

Date Printed: 02/05/2009

JTS Box Number: IFES_51
Tab Number: 7
Document Title: UTAH ELECTION LAWS - 1996 EDITION
Document Date: 1996
Document Country: USA
Document Language: ENG
IFES ID: EL00646



* B 8 C F A 3 A 9 - 9 8 C 9 - 4 6 0 8 - A 6 B 0 - 5 0 A 5 5 F F 2 7 E 3 9 *

UTAH ELECTION LAWS

1996 EDITION



Prepared under the direction of
Olene S. Walker
Lieutenant Governor

CODE • CO
Law Publishers
Provo, Utah

UTAH ELECTION LAWS

1996 EDITION

Complete Through the 1996 General
and Second Special Sessions
of the Utah State Legislature



Prepared under the direction of
Olene S. Walker
Lieutenant Governor
(801) 538-1040

CODE • CO
Law Publishers
P.O. Box 1471, Provo, Utah 84603

RETURN TO RESOURCE CENTER
INTERNATIONAL FOUNDATION
FOR ELECTORAL SYSTEMS
1101 15th Street, N.W. 3rd FLOOR
WASHINGTON, D.C. 20005

Editor's Note:

This publication was prepared at the direction of the Lieutenant Governor as Chief Election Officer for the state. That office designated the portions of the Utah Code to be included. In some instances, only portions of a title or a chapter were selected. For the complete title or chapter, please consult the full Utah Code.

The sections are arranged in the normal order of the Utah Code. At the end of each section is a year which indicates the year in which that section was enacted or last amended.

Each title, chapter, or part begins with its own table of contents. At the end of the book is a topical index which refers you to the relevant Utah Code sections.

Table of Contents

Utah State Constitution.	6
Article I. Declaration of Rights.	6
Article IV. Elections and Rights of Suffrage.	6
Article VI. Legislative Department.	6
Article VII. Executive Department.	9
Article VIII. Judicial Department.	10
Article IX. Congressional and Legislative Apportionment.	10
Article XI. Counties, Cities and Towns.	10
Article XXIII. Amendment and Revision.	11
Article XXIV. Schedule.	11
Title 2. Aeronautics	12
Chapter 2. Public Airports Act.	12
Title 9. Community and Economic Development.	12
Chapter 7. Library Development.	12
Title 10. Cities and Towns.	13
Chapter 1. General Provisions.	13
Chapter 2. Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipalities.	15
Chapter 3. Municipal Government.	29
Chapter 7. Miscellaneous Powers of Cities and Towns.	48
Chapter 9. Municipal Land Use Development and Management.	55
Title 11. Cities, Counties and Local Taxing Units	66
Chapter 14. Utah Municipal Bond Act.	66
Title 17. Counties.	71
Chapter 2. Annexation to County.	71
Chapter 3. Creating New Counties.	73
Chapter 5. County Commissioners and Legislative Bodies.	74
Chapter 9. Fire Protection Districts [Renumbered].	82
Chapter 10. Special Road District Tax [Renumbered].	82
Chapter 11. Removal of County Seats.	82
Chapter 12. Creating Bonded Indebtedness.	82
Chapter 16. County Officers.	83
Chapter 18. County Attorney.	84
Chapter 20. County Clerk.	87
Chapter 23. County Surveyor.	87
Chapter 35. [Repealed]	90
Chapter 35a. Optional Plans for County Government.	90
Title 17A. Special Districts.	98
Chapter 1. General Provisions.	98
Chapter 2. Independent Special Districts.	99
Chapter 3. Dependent Special Districts.	125
Title 20. [Repealed]	125
Title 20A. Election Code.	125
Chapter 1. General Provisions.	125
Chapter 2. Voter Registration.	137
Chapter 3. Voting.	144
Chapter 4. Election Returns and Election Contests.	154
Chapter 5. Election Administration.	163
Chapter 6. Ballot Form.	170
Chapter 7. Issues Submitted to the Voters.	174
Chapter 8. Political Party Formation and Procedures.	192
Chapter 9. Candidate Qualifications and Nominating Procedures.	194
Chapter 10. Term Limits Act.	199
Chapter 11. Campaigning and Financial Reporting Requirements.	201
Chapter 12. Selection and Election of Judges.	214
Chapter 13. Elections to Federal Offices.	218
Chapter 14. Nomination and Election of State and Local School Boards.	220
Chapter 15. Convention to Ratify Amendments to the Constitution of the United States.	228

Title 32A. Alcoholic Beverages.	229
Chapter 2. State Stores.	230
Chapter 3. Package Agencies.	230
Chapter 4. Public Liquor Licenses.	231
Chapter 5. Private Club Liquor Licenses.	235
Chapter 7. Single Event Permits.	238
Title 36. Legislature.	239
Chapter 1. Legislative Districts.	239
Chapter 11. Lobbyist Disclosure and Regulation Act.	266
Title 52. Public Officers.	269
Chapter 3. Prohibiting Employment of Relatives.	270
Title 53A. State System of Public Education.	270
Chapter 1. Administration of Public Education at the State Level	270
Chapter 2. School Districts.	271
Chapter 16. State Financing of Public Education.	273
Chapter 17. Minimum School Finance. [Renumbered]	274
Chapter 17a. Minimum School Program Act.	274
Chapter 18. School District Indebtedness.	274
Title 59. Revenue and Taxation.	275
Chapter 10. Individual Income Tax Act.	275
Title 67. State Officers and Employees.	275
Chapter 1a. Lieutenant Governor.	275
Title 73 Water and Irrigation.	276
Chapter 10d. Privatization Projects.	276
Title 76. Criminal Code.	277
Chapter 8. Offenses Against the Administration of Government.	277
Title 78. Judicial Code.	278
Chapter 7. General Provisions Applicable to Courts and Judges.	278
INDEX	279



Utah State Constitution.

Article I. Declaration of Rights.
 Article IV. Elections and Rights of Suffrage.
 Article VI. Legislative Department.
 Article VII. Executive Department.
 Article VIII. Judicial Department.
 Article IX. Congressional and Legislative Apportionment.
 Article XI. Counties, Cities and Towns.
 Article XXIII. Amendment and Revision.
 Article XXIV. Schedule.

Article I. Declaration of Rights.

Sec. 4. [Religious liberty - No property qualification to vote or hold office.]

Sec. 17. [Elections to be free - Soldiers voting.]

Sec. 4. [Religious liberty - No property qualification to vote or hold office.]

The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment. No property qualification shall be required of any person to vote, or hold office, except as provided in this Constitution.

Sec. 17. [Elections to be free - Soldiers voting.]

All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers, in time of war, may vote at their post of duty, in or out of the State, under regulations to be prescribed by law.

Article IV. Elections and Rights of Suffrage.

Sec. 1. [Equal political rights.]

Sec. 2. [Qualifications to vote.]

Sec. 3. [Voters - Immunity from arrest.]

Sec. 4. [Voters - Immunity from militia duty.]

Sec. 5. [Voters to be citizens of United States.]

Sec. 6. [Mentally incompetent persons and certain criminals ineligible to vote.]

Sec. 7. [Property qualification forbidden.]

Sec. 8. [Ballot to be secret.]

Sec. 9. [General and special elections - Terms.]

Sec. 10. [Oath of office.]

Sec. 1. [Equal political rights.]

The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges.

Sec. 2. [Qualifications to vote.]

Every citizen of the United States, eighteen years of age or over, who makes proper proof of resid-

ence in this state for thirty days next preceding any election, or for such other period as required by law, shall be entitled to vote in the election.

Sec. 3. [Voters - Immunity from arrest.]

In all cases except those of treason, felony or breach of the peace, voters shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning therefrom.

Sec. 4. [Voters - Immunity from militia duty.]

No voter shall be obliged to perform militia duty on the day of election except in time of war or public danger.

Sec. 5. [Voters to be citizens of United States.]

No person shall be deemed a qualified voter of this State unless such person be a citizen of the United States.

Sec. 6. [Mentally incompetent persons and certain criminals ineligible to vote.]

No mentally incompetent person or person convicted of treason, or crime against the elective franchise, unless restored to civil rights, shall be permitted to vote at any election, or be eligible to hold office in this State.

Sec. 7. [Property qualification forbidden.]

No property qualification shall be required for any person to vote or hold office.

Sec. 8. [Ballot to be secret.]

All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election: Provided, That secrecy in voting be preserved.

Sec. 9. [General and special elections - Terms.]

(1) All general elections, except for municipal and school officers, shall be held on the Tuesday next following the first Monday in November of the year in which the election is held.

(2) Special elections may be held as provided by law.

(3) The terms of all officers elected at any general election, except legislators, shall commence on the first Monday in January next following the date of their election.

(4) Municipal and School officers shall be elected at such time as may be provided by law.

Sec. 10. [Oath of office.]

All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity.

Article VI. Legislative Department.

Sec. 1. [Power vested in Senate, House and People.]

Sec. 2. [Time of general sessions.]

Sec. 3. [Election of House members - Terms.]

Sec. 4. [Election of Senators - Terms.]

Sec. 5. [Who eligible as legislator.]

Sec. 6. [Who ineligible as legislator.]

Sec. 7. [Ineligibility of legislator to office created at term for which elected.]

Sec. 8. [Legislator, privilege from arrest.]

- Sec. 9. [Compensation of legislators - Citizens' salary commission.]
- Sec. 10. [Each house to be judge of election, and qualifications of its members - Expulsion.]
- Sec. 11. [Majority is quorum - Attendance compelled.]
- Sec. 12. [Rules - Choosing officers and employees.]
- Sec. 13. [Vacancies to be filled.]
- Sec. 14. [Journals - Yeas and nays.]
- Sec. 15. [Sessions to be public - Adjournments.]
- Sec. 16. [Duration of sessions.]
- Sec. 17. [Impeachment by House.]
- Sec. 18. [Trial of impeachment by Senate.]
- Sec. 19. [Officers liable for impeachment - Judgment - Prosecution by law.]
- Sec. 20. [Service of articles of impeachment.]
- Sec. 21. [Removal of officers.]
- Sec. 22. [Reading of bills - Bill to contain only one subject - Bills passed by majority.]
- Sec. 24. [Presiding officers to sign bills.]
- Sec. 25. [Publication of acts - Effective dates of acts.]
- Sec. 26. [Private laws forbidden.]
- Sec. 27. [Lotteries not authorized.]
- Sec. 28. [Special privileges forbidden.]
- Sec. 29. [Lending public credit forbidden.]
- Sec. 30. [Continuity in government.]
- Sec. 31. [Additional compensation of legislators.]
- Sec. 32. [Appointment of additional employees - Legal counsel.]
- Sec. 33. [Legislative auditor appointed.]

Sec. 1. [Power vested in Senate, House and People.]

The Legislative power of the State shall be vested: 1. In a Senate and House of Representatives which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah, as hereinafter stated:

The legal voters or such fractional part thereof, of the State of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the Legislature (except those laws passed by a two-thirds vote of the members elected to each house of the Legislature) to be submitted to the voters of the State before such law shall take effect.

The legal voters or such fractional part thereof as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect.

Sec. 2. [Time of general sessions.]

Annual general sessions of the Legislature shall be held at the seat of government and shall begin on the third Monday in January.

Sec. 3. [Election of House members - Terms.]

(1) The members of the House of Representatives shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.

(2) Their term of office shall be two years from the first day of January next after their election.

Sec. 4. [Election of Senators - Terms.]

(1) The senators shall be chosen by the qualified voters of the respective senatorial districts, at the same times and places as members of the House of Representatives.

(2) Their term of office shall be four years from the first day of the annual general session next after their election.

(3) As nearly one-half as may be practicable shall be elected in each biennium as the Legislature shall determine by law with each apportionment.

Sec. 5. [Who eligible as legislator.]

No person shall be eligible to the office of senator or representative who as of the last date provided by law for filing for the office is not a citizen of the United States, twenty-five years of age, a qualified voter in the district from which he is chosen, a resident for three years of the State, and for six months of the district from which he is elected. No person elected to the office of senator or representative shall continue to serve in that office after ceasing to be a resident of the district from which elected.

Sec. 6. [Who ineligible as legislator.]

No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

Sec. 7. [Ineligibility of legislator to office created at term for which elected.]

No member of the Legislature, during the term for which he was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 8. [Legislator, privilege from arrest.]

Members of the Legislature, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during each session of the Legislature, for fifteen days next preceding each session, and in returning therefrom; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

Sec. 9. [Compensation of legislators - Citizens' salary commission.]

The Legislature shall not increase the salaries of its members on its own initiative, but shall provide by law for the appointment by the Governor of a citizens' salary commission to make recommendations concerning the salaries of members of the Legislature. Upon submission of the commission's recommendations, the Legislature shall by law accept, reject or lower the salary but may not, in any event, increase the recommendation. The Legislature shall provide by law for the expenses of its members. Until salaries and expenses enacted as authorized by this section become effective, members of the Legislature shall receive compensation of \$25 per diem while actually in session, expenses of \$15 per diem while actually in session, and mileage as provided by law.

Sec. 10. [Each house to be judge of election, and qualifications of its members - Expulsion.]

Each house shall be the judge of the election and

qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.

Sec. 11. [Majority is quorum - Attendance compelled.]

A majority of the members of each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Sec. 12. [Rules - Choosing officers and employees.]

Each house shall determine the rules of its proceedings and choose its own officers and employees.

Sec. 13. [Vacancies to be filled.]

Vacancies that may occur in either house of the legislature shall be filled in such manner as may be provided by law.

Sec. 14. [Journals - Yeas and nays.]

Each house shall keep a journal of its proceedings, which, except in case of executive sessions, shall be published, and the yeas and nays on any question, at the request of five members of such house, shall be entered upon the journal.

Sec. 15. [Sessions to be public - Adjournments.]

All sessions of the Legislature, except those of the Senate while sitting in executive session, shall be public; and neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which it may be holding session.

Sec. 16. [Duration of sessions.]

No annual general session of the Legislature shall exceed 45 calendar days, except in cases of impeachment. No special session shall exceed 30 calendar days, except in cases of impeachment. When any session of the Legislature trying cases of impeachment exceeds the number of days it may remain in session as provided in this section, the members shall receive compensation only for expenses and mileage for those days in excess of 30.

Sec. 17. [Impeachment by House.]

The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected must vote therefor.

Sec. 18. [Trial of impeachment by Senate.]

All impeachments shall be tried by the Senate, and senators, when sitting for that purpose, shall take oath or make affirmation to do justice according to the law and the evidence. When the Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

Sec. 19. [Officers liable for impeachment - Judgment - Prosecution by law.]

The Governor and other State and Judicial officers, except justices of the peace, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial and punishment according to law.

Sec. 20. [Service of articles of impeachment.]

No person shall be tried on impeachment, unless he shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service he shall not exercise the duties of his office until he shall have been acquitted.

Sec. 21. [Removal of officers.]

All officers not liable to impeachment shall be removed for any of the offenses specified in this article, in such manner as may be provided by law.

Sec. 22. [Reading of bills - Bill to contain only one subject - Bills passed by majority.]

Every bill shall be read by title three separate times in each house except in cases where two-thirds of the house where such bill is pending suspend this requirement. Except general appropriation bills and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title. The vote upon the final passage of all bills shall be by yeas and nays and entered upon the respective journals of the house in which the vote occurs. No bill or joint resolution shall be passed except with the assent of the majority of all the members elected to each house of the Legislature.

Sec. 24. [Presiding officers to sign bills.]

The presiding officer of each house, not later than five days following adjournment, shall sign all bills and joint resolutions passed by the Legislature, certifying to their accuracy and authenticity as enacted by the Legislature.

Sec. 25. [Publication of acts - Effective dates of acts.]

All acts shall be officially published, and no act shall take effect until sixty days after the adjournment of the session at which it passed, unless the Legislature by a vote of two-thirds of all the members elected to each house, shall otherwise direct.

Sec. 26. [Private laws forbidden.]

No private or special law shall be enacted where a general law can be applicable.

Sec. 27. [Lotteries not authorized.]

The Legislature shall not authorize any game of chance, lottery or gift enterprise under any pretense or for any purpose.

Sec. 28. [Special privileges forbidden.]

The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.

Sec. 29. [Lending public credit forbidden.]

The Legislature shall not authorize the State, or any county, city, town, township, district or other political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking.

Sec. 30. [Continuity in government.]

(1) Notwithstanding any general or special provisions of the Constitution, in order to insure continuity of state and local government operations when such operations are seriously disrupted as a result of natural or man-made disaster or disaster caused by

enemy attack, the Legislature may:

(a) provide for prompt and temporary succession to the powers and duties of any elected or appointed public office, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and

(b) adopt measures necessary and proper for insuring the continuity of governmental operations including, but not limited to, the financing thereof.

(2) Subsection (1) does not permit these temporary public officers to act or these temporary measures to be contrary to the Constitution and applicable law.

Sec. 31. [Additional compensation of legislators.]

For attendance at meetings of interim committees established by law to function between legislative sessions, members of the Legislature shall receive additional per diem compensation and mileage at a rate not to exceed that provided in this Constitution for regular legislative sessions.

Sec. 32. [Appointment of additional employees - Legal counsel.]

(1) The Legislature may appoint temporary or permanent nonmember employees for work during and between sessions.

(2) The Legislature may appoint legal counsel which shall provide and control all legal services for the Legislature unless otherwise provided by statute.

Sec. 33. [Legislative auditor appointed.]

The Legislature shall appoint a legislative auditor to serve at its pleasure. The legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivision of this state and shall perform such other related duties as may be prescribed by the Legislature. He shall report to and be answerable only to the Legislature.

Article VII. Executive Department.

Sec. 1. [Executive Department officers - Terms, residence, and duties.]

Sec. 2. [Election of officers - Governor and Lieutenant Governor elected jointly.]

Sec. 3. [Qualifications of officers.]

Sec. 9. [Governor may fill certain vacancies.]

Sec. 10. [Governor's appointive power - Vacancies.]

Sec. 11. [Vacancy in office of Governor - Determination of disability.]

Sec. 1. [Executive Department officers - Terms, residence, and duties.]

(1) The elective constitutional officers of the Executive Department shall consist of Governor, Lieutenant Governor, State Auditor, State Treasurer, and Attorney General.

(2) Each officer shall:

(a) hold office for four years beginning on the first Monday of January next after their election;

(b) during their terms of office reside within the state; and

(c) perform such duties as are prescribed by this Constitution and as provided by statute.

Sec. 2. [Election of officers - Governor and Lieutenant Governor elected jointly.]

(1) The officers provided for in Section 1 shall be elected by the qualified voters of the state at the time and place of voting for members of the Legislature. The candidates respectively having the highest number of votes cast for the office voted for shall be elected. If two or more candidates have an

equal and the highest number of votes for any one of the offices, the two houses of the Legislature at its next session shall elect by joint ballot one of those candidates for that office.

(2) In the election the names of the candidates for Governor and Lieutenant Governor for each political party shall appear together on the ballot and the votes cast for a candidate for Governor shall be considered as also cast for the candidate for Lieutenant Governor.

Sec. 3. [Qualifications of officers.]

(1) To be eligible for the office of Governor or Lieutenant Governor a person shall be 30 years of age or older at the time of election.

(2) To be eligible for the office of Attorney General a person shall be 25 years of age or older, at the time of election, admitted to practice before the Supreme Court of the State of Utah, and in good standing at the bar.

(3) To be eligible for the office of State Auditor or State Treasurer a person shall be 25 years of age or older at the time of election.

(4) No person is eligible to any of the offices provided for in Section 1 unless at the time of election that person is a qualified voter and has been a resident citizen of the state for five years next preceding the election.

Sec. 9. [Governor may fill certain vacancies.]

