-foot or fraction of an  
837 acre-foot of water allotted to the land owned by the landowner.

838           (2) (a) If an irrigation district is appointed fiscal agent of the United States or is  
839 authorized by the United States to collect money on behalf of the United States with respect to  
840 a federal project:

841                 (i) each member of the district's board of trustees shall:

842                     (A) execute an official bond in the amount required by the Secretary of the Interior,  
843 conditioned upon the faithful discharge of the trustee's duties; and

844                     (B) file the official bond in the office of the clerk of the county in which the district is  
845 located; and

846                 (ii) the irrigation district shall execute an additional bond for the district's faithful  
847 discharge of its duties as fiscal or other agent of the United States.

848           (b) The United States or any person injured by the failure of a member of the board of  
849 trustees or of the district to perform fully, promptly, and completely a duty may sue upon the  
850 official bond.

851           Section 16. Section **17B-2a-505** is amended to read:

852           **17B-2a-505. Divisions.**

853           (1) The board of trustees of each irrigation district shall divide the district into  
854 divisions, each as nearly equal in size to the others as practicable.

855           (2) The number of divisions shall be equal to the number of board of trustees members  
856 remaining after a sufficient number of members to be elected at-large, as described in  
857 Subsection [17B-2a-504\(1\)\(b\)](#), are subtracted from the total number of board of trustees  
858 members.

859           (3) At least 30 days before an election of board of trustees members, the board shall  
860 redivide the district into divisions:

861                 (a) if, since the last time the board divided the district into divisions:

862                     ~~[(a)]~~ (i) the district has annexed land under Chapter 1, Part 4, Annexation;

863                     ~~[(b)]~~ (ii) land has been withdrawn from the district under Chapter 1, Part 5,

864 Withdrawal; or

865           [(e)] (iii) the number of board of trustees members has been changed[-]; and  
 866           (b) (i) to ensure compliance with Subsection [17B-1-306.5\(4\)](#); and  
 867           (ii) so that the next board positions to be elected satisfy the at-large election  
 868 requirement in Subsection [17B-1-306.5\(4\)](#).

869           (4) A board of trustees member who was elected by division before May 14, 2019, may  
 870 serve the remainder of the member's term.

871           Section 17. Section **20A-14-201** is amended to read:

872           **20A-14-201. Boards of education -- School board districts -- Creation --**  
 873 **Reapportionment.**

874           (1) (a) The county legislative body, for local school districts whose boundaries  
 875 encompass more than a single municipality, and the municipal legislative body, for school  
 876 districts contained completely within a municipality, shall divide the local school district into  
 877 local school board districts as required under Subsection [20A-14-202\(1\)\(a\)](#).

878           (b) The county and municipal legislative bodies shall divide the school district so that  
 879 the local school board districts are substantially equal in population and are as contiguous and  
 880 compact as practicable.

881           (2) (a) County and municipal legislative bodies shall reapportion district boundaries to  
 882 meet the population, compactness, and contiguity requirements of this section:

883           (i) at least once every 10 years;

884           (ii) if a new district is created:

885           (A) within 45 days after the canvass of an election at which voters approve the creation  
 886 of a new district; and

887           (B) at least 60 days before the candidate filing deadline for a school board election;

888           (iii) whenever districts are consolidated;

889           (iv) whenever a district loses more than 20% of the population of the entire school  
 890 district to another district;

891           (v) whenever a district loses more than 50% of the population of a local school board  
 892 district to another district;

893           (vi) whenever a district receives new residents equal to at least 20% of the population  
 894 of the district at the time of the last reapportionment because of a transfer of territory from  
 895 another district; [~~and~~]

896 (vii) whenever it is necessary to increase the membership of a board from five to seven  
897 members as a result of changes in student membership under Section [20A-14-202](#)[~~;~~]; and  
898 (viii) whenever it is necessary to reapportion districts to provide for the relevant  
899 number of at-large board members described in Section [20A-14-202](#).

900 (b) If a school district receives territory containing less than 20% of the population of  
901 the transferee district at the time of the last reapportionment, the local school board may assign  
902 the new territory to one or more existing school board districts.

