

1 **County Governance Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions relating to forms of county government.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies provisions relating to changing forms of county government;
- 9 ▶ eliminates the expanded county commission form of government;
- 10 ▶ modifies the county commission form of government to specify that the commission may
- 11 have three, five, or seven members;
- 12 ▶ modifies the process for changing the form of county government;
- 13 ▶ enacts provisions for a study committee under a county legislative body motion for the
- 14 establishment of a study committee; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

- 22 **17-31-8**, as last amended by Laws of Utah 2018, Chapter 68
- 23 **17-36-10**, as last amended by Laws of Utah 2022, Chapter 288
- 24 **17-52a-103**, as last amended by Laws of Utah 2020, Chapter 47 and further amended by
- 25 Revisor Instructions, Laws of Utah 2020, Chapter 47
- 26 **17-52a-201**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 27 **17-52a-301**, as last amended by Laws of Utah 2020, Chapter 47
- 28 **17-52a-302**, as last amended by Laws of Utah 2020, Chapter 47
- 29 **17-52a-303**, as last amended by Laws of Utah 2023, Chapter 116
- 30 **17-52a-403**, as last amended by Laws of Utah 2020, Chapter 47

- 31 **17-52a-404**, as last amended by Laws of Utah 2020, Chapter 47
 32 **17-52a-405**, as last amended by Laws of Utah 2020, Chapter 47
 33 **17-52a-504**, as renumbered and amended by Laws of Utah 2018, Chapter 68
 34 **17-53-101**, as last amended by Laws of Utah 2018, Chapter 68
 35 **17-53-317**, as last amended by Laws of Utah 2011, Chapter 209

36 ENACTS:

37 **17-52a-403.5**, Utah Code Annotated 1953

38 REPEALS:

39 **17-52a-202**, as renumbered and amended by Laws of Utah 2018, Chapter 68

40

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

42 Section 1. Section **17-31-8** is amended to read:

43 **17-31-8 . Tourism tax advisory boards.**

44 (1)(a) Except as provided in Subsection (1)(b), any county that collects the following
 45 taxes shall operate a tourism tax advisory board:

46 (i) the tax allowed under Section 59-12-301; or

47 (ii) the tax allowed under Section 59-12-603.

48 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the
 49 county has an existing board, council, committee, convention visitor's bureau, or
 50 body that substantially conforms with Subsections (2), (3), and (4).

51 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least five
 52 members.

53 (3) A tourism tax advisory board shall be composed of the following members that are
 54 residents of the county:

55 (a) a majority of the members shall be current employees of entities in the county that
 56 are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and

57 (b) the balance of the board's membership shall be employees of recreational facilities,
 58 convention facilities, museums, cultural attractions, or other tourism related
 59 industries located within the county.

60 (4)(a) Each tourism tax advisory board shall advise the county legislative body on the
 61 best use of revenues collected from the tax allowed under Section 59-12-301 by
 62 providing the legislative body with a priority listing for proposed expenditures based
 63 on projected available tax revenues supplied to the board by the county legislative
 64 body on an annual basis.

65 (b) Each tourism tax advisory board in a county operating under the county commission
 66 form of government under Section 17-52a-201 [~~or the expanded county commission~~
 67 ~~form under Section 17-52a-202~~] shall advise the county legislative body on the best
 68 use of revenues collected from the tax allowed under Section 59-12-603 by providing
 69 the legislative body with a priority listing for proposed expenditures based on
 70 projected available tax revenues supplied to the board by the county legislative body
 71 on an annual basis.

72 (5) A member of any county tourism tax advisory board:

73 (a) may not receive compensation or benefits for the member's services; and

74 (b) may receive per diem and travel expenses incurred in the performance of the
 75 member's official duties, in accordance with Section 11-55-103.

76 Section 2. Section **17-36-10** is amended to read:

77 **17-36-10 . Preparation of tentative budget.**

78 (1)(a) On or before the first day of the next to last month of every fiscal period, the
 79 finance officer shall prepare for the next budget period and file with the governing
 80 body a tentative budget for each fund for which a budget is required.

81 (b) During the preparation of a tentative budget described in Subsection (1)(a), the
 82 following may participate in the creation of the tentative budget:

83 (i) for a county commission [~~or expanded county commission~~] form of county
 84 government, the county commission;

85 (ii) for a county executive-council form of county government, the county council
 86 and the county executive; and

87 (iii) for a council-manager form of county government, the county council and the
 88 county manager.

89 (2)(a) A department for which county funds are appropriated shall file with the finance
 90 officer not less than three months before the commencement of each fiscal year on
 91 forms furnished by the finance officer a detailed estimate and statement of the
 92 revenue and necessary expenditures of the department for the next budget year.