When any State or district office shall become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire at the next election, and upon qualification of the person elected to such office.

Sec. 10. [Governor's appointive power - Vacancies.]

The Governor shall nominate, and by and with consent of the Senate, appoint all State and district officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If, during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some qualified person to discharge the duties thereof until the next meeting of the Senate, when the Governor shall nominate some person to fill such office. If the office of Lieutenant Governor, State Auditor, State Treasurer or Attorney General be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, from the same political party of the removed person; and the appointee shall hold office until a successor shall be elected and qualified, as provided by law.

Sec. 11. [Vacancy in office of Governor - Determination of disability.]

In case of the death of the Governor, impeachment, removal from office, resignation, or disability to discharge the duties of the office, or in case of a Governor-elect who fails to take office, the powers and duties of the Governor shall devolve upon the Lieutenant Governor until the disability ceases or until the next general election, when the vacancy shall be filled by election. If, during a vacancy in the office of Governor, the Lieutenant Governor resigns, dies, is removed, or becomes incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or disability ceases. If in this case the Presi-

dent of the Senate resigns, dies, is removed, or becomes incapable of performing the duties of the office, the Speaker of the House shall act as Governor until the vacancy is filled or disability ceases. While performing the duties of the Governor as provided in this section, the Lieutenant Governor, the President of the Senate, or the Speaker of the House, as the case may be, shall be entitled to the salary and emoluments of the Governor, except in cases of temporary disability.

The disability of the Governor or person acting as Governor shall be determined by either a written declaration transmitted to the Supreme Court by the Governor stating an inability to discharge the powers and duties of the office or by a majority of the Supreme Court on joint request of the President of the Senate and the Speaker of the House of Representatives. Such determination shall be final and conclusive. Thereafter, when the Governor transmits to the Supreme Court a written declaration that no disability exists, the Governor shall resume the powers and duties of the office unless the Supreme Court, upon joint request of the President of the Senate and the Speaker of the House of Representatives, or upon its own initiative, determines that the Governor is unable to discharge the powers and duties of the office. The Lieutenant Governor shall then continue to discharge these powers and duties as acting Governor. The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Article VIII. Judicial Department.

Sec. 9. [Judicial retention elections.]

Sec. 10. [Restrictions on justices and judges.]

Sec. 9. [Judicial retention elections.]

Each appointee to a court of record shall be subject to an unopposed retention election at the first general election held more than three years after appointment. Following initial voter approval, each Supreme Court justice every tenth year, and each judge of other courts of record every sixth year, shall be subject to an unopposed retention election at the corresponding general election. Judicial retention elections shall be held on a nonpartisan ballot in a manner provided by statute. If geographic divisions are provided for any court of record, the judges of those courts shall stand for retention election only in the geographic division to which they are selected.

Sec. 10. [Restrictions on justices and judges.]

Supreme court justices, district court judges, and judges of all other courts of record while holding office may not practice law, hold any elective non-judicial public office, or hold office in a political party.

Article IX. Congressional and Legislative Apportionment.

Sec. 1. Apportionment.

Sec. 1. Apportionment.

At the session next following an enumeration made by the authority of the United States, the Legislature shall divide the state into congressional, legislative, and other districts accordingly.

Article XI. Counties, Cities and Towns.

Sec. 2. [Removal of county seats.]

Sec. 3. [Changing county lines.]

Sec. 4. [Optional forms of county government - Precinct and township organizations.]

Sec. 5. [Municipal corporations - To be created by general law - Right and manner of adopting charter for own government - Powers included.]

Sec. 2. [Removal of county seats.]

No County Seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and two-thirds of the votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

Sec. 3. [Changing county lines.]

No territory shall be stricken from any county unless a majority of the voters living in such territory, as well as of the county to which it is to be annexed, shall vote therefor, and then only under such conditions as may be prescribed by general law.

Sec. 4. [Optional forms of county government - Precinct and township organizations.]

The Legislature shall by general law prescribe optional forms of county government and shall allow each county to select, subject to referendum in the manner provided by law, the prescribed optional form which best serves its needs, and by general laws shall provide for precinct and township organizations.

Sec. 5. [Municipal corporations - To be created by general law - Right and manner of adopting charter for own government - Powers included.]

Corporations for municipal purposes shall not be created by special laws. The legislature by general laws shall provide for the incorporation, organization and classification of cities and towns in proportion to population, which laws may be altered, amended or repealed. Any incorporated city or town may frame and adopt a charter for its own government in the following manner:

The legislative authority of the city may, by two-thirds vote of its members, and upon petition of qualified electors to the number of fifteen per cent of all votes cast at the next preceding election for the office of the mayor, shall forthwith provide by ordinance for the submission to the electors of the question: "Shall a commission be chosen to frame a charter?" The ordinance shall require that the question be submitted to the electors at the next regular municipal election. The ballot containing such question shall also contain the names of candidates for members of the proposed commission, but without party designation. Such candidates shall be nominated in the same manner as required by law for nomination of city officers. If a majority of the electors voting on the question of choosing a commission shall vote in the affirmative, then the fifteen candidates receiving a majority of the votes cast at such election, shall constitute the charter commission, and shall proceed to frame a charter.

Any charter so framed shall be submitted to the qualified electors of the city at an election to be held at a time to be determined by the charter commis-

sion, which shall be not less than sixty days subsequent to its completion and distribution among the electors and not more than one year from such date. Alternative provisions may also be submitted to be voted upon separately. The commission shall make provisions for the distribution of copies of the proposed charter and of any alternative provisions to the qualified electors of the city, not less than sixty days before the election at which it is voted upon. Such proposed charter and such alternative provisions as are approved by a majority of the electors voting thereon, shall become an organic law of such city at such time as may be fixed therein, and shall supersede any existing charter and all laws affecting the organization and government of such city which are now in conflict therewith. Within thirty days after its approval a copy of such charter as adopted, certified by the mayor and city recorder and authenticated by the seal of such city, shall be made in duplicate and deposited, one in the office of the secretary of State and the other in the office of the city recorder, and thereafter all courts shall take judicial notice of such charter.

Amendments to any such charter may be framed and submitted by a charter commission in the same manner as provided for making of charters, or may be proposed by the legislative authority of the city upon a two-thirds vote thereof, or by petition of qualified electors to a number equal to fifteen per cent of the total votes cast for mayor on the next preceding election, and any such amendment may be submitted at the next regular municipal election, and having been approved by the majority of the electors voting thereon, shall become part of the charter at the time fixed in such amendment and shall be certified and filed as provided in case of charters.

Each city forming its charter under this section shall have, and is hereby granted, the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law, and no enumeration of powers in this constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not include the power to regulate public utilities, not municipally owned, if any such regulation of public utilities is provided for by general law, nor be deemed to limit or restrict the power of the legislature in matters relating to State affairs, to enact general laws applicable alike to all cities of the State.

The power to be conferred upon the cities by this section shall include the following:

(a) To levy, assess and collect taxes and borrow money, within the limits prescribed by general law, and to levy and collect special assessments for benefits conferred.

(b) To furnish all local public services, to purchase, hire, construct, own, maintain and operate, or lease, public utilities local in extent and use; to acquire by condemnation, or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and within its powers regulate the exercise thereof.

(c) To make local public improvements and to acquire by condemnation, or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over than [that] needed for any such improvement and to sell

or lease such excess property with restrictions, in order to protect and preserve the improvement.

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or both, including, in the case of public utility, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

Article XXIII. Amendment and Revision.

Sec. 1. [Amendments: proposal, election.]

Sec. 2. [Revision of the Constitution.]

Sec. 3. [Submission to electors.]

Sec. 1. [Amendments: proposal, election.]

Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if two-thirds of all the members elected to each of the two houses, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays taken thereon; and the Legislature shall cause the same to be published in at least one newspaper in every county of the state, where a newspaper is published, for two months immediately preceding the next general election, at which time the said amendment or amendments shall be submitted to the electors of the state for their approval or rejection, and if a majority of the electors voting thereon shall approve the same, such amendment or amendments shall become part of this Constitution.

The revision or amendment of an entire article or the addition of a new article to this Constitution may be proposed as a single amendment and may be submitted to the electors as a single question or proposition. Such amendment may relate to one subject, or any number of subjects, and may modify, or repeal provisions contained in other articles of the Constitution, if such provisions are germane to the subject matter of the article being revised, amended or being proposed as a new article.

Sec. 2. [Revision of the Constitution.]

Whenever two-thirds of the members, elected to each branch of the Legislature, shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention, and, if a majority of all the electors, voting at such election, shall vote for a convention, the Legislature, at its next session, shall provide by law for calling the same. The convention shall consist of not less than the number of members in both branches of the Legislature.

Sec. 3. [Submission to electors.]

No Constitution, or amendments adopted by such convention, shall have validity until submitted to, and adopted by, a majority of the electors of the State voting at the next general election.

Article XXIV. Schedule.

Sec. 11. [Election for adoption or rejection of Constitution and for state officers - Voters.]

Sec. 12. [Officers to be elected.]

Sec. 13. [Contest for district judgeship, how determined.]

Sec. 14. [Constitution to be submitted to voters - Ballot.]

Sec. 15. [Election of officers not provided for herein.]

Sec. 16. [When Constitution in force.]

Sec. 11. [Election for adoption or rejection of Constitution and for state officers - Voters.]

The election for the adoption or rejection of this Constitution, and for State Officers herein provided for, shall be held on the Tuesday next after the first Monday in November, 1895, and shall be conducted according to the laws of the Territory, and the provisions of the Enabling Act; the votes cast at said election shall be canvassed, and returns made, in the same manner as was provided for in the election for delegates to the Constitutional Convention.

Provided, That all male citizens of the United States, over the age of twenty-one years, who have resided in this Territory for one year next prior to such election, are hereby authorized to vote for or against the adoption of this Constitution, and for the State Officers herein provided for. The returns of said election shall be made to the Utah Commission, who shall cause the same to be canvassed, and shall certify the result of the vote for or against the Constitution, to the President of the United States, in the manner required by the Enabling Act; and said Commission shall issue certificates of election to the persons elected to said offices severally, and shall make and file with the Secretary of the Territory, an abstract, certified to by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

Sec. 12. [Officers to be elected.]

The State Officers to be voted for at the time of the adoption of this Constitution, shall be a Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Members of the Senate and House of Representatives, three Supreme Judges, nine District Judges, and a Representative to Congress.

Sec. 13. [Contest for district judgeship, how determined.]

In case of a contest of election between candidates, at the first general election under this Constitution, for Judges of the District Courts, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the Secretary of State, and said officer, together with the Governor and the Treasurer of the State, shall review the evidence, and determine who is entitled to the certificate of election.

Sec. 14. [Constitution to be submitted to voters - Ballot.]

This Constitution shall be submitted for adoption or rejection, to a vote of the qualified electors of the proposed State, at the general election to be held on the Tuesday next after the first Monday in November, A. D. 1895. At the said election the ballot shall be in the following form:

For the Constitution. Yes. No.

As a heading to each of said ballots there shall be printed on each ballot the following Instructions to Voters:

All persons desiring to vote for the Constitution must erase the word "No."

All persons desiring to vote against the Constitution must erase the word "Yes."

Sec. 15. [Election of officers not provided for herein.]

The Legislature, at its first session, shall provide for the election of all officers, whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of

their terms.

Sec. 16. [When Constitution in force.]

The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation, declaring the State of Utah admitted into the Union; and the terms of all officers elected at the first election under the provisions of this Constitution, shall commence on the first Monday, next succeeding the issue of said proclamation. Their terms of office shall expire when their successors are elected and qualified under this Constitution.

Done in Convention at Salt Lake City, in the Territory of Utah, this eighth day of May, in the year of our Lord one thousand eight hundred and ninety-five, and of the Independence of the United States the one hundred and nineteenth.

Title 2. Aeronautics**Chapter 2. Public Airports Act.****Chapter 2. Public Airports Act.****2-2-6. Payment by appropriation or sale of bonds.****2-2-6. Payment by appropriation or sale of bonds.**

The purchase price or award for real property acquired, in accordance with the provisions of this act, for an airport or landing field may be paid for by appropriation of money available therefor or wholly or partly from the proceeds of the sale of bonds of said county, municipality, or other political subdivision, as the legislative body of such political subdivision shall determine, subject to the adoption of a proposition therefor at a regular or special election, if the adoption of such a proposition is a prerequisite to the issuance of bonds of such political subdivision for public purposes generally.

1953

Title 9. Community and Economic Development.**Chapter 7. Library Development.****Chapter 7. Library Development.****Part 5. County Libraries.****Part 5. County Libraries.**

9-7-501. Tax for establishment and maintenance of public library - Library fund.

9-7-511. Library bonds - Issuance of previously voted bonds.

9-7-501. Tax for establishment and maintenance of public library - Library fund.

(1) A county legislative body may establish and maintain a public library.

(2) For this purpose, counties may levy annually a tax not to exceed .001 of taxable value of taxable property in the county, outside of cities which maintain their own city libraries as authorized by Part 4. The tax is in addition to all taxes levied by counties and is not limited by the levy limitation imposed on counties by law. However, if bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient for the payment of the bonds and any interest may be levied.

(3) The taxes shall be levied and collected in the same manner as other general taxes of the county and shall constitute a fund to be known as the county library fund. 1993

9-7-511. Library bonds - Issuance of previously voted bonds.

(1) When an election has been held in any county to authorize bonds of the county for the purpose of acquiring, improving, and extending a public library for the county, including the acquisition of equipment, furnishings, and books, and it was specified in the proposition that the bonds are to be payable from ad valorem taxes to be levied on all taxable property in the county, and when the election has carried, but none of the bonds authorized have been issued, the bonds authorized to be issued at election may be issued and shall be payable from taxes to be levied without limitation as to rate or amount on all taxable property in the county, despite any provision of law to the contrary in effect at the time of the election.

(2) All county library bonds that have been authorized but not yet issued, all county library bond elections previously held and carried, and all proceedings in connection with them that were adopted for the authorization of the bonds are hereby validated, ratified, approved, and confirmed, and the bonds, when issued in accordance with the election and proceedings, shall be binding, legal, valid, and enforceable obligations of the county issuing them in accordance with their terms. 1992

Title 10. Cities and Towns.

- Chapter 1. General Provisions.
- Chapter 2. Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipalities.
- Chapter 3. Municipal Government.
- Chapter 7. Miscellaneous Powers of Cities and Towns.
- Chapter 9. Municipal Land Use Development and Management.

Chapter 1. General Provisions.

Part 1. Short Title, Definitions, Repealer and Scope of Code.

Part 2. Municipalities.

Part 1. Short Title, Definitions, Repealer and Scope of Code.

- 10-1-101. Short title.
- 10-1-102. Effective date.
- 10-1-103. Construction.
- 10-1-104. Definitions.
- 10-1-105. No changes intended.
- 10-1-106. Scope of act.
- 10-1-107. Municipalities.
- 10-1-108. Cumulative powers - Powers not in

- derogation of state agencies.
- 10-1-109. Saving clause. The repeal of the titles, chapters and sections specified in Section 10-1-114 shall not:
- 10-1-110. Continuation of prior law.
- 10-1-111. Existing indebtedness.
- 10-1-112. Headings do not limit sections.
- 10-1-113. Severability clause.
- 10-1-114. Repealer.
- 10-1-115. Legislation enacted by Legislature.

10-1-101. Short title.

This act shall be known and may be cited as the "Utah Municipal Code." In enacting this code, it is the legislative intent to repeal only those provisions of Utah law set forth in Section 10-1-114. It is the legislative intent to review, modernize and incorporate into this code in later sessions other provisions of Utah law relating to municipalities not included in this act. Provisions of Utah law not specifically repealed shall continue in effect. 1977

10-1-102. Effective date.

This act shall become effective July 1, 1977. 1977

10-1-103. Construction.

The powers herein delegated to any municipality shall be liberally construed to permit the municipality to exercise the powers granted by this act except in cases clearly contrary to the intent of the law. 1977

10-1-104. Definitions.

As used in this act:

(1) "Municipal" or "municipalities" means any city of the first class, city of the second class, city of the third class, or town in the state of Utah, but unless the context otherwise provides, the term or terms do not include counties, school districts, or any other special purpose governments.

(2) "Governing body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:

- (a) In cities of the first and second class, the governing body is the city commission;
- (b) In cities of the third class, the governing body is the city council;
- (c) In towns the governing body is the town council.

(3) "City" shall include cities of the first class, cities of the second class or cities of the third class or may refer cumulatively to all such cities.

(4) "Town" means any town as defined in Section 10-2-301

(5) "Recorder," unless clearly inapplicable, shall include and apply to town clerks.

(6) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law.

(7) "Contiguous" means abutting directly on the existing boundary of the annexing municipality. "Directly" includes separation by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation, or by lands owned by the municipality, by some other political subdivision of the state or by the state.

(8) "Affected entities" means a county, municipality or other entity possessing taxation powers within a county, whose territory, service delivery or revenue will be directly and significantly affected by a proposed boundary change involving a municipality or other local entity.

(9) "Peninsula" means an area of unincorporated territory surrounded on more than one-half of its

boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.

(10) "Island" means unincorporated territory completely surrounded by incorporated area of one or more municipalities.

(11) "Urban development" means a housing subdivision involving more than 15 residential units with an average of less than one acre per residential unit or a commercial or industrial development for which cost projections exceed \$750,000 for any or all phases. 1979

10-1-105. No changes intended.

Unless otherwise specifically provided in this act, the provisions of this act shall not operate in any way to affect the property or contract rights or other actions which may exist in favor of or against any municipality. Nor shall this act operate in any way to change or affect any ordinance, order or resolution in force in any municipality and such ordinances, orders and resolutions which are not repugnant to law, shall continue in full force and effect until repealed or amended. 1977

10-1-106. Scope of act.

This act shall apply to all municipalities incorporated or existing under the law of the State of Utah except as otherwise specifically excepted by the home rule provisions of Article XI, Section 5 of the Constitution of the State of Utah. 1977

10-1-107. Municipalities.

All municipalities which have been incorporated under any previous act of the United States or of the State of Utah shall be treated as properly incorporated under this act. 1977

10-1-108. Cumulative powers - Powers not in derogation of state agencies.

The provisions of this act or any other act not expressly repealed by Section 10-1-114 shall be considered as an alternative or additional power and not as a limitation on any other power granted to or possessed by municipalities. The provisions of this act shall not be considered as impairing, altering, modifying or repealing any of the jurisdiction or powers possessed by any department, division, commission, board, or office of state government. 1993

10-1-109. Saving clause. The repeal of the titles, chapters and sections specified in Section 10-1-114 shall not:

- (1) affect suits pending or rights existing immediately prior to the effective date of this act;
- (2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any repealed act or amendment thereto; or
- (3) affect or impair the validity of any bonds or other obligation issued or sold prior to the effective date of this act.

The repeal of any validating act or part thereof shall not avoid the effect of the validation. No act repealed by Section 10-1-114 shall repeal any act or part thereof which embraces the same or similar subject matter as the act repealed. 1977

10-1-110. Continuation of prior law.

The provisions of this act insofar as they are the same or substantially the same as those of any prior statute shall be construed as a continuation of the prior statute and not as a new enactment. If any other statutory reference is made to an act of the

Legislature or a section of such an act, which is continued in this act, the reference shall be held to refer to the act or section thereof so continued in this act. 1993

10-1-111. Existing indebtedness.

Any bond or other evidence of indebtedness issued under the provisions of any act repealed by this act which is outstanding and unpaid as of July 1, 1977, shall be amortized and retired by taxation or revenue in the manner provided by the act under which such indebtedness was incurred, notwithstanding repeal or change of the act. 1977

10-1-112. Headings do not limit sections.