903 (3) (a) Reapportionment does not affect the right of any school board member to  
904 complete the term for which the member was elected.

905 (b) (i) After reapportionment, representation in a local school board district shall be  
906 determined as provided in this Subsection (3).

907 (ii) If only one board member whose term extends beyond reapportionment lives  
908 within a reapportioned local school board district, that board member shall represent that local  
909 school board district.

910 (iii) (A) If two or more members whose terms extend beyond reapportionment live  
911 within a reapportioned local school board district, the members involved shall select one  
912 member by lot to represent the local school board district.

913 (B) The other members shall serve at-large for the remainder of [~~their~~] the board  
914 member's terms.

915 (C) The at-large board members shall serve as the at-large board members described in  
916 Subsection [20A-14-202\(1\)](#) and, if the number of at-large board members exceeds the number  
917 of at-large board members described in Subsection [20A-14-202\(1\)](#), in addition to the  
918 designated number of board members for the board in question for the remainder of [~~their~~] the  
919 board members' terms.

920 (iv) If there is no board member living within a local school board district whose term  
921 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in  
922 this part.

923 (4) (a) If, before an election affected by reapportionment, the county or municipal  
924 legislative body that conducted the reapportionment determines that one or more members  
925 shall be elected to terms of two years to meet this part's requirements for staggered terms, the  
926 legislative body shall determine by lot which of the reapportioned local school board districts

927 will elect members to two-year terms and which will elect members to four-year terms.

928 (b) All subsequent elections are for four-year terms.

929 (5) Within 10 days after any local school board district boundary change, the county or  
930 municipal legislative body making the change shall send an accurate map or plat of the  
931 boundary change to the Automated Geographic Reference Center created under Section  
932 [63F-1-506](#).

933 Section 18. Section [20A-14-202](#) is amended to read:

934 **[20A-14-202. Local boards of education -- Membership -- When elected --](#)**

935 **[Qualifications -- Avoiding conflicts of interest.](#)**

936 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school  
937 district with a student population of up to 24,000 students shall consist of five members, two of  
938 whom being elected at-large.

939 (b) The board of education of a school district with a student population of more than  
940 10,000 students but fewer than 24,000 students shall increase from five to seven members  
941 beginning with the 2004 regular general election, three of whom being elected at-large.

942 (c) The board of education of a school district with a student population of 24,000 or  
943 more students shall consist of seven members, three of whom being elected at-large.

944 (d) Student population is based on the October 1 student count submitted by districts to  
945 the State Board of Education.

946 (e) If the number of members of a local school board is required to change under  
947 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
948 Sections [20A-14-201](#) and [20A-14-203](#).

949 (f) A school district which now has or increases to a seven-member board shall  
950 maintain a seven-member board regardless of subsequent changes in student population.

951 (g) (i) Members of a local board of education shall be elected at each regular general  
952 election.

953 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local  
954 board of education may be elected to a five-member board, nor more than four members  
955 elected to a seven-member board, in any election year.

956 (iii) More than three members of a local board of education may be elected to a  
957 five-member board and more than four members elected to a seven-member board in any

958 election year only when required by reapportionment or to fill a vacancy or to implement  
959 Subsection (1)(b).

960 (h) One member of the local board of education shall be elected from each local school  
961 board district.

962 (2) (a) For an election held after the 2008 general election, a person seeking election to  
963 a local school board shall have been a resident of the local school board district in which the  
964 person is seeking election for at least one year as of the date of the election.

965 (b) A person who has resided within the local school board district, as the boundaries  
966 of the district exist on the date of the election, for one year immediately preceding the date of  
967 the election shall be considered to have met the requirements of this Subsection (2).

968 (3) A member of a local school board shall:

969 (a) be and remain a registered voter in the local school board district from which the  
970 member is elected or appointed; and

971 (b) maintain the member's primary residence within the local school board district from  
972 which the member is elected or appointed during the member's term of office.

973 (4) A member of a local school board may not, during the member's term in office, also  
974 serve as an employee of that board.