93 (b) The estimate and statement described in Subsection (2)(a) shall set forth:

94 (i) the number of persons to be regularly employed;

95 (ii) the kinds of service the department will perform;

96 (iii) the salaries and wages the department expects to pay;

97 (iv) the kind of work the department will perform and the improvements the
 98 department expects to make; and

- 99 (v) the estimated cost of the service, work, and improvements.
- 100 (c) The finance officer shall make the estimate and statement described in Subsection
101 (2)(a) available to:
- 102 (i) for a county commission [~~or expanded county commission~~] form of county
103 government, the county commission;
- 104 (ii) for a county executive-council form of county government, the county council
105 and the county executive; and
- 106 (iii) for a council-manager form of county government, the county council and the
107 county manager.
- 108 (d) The statement shall also record performance data expressed in work units, unit costs, [
109 ~~man~~] personnel hours, and [~~man~~] personnel years sufficient in detail, content, and
110 scope to permit the finance officer to prepare and process the county budget.
- 111 (3) In the preparation of the budget, the finance officer and all other county officers are
112 subject to Sections 17-36-1 through 17-36-44 and to the uniform system of budgeting,
113 accounting, and reporting established therein.
- 114 (4) In the tentative budget, the finance officer shall set forth in tabular form:
- 115 (a) actual revenues and expenditures in the last completed fiscal period;
- 116 (b) estimated total revenues and expenditures for the current fiscal period;
- 117 (c) the estimated available revenues and expenditures for the ensuing budget period
118 computed by determining:
- 119 (i) the estimated expenditure for each fund after review of each departmental budget
120 request; and
- 121 (ii) the total revenue requirements of the fund, including:
- 122 (A) the part of the total revenue that will be derived from revenue sources other
123 than property tax; and
- 124 (B) the part of the total revenue that will be derived from property taxes; and
- 125 (d) if required by the governing body, actual performance experience to the extent
126 available in work units, unit costs, [~~man~~] personnel hours, and [~~man~~] personnel years
127 for each budgeted fund that includes an appropriation for salaries or wages for the
128 last completed fiscal period and the first eight months of the current fiscal period if
129 the county is on an annual fiscal period, or the first 20 months of the current fiscal
130 period if the county is on a biennial fiscal period, together with the total estimated
131 performance data of like character for the current fiscal period and for the ensuing
132 budget period.

- 133 (5) The finance officer may recommend modification of any departmental budget request
 134 under Subsection (4)(c)(i) before the budget request is filed with the governing body, if
 135 each department head has been given an opportunity to be heard concerning the
 136 modification.
- 137 (6)(a) A tentative budget shall contain the estimates of expenditures submitted by any
 138 department together with specific work programs and other supportive data as the
 139 governing body requests.
- 140 (b) The finance officer shall include with the tentative budget a supplementary estimate
 141 of all capital projects or planned capital projects within the budget period and within
 142 the next three succeeding years.
- 143 (7)(a) A finance officer that submits a tentative budget in a county with a population of
 144 more than 25,000 shall include with the tentative budget a budget message in
 145 explanation of the budget.
- 146 (b) The budget message shall:
- 147 (i) include an outline of the proposed financial policies of the county for the budget
 148 period;
- 149 (ii) describe the important features of the budgetary plan;
- 150 (iii) state the reasons for changes from the previous fiscal period in appropriation and
 151 revenue items; and
- 152 (iv) explain any major changes in financial policy.
- 153 (c) A finance officer of a county with a population of less than 25,000 may prepare a
 154 budget message in explanation of the tentative budget.
- 155 (8)(a) The governing body shall review, consider, and adopt a tentative budget in a
 156 regular or special meeting called for that purpose.
- 157 (b)(i) Subject to Subsection (8)(b)(ii), the governing body may thereafter amend or
 158 revise the tentative budget prior to public hearings on the tentative budget.
- 159 (ii) A governing body may not:
- 160 (A) reduce below the required minimum an appropriation required for debt
 161 retirement and interest; or
- 162 (B) reduce, in accordance with Section 17-36-17, an existing deficit.

163 Section 3. Section **17-52a-103** is amended to read:

164 **17-52a-103 . Forms of county government -- County commission form required**
 165 **unless another is adopted -- Restrictions on form of county government.**

- 166 (1) Subject to Subsection (2), each county shall operate under one of the following forms of

167 county government:

168 (a) the county commission form under Section 17-52a-201;

169 ~~[(b) the expanded county commission form under Section 17-52a-202;]~~

170 ~~[(e)] (b)~~ the county executive and council form under Section 17-52a-203; or

171 ~~[(d)] (c)~~ the council-manager form under Section 17-52a-204.

172 (2) Unless a county adopts another form of government as provided in this chapter, the

173 county shall operate under the county commission form of government under Section

174 17-52a-201.

175 ~~[(3)(a) In a county that operates under a form of government that is not described in~~

176 ~~Subsection (2):]~~

177 ~~[(i) the county's legislative body shall, before July 1, 2018, initiate the process under~~

178 ~~Section 17-52a-302 of changing the county's form of government;]~~

179 ~~[(ii) the county shall hold a special election on November 6, 2018;]~~

180 ~~[(iii) if the voters approve the appointment of a study committee at the special~~

181 ~~election described in Subsection (3)(a)(ii):]~~

182 ~~[(A) the study committee may not recommend under Section 17-52a-403 that the~~

183 ~~county retain the county's current form of government; and]~~

184 ~~[(B) the county shall hold an election described in Section 17-52a-501 before~~

185 ~~December 31, 2020, on an optional plan that the study committee creates; and]~~