Title, chapter, part, or section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, part or section of this act. 1977

10-1-113. Severability clause.

If any chapter, part, section, paragraph or subsection of this act, or the application thereof is held to be invalid, the remainder of this act shall not be affected thereby. 1977

10-1-114. Repealer.

The following acts, chapters, titles and sections are repealed except as provided in Section 10-1-115

- (1) Title 10, Chapters 1, 2, 3, 4, 5, 6 and 14,
- (2) Sections 5-6-9 through 5-6-13
- (3) Sections 49-2-1 through 49-2-5 , and 49-5-4
- (4) Sections 10-7-1 10-7-2 10-7-75 and 10-7-75.5
- (5) Sections 10-10-9 through 10-10-22 1977

10-1-115. Legislation enacted by Legislature.

Nothing in this act shall be construed to repeal any section of the various laws of which this act is comprised when the section is the subject of an amendment or new legislation enacted by this 42nd session of the Utah legislature and which becomes law. Furthermore, it is the intent of the legislature that the corresponding sections of this act shall be construed with such amended sections so as to give effect to the amendment as if it were made a part of this act. 1977

Part 2. Municipalities.

10-1-201. Municipalities as political subdivisions of the state.

10-1-202. Power to sue, contract, adopt municipal name and seal.

10-1-203 (Superseded 07/01/97). License fees and taxes - Application information to be transmitted to the county auditor.

10-1-203 (Effective 07/01/97). License fees and taxes - Application information to be transmitted to the county auditor.

10-1-201. Municipalities as political subdivisions of the state.

Municipalities shall be political subdivisions of the State of Utah, municipal corporations, and bodies politic with perpetual existence unless discontinued according to law. 1977

10-1-202. Power to sue, contract, adopt municipal name and seal.

Municipalities may sue and be sued, enter into contracts and by ordinance adopt a municipal name and seal which may be changed from time to time. 1977

10-1-203 (Superseded 07/01/97). License fees and taxes - Application information to be

transmitted to the county auditor.

(1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) The governing body of a municipality may raise revenue by levying and collecting a license fee or tax on any business within the limits of the municipality and may regulate that business by ordinance.

(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.

(4) The governing body shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.

(5) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of municipalities existing prior to the effective date of Chapter 144, Laws of Utah 1988.

1989

10-1-203 (Effective 07/01/97). License fees and taxes - Application information to be transmitted to the county auditor.

(1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) (a) The governing body of a municipality may raise revenue by levying and collecting a license fee or tax on any business within the limits of the municipality, except as provided in Subsection (2)(b), and may regulate that business by ordinance.

(b) The governing body of a municipality may raise revenue by levying and collecting a municipal energy sales or use tax as provided in Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee as defined in Subsection 10-1-303 (7) on an energy supplier other than the municipal energy sales and use tax provided in Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

(c) (i) Subsection (2)(b) does not affect the validity of a franchise agreement as defined in Subsection 10-1-303 (6), that is in effect on July 1, 1997, or a future franchise.

(ii) A franchise agreement as defined in Subsection 10-1-303 (6) in effect on January 1, 1997, or a future franchise shall remain in full force and effect.

(d) A municipality that collects a contractual franchise fee pursuant to a franchise agreement as defined in Subsection 10-1-303 (6) with an energy supplier that is in effect on July 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310 (2).

(e) (i) Subject to the requirements of Subsection (2)(e)(ii), a franchise agreement as defined in Subsection 10-1-303 (6) between a municipality and an energy supplier may contain a provision that:

(A) requires the energy supplier by agreement to pay a contractual franchise fee that is otherwise prohibited under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; and

(B) imposes the contractual franchise fee on or after the day on which Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax is:

(1) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305 is reduced; and

(II) is not superseded by a law imposing a substantially equivalent tax.

(ii) A municipality may not charge a contractual franchise fee under the provisions permitted by Subsection (2)(e)(i) unless the municipality charges an equal contractual franchise fee or a tax on all energy suppliers.

(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.

(4) The governing body shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.

(5) Except as provided in Subsection (2)(b) and Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, this section may not be construed to enhance, diminish, or otherwise alter the taxing power of municipalities existing prior to the effective date of Chapter 144, Laws of Utah 1988.

1996

Chapter 2. Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipalities.

Part 1. Incorporation.

Part 2. Municipal Wards.

Part 3. Classification of Municipalities.

Part 4. Extension of Corporate Limits-Local Boundary Commissions.

Part 5. Restriction of Municipal Limits.

Part 6. Consolidation of Municipalities.

Part 7. Dissolution of Municipalities.

Part 1. Incorporation.

10-2-101. Petition to county clerk for incorporation.

10-2-101.5. Form of petition.

10-2-102. Certification of petition to county legislative body.

10-2-102.1. Notice to owner of more than 1% of property - Exclusion of property from proposed boundaries.

10-2-102.2. Independent advisability and feasibility study - Notice of hearing on proposal.

10-2-102.3. Exclusion of proposed annexation area.

10-2-102.4. Conduct and record of hearing on proposal.

10-2-102.6. Considerations in determining advisability and feasibility of proposal.

10-2-102.8. Decision on merits of proposal - Election - Publication of notice - Order refusing election.

10-2-102.10. Appeal of decision.

10-2-102.12. Costs of incorporation proceeding.

10-2-103. Ballots used at election - Election of officers on incorporation.

10-2-104. Return of ballots.

10-2-105. Candidates for office.

10-2-106. Result of election - Filing and publication.

10-2-106.5. Petition prohibited for one year following election.

10-2-106.8. Election of municipal officials.

10-2-107. Election of governing body.

10-2-108. Filing of notice of election results and articles of incorporation with lieutenant governor - Certification of articles to county clerk.

10-2-108.5. Alternative to filing articles - Powers of officers-elect.

10-2-109. Incorporation of towns - Population.

10-2-110. Appointment of town officials.

10-2-111. Articles of incorporation.

10-2-112. When incorporation completed.

10-2-113. Incorporation deemed conclusive.

10-2-114. Revenues and services prior to incorporation.

10-2-101. Petition to county clerk for incorporation.

The registered voters of any contiguous territory not included within the boundaries of another municipality may initiate organization towards municipal status by filing a written petition for incorporation with the county clerk of the county in which the territory is located. The petition shall bear signatures equal in number to 25% of all votes cast from the unincorporated area proposed for municipal status at the last congressional election, or 1,000 signatures, whichever is less, except that there must be at least ten signatures from each of at least 50% of the voting districts within the area. No signature is valid, for purposes of this section, unless it is that of a registered voter who is resident within the unincorporated area proposed for municipal status. The petition for incorporation shall:

- (1) describe the territory proposed to be embraced in the city;
- (2) have annexed an accurate map or plat thereof;
- (3) state the name proposed for the city; and
- (4) be accompanied with reasonable proof of the number of inhabitants within the proposed city's boundaries. 1993

10-2-101.5. Form of petition.

A petition for municipal incorporation shall substantially comply with, and be circulated in, the following form:

PETITION FOR MUNICIPAL INCORPORATION To the Honorable County Legislative Body of _____ County, Utah:

We, the undersigned citizens and legal voters of the State of Utah, respectfully petition the county legislative body to submit a proposal to incorporate as a municipality certain unincorporated contiguous territory located within _____ County, to-wit, (here describe the territory to be incorporated), to the legal voters, resident within the territory described, for their approval or rejection at a special election held for that purpose; and each signator for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Utah, and my residence and post office address are correctly written after my name. 1993

10-2-102. Certification of petition to county legislative body.

Upon receipt of a petition filed under this part, the county clerk shall determine whether it meets the requirements specified in Sections 10-2-101 and 10-2-101.5. If the requirements of those sections are fully satisfied, the county clerk shall certify the petition and deliver it together with any attachments to the county legislative body at its next regular meeting. 1993

10-2-102.1. Notice to owner of more than 1% of property - Exclusion of property from proposed boundaries.

(1) Within seven calendar days from the date on which the petition is filed, the county clerk shall notify of the proposed incorporation any property owner owning more than 1% of the assessed value of all property in the proposed incorporation boundaries.

(2) (a) A property owner within the boundaries of a proposed municipality, owning more than 1% of the assessed value of all property in the proposed incorporation boundaries, may exclude all or part of the property owner's property from the proposed boundaries by filing a Notice of Exclusion within ten calendar days of receiving the clerk's notice under Subsection (1).

(b) The property identified in the Notice of Exclusion shall be excluded from the proposed boundaries only if the property:

- (i) is currently nonurban;
- (ii) does not or will not require municipal provision of municipal-type services including:
 - (A) culinary or irrigation water;
 - (B) sewage collection or treatment;
 - (C) storm drainage or flood control;
 - (D) recreational facilities or parks;
 - (E) electric generation or transportation;
 - (F) construction or maintenance of local streets and roads;
 - (G) curb and gutter or sidewalk maintenance;
 - (H) garbage and refuse collection; and
 - (I) street lighting; and
- (iii) exclusion will not leave an unincorporated island within the proposed municipality.

(3) (a) This section shall apply to each incorporation petition filed before and still pending at the effective date of this section.

(b) For any such petition, the period of seven calendar days provided in Subsection (1) shall be seven calendar days after the effective date of this section.

(4) This section applies only to counties of the first class. 1996

10-2-102.2. Independent advisability and

feasibility study - Notice of hearing on proposal.

Within 90 days of receipt of a petition certified by the county clerk, the county legislative body shall commission an independent study of the advisability of incorporation and of the feasibility of the proposed municipality by a person or association of persons with expertise in the processes and economics of local government. The results of the study shall be reduced to writing and delivered to the county legislative body not later than 90 days after the study is commissioned. Upon receipt of any study results, the county legislative body shall designate a time and place for public hearing on the municipal incorporation proposal. The hearing may not be held sooner than 14 days nor later than 30 days after the study results are delivered to the commission. Notice of the time and place of hearing, including a copy of the petition without attachments, shall be published in a newspaper having general circulation within the area proposed for incorporation seven days before the hearing. 1996

10-2-102.3. Exclusion of proposed annexation area.

(1) All of that part of a contiguous area included within the area proposed for annexation in a petition filed under Section 10-2-416 is excluded from the area proposed for municipal incorporation in a petition filed under this part if:

- (a) the area to be excluded is contiguous to the proposed annexing municipality; and
- (b) the annexation petition contains the legal signatures of over 50% of the owners of real property and the owners of at least 1/3 of the value of real property, as shown on the last assessment rolls, in each voting precinct within the area to be excluded.

(2) Subsection (1) applies:

(a) whether the incorporation petition was filed before or after the annexation petition or before or after the effective date of this section; and

(b) whether the annexation petition was filed before or after the effective date of this section. 1996

10-2-102.4. Conduct and record of hearing on proposal.

A record of the hearing shall be kept by the county legislative body and the results of the independent advisability and feasibility study, if any, shall be published as part of the record. All interested persons shall be permitted to appear and be heard. Oral and written arguments for and against the incorporation shall be received and considered. The county legislative body in its discretion may invite opinions and appearances from representatives of state and local government. The hearing may be adjourned from time to time but shall conclude within 14 days after it commences. 1993

10-2-102.6. Considerations in determining advisability and feasibility of proposal.

(1) The county legislative body in determining the advisability of incorporation and the feasibility of the proposed municipality shall consider:

- (a) population and population density within the area proposed for incorporation;
- (b) land area, topography, natural boundaries, and drainage basin of the area proposed for incorporation;
- (c) comparative area and taxable value of subdivided land and unsubdivided land within the area proposed;
- (d) extent of business, commercial, and industrial development;
- (e) past expansion in terms of population and construction;
- (f) likelihood of significant growth in the area proposed, and in adjacent areas, during the next ten years;
- (g) present cost and adequacy of governmental services in the area proposed, present and projected revenues for the county and the municipality proposed, and the probable effect of the incorporation on local governmental revenues and on services in the area proposed and in adjacent areas; and
- (h) the effect of the proposed municipal incorporation on the local governmental structure of the entire urban community.

(2) If the area proposed for municipal incorporation is within five miles of an existing municipality, the county legislative body, in addition to the factors listed in Subsection (1), shall consider:

- (a) the size and population of the existing municipality;
- (b) its population, business, and industrial growth during the past ten years;
- (c) the extension of its boundaries during the past ten years;
- (d) the probability of growth of the existing municipality towards the area proposed for municipal incorporation during the next ten years with due regard given to natural barriers and other factors which might influence that growth; and
- (e) the willingness of the existing municipality to annex the area proposed for municipal incorporation and its ability to provide municipal services to the area in the event of annexation.

(3) (a) If two or more petitions propose incorporation of overlapping areas, those petitions shall be considered simultaneously throughout the incorporation process under this part, including feasibility study and public hearing.

(b) Subsection (3)(a) applies to each petition filed before and still pending at the effective date of this section and to each petition filed within 60 days after the effective date of this section. 1996

10-2-102.8. Decision on merits of proposal - Election - Publication of notice - Order refusing election.

After the public hearing is finally concluded, the county legislative body shall determine whether the proposal for municipal incorporation has sufficient merit, based on the results of the feasibility study and the public hearing, to justify an election. The county legislative body's final decision on the merits of the proposal shall be made within 14 days after the hearing is concluded.

(1) If it is determined that the proposal for municipal incorporation has sufficient merit, the county legislative body shall designate the boundaries of the proposed municipality either as originally proposed or as modified by the county legislative body in view of the feasibility study and public hearings unless a majority of original petitioners express in writing their disapproval of the proposed modifications. An election on the proposal for municipal incorporation shall be held not less than two nor more than four months after the decision. Before the election is held, however, the county legislative body shall publish notice of the election in a newspaper having general circulation within the area proposed for municipal incorporation at least once a week for three successive weeks. The last publication of notice shall be at least one day before the election. The notice shall contain:

- (a) a statement of the contents of the petition;
- (b) a description of the area proposed for municipal incorporation; and
- (c) a statement of the time of the election and the location of polling places.

(2) If it is determined that the proposal for municipal incorporation is not feasible, that the incorporation proposed would be substantially detrimental to the structure of local government in the county or be otherwise contrary to the public interest, or that withdrawal of support from a majority of the petitioners for incorporation is presented in writing, the county legislative body shall issue a written order refusing to hold an election. The order shall be supported in writing with the reasons for the county legislative body's action. If such an order is issued, the incorporation proceedings are terminated, and no further petition for incorporation of the same or substantially the same area may be considered by the county legislative body or circulated within one year after the date of the order. 1996

10-2-102.10. Appeal of decision.

Any person aggrieved by the county legislative body's decision may appeal the decision to the district court. The review of the district court, however, is limited to review of the record of the public hearing and the decision of the county legislative body may be reversed only upon a showing that the board's decision is arbitrary or capricious or involves an abuse of discretion. 1993

10-2-102.12. Costs of incorporation proceeding.

The costs of the incorporation proceeding, including without limitation, petition certification, feasibility study, notices, public hearing, election, and appeal costs are chargeable to the county. 1983

10-2-103. Ballots used at election - Election of officers on incorporation.

(1) (a) The ballots used at the election to determine the question of incorporation shall read substantially as follows:

_____ Shall the territory described	
as (insert description)	Yes

be incorporated as the city, of _____ No

(b) The voter shall mark the ballot with a cross (x) opposite the words "yes" or "no."

(2) (a) On the same ballot, the question of the form of government shall read substantially as follows:

Under what form of municipal government shall (insert name of proposed city) operate? Vote for one:

City Commission form _____

Council-Mayor form _____

Council-Manager form _____

(b) The voter shall mark the ballot with a cross (x) opposite the form of government desired.

(3) If the question to incorporate passes, the newly incorporated municipality shall hold an election on the first Tuesday after the first Monday of the following November to fill the elective offices in the form of municipal government chosen by the voters at the incorporation election. 1988

10-2-104. Return of ballots.

The ballots shall be returned to the county legislative body who shall canvass the ballots in the same manner as for a general election. The commissioners shall give official notice of the result to the county clerk. 1993

10-2-105. Candidates for office.

Candidates for elective municipal office in an election required by Subsection 10-2-103 (3) shall file a declaration of candidacy with the county legislative body at least 30 days before the election to select municipal officers. 1993

10-2-106. Result of election - Filing and publication.

If a majority of the voters in an election held to determine the question of incorporation favor incorporation, the county clerk shall immediately, upon receiving official notice of the result of the canvass from the returns, publish notice of the election results in any paper having general circulation in the county in which the election was held together with a statement of the class of the city according to population. 1977

10-2-106.5. Petition prohibited for one year following election.

No petition for municipal incorporation proposing to incorporate a specified geographic area shall be circulated nor considered by the county legislative body for a period of one year following the date of an election at which the same specified geographic area was proposed by petition for municipal incorporation. A petition for municipal incorporation circulated within the proscribed one-year period is invalid. 1993

10-2-106.8. Election of municipal officials.

(1) If the incorporation measure passes, the county clerk shall hold an election consistent with this section to fill the elective offices appropriate to the form of municipal government chosen by the voters at the incorporation election.

(2) If there are 70 or more days between the incorporation election and the November election, the county clerk shall hold a primary election 35 days before the November election and shall hold a general election on the first Tuesday after the first Monday in November.

(3) If there are fewer than 70 days between the incorporation election and the November election,

the county clerk shall not hold a primary election but shall hold an election on the first Tuesday after the first Monday in November.

(4) If there are fewer than 30 days between the incorporation election and the November election, the county clerk shall hold a primary election 35 days before the November election of the year following the incorporation election and shall hold a general election on the first Tuesday after the first Monday in November of the year following the incorporation election.

(5) Until the municipality is incorporated, the county clerk is the election officer for all purposes in an election of officials to the municipality approved at an incorporation election. 1996

10-2-107. Election of governing body.

The person who receives the greater number of votes for the office of mayor shall be mayor. The number of persons receiving the greater number of votes for the corresponding number of positions to be filled shall be commissioners or councilmen until the next municipal election at which all members of the governing body shall be elected for two or four year terms as the case may be. 1977

10-2-108. Filing of notice of election results and articles of incorporation with lieutenant governor - Certification of articles to county clerk.

A copy of the notice of election results shall, within six months from the date of the published results, as provided in Section 10-2-106, also be filed with the lieutenant governor. The mayor-elect of the new municipality shall file three or more copies of the articles of incorporation of the municipality with the lieutenant governor. The articles of incorporation shall contain the name of the municipality, its geographical description and its class according to population. The articles of incorporation shall be signed and verified by the mayor of the new municipality. On receipt of the articles and other documents, the lieutenant governor shall certify the articles of incorporation and return one copy to the county clerk or clerks of the county or counties in which the future municipality is located, one copy to the mayor or recorder of the municipality so incorporated and retain one copy for his own records. The lieutenant governor shall furnish a certified copy of such articles of incorporation to any person on request and may charge a reasonable fee therefor. Any municipality may file articles of incorporation with the lieutenant governor if such articles do not exist or have been lost. 1995

10-2-108.5. Alternative to filing articles - Powers of officers-elect.

(1) In lieu of filing the articles of incorporation, the mayor-elect of the future municipality may file a verified notice of intention to file the articles of incorporation. The notice shall set forth the name of the future municipality, the geographical description, its class according to population, and the proposed date for filing the articles of incorporation. On receipt of the notice, the lieutenant governor shall certify the notice and return one copy to the county clerk or clerks of the county or counties where the municipality will be located and retain one copy for his own records.

(2) Upon the filing of such certified copies the persons elected as officers of the future municipality shall have the following powers until it becomes legally incorporated:

(a) to prepare and adopt pursuant to the Uniform Fiscal Procedures Act a proposed budget, and

compilation of ordinances;

- (b) to negotiate personnel contracts and hirings;
- (c) to negotiate service contracts;
- (d) to file the notification required by Section 11-12-3; and
- (e) to negotiate contracts, to purchase equipment, materials, and supplies. 1983

10-2-109. Incorporation of towns - Population.

A majority of the registered voters of any unincorporated area having a population of at least 100 but not more than 800 may incorporate that area as a town by filing a petition for that purpose with the county legislative body, stating the legal description and the boundaries of the territory to be incorporated. On approval of such petition by the county legislative body of the county in which the proposed town is located, the filing of a copy of the petition with the county recorder and the filing of articles of incorporation as provided in Section 10-2-108, the incorporation shall be complete. 1993

10-2-110. Appointment of town officials.

On approval of the petition provided for in Section 10-2-109, the county legislative body in the county in which the town is located shall appoint the first mayor and council who shall hold office until the next regular municipal election and until their successors are elected and qualified. 1993

10-2-111. Articles of incorporation.

The mayor of each town shall cause, within one week after appointment, articles of incorporation to be filed with the lieutenant governor who shall certify and return such articles of incorporation to the mayor and county recorder for the county in which the town is located which articles shall contain the same provisions as are required in Section 10-2-108 1984

10-2-112. When incorporation completed.

Municipalities shall be deemed incorporated beginning on the next July 1 following substantial compliance with each of the requirements of this part. 1983

10-2-113. Incorporation deemed conclusive.

Notwithstanding any other provision of law, whenever a municipality shall have levied and collected a property tax for two or more years following its incorporation and no person has challenged the existence of the municipality in the district court for the county in which the municipality is located, the municipality shall be conclusively presumed to be a lawfully existing and incorporated municipality. 1977

10-2-114. Revenues and services prior to incorporation.

During the period subsequent to the filing of the notice of election results and prior to the date of incorporation, the county shall continue to be entitled to tax and other revenues from or pertaining to the proposed municipality and shall correspondingly continue to deliver services to the proposed municipality. 1980

Part 2. Municipal Wards.

10-2-201. Division of city into wards - Number and boundaries.

10-2-201. Division of city into wards - Number and boundaries.

(1) All cities of the first class shall be divided into six municipal wards and all cities of the second class shall be divided into five municipal wards which wards shall be as nearly equal in population as possible and shall be of a compact form.

(2) Boundaries of wards shall be prescribed by ordinance and shall not be changed more often than once in five years, unless otherwise ordered by a court of competent jurisdiction. 1977

Part 3. Classification of Municipalities.

10-2-301. Classification of municipalities according to population.

10-2-302. Change of class.

10-2-303. Change of class not to affect property rights, contract rights or actions at law.

10-2-304. Ordinances to continue in force - No change in identity.

10-2-305. Change of classes - Officers.

10-2-306. Judicial notice taken of existence and class.

10-2-301. Classification of municipalities according to population.

The municipalities referred to in this act now existing or hereafter organized shall be divided into cities of the first class, cities of the second class, cities of the third class and towns. Those municipalities having 100,000 or more inhabitants shall be cities of the first class, and those municipalities having 60,000 or more inhabitants and less than 100,000 shall be cities of the second class, those municipalities having 800 or more inhabitants but less than 60,000 shall be cities of the third class and all municipalities having less than 800 inhabitants shall be towns; but this section shall not lower the class of any municipality which now exists. 1987

10-2-302. Change of class.

(1) Whenever any city of the second class shall have attained the population of 100,000 or more, or any city of the third class shall have attained a population of 60,000 or more, or any town shall have attained the population of 800 or more, as ascertained and determined by a national, state, or special census conducted by a municipality, it shall be the duty of the mayor to certify that fact to the lieutenant governor who shall certify that fact to the governor. Upon receipt of the certificate, the governor shall declare by public proclamation that the city or town is now a city of the first, second, or third class, as the case may be. The municipality thus changed will be governed by the provision of this act applicable to municipalities to the class to which such municipality has become.

(2) Any census conducted, or population estimate of the Utah Division of Employment Security conducted for the purpose of determining the population of any municipality shall be considered an official census and may be used for any purpose for which population is a factor. 1984

10-2-303. Change of class not to affect property rights, contract rights or actions at law.

Whenever a municipality changes from one class to another class all property, property rights, and rights of every kind which belonged to or were vested in the municipality at the time of the change shall belong to and be vested in it after the change. No contract, claim, or right of the municipality or demand or liability against it shall be altered or affected in any way by the change. The change shall not have any effect on or in any action at law, prosecution, business, work and proceedings shall continue and may be conducted and proceed as if no change in classification of the municipality had taken place. However, when a different remedy is given by law and is applicable to any right which the municipality possessed at the time of the change in classification the remedy shall be cumulative to the

remedy applicable before the change, and may be so used. 1987

10-2-304. Ordinances to continue in force - No change in identity.

All ordinances, orders and resolutions in force in any municipality when it becomes another class of municipality insofar as the ordinances, orders and resolutions are not repugnant to law, shall continue in full force and effect until repealed or amended, and the change in the classification of the municipality shall have no effect. The change in classification of any municipality shall not in any way change the identity of the municipality. 1977

10-2-305. Change of classes - Officers.

When by proclamation of the governor, any municipality shall become a municipality of another class, the officers then in office shall continue to be the officers of the municipality until their respective terms of office expire, and until their successors shall be duly elected and qualified. 1977

10-2-306. Judicial notice taken of existence and class.

All courts in this state shall take judicial notice of the existence and classification of any municipality. 1977

Part 4. Extension of Corporate Limits-Local Boundary Commissions.

10-2-401. Legislative policy.

10-2-402. Local boundary commissions - Establishment - Members.

10-2-403. Municipal selection committee - Quorum - Duties.

10-2-404. Local boundary commissions - Terms of members - Alternate members - Chairman - Quorum.

10-2-405. Local boundary commissions - Disqualification of member from hearing.

10-2-406. Local boundary commissions - Powers and duties.

10-2-407. County governments to cooperate with commissions - Reimbursement of commission members for expenses.

10-2-408. Protests - Application for hearing - Notice of intent to protest - Response.

10-2-409. Hearing - Date, time and place - Notice.

10-2-410. Hearing - Factors considered in review of proposal - Priority between conflicting actions - Continuances - Record.

10-2-411. Decision of commission - Effect - Failure to reach decision as approval.

10-2-412. Appeal to district court - Notice.

10-2-413. Abandonment of proposed action - Extension of time for completion.

10-2-414. Policy declaration - Contents - Hearing - Notice - Amendment - Costs of preparation.

10-2-415. Resolution or ordinance of annexation - Two-thirds vote - Filings with county recorder.

10-2-416. Petition by landowners for annexation - Plat or map to be filed - Resolution or ordinance passed by two-thirds vote - Petitions considered in order filed - Removal of part of annexation area.

10-2-417. Areas which may be annexed - Standards.

10-2-418. Urban development restrictions.

10-2-419. Annexation across county lines - Requirements.

10-2-420. Municipal services by adjoining municipality - Annexation by servicing municipality - Protest.

10-2-421. Boundary adjustments - Policy declarations - Resolution or ordinance of annexation or disconnection.

10-2-422. Bonds not affected by boundary adjustments or annexations - Payment of property taxes.

10-2-423. Annexation deemed conclusive.

10-2-424. Electric utility service in annexed area.

10-2-401. Legislative policy.

The Legislature hereby declares that it is legislative policy that:

(1) sound urban development is essential to the continued economic development of this state;

(2) municipalities are created to provide urban governmental services essential for sound urban development and for the protection of public health, safety, and welfare in residential, commercial and industrial areas, and in areas undergoing development;

(3) municipal boundaries should be extended, in accordance with specific standards, to include areas where a high quality of urban governmental services is needed and can be provided for the protection of public health, safety, and welfare and to avoid the inequities of double taxation and the proliferation of special service districts;

(4) areas annexed to municipalities in accordance with appropriate standards should receive the services provided by the annexing municipality, subject to Sections 10-2-422 and 10-2-424, as soon as possible following the annexation;

(5) areas annexed to municipalities should include all of the urbanized unincorporated areas contiguous to municipalities, securing to residents within the areas a voice in the selection of their government;

(6) decisions with respect to municipal boundaries and urban development need to be made with adequate consideration of the effect of the proposed actions on adjacent areas and on the interests of other government entities, on the need for and cost of local government services and the ability to deliver the services under the proposed actions, and on factors related to population growth and density and the geography of the area; and

(7) problems related to municipal boundaries are of concern to citizens in all parts of the state and must therefore be considered a state responsibility. 1996

10-2-402. Local boundary commissions - Establishment - Members.

A local boundary commission shall be created in each county, prior to or at the time necessary to carry out the commission's functions under the provisions of this chapter. The county legislative body shall be responsible for the initial establishment of the local boundary commission with membership as follows:

(1) Except in counties with fewer than two municipalities, the commission shall consist of seven members, selected as follows:

(a) Two representing the county, appointed by the county executive, with the advice and consent of the county legislative body, from elected county officers;

(b) Two representing the municipalities, each of whom shall be an elected municipal officer not of the same municipality, appointed by the municipal selection committee; and

(c) Three representing the general public, none of whom shall be a county or municipal officer, appointed by the other four members.

(2) If there is only one municipality in the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the county executive, with the advice and consent of the county legislative body, from elected county officers;

(b) One representing the municipality, who shall be a city officer, appointed by the governing body

of the municipality; and

(c) Two representing the general public, appointed by the other three members of the commission.

(3) If there is no municipality in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, appointed by the county executive, with the advice and consent of the county legislative body, from elected county officers; and

(b) Two representing the general public, appointed by the other three members of the commission. 1993

10-2-403. Municipal selection committee - Quorum - Duties.

In each county containing two or more municipalities there shall be a municipal selection committee consisting of the mayor of each municipality within the county. A majority of the members of the committee shall constitute a quorum. The municipal selection committee shall appoint municipal members of the original local boundary commission and fill municipal member vacancies in it. 1979

10-2-404. Local boundary commissions - Terms of members - Alternate members - Chairman - Quorum.

(1) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years and of two members is four years. If it is a five member commission, two members shall have four year terms and the other members shall have one year terms.

(2) The body which originally appoints a member whose term expires shall appoint his successor for a full term of four years.

(3) The expiration date of the term of office of each member shall be the first Monday in January in the year in which the person's term expires.

(4) The governing body of the county, the municipal selection committee, or municipal governing body, as appropriate, shall each appoint an alternate member who shall serve in the event that a member appointed by them is disqualified, absent or otherwise temporarily unable to serve.

(5) The chairman of the commission shall be selected by the members and shall serve as chairman for two years.

(6) A majority of the commission shall constitute a quorum. 1979

10-2-405. Local boundary commissions - Disqualification of member from hearing.

A member of the local boundary commission may disqualify himself or herself from hearing an application protesting a proposed boundary change if the member's position as a municipal or county officer could create a conflict of interest. A member of the boundary commission shall be disqualified from hearing a proposed boundary change if the member is an owner of property directly involved in the proposed change. 1979

10-2-406. Local boundary commissions - Powers and duties.

The local boundary commission shall have the following powers and duties, subject to limitations stated in this act:

(1) upon application of an affected entity protesting a proposed boundary change, to review and

approve or disapprove, with or without amendment, wholly, partially or conditionally, a proposal for a boundary change of a local entity;

(2) to apply for and accept financial assistance from the State of Utah or its local entities;

(3) to adopt procedures for the evaluation of proposals and to make and enforce rules for the orderly and fair conduct of its proceedings;

(4) to authorize a member of the commission to administer oaths to any person when necessary in the performance of the duties of the commission; and

(5) to appoint and assign staff personnel and to employ or contract for professional or consulting services to the extent available funds will permit and to incur usual and necessary expenses for the accomplishment of its functions. 1979

10-2-407. County governments to cooperate with commissions - Reimbursement of commission members for expenses.

(1) The planning departments and other officers and employees of the county and all affected entities shall furnish the local boundary commission with all records, information or other relevant materials in their possession which may be necessary to assist the commission.

(2) The governing body of the county shall furnish the local boundary commission with necessary quarters, equipment, and supplies, and shall pay usual and necessary operating expenses incurred by the commission.

(3) Commission members shall be reimbursed by the governing bodies of the local governments of which they are officers, for the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The reasonable and necessary expenses of a member representing the general public shall be paid by the governing body of the county, unless otherwise provided by interlocal agreement. 1979

10-2-408. Protests - Application for hearing - Notice of intent to protest - Response.

A local boundary commission shall become involved in a boundary change only upon an application duly filed by an affected entity. An affected entity desiring to initiate a hearing before the local boundary commission to protest a proposed boundary change shall file an application with the local boundary commission within five days of the conclusion of the public hearing held by the municipality initiating the change. If a local boundary commission has not been established by the county legislative body, a notice of intent to protest within the above time period shall be adequate.

(1) The application of the affected entity protesting the change shall contain:

(a) a statement indicating the nature of the protest and relating the protest to the standards established by this chapter;

(b) such other information and data as the commission may by rule require or as the affected entity may consider pertinent; and

(c) the names of not more than three persons to whom mailed notices shall be sent by the commission.

(2) The local entity proposing to change its boundaries, upon notification of the filing of an application protesting the change, shall file:

(a) the policy declaration, if any, required by this chapter;

(b) a copy of the petition, if any, by property

owners;

(c) such other information and data as the commission may by rule require or as the local entity may consider pertinent; and

(d) the names of not more than three persons to whom mailed notices shall be sent by the commission.

1993

10-2-409. Hearing - Date, time and place - Notice.

When an application is filed, the chairman of the local boundary commission shall set a date, time and place for a hearing by the commission. The date of the hearing shall not be more than 60 days following the date of the filing. At least 20 days prior to any hearing, the chairman shall give mailed notice of the hearing to the governing body of each affected entity and to any officers or persons designated in the application for the purpose of receiving mailed notice. In addition, at least 20 days prior to the hearing upon a proposal, the chairman shall have notice of hearing published in a newspaper of general circulation within the affected territory, except that when there are 25 or fewer residents or property owners within the affected territory, mailed notice may be given to each affected resident or owner. The notice shall briefly summarize the nature of the application and state that a copy of the full application is on file at the office of the commission.

1979

10-2-410. Hearing - Factors considered in review of proposal - Priority between conflicting actions - Continuances - Record.

(1) Factors to be considered in the review of a proposal shall be limited to the standards prescribed by law, the contents of the policy declaration of the local entity proposing to change its boundary, and the contents of the policy declaration of any municipality proposing to change its boundary to include all or part of the area proposed to be annexed.

(2) If two or more actions affect any of the same territory or are in any way inconsistent with each other, as among or between said actions, priority of right to proceed shall be determined by the order in which said actions were initiated and not by the order in which applications were filed with the local boundary commission, except that once an application has been reviewed and a decision reported, it shall have priority over any other pending action. Any local entity having priority in action may voluntarily consent: (a) to extension of the hearing time before the commission in order to consider the conflict; (b) to yielding its priority to the other entity; or (c) both.

(3) The local boundary commission may continue the hearing from time to time, but the total of any continuances may not exceed 60 days from the date specified in the notice of hearing. Within 30 days after the conclusion of the hearing, the commission shall make its determination upon the proposal.

(4) The hearing of the local boundary commission shall be recorded and the transcription of the recording, evidence received and the written report of the commission containing its findings of fact and conclusions of law, shall constitute the record of the hearing.

1979

10-2-411. Decision of commission - Effect - Failure to reach decision as approval.

If the local boundary commission approves a proposal, further proceedings may thereafter be conducted and completed pursuant to applicable law and in accordance with the determinations of the

commission. If the commission approves the proposal with modifications or conditions, further proceedings may be continued only in compliance with such modifications or conditions. If the commission disapproves of the proposal, further proceedings shall terminate. If the commission fails to reach a decision on a proposed action filed in accordance with this act within the time specified in this subsection, the failure to reach a decision shall be considered approval of the action.

1979

10-2-412. Appeal to district court - Notice.

Notice of intent to appeal to the district court which has jurisdiction in the county in which the action is proposed shall be filed within 20 days either following the written report of the commission or following the time for the commission to render its decision, whichever is shorter; but any appeal shall be on the record of the hearing of the local boundary commission and shall not, in any respect, be a trial de novo.

1979

10-2-413. Abandonment of proposed action -

Extension of time for completion.

Failure of a local entity to complete a proposed action within one year after commission approval shall be deemed an abandonment of the action unless, prior to the expiration of the year, the commission shall have authorized an extension of time for completion. Inability to complete an action because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the action shall not be deemed failure of completion and the one year period shall not include the time any such order or decree is in effect.

1979

10-2-414. Policy declaration - Contents -

Hearing - Notice - Amendment - Costs of preparation.

Before annexing unincorporated territory having more than five acres, a municipality shall, on its own initiative, on recommendation of its planning commission, or in response to an initiated petition by real property owners as provided by law, and after requesting comments from county government, other affected entities within the area and the local boundary commission, adopt a policy declaration with regard to annexation. Such policy declaration shall include:

(1) a map or legal description of the unincorporated territory into which the municipality anticipates or favors expansion of its boundaries. Where feasible and practicable areas projected for municipal expansion shall be drawn along the boundary lines of existing sewer, water, improvement, or special service districts or of other existing taxing jurisdictions to: (a) eliminate islands and peninsulas of unincorporated territory; (b) facilitate the consolidation of overlapping functions of local government; (c) promote service delivery efficiencies; and (d) encourage the equitable distribution of community resources and obligations; and

(2) a statement of the specific criteria pursuant to which a municipality will favor or not favor a petition for annexation. Such statement shall include and address the annexation standards set forth in this chapter, the character of the community, the need for municipal services in developed and developing unincorporated areas, the plans and timeframe of the municipality for extension of municipal services, how the services will be financed, an estimate of the tax consequences to residents in both new and old territory of the municipality, and the interests of all affected entities.

Before adopting the policy declaration the governing body shall hold a public hearing thereon. At least 30 days prior to any hearing, notice of the time and place of such hearing and the location where the draft policy declaration is available for review shall be published in a newspaper of general circulation in the area proposed for expansion except that when there are 25 or fewer residents or property owners within the affected territory, mailed notice may be given to each affected resident or owner. In addition, at least 20 days prior to the hearing, mailed notice and a full copy of the proposal shall be given to the governing body of each affected entity and to the local boundary commission. The policy declaration, including maps, may be amended from time to time by the governing body after at least 20 days' notice and public hearing. When a policy declaration is prepared in response to a petition, the municipality may require the petitioners to pay all or part of the costs of its preparation. 1979

10-2-415. Resolution or ordinance of annexation - Two-thirds vote - Filings with county recorder.

(1) After receiving the petition for annexation as provided by Section 10-2-416, the members of the governing body of the municipality may adopt a resolution or ordinance of annexation by two-thirds vote of those members present, but never less than the minimum vote requirements of Subsections 10-3-507 (1) and (2), if:

(a) the annexation proposed in the policy declaration, in the judgment of the municipality, meets the standards set forth in this chapter; and

(b) no affected entity has filed a protest by written application within five days following the public hearing.

(2) The territory is annexed when the resolution or ordinance is adopted.

(3) (a) If an annexation proposed in the policy declaration has been protested within the allowable time by application to the local boundary commission, the governing body is subject to the decisions of that commission unless any of those decisions are overturned by an appeal to the district court.

(b) After receiving notice of approval of the proposed action from the commission, or after complying with the terms of a conditional approval, the governing body may vote to adopt a resolution or ordinance of annexation by a two-thirds vote of those members present, but never less than the minimum vote requirements of Subsections 10-3-507 (1) and (2).

(4) (a) If the territory is annexed, a transparent, reproducible plat or map shall at once be filed in the office of the county recorder, together with a certified copy of the resolution or ordinance declaring the annexation.