186 ~~[(iv) the registered voters of the county may not repeal an optional plan under Section~~

187 ~~17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).]~~

188 ~~[(b) If the voters of a county described in Subsection (3)(a) do not approve a change in~~

189 ~~the county's form of government at an election described in Subsection (3)(a)(iii)(B)~~

190 ~~before December 31, 2020:]~~

191 ~~[(i) the county shall operate under the county commission form of government under~~

192 ~~Section 17-52a-201; and]~~

193 ~~[(ii) the county shall transition to the form of government described in Subsection~~

194 ~~(3)(b)(i) in the same manner as if the voters of the county had approved the~~

195 ~~change in the form of government described in Subsection (3)(b)(i) in the~~

196 ~~applicable election described in Subsection (3)(b).]~~

197 ~~[(4)] (3)~~ In a county of the fifth or sixth class, if the county legislative body under Section

198 17-52a-302 or the registered voters under Section 17-52a-303, after March 24, 2020,

199 initiate the process to adopt an optional plan, the proposed optional plan may only

200 propose a form of government authorized under Section 17-52a-405.

201 Section 4. Section **17-52a-201** is amended to read:

202 **17-52a-201 . County commission form of government -- Commission member**
 203 **elections.**

204 (1) As used in this section:

205 (a) "Commission-form county" means a county operating under the county commission form of
government.

206 [(a)] (b) "Midterm vacancy" means a county commission position that is being filled at
 207 an election for less than the position's full term as established in:

208 (i) Subsection [(4)(a)] (5)(a); or

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

210 [(b)] (c) "Open position" means a county commission position that is being filled at a
 211 regular general election for the position's full term as established in:

212 (i) Subsection [(4)(a)] (5)(a); or

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

214 [(e)] (d) "Opt-in county" means a commission-form county that has, in accordance with
 215 Subsection [(6)(a)] (7)(a), chosen to conduct county commissioner elections in
 216 accordance with Subsection [(6)] (7).

217 (2) A county commission [~~consisting of three members~~] shall govern each county operating
 218 under the county commission form of government.

219 (3)(a) The number of county commission members in a commission-form county is
 220 three, unless the county commission by ordinance changes the number to five or
 221 seven.

222 (b)(i) Subject to Subsection (3)(b)(ii), the legislative body of a commission-form
 223 county may by ordinance provide for one or more commission members to be
 224 elected at large and for one or more commission members to be elected by district.

225 (ii) At least a majority of the members of a five-member or seven-member
 226 commission in a commission-form county shall be elected by district.

227 [(3)] (4) A county commission under a county commission form of government is both the
 228 county legislative body and the county executive and has the powers, duties, and
 229 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body,
 230 and the powers, duties, and functions of a county executive under Chapter 53, Part 3,
 231 County Executive.

232 [(4)] (5) Except as otherwise provided in an optional plan adopted under this chapter:

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

- 234 (b) the terms of county commission members shall be staggered so that [~~two~~
 235 approximately half the members are elected at [~~a~~] alternating regular general election [
 236 ~~date that alternates with the regular general election date of the other member~~] dates;
 237 and
- 238 (c) each county commission member shall be elected:
 239 (i) at large, unless otherwise required by court order; and
 240 (ii) subject to the provisions of this section, in accordance with Title 20A, Election
 241 Code.
- 242 [~~(5)~~] (6) Except as provided in Subsection [~~(6)~~] (7):
- 243 (a) if [~~two~~] multiple at-large county commission positions are vacant for an election, the
 244 positions shall be designated "county commission seat A," [~~and~~] "county commission
 245 seat B," and so on as necessary for the number of vacant positions;
- 246 (b) each candidate who files a declaration of candidacy when [~~two~~] multiple at-large
 247 positions are vacant shall designate on the declaration of candidacy form [~~whether~~
 248 ~~the candidate is a candidate for seat A or seat B~~] the letter of the county commission
 249 seat for which the candidate is a candidate; and
- 250 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected to
 251 two county commission positions in the same election.
- 252 [~~(6)~~] (7)(a) A commission-form county of the first or second class may, through an
 253 optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to
 254 conduct county commissioner elections in accordance with this Subsection [~~(6)~~] (7).
- 255 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk
 256 of an opt-in county shall, if there is at least one open position and at least one
 257 midterm vacancy, designate:
 258 (i) each open position as "open position"; and
 259 (ii) each midterm vacancy as "midterm vacancy."
- 260 (c) An individual who files a declaration of candidacy for the office of county
 261 commissioner in an opt-in county:
 262 (i) if there is more than one open position, is not required to indicate which open
 263 position the individual is running for;
 264 (ii) if there is at least one open position and at least one midterm vacancy, shall
 265 designate on the declaration of candidacy whether the individual is filing for an
 266 open position or a midterm vacancy; and
 267 (iii) may not file a declaration of candidacy for an open position and a midterm

- 268 vacancy in the same election.
- 269 (d) If there is an open position and a midterm vacancy being voted upon in the same
 270 election in an opt-in county, the county clerk shall indicate on the ballot for the
 271 election which positions are open positions and which positions are midterm
 272 vacancies.
- 273 (e) In an opt-in county:
- 274 (i) the candidates for open positions, in a number equal to the number of open
 275 positions, who receive the highest number of votes are:
- 276 (A) for the purposes of a regular primary election, nominated by the candidates'
 277 party for the open positions; and
- 278 (B) for the purposes of a regular general election, elected to fill the open positions;
 279 and
- 280 (ii) the candidates for midterm vacancies, in a number equal to the number of
 281 midterm vacancies, who receive the highest number of votes are:
- 282 (A) for the purposes of a regular primary election, nominated by the candidates'
 283 party for the midterm vacancies; and
- 284 (B) for the purposes of a regular general election, elected to fill the midterm
 285 vacancies.

286 Section 5. Section **17-52a-301** is amended to read:

287 **17-52a-301 . Procedure for initiating adoption of optional plan -- Limitations --**

288 **Pending proceedings.**

- 289 (1) An optional plan proposing an alternate form of government for a county may be
 290 adopted as provided in this chapter.
- 291 (2) The process to adopt an optional plan establishing an alternate form of county
 292 government may be initiated by:
- 293 (a) the county legislative body as provided in Section 17-52a-302; or
- 294 (b) registered voters of the county as provided in Section 17-52a-303.
- 295 (3)(a) If the process to adopt an optional plan is initiated under Laws of Utah 1973,
 296 Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, the county
 297 legislative body may not initiate the process again under Section 17-52a-302, and
 298 registered voters may not initiate the process again under Section 17-52a-303, until:
- 299 (i) the first initiated process concludes with an election under Section 17-52a-501;
- 300 (ii) the first initiated process concludes under Subsection 17-52a-403(7) because the
 301 study committee recommended that the county's form of government not change;

- 302 or
- 303 (iii) the first initiated process concludes because registered voters fail to submit a
- 304 sufficient number of valid signatures for a petition before the deadline described
- 305 in Subsection 17-52a-303(2)(c).
- 306 (b) A county legislative body may not initiate the process to adopt an optional plan
- 307 under Section 17-52a-302 within four years ~~[of]~~ after an election at which voters first
- 308 elect elected county officials;
- 309 (i) in accordance with Section 17-52a-503; and
- 310 (ii) ~~[-]~~as specified in an optional plan proposed as a result of a process initiated by the
- 311 county legislative body.
- 312 (c) Registered voters of a county may not initiate the process to adopt an optional plan
- 313 under Section 17-52a-303 within four years ~~[of]~~ after an election at which voters first
- 314 elect elected county officials;
- 315 (i) in accordance with Section 17-52a-503; and
- 316 (ii) ~~[-]~~as specified in an optional plan proposed as a result of a process initiated by
- 317 registered voters.

318 Section 6. Section **17-52a-302** is amended to read:

319 **17-52a-302 . County legislative body initiation of adoption of optional plan --**

320 **Procedure.**

- 321 (1)(a) A county legislative body may ~~[only]~~ initiate the process of adopting an optional
- 322 plan by:
- 323 (i) approving a motion to establish a study committee, as provided in Section
- 324 17-52a-403.5, to study changing the form of government; and
- 325 (ii) after the county legislative body's receipt of the study committee's report under
- 326 Section 17-52a-403.5, adopting a resolution to submit to the voters the question of
- 327 whether the county should adopt ~~[an]~~ the optional plan ~~[proposed by the study~~
- 328 ~~committee described in Subsection (1)(a)(i)]~~ formulated by the county legislative
- 329 body.
- 330 (b) The county legislative body may not submit to the voters an optional plan unless the
- 331 optional plan complies with the requirements of Sections 17-52a-404 and 17-52a-405.
- 332 (2)(a) ~~[No]~~ For a county operating under the county executive-council form of county
- 333 government, no later than 10 days after the day on which the county legislative body
- 334 approves a motion as described in Subsection (1)(a)(i), the county legislative body
- 335 shall notify the county executive of the county legislative body's approval to establish

- 336 a study committee.
- 337 (b) No later than 10 days after the day on which the county legislative body adopts a
 338 resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy
 339 of the optional plan that the legislative body recommends to:
- 340 (i) the county clerk; and
 341 (ii) the county attorney for review in accordance with Section 17-52a-406.

342 Section 7. Section **17-52a-303** is amended to read:

343 **17-52a-303 . Registered voter initiation of adoption of optional plan --**

344 **Certification of petition signatures -- Removal of signature -- Procedure.**

- 345 (1)(a) Registered voters of a county may initiate the process of adopting an optional plan
 346 by filing with the county clerk a notice of intent to gather signatures for a petition:
- 347 (i) for the establishment of a study committee described in Section 17-52a-403; or
 348 (ii) to adopt an optional plan that:
- 349 (A) accompanies the petition during the signature gathering process and
 350 accompanies the petition in the submission to the county clerk under
 351 Subsection (2)(b); and
 352 (B) complies with the requirements described in Sections 17-52a-404 and
 353 17-52a-405.
- 354 (b) A notice of intent described in Subsection (1)(a) shall:
- 355 (i) designate five sponsors for the petition;
 356 (ii) designate a contact sponsor to serve as the primary contact for the petition
 357 sponsors;
 358 (iii) list the mailing address and telephone number of each of the sponsors; and
 359 (iv) be signed by each of the petition sponsors.
- 360 (c) Registered voters of a county may not file a notice of intent to gather signatures in
 361 bad faith.
- 362 (2)(a) The sponsors of a petition may circulate the petition after filing a notice of intent
 363 to gather signatures under Subsection (1).
- 364 (b)(i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition
 365 contains the number of legal signatures required under Subsection 20A-7-501(2).
 366 (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains
 367 at least the number of legal signatures equal to 30% of the number of active
 368 voters, as defined in Section 20A-7-501, in the county.
 369 (iii) The county clerk may not count a signature that was collected for the petition