(b) On filing the maps or plats, the territory annexed is part of the annexing municipality, and the inhabitants of the annexed territory shall enjoy the privileges of the annexing municipality. 1996

10-2-416. Petition by landowners for annexation - Plat or map to be filed - Resolution or ordinance passed by two-thirds vote - Petitions considered in order filed - Removal of part of annexation area.

(1) Whenever a majority of the owners of real property and the owners of at least 1/3 in value of the real property, as shown by the last assessment rolls, in territory lying contiguous to the corporate boundaries of any municipality, shall desire to

annex such territory to such municipality, they shall cause an accurate plat or map of such territory to be made under the supervision of the municipal engineer or a competent surveyor, and a copy of such plat or map, certified by the engineer or surveyor as the case may be, shall be filed in the office of the recorder of the municipality, together with a written petition signed by the petitioners.

(2) The members of the governing body may, by resolution or ordinance passed by a two-thirds vote, accept the petition for annexation for the purpose of preparing a policy declaration relative to the proposed annexation.

(3) Except as provided for in Section 10-2-420, no annexation may be initiated except by a petition filed pursuant to the requirements set forth herein.

(4) Annexation petitions filed under this section, both before and after the effective date of this section, shall be considered in the order in which they were filed.

(5) (a) A contiguous area within an area proposed for annexation in a petition filed under this section may be removed from the area proposed for annexation if:

(i) within 120 days after the annexation petition is filed, a petition for removal is filed with the recorder of the proposed annexing municipality:

(A) containing the legal signatures of over 50% of the owners of real property and the owners of at least 1/3 of the value of real property, as shown on the last assessment rolls, in each voting precinct within the area to be removed; and

(B) accompanied by an accurate plat or map of the area to be removed; and

(ii) removal of the area from the proposed annexation area will not cause the remaining proposed annexation area to lose its contiguity to the proposed annexing municipality.

(b) Subsection (5)(a) applies to each annexation petition filed before or after the effective date of this section, except that for each petition filed before the effective date of this section, the 120-day period in Subsection (5)(a)(i) is 120 days from the effective date of this section.

(c) (i) No action on an annexation petition pending at the effective date of this section may be taken until 120 days after the effective date of this section.

(ii) No action on an annexation petition filed after the effective date of this section may be taken until 120 days after filing. 1996

10-2-417. Areas which may be annexed - Standards.

(1) Except as provided in Subsections (2) and (3) of this section, and following receipt of the petition for annexation as provided in Section 10-2-416, a municipal governing body may extend the municipal corporate limits to include any area which meets the following standards:

(a) It must be contiguous to the boundaries of the annexing municipality at the time the annexation is approved by the governing body of the municipality;

(b) It must lie within the area projected for municipal expansion under the annexing municipality's policy declaration;

(c) The territory shall not be included within the boundaries of another incorporated municipality, except as otherwise provided in this chapter;

(d) The annexation shall not create unincorporated islands within the boundaries of the municipality except that existing islands or peninsulas within a municipality may be annexed in portions, leaving

islands, if a public hearing is held and the governing body of the municipality adopts a resolution to the effect that the creation or leaving of an island is in the interest of the municipality; and

(e) If the territory proposed for annexation includes urban development, the annexation of which would displace municipal-type services presently being provided by an affected entity applying for boundary commission review, the actual taxes and other revenue which would be lost by the affected entity through annexation shall not significantly exceed the affected entity's actual delivery costs of services assumed by the municipality. In computing the tax and revenue loss and service delivery costs, only the figures for the applicable budget year preceding the day on which the petition for annexation is filed shall be used.

(2) The governing body of a municipality may, under the provisions of Title 11, Chapter 13, Interlocal Co-operation Act, agree with other municipalities for periods of two years, which may be automatically extended, to abide by annexation standards more stringent than the above.

(3) Municipalities shall not annex territory for the sole purpose of acquiring municipal revenue or for retarding the capacity of another municipality to annex into the same or related territory, in either case, without the ability and intent to benefit the annexed area by rendering municipal services in the annexed area. 1995

10-2-418. Urban development restrictions.

Urban development shall not be approved or permitted within one-half mile of a municipality in the unincorporated territory which the municipality has proposed for municipal expansion in its policy declaration, if a municipality is willing to annex the territory proposed for such development under the standards and requirements set forth in this chapter; provided, however, that a property owner desiring to develop or improve property within the said one-half mile area may notify the municipality in writing of said desire and identify with particularity all legal and factual barriers preventing an annexation to the municipality. At the end of 12 consecutive months from the filing with the municipality of said notice and after a good faith and diligent effort by said property owner to annex, said property owner may develop as otherwise permitted by law. Urban development beyond one-half mile of a municipality may be restricted or an impact statement required when agreed to in an interlocal agreement, under the provisions of Title 11, Chapter 13, Interlocal Co-operation Act. 1995

10-2-419. Annexation across county lines - Requirements.

Territory lying contiguous to the corporate limits of any municipality may be annexed to that municipality pursuant to this chapter even though all or part of the territory to be annexed lies within a county or counties other than the county or counties within which the municipality is located. If a protest is filed, it must be with the local boundary commission of the county or counties within which the proposed action is to occur. In this event a transparent, reproducible map or plat, together with a certified copy of the resolution or ordinance declaring the annexation shall at once be filed in the office of the county recorder of each county within which the annexed territory is situated. 1999

10-2-420. Municipal services by adjoining municipality - Annexation by servicing

municipality - Protest.

Where islands or peninsulas of urbanized territory exist within or contiguous to the boundaries of an existing municipality and require the delivery of municipal-type services under circumstances which are detrimental to full service efficiency, such areas may be serviced by an adjoining municipality through agreement with county or service district authorities. Any municipality servicing such an area under the provisions of this section for more than one year, may, upon the initiative of its governing body and without receipt of a petition therefor, extend its corporate limits to include such territory; however, any such annexation must be preceded by a municipal policy declaration as provided in this chapter and shall be defeated if a majority of the owners of real property and the owners of at least one-third in value of the real property, as shown by the latest assessment rolls, of the area file a written protest to such annexation not later than the day preceding the public hearing. 1979

10-2-421. Boundary adjustments - Policy declarations - Resolution or ordinance of annexation or disconnection.

(1) The governing bodies of two or more municipalities having common boundaries may adjust their common boundaries.

(2) Whenever a change in boundaries is contemplated, the governing bodies of the affected municipalities shall each prepare a policy declaration as required in this chapter.

(3) If: (a) the boundary adjustment proposed in the municipal policy declarations, in the judgment of the municipalities, meets the standards set forth in this chapter; and (b) no protest has been filed within five days following the public hearing, the members of the governing body of the annexing municipality or municipalities may adopt a resolution or ordinance of annexation in accordance with the terms of the policy declaration adopted by the governing body, and the territory shall then and there be annexed, and the members of the governing body of the municipality from which the territory is being disconnected may adopt a resolution or ordinance of disconnection in accordance with terms of the policy declaration adopted by the governing body, and the territory shall then and there be disconnected. 1979

10-2-422. Bonds not affected by boundary adjustments or annexations - Payment of property taxes.

(1) A boundary adjustment or annexation made under authority of this chapter may not jeopardize or endanger any general obligation or revenue bond.

(2) Any bondholder may require the payment of property taxes from any area that:

(a) was included in the taxable value of the municipality or other governmental entity issuing the bond at the time the bond was issued; and

(b) is no longer within the boundaries of the municipality or other governmental entity issuing the bond due to the boundary adjustment or annexation. 1996

10-2-423. Annexation deemed conclusive.

Whenever the residents of any territory annexed to any municipality pay property taxes levied by the municipality for one or more years following the annexation and no residents of the territory contest the annexation in a court of proper jurisdiction during the year following the annexation, the territory shall be conclusively presumed to be properly

annexed to the annexing municipality. 1979

10-2-424. Electric utility service in annexed area.

Whenever the electric consumers of the area being annexed are receiving electric utility services from sources other than the annexing municipality, the municipality may not, without the consent of the electric utility, furnish its electric utility services to the electric consumers until the municipality has reimbursed the electric utility company which previously provided the services for the fair market value of those facilities dedicated to provide service to the annexed area. If the annexing municipality and the electric utility cannot agree on the fair market value, it shall be determined by the state court having jurisdiction. 1985

Part 5. Restriction of Municipal Limits.

- 10-2-501. Municipal disconnection - Definitions - Request to municipality - Petition to district court.
- 10-2-502. Court appointment of commissioners.
- 10-2-503. Criteria for disconnection.
- 10-2-504. Commissioners' hearing and report.
- 10-2-505. Court action.
- 10-2-506. Taxes to meet municipal obligations.
- 10-2-507. Decree - Filing of documents.
- 10-2-508. Disconnection completed.
- 10-2-509. Costs.
- 10-2-510. Boundary adjustment procedure not affected.

10-2-501. Municipal disconnection - Definitions - Request to municipality - Petition to district court.

- (1) As used in this part:
 - (a) "County" means the county containing the municipality from which territory is proposed to be disconnected.
 - (b) "Municipality" means the municipality containing the territory proposed for disconnection.
 - (c) "Petitioners" means persons owning property within the territory within a municipality who propose to disconnect that territory from a municipality.
 - (d) "Territory" means that property within a municipality that is proposed for disconnection.
- (2) Petitioners proposing to disconnect any territory within and lying on the borders of any incorporated municipality shall file with that municipality's legislative body a "Request for Disconnection." The Request for Disconnection shall:
 - (a) contain the names and signatures of more than 50% of the real property owners in the territory proposed for disconnection;
 - (b) give reasons for the proposed disconnection;
 - (c) include a map or plat of the territory proposed for disconnection; and
 - (d) designate between one and five persons with authority to act on the petitioners' behalf in the proceedings.
- (3) Upon filing the Request for Disconnection, petitioners shall cause notice of the petition to be published once a week for three consecutive weeks in a newspaper of general circulation within the municipality.
- (4) The municipal legislative body may respond to petitioners within 20 calendar days after the expiration of the notice period under Subsection (3).
- (5) (a) After the 20-day response period, petitioners may file a petition against the municipality in district court. 1996
- (b) The petition shall include a copy of the Request for Disconnection.

10-2-502. Court appointment of commissioners.

- (1) Upon receiving the petition, the court shall make and enter findings as to whether the petition complies with the requirements of Subsection 10-2-501 (2).
- (2) If the court enters a finding under Subsection (1) that the petition complies with the requirements of Subsection 10-2-501 (2), the court shall, within 30 calendar days after entry of that finding, appoint three disinterested persons as commissioners to make findings regarding the viability of the disconnection proposal, applying the criteria provided in Section 10-2-503 1996

10-2-503. Criteria for disconnection.

- (1) The commissioners shall determine whether or not disconnection will leave the municipality with a residual area within its boundaries for which the cost, requirements, or other burdens of municipal services would materially increase over previous years or for which it would become economically or practically unreasonable to administer as a municipality.
- (2) In making that determination, the commissioners shall consider all relevant factors including the effect of the disconnection on:
 - (a) the city or community as a whole;
 - (b) adjoining property owners;
 - (c) existing or projected streets or public ways;
 - (d) water mains and water services;
 - (e) sewer mains and sewer services;
 - (f) law enforcement;
 - (g) zoning;
 - (h) other municipal services; and
 - (i) whether or not islands or unreasonably large or varied-shaped peninsular land masses result within or project into the boundaries of the municipality from which the territory is to be disconnected. 1996

10-2-504. Commissioners' hearing and report.

- (1) Within 30 calendar days of their appointment, the commissioners shall hold a public hearing.
 - (2) At least seven calendar days before the hearing date, the commissioners shall notify the parties and the public of the public hearing by publishing a notice in a newspaper of general circulation within the municipality or if there is none, then by posting notice of the hearing in at least three public places within the municipality.
 - (3) In the public hearing, any person may speak and submit documents regarding the disconnection proposal.
 - (4) Within 45 calendar days of the hearing, the commissioners shall report to the court their findings and reasons regarding:
 - (a) the criteria and factors provided in Section 10-2-503
 - (b) the liabilities of the municipality and territory to be disconnected that have accrued during the time in which the territory was part of the municipality; and
 - (c) the mutual property rights of the municipality and the territory to be disconnected. 1996
- 10-2-505. Court action.**
- (1) Upon receiving the commissioners' report, the court may, upon request of a party or upon its own motion, conduct a court hearing.
 - (2) At the hearing, the court shall hear evidence presented by petitioners and the municipality regarding the viability of the disconnection proposal.
 - (3) The burden of proof is on petitioners who

must prove the viability of the disconnection and that justice and equity require that the territory be disconnected from the municipality by a preponderance of the evidence.

(4) Considering all the evidence and the commissioners' report, the court shall order disconnection if the proposed disconnection satisfies the criteria in Section 10-2-503

(5) The court's order either ordering or rejecting disconnection shall be in writing with findings and reasons. 1996

10-2-506. Taxes to meet municipal obligations.

(1) If the court orders a disconnection of territory from a municipality, the court shall also order the county legislative body to levy taxes on the property within the disconnected territory that may be required to pay the territory's proportionate share of the municipal obligations accrued while the territory was part of the municipality.

(2) Any tax levy ordered by the court under Subsection (1) shall be collected by the county treasurer in the same manner as though the disconnected territory were a municipality.

(3) The county treasurer shall pay to those entities named by the court the revenue received from that tax levy. 1996

10-2-507. Decree - Filing of documents.

(1) Upon entering a disconnection order, the court shall file a certified copy of the order and a transparent reproducible copy of the map or plat in the county recorder's office.

(2) Within 30 calendar days of the court's disconnection order, the municipality shall file amended articles of incorporation in the lieutenant governor's and county recorder's offices.

(3) The amended articles of incorporation shall:

(a) describe the postdisconnection geography of the municipality; and

(b) specify the postdisconnection population of the municipality.

(4) Any cost incurred by the municipality in complying with this section may be charged against the disconnected territory. 1996

10-2-508. Disconnection completed.

Disconnection is complete when the municipality files an amendment to its articles of incorporation as required by Section 10-2-507 1996

10-2-509. Costs.

Each party to the court action for disconnection shall pay its own witnesses and petitioners shall pay all other costs. 1977

10-2-510. Boundary adjustment procedure not affected.

This part shall not be construed to abrogate, modify, or replace the boundary adjustment procedure provided in Section 10-2-421 1996

Part 6. Consolidation of Municipalities.

10-2-601. Consolidation of two or more municipalities.

10-2-602. Contents of resolution or petition.

10-2-603. Plan of consolidation.

10-2-604. Duty of county legislative body when petition is by electors.

10-2-605. Effect of plan of consolidation.

10-2-606. Public hearings.

10-2-607. Notice of election.

10-2-608. Contents of notice.

10-2-609. Election on consolidation.

10-2-610. Favorable vote at election - Notice of results - Publication - Filing.

10-2-611. When incorporation complete - Disincorporation of original municipalities.

10-2-612. New municipality - Ownership of property - Indebtedness of original municipalities.

10-2-613. Governing body until next election.

10-2-614. Ordinances, resolutions and orders.

10-2-601. Consolidation of two or more municipalities.

The process for consolidating municipalities shall begin by filing with the county legislative bodies of the respective counties in which the municipalities are located:

(1) resolutions passed by the governing bodies of the municipalities which state their intention and desire to form a consolidated municipality; or

(2) petitions signed by at least ten percent of the registered voters in each of the municipalities to be included with the boundaries of the consolidated municipality. 1993

10-2-602. Contents of resolution or petition.

The resolution of the governing body or the petition of the electors shall include: (1) a statement fully describing each of the areas to be included within the consolidated municipality; (2) the name of the proposed consolidated municipality; and (3) the names of the municipalities to be consolidated. The resolution or petition shall have attached a statement from any current official census showing the population of each of the municipalities within the area of the proposed consolidated municipality and the total population of the proposed consolidated municipality. 1977

10-2-603. Plan of consolidation.

The resolution for consolidation shall have attached a plan approved by the governing bodies, properly executed by the mayors and attested by the recorders setting forth the nature of the obligations, assets, and liabilities of the municipalities to be included within the proposed consolidated municipality. The plan shall include a list of every public utility or property on which any debt is owed or due, all or any part of which is payable from the revenues of the utility or property, or from taxes which have been levied and which are outstanding at the time the proposed consolidation is to become effective. The plan shall also specify the rights, duties, and obligations of the proposed consolidated municipality. 1987

10-2-604. Duty of county legislative body when petition is by electors.

When the petition for consolidation is properly presented by the electors, the county legislative bodies and officers of each of the respective municipalities shall, within 15 days after the filing of the petition with the county legislative bodies, cause to be filed with the county legislative bodies a plan of consolidation containing the same information as is required in Section 10-2-603 1993

10-2-605. Effect of plan of consolidation.

The plan of consolidation shall be subordinate in all respects to the contract rights of all holders of any securities or obligations of the municipality outstanding at the effective date of the consolidation. The plan shall be available to the public for inspection and copying. The plan may extend for a period of up to 20 years, except that those provisions necessary for the protection of the holders of any securities or other obligations of any municipalities being consolidated shall extend for such longer time as may be necessary to ensure the payment of the securities and obligations. Any person may enforce the provisions and terms of the

plan during the period in which the plan is effective. After the expiration of the period of the plan, the rights, duties and obligations stated in the plan shall be governed by the laws of the State of Utah and not by the plan. The plan shall be effective only if the consolidation is approved by the voters of the respective municipalities to be consolidated. 1977

10-2-606. Public hearings.

The governing body of each municipality in its plan for consolidation shall set a time and place for a public hearing or public hearings which shall be held at least ten days after the plan of consolidation and the dates of the public hearing have been submitted to the county legislative bodies. The public hearing may be held jointly or separately by the governing bodies of each municipality to be consolidated. Any interested person may be heard on any aspect of the proposed consolidation. One or more certified copies of the plan of consolidation shall be available in the recorder's office of each municipality at least five days prior to the hearing. 1993

10-2-607. Notice of election.

If the county legislative bodies find that the resolution or petition for consolidation and their attachments substantially conform with the requirements of this part, they shall give notice of the election for consolidation to the electors of each municipality which would become part of the consolidated municipality by publication in a newspaper having a general circulation within the boundaries of each municipality to be consolidated at least once a week for four consecutive weeks prior to the election on the question of consolidation. 1993

10-2-608. Contents of notice.

The notice required in the preceding section shall contain a summary of: (1) the contents of the resolutions or petitions for consolidation; (2) the consolidation plan; (3) where the resolutions or petitions and consolidation plan can be found; (4) the time and place where public hearings on the question of consolidation will be held and shall state that any interested person may be heard on the question of consolidation and on the plan for consolidation; (5) a description of the territory and the names of the municipalities which will be included within the proposed consolidated municipality which descriptions may be by any means which describe the territories involved; (6) the time and place or places at which the election for consolidation shall be held; and (7) the form of the ballot to be used in the election to determine the question of consolidation which shall read substantially as follows:

Shall the municipality
of _____ YES
be consolidated with
the municipality
(or municipalities)
of _____ NO

The voters shall mark their ballots with a cross (x) opposite the words "yes" or "no." 1977

10-2-609. Election on consolidation.

The election on consolidation shall be held as nearly as possible in the same manner as a general election. 1977

10-2-610. Favorable vote at election - Notice of results - Publication - Filing.