- 370 before the petition sponsors filed a notice of intent under Subsection (1)(a).
- 371 (iv) Notwithstanding any other provision of law, an individual may not sign a petition
372 circulated under this section by electronic signature as defined in Section
373 20A-1-202.
- 374 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
375 the completed petition and any amended or supplemental petition described in
376 Subsection (4) with the county clerk not more than 180 days after the day on which
377 the sponsors file the notice described in Subsection (1).
- 378 (d)(i) Within 30 days after the day on which the sponsors submit a petition, the
379 sponsors shall submit financial disclosures to the county clerk that include:
- 380 (A) a list of each contribution received by the sponsors and the name of the donor;
381 and
382 (B) a list of each expenditure for purposes of furthering or sponsoring the petition
383 and the recipient of each expenditure.
- 384 (ii) The county clerk shall publish the financial disclosures described in Subsection
385 (2)(d)(i).
- 386 (iii) All sponsors of a petition shall date and sign each list described in Subsection
387 (2)(d)(i).
- 388 (3) Within 30 days after the day on which the sponsors submit a petition under Subsection
389 (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk
390 shall:
- 391 (a)(i) use the procedures described in Section 20A-1-1002 to determine whether a
392 signer is a registered voter; and
- 393 (ii) determine whether the petition or amended or supplemental petition has been
394 signed by the required number of registered voters;
- 395 (b)(i) if the petition was signed by a sufficient number of registered voters:
- 396 (A) certify the petition;
397 (B) deliver the petition to the county legislative body and, if the county has a
398 county executive separate from the county legislative body, the county
399 executive; and
400 (C) notify the contact sponsor in writing of the certification; or
- 401 (ii) if the petition was not signed by a sufficient number of registered voters:
- 402 (A) reject the petition; and
403 (B) notify the county legislative body and the contact sponsor in writing of the

- 404 rejection and the reasons for the rejection; and
- 405 (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on
- 406 which the county clerk certifies the petition under Subsection (3)(b)(i), [~~the county~~
- 407 ~~clerk shall~~] send a copy of the optional plan that accompanied the petition to the
- 408 county attorney for review in accordance with Section 17-52a-406.
- 409 (4) The sponsors of a petition circulated under this section may submit supplemental
- 410 signatures for the petition:
- 411 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
- 412 (b) before the earlier of:
- 413 (i) the deadline described in Subsection (2)(c); or
- 414 (ii) 20 days after the day on which the county clerk rejects the petition under
- 415 Subsection (3)(b)(ii).
- 416 (5) With the unanimous approval of petition sponsors, a petition filed under this section
- 417 may be withdrawn at any time within 90 days after the day on which the county clerk
- 418 certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an
- 419 election under Section 17-52a-501 if the petition included a notification to petition
- 420 signers, in conspicuous language and in a conspicuous location, that the petition
- 421 sponsors are authorized to withdraw the petition.
- 422 (6)(a) A voter who signs a petition under this section may have the voter's signature
- 423 removed from the petition by, no later than three business days after the day on
- 424 which the sponsors submit the petition to the county clerk, submitting to the county
- 425 clerk a statement requesting that the voter's signature be removed.
- 426 (b) A statement described in Subsection (6)(a) shall comply with the requirements
- 427 described in Subsection 20A-1-1003(2).
- 428 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
- 429 determine whether to remove an individual's signature from a petition after receiving
- 430 a timely, valid statement requesting removal of the signature.
- 431 (7) Within 30 days after receiving a petition certified under Subsection (3)(b) for the
- 432 establishment of a study committee, the county legislative body shall establish a study
- 433 committee as provided in Section 17-52a-403.

434 Section 8. Section **17-52a-403** is amended to read:

435 **17-52a-403 . Study committee under a registered voter petition for the**

436 **establishment of a study committee.**

- 437 (1)(a) A study committee under a registered voter petition for the establishment of a

438 study committee consists of:

439 [(i) for a study committee established by the county legislative body under Section
440 17-52a-302, five members appointed by the county legislative body; or]

441 [(ii) for a study committee established by the registered voters through a petition
442 under Section 17-52a-303:]

443 [(A)] (i) two members appointed by the sponsors of the petition;

444 [(B)] (ii) two members appointed by the county legislative body; and

445 [(C)] (iii) one member appointed by the county's council of governments.

446 (b) A member of a study committee under this section:

447 (i) may not receive compensation for service on the study committee;

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

450 (iii) shall be a registered voter.

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

454 (2) A study committee under this section may:

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

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

459 (c) request the assistance and advice of any officers or employees of any agency of state
460 or local government.