The commissioners of the county or counties shall canvass the results of the election or elections in the same manner as for general elections and shall

certify the results of the election to the county clerk or clerks. If a majority of the ballots cast at the election on consolidation in each municipality are for consolidation, the county clerk or clerks shall immediately, on receiving notice of the results of the canvass being filed in the proper office, give notice of the result by publication in the same manner and for the same time as provided in Section 10-2-608 and in the notice the county clerk or clerks shall indicate to which class the consolidated municipality belongs. A copy of the notice with proper proof of its original publication shall be filed with the papers, and a certified copy of all papers and record entries relating to the matter on file in the county clerk's office shall be filed in the office of the county recorder. The mayor of the consolidated municipality shall cause articles of consolidation to be filed in the office of the lieutenant governor which shall contain the same information as is required in Section 10-2-108 together with a provision stating that the municipality is a consolidation of two or more municipalities and the names of the municipalities which comprise the new municipality. 1984

10-2-611. When incorporation complete -

Disincorporation of original municipalities.

On filing the articles of consolidation with the lieutenant governor, the incorporation of the new municipality shall be complete and the original municipalities involved in the consolidation shall be deemed to be disincorporated. 1984

10-2-612. New municipality - Ownership of property - Indebtedness of original municipalities.

Any consolidated municipality shall be deemed to be a continuation of the merged municipalities, except as herein expressly provided, and shall own all of the assets, property, records, seals, equipment, and be responsible for the liabilities of each and all of the municipalities dissolved by the consolidation. The new municipality shall require the inhabitants of an original municipality included in the consolidation, by special tax levy, to satisfy any indebtedness incurred by the original municipalities provided inhabitants residing in other parts of the consolidated municipality did not or do not benefit by the revenue or services obtained by the expenditures causing the indebtedness. The governing body of the consolidated municipality shall be subject to the terms of the consolidation plan. 1977

10-2-613. Governing body until next election.

Until the next regular municipal election, the elected officials of the municipalities consolidated into the consolidated municipality shall constitute the governing body of the municipality. The governing body shall elect one of their members to serve as mayor of the municipality and may appoint such other officers as deemed necessary to carry out the business of the municipality. 1977

10-2-614. Ordinances, resolutions and orders.

All ordinances, resolutions and orders, in force in any of the municipalities when it is consolidated, shall remain in full force and effect within the respective areas of the municipalities which existed prior to consolidation insofar as the ordinances, resolutions and orders are not repugnant to law, until repealed or amended, but shall not in any case exceed three years. The governing body of the new municipality shall as soon as possible adopt new ordinances, resolutions and orders for the uniform governance of the new municipality. 1977

Part 7. Dissolution of Municipalities.

10-2-701. Petition for disincorporation - Validity - District court order for election.

10-2-701.5. Form of petition.

10-2-702. District court to examine petition - Set date for election.

10-2-703. Publication of notice of election.

10-2-704. Form of ballot.

10-2-705. Judgment - Determination of claims.

10-2-706. Taxes to meet municipal obligations.

10-2-707. Disposition of records.

10-2-708. Notice of disincorporation - Publication and filing.

10-2-709. Expenses of election.

10-2-710. Limitation on jurisdiction of court to consider disincorporation petition.

10-2-711. Dissolution by the county legislative body.

10-2-712. Power of court.

10-2-701. Petition for disincorporation - Validity - District court order for election.

Disincorporation of a municipality shall be initiated upon petition. The petition shall bear signatures equal in number to 25% of all votes cast from the municipality at the last congressional election. No signature is valid, for purposes of this section, unless it is that of a registered voter who is a resident of the municipality proposed for disincorporation.

The petition containing the specified number of signatures shall be filed with the county clerk for validation by that officer. If the county clerk finds the petition valid, the clerk shall file the original with the district court and furnish a copy to the governing body of the municipality.

The district court, upon determining that the petition comports with Section 10-2-701.5 and that it does not offend Section 10-2-710 and is otherwise complete, shall order that the question of dissolution be placed before the voters of the municipality. 1981

10-2-701.5. Form of petition.

A petition for municipal disincorporation shall substantially comply with, and be circulated in, the following form:

PETITION FOR MUNICIPAL DISINCORPORATION

To the Honorable District Court of _____ County, Utah:

We, the undersigned citizens and legal voters of the State of Utah, and residents of _____ City, Utah, respectfully petition the Court to submit a proposal to disincorporate _____ City, Utah, to the legal voters resident within said city for their approval or rejection at a special election ordered held by the court for that purpose; and each signator for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Utah; I am a resident of _____ City, Utah, and my residence and post office address are correctly written after my name. 1981

10-2-702. District court to examine petition - Set date for election.

If the court determines that the petition is complete, the court shall set a date for the election to determine the question of dissolution which date shall be at least 60 but not more than 90 days after the petition is filed with the court. 1981

10-2-703. Publication of notice of election.

Immediately after setting the date for the election,

the court shall order publication for at least once a week for a period of one month in a newspaper having general circulation in the municipality, or if there is none, then by posting in at least three public places in the municipality, notice of the petition and of the date the election is to be held to determine the question of dissolution. 1977

10-2-704. Form of ballot.

The form of the ballot used to vote on the issue of dissolution shall be separate from any other ballot and shall read substantially as follows:

Shall the municipality of _____, Yes
(insert name) _____
be dissolved? No

The voters shall mark their ballots with a cross (x) opposite the word "yes" or "no". 1977

10-2-705. Judgment - Determination of claims.

The vote shall be taken and canvassed in the same manner as in other municipal elections, and return thereof made to the district court. If the district court finds that a majority of the votes cast favored dissolution, a judgment shall be entered dissolving the municipality and the corporate powers of such municipality shall cease, and the court shall cause notice to be given in a manner to be prescribed by it, requiring all claims against the municipality to be filed in the court within a time fixed in the notice, not exceeding six months, and all claims not so filed shall be forever barred. At the expiration of the time so fixed the court shall adjudicate claims so filed, which shall be treated as denied, and any citizen of the municipality at the time the vote was taken may appear and defend against any claim so filed, or the court may in its discretion appoint some person for that purpose. 1977

10-2-706. Taxes to meet municipal obligations.

The court shall have power to wind down the affairs of the municipality, to dispose of its property as provided by law, and to make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and shall order such taxes levied from time to time as may be requisite therefore, which the county legislative body shall levy against the property within the municipality. The taxes shall be collected by the county treasurer in the manner for collecting other property taxes and shall be paid out under the orders of the court, and the surplus, if any, shall be paid into the school fund for the district in which the taxes were levied. All municipal property remaining after the winding down of the affairs of the municipality, shall be transferred to the board of education of such school district, which board hereby is empowered to enforce all claims for the same and to have the use of all property so vesting. 1993

10-2-707. Disposition of records.

The books, documents, records, papers, and seal of any dissolved municipality shall be deposited with the county clerk for safekeeping and reference. All court records of justice court judges shall be deposited with a justice court judge of the county to be designated by the court, and other records with the district court. The courts respectively have authority to execute and complete all unfinished business standing on the same. 1990

10-2-708. Notice of disincorporation - Publication and filing.

When any municipality has been dissolved, the clerk of the court shall cause a notice thereof to be

published in a newspaper having a general circulation in the county in which the municipality is located at least once a week for four consecutive weeks. 1977

10-2-709. Expenses of election.

The expenses of the election, of winding down the affairs and of dissolving the municipality, shall be the obligation of the municipality and shall be paid by it. 1977

10-2-710. Limitation on jurisdiction of court to consider disincorporation petition.

No district court has jurisdiction to consider a petition seeking disincorporation of a municipality or to order an election based upon the submission of such a petition if:

(1) the disincorporation petition is filed with the court less than two years after the official date of incorporation of the municipality which the petition seeks to dissolve; or

(2) the disincorporation petition is filed with the court less than two years after the date of an election held to decide the question of dissolution of the municipality which the petition seeks to dissolve. 1981

10-2-711. Dissolution by the county legislative body.

Any municipality having fewer than 50 residents, according to any official federal, state, or county census, may be dissolved on application to the district court by the county legislative body of the county where the municipality is located. Notice of the application shall be served on the municipality in the manner prescribed by law or by publication in the manner provided by law if the municipal authorities cannot be served. The district court may order the municipality dissolved on a finding that the existence of the municipality serves no valid municipal purpose, its existence is a sham, or on a clear and convincing showing that the best interests of the community would be served by the dissolution. If the municipality is dissolved, the district court shall wind down the affairs and dissolve the municipality as quickly as possible in the same manner as is provided in Sections 10-2-705 through 10-2-709. 1993

10-2-712. Power of court.

The district court may enforce compliance with any order issued to give effect to this part by proceedings for contempt. The district court may appoint any person to assist it in carrying out the provisions of this part. The district court shall cause articles of dissolution to be filed with the lieutenant governor on the dissolution of the municipality. 1984

Chapter 3. Municipal Government.

Part 1. Governing Body.

Part 2. Election of Governing Body.

Part 3. Membership on Governing Body, Vacancies and Power to Vote.

Part 4. Mayor as Member of Governing Body.

Part 5. Meetings, Procedures and Conduct-Voting

Part 6. Public Meetings, Executive Sessions, Records and Publication, Procedure.

Part 7. Municipal Ordinances, Resolutions and Procedure.

Part 8. Municipal Administration.

Part 9. Appointed Officials and Their Duties.

Part 10. Civil Service Commission.

Part 11. Personnel Rules and Benefits.

Part 12. Alternative Forms of Municipal Government.

Part 13. Municipal Officers' and Employees' Ethics Act.

Part 1. Governing Body.

10-3-101. Governing body - Legislative and executive powers.

10-3-102. Governing body - Other functions.

10-3-103. Governing body in cities of the first class.

10-3-104. Governing body in cities of the second class.

10-3-105. Governing body in cities of the third class.

10-3-106. Governing body in towns.

10-3-101. Governing body - Legislative and executive powers.

Each municipality shall have a governing body which shall exercise the legislative and executive powers of the municipality unless the municipality is organized with separate executive and legislative branches of municipal government. 1977

10-3-102. Governing body - Other functions.

The governing body may perform such other functions as may be specifically provided or necessarily implied by law. 1977

10-3-103. Governing body in cities of the first class.

The governing body of cities of the first class shall be a commission of five members of which one shall be the mayor and the remaining four shall be commissioners. 1977

10-3-104. Governing body in cities of the second class.

The governing body of cities of the second class shall be a commission of three members of which one shall be the mayor and the remaining two shall be commissioners. 1977

10-3-105. Governing body in cities of the third class.

The governing body of cities of the third class shall be a council composed of six members one of whom shall be the mayor and the remaining five shall be councilmen. 1977

10-3-106. Governing body in towns.

The governing body of a town shall be a council of five persons one of whom shall be the mayor and the remaining four shall be councilmen. 1977

Part 2. Election of Governing Body.

10-3-201. Municipal election - Terms of office.

10-3-202. Terms of elected municipal officers.

10-3-203. Election of officers in cities of the first class.

10-3-204. Election of officers in cities of the second class.

10-3-205. Election of officers in cities of the third class.

10-3-206. Election of officers in towns.

10-3-207. Determining two and four year terms.

10-3-208. Campaign financial disclosure in municipal elections.

10-3-201. Municipal election - Terms of office.

(1) On the Tuesday after the first Monday in November, 1977, and biennially thereafter, an election shall be held in all municipalities to fill all elective offices vacated by 12 o'clock noon on the first Monday in the January following the election. The officers elected shall continue in the office to which they were elected for four years except in case of death, resignation, removal or disqualification from office.

(2) The officers so elected shall begin their term of office at 12 o'clock noon on the first Monday in January following their election. 1977

10-3-202. Terms of elected municipal officers.

Each elected officer of a municipality shall hold

office for the term for which he is elected and until his successor is chosen and qualified, unless the office becomes vacant under Section 10-3-301 1990

10-3-203. Election of officers in cities of the first class.

In cities of the first class, the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and two commissioners shall be filled in municipal elections held in 1979. The terms shall be for four years. The offices shall be filled every four years thereafter in municipal elections.

(2) The offices of the other two commissioners and the city auditor shall be filled at a municipal election held in 1977. The terms shall be for four years. These offices shall be filled every four years thereafter in municipal elections.

(3) The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing municipal officers. 1977

10-3-204. Election of officers in cities of the second class.

In cities of the second class the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and one commissioner shall be filled in a municipal election held in 1977. The terms shall be for four years. The offices shall be filled every four years thereafter in municipal elections.

(2) The offices of the other commissioner and the city auditor shall be filled in municipal elections held in 1979. The terms shall be for four years. These offices shall be filled in municipal elections held every four years.

(3) The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing municipal officers. 1977

10-3-205. Election of officers in cities of the third class.

In cities of the third class, the election and terms of office shall be as follows:

(1) The offices of mayor and two councilmen shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(2) The offices of the other three councilmen shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(3) The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing municipal officers. 1977

10-3-206. Election of officers in towns.

In towns, the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and two councilmen shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(2) The offices of the other two councilmen shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(3) The offices shall be filled in at-large elections which shall be held at the time and in the manner provided for electing municipal officers. 1977

10-3-207. Determining two and four year terms.

Where both two and four year terms are to be filled by election or appointment, the election ballot or appointment shall clearly state which persons are to be elected or appointed to the shorter term and to

the longer term.

1977

10-3-208. Campaign financial disclosure in municipal elections.

(1) (a) By August 1, 1995, each first and second class city and each third class city having a population of 10,000 or more shall adopt an ordinance establishing campaign finance disclosure requirements for candidates for city office.

(b) The ordinance shall include:

(i) a requirement that each candidate for municipal office report his itemized and total campaign contributions and expenditures at least once within the two weeks before the municipal general election and at least once within two months after the municipal general election;

(ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things; and

(iii) a requirement that the financial reports identify:

(A) for each contribution of more than \$50, the name of the donor of the contribution and the amount of the contribution; and

(B) for each expenditure, the name of the recipient and the amount of the expenditure.

(2) (a) Except as provided in Subsection (b), if any first or second class city, or any third class city having a population of 10,000 or more, fails to adopt a campaign finance disclosure ordinance by August 1, 1995, candidates for office in those cities shall comply with the financial reporting requirements contained in Subsections (3) through (6).

(b) If, after August 1, 1995, a first or second class city or third class city having a population of 10,000 or more adopts a campaign finance disclosure ordinance that meets the requirements of Subsection (1), that city need not comply with the requirements of Subsections (3) through (6).

(3) If there is no municipal ordinance meeting the requirements of this section, each candidate for elective office in any first or second class city, or third class city having a population of 10,000 or more, shall file a signed campaign financial statement with the city recorder:

(a) seven days before the date of the municipal general election, reporting each contribution of more than \$50 and each expenditure as of ten days before the date of the municipal general election; and

(b) no later than 30 days after the date of the municipal general election.

(4) (a) The statement filed seven days before the municipal general election shall include:

(i) a list of each contribution of more than \$50 received by the candidate, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

(iii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

(b) The statement filed 30 days after the municipal general election shall include:

(i) a list of each contribution of more than \$50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and

(iii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

(5) Candidates for elective office in any first or second class city, or any third class city having a population of 10,000 or more, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

(6) Any person who fails to comply with this section is guilty of an infraction.

(7) Cities may, by ordinance, enact requirements that:

- (a) require greater disclosure of campaign contributions and expenditures; and
- (b) impose additional penalties. 1996

Part 3. Membership on Governing Body, Vacancies and Power to Vote.

10-3-301. Eligibility and residency requirements for elected municipal office.

10-3-302. Mayoral or council vacancy of a municipality.

10-3-301. Eligibility and residency requirements for elected municipal office.

(1) (a) A person filing a declaration of candidacy for a municipal office shall:

(i) have been a resident of the municipality in which the person seeks office for at least one year immediately before the date of the election; and

(ii) meet the other requirements of Section 20A-9-203

(b) A person living in an area annexed to a municipality meets the residency requirement of this subsection if that person resided within the area annexed to the municipality for at least one year before the date of the election.

(2) Any person elected to municipal office shall be a registered voter in the municipality in which he was elected.

(3) (a) Each elected officer of a municipality shall maintain residency within the boundaries of the municipality during his term of office.

(b) If an elected officer of a municipality establishes his principal place of residence as provided in Section 20A-2-105 outside the municipality during his term of office, the office is automatically vacant.

(4) If an elected municipal officer is absent from the municipality any time during his term of office for a continuous period of more than 60 days without the consent of the municipal legislative body, the municipal office is automatically vacant. 1994

10-3-302. Mayoral or council vacancy of a municipality.

Mayoral or council vacancies shall be filled as provided in Section 20A-1-510 1993

Part 4. Mayor as Member of Governing Body.

10-3-401. Mayor as a voting member of governing body.

10-3-402. Mayor in third class city - No vote except in case of a tie.

10-3-403. Mayor as presiding officer - Mayor pro tempore.

10-3-404. No veto.

10-3-401. Mayor as a voting member of governing body.

In cities of the first and second class, and towns,

the mayor shall vote as a member of the governing body. Any member of the governing body appointed to act as mayor pro tempore shall cast only one vote. 1977

10-3-402. Mayor in third class city - No vote except in case of a tie.

The mayor in cities of the third class shall not vote, except in case of a tie vote of the council. 1977

10-3-403. Mayor as presiding officer - Mayor pro tempore.

In all municipalities, the mayor shall be the chairman and preside at the meetings of the governing body. In the absence of the mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as mayor pro tempore, who shall have all of the powers and duties of the mayor during his absence or disability. The election of a mayor pro tempore shall be entered in the minutes of the meeting. 1977

10-3-404. No veto.

The mayor of any municipality shall have no power to veto any act of the governing body unless otherwise specifically authorized by statute. 1977

Part 5. Meetings, Procedures and Conduct-Voting

10-3-501. Meetings in cities of the first and second class.

10-3-502. Meetings in cities of the third class and towns.

10-3-503. Quorum necessary to do business.

10-3-504. Quorum defined.

10-3-505. Attendance.

10-3-506. How the vote is taken.

10-3-507. Minimum vote required.

10-3-508. Reconsideration.

10-3-501. Meetings in cities of the first and second class.

In cities of the first and second class the board of commissioners shall by ordinance prescribe the time and place of holding its regular public meetings which, for cities of the first class shall be held at least three times each week, and, for cities of the second class shall be held at least twice each week. If at any time the business of the city requires a special meeting of the board of commissioners, such meeting may be ordered by a majority of the board or by the mayor or mayor pro tempore. The order must be signed by the members, mayor or mayor pro tempore calling the meeting, and must be entered in the minutes of the board. Notice of the special meeting must be served by the city recorder on each member not joining in the order, at least three hours prior to the meeting, personally or left at such member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section. 1979

10-3-502. Meetings in cities of the third class and towns.

In cities of the third class and towns, the governing body shall by ordinance prescribe the time and place for holding its regular meeting which shall be held at least once each month. If at any time the business of such city or town requires a special meeting of the governing body, such meeting may be ordered by the mayor or any two members of the governing body. The order shall be entered in the minutes of the governing body. The order shall provide at least three hours' notice of the special meeting and notice thereof shall be served by the

recorder or clerk on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section. 1977

10-3-503. Quorum necessary to do business.

No action of any governing body shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time. 1987

10-3-504. Quorum defined.

The number of members of the governing body necessary to constitute a quorum is, in:

- (a) cities of the first class, three or more;
- (b) cities of the second class, two or more;
- (c) cities of the third class, three or more;
- (d) towns, three or more. 1977

10-3-505. Attendance.

The governing body shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith. 1977

10-3-506. How the vote is taken.

A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken. 1977

10-3-507. Minimum vote required.

(1) The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the governing body unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than:

- (a) three in cities of the first class;
- (b) two in cities of the second class;
- (c) three in cities of the third class;
- (d) three in towns.

(2) Any ordinance, resolution or motion of the governing body having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the governing body even though such majority vote is less than that required herein.

(3) A majority of the members of the governing body, regardless of number, may fill any vacancy in the governing body. 1977

10-3-508. Reconsideration.

Any action taken by the governing body shall not be reconsidered or rescinded at any special meeting unless the number of members of the governing body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved. 1977

Part 6. Public Meetings, Executive Sessions, Records and Publication, Procedure.

10-3-601. Business of governing body conducted only in open meeting.

10-3-603. Public records.

10-3-604. Annual examination of municipal finances - Publication of results.

10-3-605. Penalty.

10-3-606. Rules of procedure.

10-3-607. Rules of conduct for members of the governing body.

10-3-608. Rules of conduct for the public.

10-3-609. Action on committee reports.

10-3-610. Requiring attendance of witnesses, production of evidence.

10-3-601. Business of governing body conducted only in open meeting.

All meetings of the governing body of each municipality shall be held in compliance with the provisions of Title 52, Chapter 4, relating to open and public meetings. 1979

10-3-603. Public records.

The governing body of each municipality shall keep a journal of its proceedings. The books, records, accounts and documents of each municipality shall be kept at the office of the recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. The governing body may by resolution establish reasonable charges for providing copies of its public records to individuals, except when by law the municipality must provide the records without cost to the public. 1977

10-3-604. Annual examination of municipal finances - Publication of results.

At the end of each fiscal year, the governing body of each city of the first and second class shall cause a full and complete examination of all books and accounts of the city to be made by certified public accountants, and shall publish the results of the examination and a detailed and itemized statement of all receipts and disbursements of the city in a summary of their proceedings and expenses during the fiscal year. The city shall then provide printed copies to the newspapers of the city and to the city recorder who shall provide one copy of it to any person on request. 1981

10-3-605. Penalty.

Any person who shall violate any of the provisions of Section 10-3-603 or 10-3-604 without just cause shall be guilty of a class B misdemeanor. 1979

10-3-606. Rules of procedure.

Except as otherwise provided by law, the governing body of each municipality may establish its own rules of procedures for the proper conduct of its meetings. 1977

10-3-607. Rules of conduct for members of the governing body.

The governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body. 1977

10-3-608. Rules of conduct for the public.

The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law. 1993

10-3-609. Action on committee reports.

Final action on any report of any committee appointed by the governing body shall be deferred to the next regular meeting of the governing body on the request of any two members, except that the council in cities of the third class and towns may call a special meeting to consider final action. 1977

10-3-610. Requiring attendance of witnesses, production of evidence.

The governing body of each municipality may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or

useful for the governance of the municipality. The governing body may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this section or it may issue subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil Procedure. 1977

Part 7. Municipal Ordinances, Resolutions and Procedure.

- 10-3-701. Legislative power exercised by ordinance.
- 10-3-702. Extent of power exercised by ordinance.
- 10-3-703. Penalty for violation of ordinance - Civil penalty for unauthorized use of property - Procedural rules.
- 10-3-704. Form of ordinance.
- 10-3-705. Requirements as to form - Effective date.
- 10-3-706. Revision of ordinances.
- 10-3-707. Power to codify ordinances.
- 10-3-708. Arrangement of ordinances.
- 10-3-709. Repeal of conflicting provisions - Title.
- 10-3-710. Publication in book, pamphlet or looseleaf form - State statutes.
- 10-3-711. Publication and posting of ordinances.
- 10-3-712. Effective date.
- 10-3-713. Recording, numbering, and certification of passage.
- 10-3-714. Contents, dates, publication proved under seal.
- 10-3-715. Municipal ordinances received in evidence.
- 10-3-716. Fines and forfeitures - Disposition.
- 10-3-717. Purpose of resolutions.
- 10-3-718. Form of resolution.
- 10-3-719. Resolutions need no publication effective date.

10-3-701. Legislative power exercised by ordinance.
Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances. 1977

10-3-702. Extent of power exercised by ordinance.
The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. An officer of the municipality shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel. 1977

10-3-703. Penalty for violation of ordinance - Civil penalty for unauthorized use of property - Procedural rules.

Unless otherwise specifically authorized by statute, the governing body of each municipality may provide a penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment. The governing body may prescribe a minimum penalty for the violation of any municipal ordinance and may impose a civil penalty for the unauthorized use of municipal property, including, but not limited to, the use of parks, streets, and other public grounds or equipment. Rules of civil procedure shall be substantially followed. 1986

10-3-704. Form of ordinance.
Any ordinance passed by the governing body, after the effective date of this act, shall contain and be in substantially the following order and form:

- (1) a number;
- (2) a title which indicates the nature of the subject matter of the ordinance;
- (3) a preamble which states the need or reason for the ordinance;
- (4) an ordaining clause which states "Be it ordained by the _____ (name of the governing body and municipality):";
- (5) the body or subject of the ordinance;
- (6) when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
- (7) a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this chapter;
- (8) a line for the signature of the mayor or acting mayor to sign the ordinance;
- (9) a place for the municipal recorder to attest the ordinance and fix the seal of the municipality; and
- (10) in municipalities where the mayor may disapprove an ordinance passed by the legislative body, the ordinance must show, that it was passed with the mayor's approval or that if the mayor disapproved the ordinance, that it was passed over his disapproval. If the mayor neither approves, or disapproves an ordinance, the ordinance should show that it became effective without the approval or disapproval of the mayor. 1977

10-3-705. Requirements as to form - Effective date.
Ordinances passed or enacted by the governing body shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the governing body, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Subsection 10-3-704 (1), (2), (3) or (4). Ordinances which do not have an effective date shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner. 1979

10-3-706. Revision of ordinances.
The governing body by resolution may authorize and direct the mayor to appoint, with the advice and consent of the governing body, one or more persons to prepare and submit to the governing body a compilation, revision or codification of municipal ordinances. The compensation for the service shall be fixed by resolution of the governing body and paid out of the municipal treasury. 1977

10-3-707. Power to codify ordinances.
Any municipality is hereby empowered to revise, codify and compile from time to time and to publish in book, pamphlet or looseleaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated. 1977

10-3-708. Arrangement of ordinances.
The ordinances in the revision, codification and compilation shall be arranged in such order as the governing body may decide and may exclude the

titles, enacting clauses, signatures of a mayor or mayor pro tempore of the governing board, attestations, and other formal parts, except the attestation of the recorder. 1977

10-3-709. Repeal of conflicting provisions - Title.

Such revision shall be by one ordinance embracing all ordinances of a general and permanent character preserved as changed or added to and perfected by the revision, codification and compilation and shall be a repeal of all ordinances in conflict with the revision, codification and compilation, but all ordinances then enforced shall continue in force after the revision, codification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor. The only title necessary for such ordinance shall be "an ordinance revising, codifying and compiling the general ordinances of the city or town of _____ (inserting the name of the municipality)." 1977

10-3-710. Publication in book, pamphlet or looseleaf form - State statutes.

Ordinances revised, codified, compiled and published in book, pamphlet or looseleaf form by authority of the governing body need not be printed or published in any other manner, except that the ordinance adopting the revision, codification or compilation shall be published or posted in the manner provided by law. Provisions of state law may be adopted by reference. Any changes necessary to conform those state laws with municipal ordinance shall be noted. 1977

10-3-711. Publication and posting of ordinances.

All ordinances, except those enacted pursuant to Sections 10-3-706 to 10-3-710, before taking effect shall be deposited in the office of the municipal recorder and a short summary of the ordinance published at least once in a newspaper published within the municipality, or if there is no newspaper published therein, then by posting complete copies in three public places within the municipality. Any ordinance, code, or book, other than the state code, relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three copies for cities or at least one copy for towns have been filed for use and examination by the public in the office of the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing body. Any state law relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code. The ordinance adopting the code or book shall be published in the manner provided in this section. 1984

10-3-712. Effective date.

Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance. 1983

10-3-713. Recording, numbering, and certification of passage.

The municipal recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the governing body. The recorder shall

give each ordinance a number, if the governing body has not already so done. Immediately following each ordinance, or codification of ordinances, the recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. 1977

10-3-714. Contents, dates, publication proved under seal.

The contents of all municipal ordinances, the dates of passage, and the date of publication or posting may be proved by the certification of the municipal recorder under the seal of the municipality. 1993

10-3-715. Municipal ordinances received in evidence.

Whenever municipal ordinances are printed in book, pamphlet or looseleaf form and purport to be published by the authority of the governing body, the book, pamphlet or looseleaf shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the book, pamphlet, or looseleaf in all courts and administrative proceedings. 1977

10-3-716. Fines and forfeitures - Disposition.

All fines, penalties, and forfeitures for the violation of any ordinance, when collected, shall be paid into the municipal treasury within seven days after the collection date. A violation of this section constitutes a class C misdemeanor. The retention or use of any fine, penalty or forfeiture by any person for personal use or benefit constitutes a class B misdemeanor, except that if the amount or amounts exceed \$1,000 the offense is a class A misdemeanor as defined in the Utah Criminal Code. 1977

10-3-717. Purpose of resolutions.

Unless otherwise required by law, the governing body may exercise all administrative powers by resolution including, but not limited to: (1) establishing water and sewer rates; (2) charges for garbage collection and fees charged for municipal services; (3) establishing personnel policies and guidelines; and (4) regulating the use and operation of municipal property. Punishment, fines or forfeitures may not be imposed by resolution. 1977

10-3-718. Form of resolution.

Any resolution passed by the governing body of each municipality shall be in a form and contain sections substantially similar to that prescribed for ordinances. 1977

10-3-719. Resolutions need no publication effective date.

Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine, but resolutions may not become effective more than three months from the date of passage. 1977

Part 8. Municipal Administration.

10-3-801. Administrative powers in cities of the first class.

10-3-802. Designation of department head in cities of the first class.

10-3-803. Officers limited to one office - Exceptions.

10-3-804. Change in names, functions and superintendents of departments.

10-3-805. Administrative powers in cities of the second class.

10-3-806. Designation of department head in cities of the

second class.

- 10-3-807. Commissioners may administer two departments - Change in names, functions and superintendents.
- 10-3-808. Administration vested in mayor.
- 10-3-809. Powers of mayors in cities of third class and towns.
- 10-3-810. Additional powers and duties of elected officials in cities of the third class and towns.
- 10-3-811. Members of the governing body may be appointed to administration in cities of the third class and towns.
- 10-3-812. Change of duties in cities of the third class and towns.
- 10-3-813. General administrative powers of all municipalities.
- 10-3-814. Personnel assigned to one or more departments.
- 10-3-815. Rules and regulations for administration of municipality.
- 10-3-816. Appointed officers - Residency requirement authorized.
- 10-3-817. Elected executives to appoint their deputies.
- 10-3-818. Salaries in municipalities.
- 10-3-819. Bonds required.
- 10-3-820. Cities of the first and second class.
- 10-3-821. Bond of treasurers.
- 10-3-822. Approval of bonds.
- 10-3-823. Premium paid by municipality.
- 10-3-824. Bonds of first officers after incorporation.
- 10-3-825. Additional bonds.
- 10-3-826. Official neglect and misconduct class A misdemeanor - Removal from office.
- 10-3-827. Oaths.
- 10-3-828. Oath - Filing.
- 10-3-829. Acts of officials not voided.

10-3-801. Administrative powers in cities of the first class.

The executive and administrative powers, authority and duties in cities of the first class shall be divided into and among five departments as follows:

- (1) Department of Public Affairs and Finance;
- (2) Department of Water Supply and Waterworks;
- (3) Department of Public Safety;
- (4) Department of Streets and Public Improvements; and
- (5) Department of Parks and Public Property. 1977

10-3-802. Designation of department head in cities of the first class.

In cities of the first class, the city commission at its first regular meeting after the first Monday in January following a municipal election shall assign to each commissioner by a majority vote one of the five departments in Section 10-3-801 which each commissioner is to administer. 1987

10-3-803. Officers limited to one office - Exceptions.

In cities of the first class, the mayor, commissioners, recorder and treasurer shall administer only one office under the city government, except that the offices of city recorder and auditor may be held by one person. 1977

10-3-804. Change in names, functions and superintendents of departments.

The governing body may by majority vote change the names and functions of the departments and their respective superintendents to which any member has been assigned whenever it is in the best interest of the city. 1977

10-3-805. Administrative powers in cities of the second class.

The administrative powers, authority and duties in cities of the second class shall be divided into five departments which shall be:

- (1) Department of Public Affairs and Finances.
- (2) Department of Water and Waterworks.
- (3) Department of Public Safety.
- (4) Department of Streets and Public Improvements.
- (5) Department of Parks and Public Property. 1977

10-3-806. Designation of department head in cities of the second class.

The governing body shall at its first regular meeting after the first Monday in January following the municipal election assign by a majority vote the department or departments each commissioner is to administer. 1993

10-3-807. Commissioners may administer two departments - Change in names, functions and superintendents.

The commissioners of a city of the second class may be appointed to administer two departments within the city government. The names and functions of the departments and their respective superintendents shall be changed whenever it appears that the public service will be benefited thereby. 1977

10-3-808. Administration vested in mayor.

The administrative powers, authority and duties in cities of the third class and towns are vested in the mayor. 1977

10-3-809. Powers of mayors in cities of third class and towns.

The mayor in cities of the third class and towns:

- (1) shall be the chief executive officer to whom all employees of the municipality shall report;
- (2) shall keep the peace and enforce the laws of the city or town;
- (3) shall remit fines and forfeitures and may release any person imprisoned for violation of any municipal ordinance;
- (4) shall report such remittance or release to the council at its next regular session;
- (5) shall perform all duties prescribed by law, resolution or ordinance;
- (6) shall ensure that all the laws and ordinances and resolutions are faithfully executed and observed;
- (7) may at any reasonable time examine and inspect the books, papers, records or documents of the city or town or of any officer, employee or agent of the city or town;
- (8) shall report to the council the condition of the city or town and recommend for council consideration any measures as deemed to be in the best interests of the city or town;
- (9) shall, when necessary, call on the residents of the city or town over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality; and
- (10) shall appoint, with the advice and consent of the council, persons to fill municipal offices or vacancies on commissions or committees of the municipality. This subsection shall not apply to managers appointed under Section 10-3-924 1983

10-3-810. Additional powers and duties of elected officials in cities of the third class and towns.

All cities of the third class and towns may by resolution prescribe additional duties, powers, and responsibilities for any elected or appointed official which are not prohibited by any specific statute except that the mayor may not serve as recorder and neither the mayor nor the recorder may serve as treasurer. A justice court judge may not hold any other municipal office or position of employment with the municipality. 1990

10-3-811. Members of the governing body may be appointed to administration in cities of the third class and towns.

The mayor of any city of the third class or the mayor of any town may, with the advice and consent of the majority of the governing body, assign or appoint any member or members of the governing body to administer one or more departments of the municipality and shall by ordinance provide the salary for the administrator or administrators. 1977

10-3-812. Change of duties in cities of the third class and towns.

The mayor of a city of the third class or town may, with the concurrence of a majority of the governing body, change the administrative assignment of any member of the governing body who is serving in any administrative position in the municipal government. 1977

10-3-813. General administrative powers of all municipalities.

The governing body of each municipality shall from time to time prescribe the powers and duties to be performed by the superintendents, supervisors, department directors and all of its officers and employees. 1977

10-3-814. Personnel assigned to one or more departments.

The governing body of each municipality may assign any individual to one or more positions in one or more departments. 1977

10-3-815. Rules and regulations for administration of municipality.

The governing body of each municipality shall prescribe rules and regulations which are not inconsistent with the laws of this state, as it deems best for the efficient administration, organization, operation, conduct and business of the municipality. 1977

10-3-816. Appointed officers - Residency requirement authorized.

The governing body of each municipality may require by ordinance that any or all appointed officers reside in the municipality. 1977

10-3-817. Elected executives to appoint their deputies.

Elected officers in all municipalities who by virtue of their elected position perform administrative or executive functions shall have the sole right to appoint all of their deputies and assistants. 1977

10-3-818. Salaries in municipalities.

(1) The elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.

(2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

(3) Notice of the time, place and purpose of the meeting shall be published at least seven days prior thereto by publication at least once in a newspaper published in the county within which the municipality is situated and generally circulated in the muni-

cipality. If there is no such newspaper then notice shall be given by posting such notice in three public places in the municipality.

(4) After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers.

(5) Any ordinance enacted before this act by a municipality establishing a salary or compensation schedule for its elective or appointive officers and any salary fixed by Section 10-6-41 prior to its repeal by this act, shall remain effective until the municipality has enacted an ordinance pursuant to the provisions of this act.

(6) The compensation of all municipal officers shall be paid at least monthly out of the municipal treasury provided that municipalities having 1,000 or fewer population may by ordinance provide for the payment of its statutory officers less frequently. None of the provisions of this act shall be deemed to limit or restrict the authority to any municipality that has adopted or does adopt a charter pursuant to Article XI, section 5, Constitution of the State of Utah, to determine the salaries of its elective and appointive officers or employees. 1977

10-3-819. Bonds required.

The elected officers of each municipality and the treasurer in cities of the first and second class before taking office shall execute a bond with good and sufficient sureties, payable to the municipality in such amounts as are herein provided, conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officer according to law and the ordinances of the municipality. All other officers of any municipality may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the municipality in such penal sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinances of the municipality, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the governing body. 1987

10-3-820. Cities of the first and second class.

In cities of the first and second class, the mayor and each commissioner shall give a penal bond, with approved corporate surety, in the amount of not less than \$10,000 and the auditor shall give a penal bond with approved corporate surety in the sum of not less than \$20,000 conditioned for the faithful performance of the duties of their offices and payment of all monies received by them according to law and the ordinances of the city. 1977

10-3-821. Bond of treasurers.

The municipal treasurer's bond, or the bond of any person who acts as municipal treasurer, may be set by resolution or ordinance in any amount, not less than that established by the state money management council. 1977

10-3-822. Approval of bonds.

The bonds of the commissioners and of the councilmen shall be approved by the mayor and the bond of the mayor shall be approved by the commission or council at the first meeting of the governing body in January following a municipal elec-

tion.

1977

10-3-823. Premium paid by municipality.

The premium charged by a corporate surety for any bond required by this part shall be paid by the municipality.

1977

10-3-824. Bonds of first officers after incorporation.

Whenever the inhabitants of any municipality incorporate under this act, the officers first elected or appointed, except the treasurer, shall give bonds in the penal sum of not less than \$500. The bonds required in this section shall remain in force until the passage of ordinances or resolutions by the governing body of such municipality providing for the bonds required of its officers under this act. The bond of the municipal treasurer shall be in a penal sum of not less than \$500 and may be established by an ordinance or resolution by the governing body, except that the bond of the treasurer shall be set in an amount provided by the rules and regulations of the state money management council if it has been established by the state money management council.

1977

10-3-825. Additional bonds.

The governing body of any municipality may at any time require further and additional bonds of any or all officers elected or appointed. All bonds given by the officers of any municipality, except as otherwise provided by law, shall be filed with the recorder, except that the bond of the recorder shall be filed with the treasurer.

1977

10-3-826. Official neglect and misconduct class A misdemeanor - Removal from office.

In case any municipal officer shall at any time wilfully omit to perform any duty, or wilfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter.

1986

10-3-827. Oaths.

All officers of any municipality, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office.

1977

10-3-828. Oath - Filing.

The oath of office required under this part shall be administered by any judge, notary public, or by the recorder of the municipality. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the recorder of the respective municipality.

1990

10-3-829. Acts of officials not voided.

No official act of any municipal officer shall be invalid for the reason that he failed to take the oath of office.

1977

Part 9. Appointed Officials and Their Duties.

10-3-901. Creating offices - Filling vacancies.

10-3-902. Appointment of recorder, treasurer, engineer, attorney in cities of the first and second class.

10-3-903. City engineer - Custodian of records of public improvements.