461 (3)(a) A study committee under this section shall:

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

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

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

471 (iv) file a written report of the study committee's findings and recommendations with [

472 ~~the county executive,]the county legislative body, [and]the county clerk, and, if~~
473 ~~there is a county executive separate from the county legislative body, the county~~
474 ~~executive~~ no later than one year after the convening of the study committee's first
475 meeting under Section 17-52a-402.

476 (b) Within 10 days after the day on which the study committee submits the study
477 committee's report under Subsection (3)(a)(iv), if the report recommends a change in
478 the form of county government, the county clerk shall send to the county attorney a
479 copy of the optional plan recommended in the report for review in accordance with
480 Section 17-52a-406.

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

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

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

487 (c) any additional recommendations the study committee considers appropriate to
488 improve the efficiency and economy of the administration of local government within
489 the county.

490 (5)(a) If the study committee's report recommends a change in the form of county
491 government, the study committee may conduct additional public hearings after filing
492 the report under Subsection (3)(a)(iv) and, following the hearings and subject to
493 Subsection (5)(b), alter the report or proposed optional plan.

494 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
495 to the report or proposed optional plan:

496 (i) that would recommend the adoption of an optional form different from that
497 recommended in the original report; or

498 (ii) within the 160-day period before the election under Section 17-52a-501.

499 (6) Each meeting that the study committee holds shall be open to the public.

500 (7) If the study committee's report does not recommend a change in the form of county
501 government, the report is final, the study committee is dissolved, and the process to
502 change the county's form of government is concluded.

503 (8) The county legislative body shall provide for the study committee:

504 (a) suitable meeting facilities;

505 (b) necessary secretarial services;

- 506 (c) necessary printing and photocopying services;
 507 (d) necessary clerical and staff assistance; and
 508 (e) adequate funds for the employment of independent legal counsel and professional
 509 consultants that the study committee reasonably determines to be necessary to help
 510 the study committee fulfill its duties.

511 (9) The county legislative body may not interfere with the work of the study committee.

512 Section 9. Section **17-52a-403.5** is enacted to read:

513 **17-52a-403.5 . Study committee under a county legislative body motion**
 514 **establishing a study committee.**

515 (1) A study committee established by a county legislative body motion under Subsection
 516 17-52a-302(1)(a)(i) consists of five members appointed by the county legislative body.

517 (2)(a) A member of a study committee under this section:

- 518 (i) may not receive compensation for service on the study committee;
 519 (ii) may not hold an elected county office or have filed a current declaration of
 520 candidacy for an elected county office; and
 521 (iii) shall be a registered voter.

522 (b) The county legislative body shall reimburse a study committee member for the
 523 member's necessary expenses incurred in performing the member's duties on the
 524 study committee.

525 (3) A study committee under this section shall:

- 526 (a) study the form of government under which the county currently operates;
 527 (b) study the advisability of changing to the form of government suggested by the
 528 county legislative body, including determining whether changing to the suggested
 529 form of government would likely:
 530 (i) strengthen the administration of county government;
 531 (ii) make the administration of county government more responsive or accountable to
 532 the people; or
 533 (iii) improve the economy and efficiency of county government; and
 534 (c) within the time specified by the county legislative body, report to the county
 535 legislative body the results of the study committee's study, including any
 536 recommendations the study committee has concerning details of a proposed optional
 537 plan and any necessary implementing provisions.

538 (4) A study committee under this section may hold one or more public hearings, as directed
 539 by the county legislative body, to receive public input on the study committee's study.

- 540 (5) The county legislative body shall provide for the study committee:
 541 (a) suitable meeting facilities;
 542 (b) necessary secretarial, clerical, and other staff support services;
 543 (c) necessary printing and photocopying services; and
 544 (d) adequate funding and other resources required to enable the study committee to
 545 fulfill the committee's responsibilities.

546 Section 10. Section **17-52a-404** is amended to read:

547 **17-52a-404 . Contents of proposed optional plan.**

- 548 (1) [~~The study committee or the sponsors of a petition described in Subsection~~
 549 ~~17-52a-303(1)(a)(ii) shall ensure that an optional plan the committee or registered voters~~
 550 ~~propose under this chapter, respectively]~~ An optional plan under this chapter shall:
 551 (a) [~~proposes]~~ propose the adoption of one of the forms of county government authorized
 552 in Subsection 17-52a-405(1)(a);
 553 (b) [~~contains]~~ contain detailed provisions relating to the transition from the existing form
 554 of county government to the form proposed in the optional plan, including provisions
 555 relating to the:
 556 (i) election or appointment of officers specified in the optional plan for the new form
 557 of county government;
 558 (ii) retention, elimination, or combining of existing offices and, if an office is
 559 eliminated, the division or department of county government responsible for
 560 performing the duties of the eliminated office;
 561 (iii) continuity of existing ordinances and regulations;
 562 (iv) continuation of pending legislative, administrative, or judicial proceedings;
 563 (v) making of interim and temporary appointments; and
 564 (vi) preparation, approval, and adjustment of necessary budget appropriations;
 565 (c) [~~specifies]~~ specify the date the optional plan becomes effective if adopted, which may
 566 not be earlier than the first day of January next following the election of officers
 567 under the new plan; and
 568 (d) notwithstanding any other provision of this title and except with respect to an
 569 optional plan that proposes the adoption of the county commission [~~or expanded~~
 570 ~~county commission]~~ form of government, with respect to the county budget [~~provides]~~
 571 provide that:
 572 (i) the county executive's role is to prepare and present a proposed budget to the
 573 county legislative body; and

- 574 (ii) the county legislative body's role is to adopt a final budget.
- 575 (2) Subject to Subsection (3), an optional plan may include provisions that are considered
576 necessary or advisable to the effective operation of the proposed optional plan.
- 577 (3) An optional plan may not:
- 578 (a) include any provision that is inconsistent with or prohibited by the Utah Constitution
579 or any statute;
- 580 (b) specify compensation, including benefits, for any appointed or elected county
581 official; or
- 582 [~~(e) specify the full or part-time status of any appointed or elected county official; or~~]
583 [~~(d)~~] (c) if the optional plan specifies that county council or commission members are to
584 be elected from districts, establish, divide, abolish, alter, change, or otherwise attempt
585 to draw boundaries of election districts or impair the duties of the county legislative
586 body as described in Section 17-52a-503.
- 587 (4) [~~The optional plan proponent described in Subsection (1) shall ensure that an optional~~
588 ~~plan proposing to change~~] An optional plan that proposes changing the form of
589 government to the county executive-council form under Section 17-52a-203 or the
590 council-manager form under Section 17-52a-204 shall:
- 591 (a) [~~provides~~] provide for the same executive and legislative officers as are specified in
592 the applicable section for the form of government that the optional plan proposes;
- 593 (b) [~~provides~~] provide for the election of the county council;
- 594 (c) [~~specifies~~] specify the number of county council members, which shall be an odd
595 number from three to nine;
- 596 (d) subject to Subsection [~~(3)(d)~~] (3)(c), [~~specifies~~] specify whether the members of the
597 county council are to be elected from districts, at large, or by a combination of at
598 large and by district;
- 599 (e) [~~specifies~~] specify county council members' qualifications and terms and whether the
600 terms are to be staggered; and
- 601 (f) [~~contains~~] contain procedures for filling vacancies on the county council, consistent
602 with the provisions of Section 20A-1-508.
- 603 (5) [~~The optional plan proponent described in Subsection (1) shall ensure that an~~] An
604 optional plan proposing to change the form of government to the county commission
605 form under Section 17-52a-201 [~~or the expanded county commission form under Section~~
606 ~~17-52a-202 specifies~~] shall specify:
- 607 (a)[~~(i)~~] for the county commission form of government, that the county commission

- 608 shall have three, five, or seven members; ~~or~~
- 609 [(ii) for the expanded county commission form of government, whether the county
- 610 commission shall have five or seven members;]
- 611 (b) the terms of office for county commission members and whether the terms are to be
- 612 staggered;
- 613 (c) subject to Subsection ~~[(3)(d)]~~ (3)(c), whether members of the county commission are
- 614 to be elected from districts, at large, or by a combination of at large and from districts;
- 615 (d) if any members of the county commission are to be elected from districts, the district
- 616 residency requirements for those commission members; and
- 617 (e) if any members of the county commission are to be elected at large, whether the
- 618 election of county commission members is subject to the provisions of Subsection
- 619 17-52a-201(6) ~~or Subsection 17-52a-202(6)]~~.

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

621 **17-52a-405 . Plan may propose changing forms of county government -- Partisan**
 622 **elections.**

- 623 (1)(a) ~~[The optional plan proponent described in Subsection 17-52a-404(1) shall ensure~~
 624 ~~that each optional plan proposes]~~ An optional plan under Subsection 17-52a-404(1)
 625 shall propose changing the form of county government to:
- 626 (i) for a county of the first, second, third, or fourth class:
- 627 (A) the county commission form under Section 17-52a-201;
- 628 ~~[(B) the expanded county commission form under Section 17-52a-202;]~~
- 629 ~~[(C)]~~ (B) the county executive and council form under Section 17-52a-203; or
- 630 ~~[(D)]~~ (C) the council-manager form under Section 17-52a-204; ~~[and] or~~
- 631 (ii) for a county of the fifth or sixth class ~~[:]~~ ,
- 632 ~~[(A)]~~ the county commission form under Section 17-52a-201 ~~[: or]~~ .
- 633 ~~[(B) the expanded county commission form under Section 17-52a-202.]~~
- 634 (b) ~~[The optional plan proponent described in]~~ An optional plan under Subsection
 635 17-52a-404(1) may not ~~recommend an optional plan that~~:
- 636 (i) ~~[proposes]~~ propose changing the form of government to a form not authorized in
 637 Subsection (1)(a);
- 638 (ii) ~~[provides]~~ provide for the nonpartisan election of elected officers;
- 639 (iii) ~~[imposes]~~ impose a limit on the number of terms or years that an elected officer
 640 may serve;
- 641 (iv) ~~[provides]~~ provide for elected officers to be subject to a recall election; or

642 (v) ~~[provides]~~ provide, in a county with a population of 225,000 or more, for a
 643 full-time county commission in ~~[an expanded]~~ a county commission form of
 644 government ~~[under Section 17-52a-202]~~ with five or seven members.

645 (2) A county that provides for the election of the county's elected officers through a partisan
 646 election may not change to a process that provides for the election of the county's
 647 elected officers through a nonpartisan election.

648 Section 12. Section **17-52a-504** is amended to read:

649 **17-52a-504 . Amendment of optional plan.**

650 (1) Subject to Subsection (2), an optional plan, after going into effect following an election
 651 held under Section 17-52a-501, may be amended by an affirmative vote of two-thirds of
 652 the county legislative body.

653 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect may
 654 not take effect until a majority of registered voters voting in a general or special election
 655 at which the amendment is proposed approve the amendment, if the amendment changes:

656 (a) the size or makeup of the legislative body, except for adjustments necessary due to
 657 decennial reapportionment; or

658 (b) the distribution of powers between the executive and legislative branches of county
 659 government~~;~~ or .

660 ~~[(e) the status of the county executive or legislative body from full-time to part-time or~~
 661 ~~vice versa.]~~

662 Section 13. Section **17-53-101** is amended to read:

663 **17-53-101 . County officers enumerated.**

664 (1) The elected officers of a county are:

665 (a)(i) in a county operating under a county commission~~[or expanded county~~
 666 ~~commission]~~ form of government, county commission members; or

667 (ii) in a county operating under one of the other forms of county government under
 668 Subsection 17-52a-405(1)(a), county legislative body members and the county
 669 executive;

670 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a
 671 county attorney, a district attorney in a county which is part of a prosecution district,
 672 a county surveyor, and a county assessor; and

673 (c) any others provided by law.

674 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
 675 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform

676 the duties of the office without extra compensation.

677 Section 14. Section **17-53-317** is amended to read:

678 **17-53-317 . Executive appointment with advice and consent of county legislative**
679 **body.**

680 (1) The appointment of a person to fill a position on a board, committee, or similar body
681 whose membership is appointed by the county shall be by the county executive, with the
682 advice and consent of the county legislative body.

683 (2)(a) As used in this Subsection (2), "interim vacancy period" means:

684 (i) for a county commission~~[form or expanded county commission]~~ form of
685 government, the period of time that:

686 (A) begins on the day on which a general election described in Section 17-16-6 is
687 held to elect a commission member; and

688 (B) ends on the day on which the commission member-elect begins the council
689 member's term; or

690 (ii) for a county executive-council form of government, the period of time that:

691 (A) begins on the day on which a general election described in Section 17-16-6 is
692 held to elect a county executive; and

693 (B) ends on the day on which the county executive-elect begins the county
694 executive's term.

695 (b)(i) A county commission in a county commission form of government~~[, or a~~
696 ~~county commission in an expanded county commission form of government,]~~ may
697 not appoint during an interim period vacancy a manager, a chief executive officer,
698 a chief administrative officer, or a similar position to perform executive and
699 administrative duties or functions.

700 (ii) Notwithstanding Subsection (2)(b)(i):

701 (A) a county commission in a county commission form of government~~[, or a~~
702 ~~county commission in an expanded county commission form of government,]~~
703 may appoint an interim manager, a chief executive officer, a chief
704 administrative officer, or a similar position during an interim vacancy period;
705 and

706 (B) the interim appointee's term shall expire once a new manager, a chief
707 executive officer, a chief administrative officer, or a similar position is
708 appointed by the new administration after the interim vacancy period has ended.

709 (c) Subsection (2)(b) does not apply if all the county commission members who held

710 office on the day of the county general election whose term of office was vacant for
711 the election are re-elected to the county commission for the following term.

712 (d)(i) A county executive in a county executive-council form of government may not
713 appoint during an interim vacancy period a manager, a chief executive officer, a
714 chief administrative officer, or a similar position to perform executive and
715 administrative duties or functions.

716 (ii) Notwithstanding Subsection (2)(d)(i):

717 (A) a county executive in a county executive-council form of government may
718 appoint an interim manager, a chief executive officer, a chief administrative
719 officer, or a similar position during an interim vacancy period; and

720 (B) the interim appointee's term shall expire once a new manager, a chief
721 executive officer, a chief administrative officer, or a similar position is
722 appointed by the new county executive after the interim vacancy period has
723 ended.

724 (e) Subsection (2)(d) does not apply if the county executive who held office on the day
725 of the county general election is re-elected to the office of county executive for the
726 following term.

727 (3) A county commission in a county commission form of government~~[, a county~~
728 ~~commission in an expanded county commission form of government,]~~ or a county
729 executive in a county executive-council form of government that appoints a manager, a
730 chief executive officer, a chief administrative officer, or a similar position in accordance
731 with this section may not, on or after May 10, 2011, enter into an employment contract
732 that contains an automatic renewal provision with the manager, chief executive officer,
733 chief administrative officer, or similar position.

734 **Section 15. Repealer.**

735 This bill repeals:

736 **Section 17-52a-202, Expanded county commission form of government -- Commission**
737 **member elections.**

738 **Section 16. Effective Date.**

739 This bill takes effect on May 7, 2025.