10-3-904. Books and supplies - Recording, filing and inspection.

10-3-905. Fees to be paid in advance.

10-3-906. Seal.

10-3-907. Recordation not to interfere with other recordation.

10-3-908. Noncompliance a misdemeanor.

10-3-909. Police and fire departments in cities of the first and second class.

10-3-910. Heads of departments and subordinate officers.

10-3-912. Chief of department may suspend subordinates.

10-3-913. Authority of chief of police.

10-3-914. Police officers - Authority.

10-3-915. Rights to arrest without warrant.

10-3-916. Appointment of recorder and treasurer in cities of third class and towns - Vacancies in office.

10-3-917. Engineer in cities of the third class and towns.

10-3-918. Chief of police or marshal in third class cities and towns.

10-3-919. Powers, duties and obligations of police chief, marshal and their assistants in cities of the third class and towns.

10-3-920. Ball commissioner - Powers and duties.

10-3-921. Fines - Collection by ball commissioner - Disposition.

10-3-922. Term of ball commissioners - Salary - Bond and oath.

10-3-923. Authority of municipality to create justice court.

10-3-924. Appointment of manager.

10-3-925. Term of office.

10-3-926. Duties of the manager.

10-3-927. Legislative powers and official position of the mayor not delegated.

10-3-928. Attorney duties - Deputy public prosecutor.

10-3-901. Creating offices - Filling vacancies.

The governing body of each municipality may create any office deemed necessary for the government of the municipality and provide for filling vacancies in elective and appointive offices.

1977

10-3-902. Appointment of recorder, treasurer, engineer, attorney in cities of the first and second class.

In cities of the first and second class the board of commissioners shall appoint a qualified person to each of the offices of recorder, treasurer, engineer and attorney, and may create any other office that may be deemed necessary for the government of the city, and regulate and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law. The person so appointed as city engineer shall be a registered professional engineer under Title 58, Chapter 22. The board of commissioners may appoint all officers and agents as may be provided for by law or ordinances, and fill all vacancies occurring therein.

1977

10-3-903. City engineer - Custodian of records of public improvements.

The city engineer's office in cities of the first and the second class shall be an office of record for all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the city. The city engineer shall be custodian of all drawings and documents above mentioned.

1977

10-3-904. Books and supplies - Recording, filing and inspection.

The city engineer's office shall be supplied with all necessary books, cases and supplies for recording and filing as required. The city engineer shall record and file all drawings and documents pertaining to public lands and improvements. Those made in his office shall be placed on record as soon as completed and shall then be open for public inspections, and any person copying the same or taking notes therefrom may do so in pencil only. He shall keep the records and files in good condition and turn the

same over to his successor in office. He shall allow no alteration, mutilation or changes to be made in any matter of record, and shall be held strictly accountable for the same. 1977

10-3-905. Fees to be paid in advance. -

The city engineer shall not record any drawings or instruments, or file any papers or notices, or furnish any copies, or render any service connected with his office, until the fees for the same are paid or tendered as prescribed by law or ordinance. 1977

10-3-906. Seal.

The city engineer shall be provided with a seal by the city for his use, containing the words "____ City, Utah, Engineering Department." The seal shall be affixed to every certification approval. 1977

10-3-907. Recordation not to interfere with other recordation.

The recording or filing of any drawing or instrument in the city engineer's office shall not interfere or conflict in any way with the recording or filing of the same in other offices of record. 1977

10-3-908. Noncompliance a misdemeanor.

Any city engineer who fails to comply with Sections 10-3-903 through 10-3-907 is guilty of a misdemeanor. 1977

10-3-909. Police and fire departments in cities of the first and second class.

The board of city commissioners or other governing body of each city of the first or the second class shall create, support, maintain and control a police department and may create, support, maintain and control a fire department in their respective cities. 1979

10-3-910. Heads of departments and subordinate officers.

The administration of the police and fire departments shall consist of a chief of the department and such officers, members, employees and agents as the board of commissioners may by ordinance prescribe, and the board of commissioners shall appoint the heads of such departments. 1977

10-3-912. Chief of department may suspend subordinates.

(1) The chief of each department may at any time suspend any subordinate officers, members, employees, or agents employed therein when in his judgment the good of the service demands it, and during the time of suspension, the person suspended shall not be entitled to any salary or compensation whatsoever.

(2) Any suspension of employees in the classified civil service which exceeds three days or 24 working hours is subject to an appeal to the civil service commission as provided in Section 10-3-1012 1991

10-3-913. Authority of chief of police.

(1) The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has authority to:

(a) suppress riots, disturbances, and breaches of the peace;

(b) apprehend all persons violating state laws or city ordinances;

(c) diligently discharge his duties and enforce all ordinances of the city to preserve the peace, good order, and protection of the rights and property of all persons; and

(d) attend the municipal justice court located within the city when required, provide security for the court, and obey its orders and directions.

(2) This section is not a limitation of a police

chief's statewide authority as otherwise provided by law. 1990

10-3-914. Police officers - Authority.

(1) Within the boundaries of the municipality, police officers have the same authority as deputy sheriffs, including at all times the authority to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, and highways, enforce every law relating to the suppression of offenses, and perform all duties required of them by ordinance or resolution.

(2) This section is not a limitation of a police officer's statewide authority as otherwise provided by law. 1990

10-3-915. Rights to arrest without warrant.

The members of the police force shall have the power and authority, without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of the officer, or within his view, any breach of the peace, or any offense directly prohibited by the laws of this state or by ordinance. 1977

10-3-916. Appointment of recorder and treasurer in cities of third class and towns - Vacancies in office.

(1) In each city of the third class and town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and treasurer.

(2) The city recorder is ex officio the city auditor and shall perform the duties of that office.

(3) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.

(4) All appointed officers shall continue in office until their successors are appointed and qualified. 1987

10-3-917. Engineer in cities of the third class and towns.

The governing body of cities of the third class and towns may by ordinance establish the office of municipal engineer and prescribe the duties and obligations for that office which are consistent with the duties and obligations of the city engineer in cities of the first and second class. Where a city of the third class or town uses the engineer employed by the county in which the municipality is located, the municipality may, by ordinance prescribe for its municipal engineer either the duties of a municipal engineer or, if different, the duties of the county engineer, or a combination of duties. 1977

10-3-918. Chief of police or marshal in third class cities and towns.

In cities of the third class and towns, the chief of police or marshal shall exercise and perform such duties as may be prescribed by the governing body. The chief of police or marshal shall be under the direction, control and supervision of the mayor. The chief of police or marshal may with the consent of the mayor, appoint assistants to the chief of police or marshal. 1983

10-3-919. Powers, duties and obligations of police chief, marshal and their assistants in cities of the third class and towns.

The chief of police, marshals and their assistants in cities of the third class and towns shall have all of the powers, rights and duties respectively conferred on such officers in Sections 10-3-913 through 10-3-915 1977

10-3-920. Bail commissioner - Powers and duties.

(1) With the advice and consent of the city council and the board of commissioners in other cities, the mayor of a city of the third class may appoint from among the officers and members of the police department of the city one or more discreet persons as a bail commissioner.

(2) A bail commissioner shall have authority to fix and receive bail for a person arrested within the corporate limits of the city in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for city ordinances not contained in the schedule for:

- (a) misdemeanors under the laws of the state; or
- (b) violation of the city ordinances.

(3) A person who has been ordered by a bail commissioner to give bail may deposit with the bail commissioner the amount:

- (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the bail commissioner has chosen to establish any of those options; or
- (b) by a bond issued by a bail bond surety qualified under the rules of the Judicial Council.

(4) Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three days of receipt of the money or bond.

(5) The court may review the amount of bail ordered by a bail commissioner and modify the amount of bail required for good cause. 1991

10-3-921. Fines - Collection by bail commissioner - Disposition.

(1) In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt moneys tendered in payment of the fine of a person serving sentence in default of the payment of such fine, when the court is closed.

(2) Money collected by a bail commissioner shall be delivered to the court that issued the commitment order within three days of receipt of the money. 1990

10-3-922. Term of bail commissioners - Salary - Bond and oath.

(1) A bail commissioner appointed under this part shall:

- (a) serve at the pleasure of the governing body or mayor that appoints him; and
- (b) receive no compensation as a bail commissioner.

(2) Before beginning his duties as a bail commissioner, he shall:

- (a) take and subscribe an oath to faithfully and impartially discharge the duties of his office;
- (b) give a \$2,500 bond to the city wherein he is appointed, with two good and sufficient individual sureties or with a single corporate surety, that is approved by the governing body or mayor appointing him for the faithful performance of his duties as a bail commissioner; and
- (c) account for and turn over to the clerk of the appropriate court within three days receipt of all moneys, bonds, property, and records coming into his hands as a bail commissioner.

(3) At the expiration of his term of office, the bail commissioner shall surrender and turn over all funds, bonds, property, papers and records then in his hands pertaining to his office.

(4) Suit upon any bond issued under this section may be brought by any county, city, or person injured as a result of a bail commissioner's action. 1990

10-3-923. Authority of municipality to create justice court.

(1) A municipality may create a justice court under Title 78, Chapter 5.

(2) Except under the provisions of Section 78-5-139, a justice court established under this section shall not be eliminated prior to December 31, 1992, without the approval of the Legislature.

(3) The governing body of the municipality shall petition the Legislature to adopt a joint resolution to approve the dissolution of the justice court.

(4) (a) Notwithstanding any other provision of law, the following municipalities may elect to assume local responsibility for those matters within the exclusive jurisdiction of the justice courts: Brigham City, Logan, Ogden, Roy, Clearfield, Layton, Bountiful, Kaysville, Salt Lake City, Murray, Sandy, West Valley City, Tooele, Park City, Orem, Provo, Spanish Fork, American Fork, Elk Ridge, Salem, Cedar City, St. George, Richfield, Price, Moab, Vernal, and Roosevelt.

(b) If municipality does not elect to assume local responsibility under Subsection (a), the district court of the county shall have the same jurisdiction as the justice courts.

(5) Election by these municipalities shall be made effective on January 1, 1992, by written declaration delivered to the Judicial Council on or before July 1, 1991. Municipalities not electing to assume local responsibility for the jurisdiction of the justice courts on January 1, 1992, may make such an election effective on July 1 of any even-numbered year starting in 1994 by written declaration delivered to the Judicial Council at least one year prior to the effective date of the election.

(6) Once made, the election of a municipality to assume local responsibility for the jurisdiction of the justice court may not be revoked without the prior approval of the Legislature. To obtain the approval of the Legislature, the governing authority of the municipality shall petition the Legislature to adopt a joint resolution to approve the revocation. The municipality shall also provide notice to the Judicial Council not later than the July 1 immediately prior to the general session of its intent to seek legislative approval.

(7) (a) For the purposes of this section, to "assume local responsibility for the jurisdiction of the justice court" means to:

- (i) establish a justice court within the municipality;
- (ii) establish a justice court under Title 11, Chapter 13, Interlocal Co-operation Act; or
- (iii) adjudicate those matters within the jurisdiction of the justice court in the county precinct justice court.

(b) Except as provided in Subsections (2) and (3), a municipality may amend its method of assuming local responsibility for the jurisdiction of the justice court without legislative approval.

(8) It is the intent of the Legislature that the Judicial Council by rule provide resources and procedures adequate for the timely disposition of all matters brought before the courts. It is the intent of the Legislature that based on the allocation of responsibility between courts of record and not of record, the administrative office of the courts and local governments cooperate in allocating resources to operate the courts in the most efficient and effective manner. 1996

10-3-924. Appointment of manager.

The governing body of any city or town may by

ordinance establish a manager form of government and appoint any person to be known as the manager. 1977

10-3-925. Term of office.

The manager shall serve at the pleasure of the governing body except that the governing body may employ the manager for a term not to exceed three years. The term of employment may be renewed at any time. Any person serving as manager of a municipality under this section may be removed with or without cause by a majority vote of the governing body. 1977

10-3-926. Duties of the manager.

The governing body shall, by ordinance or resolution, prescribe the powers, duties and obligations of the manager. 1977

10-3-927. Legislative powers and official position of the mayor not delegated.

The legislative and judicial powers of the mayor, his position as chairman of the governing body and any ex officio position the mayor shall hold shall not be delegated to the manager. 1977

10-3-928. Attorney duties - Deputy public prosecutor.

In cities with a city attorney, the city attorney may prosecute violations of city ordinances, and under state law, infractions and misdemeanors occurring within the boundaries of the municipality and has the same powers in respect to the violations as are exercised by a county attorney or district attorney, including, but not limited to, granting immunity to witnesses. The city attorney shall represent the interests of the state or the municipality in the appeal of any matter prosecuted in any trial court by the city attorney. 1993

Part 10. Civil Service Commission.

10-3-1001. Subordinates in police, health, and fire departments to be appointed from list.

10-3-1002. Classified civil service - Employment constituting.

10-3-1003. Commission - Number, term, vacancies.

10-3-1004. Qualifications of commissioners - Salary - Removal.

10-3-1005. Organization of commission - Secretary - Offices.

10-3-1006. Rules and regulations - Printing and distribution.

10-3-1007. Examinations.

10-3-1008. Appointments from civil service list - Probation period.

10-3-1009. Certification of applicants for position - Number - Eligible lists, removal.

10-3-1010. Promotions - Basis - Certification of applicants.

10-3-1011. Temporary employees.

10-3-1012. Suspension or discharge by department head - Appeal to commission - Hearing and decision.

10-3-1012.5. Appeal to district court - Scope of review.

10-3-1013. Annual and special reports by commission.

10-3-1001. Subordinates in police, health, and fire departments to be appointed from list.

The head of each of the police and fire departments of cities of the first and second class and the health officer in cities of the first class shall, by and with the advice and consent of the board of city commissioners, and subject to the rules and regulations of the civil service commission, appoint from the classified civil service list furnished by the civil service commission all subordinate officers, employees, members or agents in his department, and in like manner fill all vacancies in the same. 1977

10-3-1002. Classified civil service - Employment constituting.

The classified civil service shall consist of all places of employment now existing or hereafter created in or under the police department and the fire department of each city of the first and second class, and the health department in cities of the first class, except the head of the departments, deputy chiefs of the police and fire departments and assistant chiefs of the police department in cities of the first and second class, and the members of the board of health of the departments. No appointments to any of the places of employment constituting the classified civil service in the departments shall be made except according to law and under the rules and regulations of the Civil Service Commission. The head of each of the departments may, and the deputy chiefs of the police and fire departments and assistant chiefs of the police department shall, be appointed from the classified civil service, and upon the expiration of his term or upon the appointment of a successor shall be returned thereto. 1977

10-3-1003. Commission - Number, term, vacancies.

In each city of the first and second class there shall be a civil service commission, consisting of three members appointed by the board of commissioners. Their term of office shall be six years, but they shall be appointed so that the term of office of one member shall expire on the 30th day of June of each even-numbered year. If a vacancy occurs in the civil service commission, it shall be filled by appointment by the board of city commissioners for the unexpired term. 1977

10-3-1004. Qualifications of commissioners - Salary - Removal.

Not more than two members of the civil service commission shall at any one time be of the same political party. No member of the civil service commission shall during his tenure of office hold any other public office, or be a candidate for any other public office. Each member shall receive \$25 for each meeting of the commission which he shall attend, but shall not receive more than \$100 in any one month. In case of misconduct, inability or willful neglect in the performance of the duties of the office by any member, the member may be removed from office by the board of city commissioners by a majority vote of the entire membership, but the member shall, if he so desires, have opportunity to be heard in defense. 1977

10-3-1005. Organization of commission - Secretary - Offices.

The civil service commission shall organize by selecting one of its members chairman, and shall appoint as secretary one of the available officers or employees of the city, who shall act and serve without additional compensation. The secretary shall keep a record of all meetings of the civil service commission and of its work and shall perform such other services as the commission may require, and shall have the custody of the books and records of the commission. The board of city commissioners shall provide suitable accommodations and equipment to enable the civil service commission to attend to its business. 1977

10-3-1006. Rules and regulations - Printing and distribution.

The civil service commission shall make all necessary rules and regulations to carry out the purposes of this part and for examinations, appointments and

promotions. All rules and regulations shall be printed by the civil service commission for distribution. 1977

10-3-1007. Examinations.

All applicants for employment in the classified civil service shall be subject to examination, which shall be public, competitive and free. Examinations shall be held at such times and places as the civil service commission shall from time to time determine, and shall be for the purpose of determining the qualifications of applicants for positions. Examinations shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health. 1977

10-3-1008. Appointments from civil service list -

Probation period.

In all cases the appointing power shall notify the civil service commission of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the commission therefor. Such appointment shall be on probation, and of a character and for a period to be prescribed by the civil service commission. 1977

10-3-1009. Certification of applicants for position

- Number - Eligible lists, removal.

Whenever a position in the classified civil service is to be filled, the civil service commission shall as soon as possible certify to the appointing power the names of five persons to fill such position from those persons having the highest standing in the eligible list but a lesser number may be certified when there is not the required number on the eligible list. If more than one position is available in the same department, the civil service commission shall also certify to the appointing power one additional name for each additional position to be filled. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom and can only be returned thereto upon regular examination. 1983

10-3-1010. Promotions - Basis - Certification of applicants.

The civil service commission shall provide for promotion in the classified civil service on the basis of ascertained merit, seniority in service and standing obtained by competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from the members of the next lower rank as submit themselves for the examination and promotion. The civil service commission shall certify to the appointing power the names of not more than five applicants having the highest rating for each promotion. 1983

10-3-1011. Temporary employees.

The head of each department, with the advice and consent of the board of city commissioners, may employ any person for temporary work only, without making the appointment from the certified list, but the appointment shall not be longer than one month in the same calendar year, and under no circumstances shall the temporary employee be appointed to a permanent position unless he shall have been duly certified by the civil service commission as in other cases. 1977

10-3-1012. Suspension or discharge by department head - Appeal to commission - Hearing and decision.

All persons in the classified civil service may be

suspended as provided in Section 10-3-912, or removed from office or employment by the head of the department for misconduct, incompetency, failure to perform his duties, or failure to observe properly the rules of the department, but subject to appeal by the suspended or discharged person to the civil service commission. Any person suspended or discharged may, within five days from the issuance by the head of the department of the order suspending or discharging him, appeal to the civil service commission, which shall fully hear and determine the matter. The suspended or discharged person shall be entitled to appear in person and to have counsel and a public hearing. The finding and decision of the civil service commission upon the hearing shall be certified to the head of the department from whose order the appeal is taken, and shall be final and immediately enforced by him. 1991

10-3-1012.5. Appeal to district court - Scope of review.

Any final action or order of the commission may be appealed to the Court of Appeals for review. The notice of appeal must be filed within 30 days of the issuance of the final action or order of the commission. The review by Court of Appeals shall be on the record of the commission and shall be for the purpose of determining if the commission has abused its discretion or exceeded its authority. 1991

10-3-1013. Annual and special reports by commission.

The civil service commission shall in December of each year make an annual report to the board of city commissioners and shall make as many special reports as the board of city commissioners shall request. 1977

Part 11. Personnel Rules and Benefits.

10-3-1103. Sickness, disability and death benefits.

10-3-1104. Library personnel - Monthly wage deductions and matching sums - Time of inclusion.

10-3-1105. Appointive officers and employees - Duration and termination of term of office.

10-3-1106. Discharge or transfer - Appeals - Board - Procedure.

10-3-1107. Cost of living adjustment - Price index used.

10-3-1103. Sickness, disability and death benefits.

(1) The governing body of each municipality may maintain as to all elective or appointive officers and employees, including heads of departments, a system for the payment of health, dental, hospital, medical, disability and death benefits to be financed and administered in a manner and payable upon the terms and conditions as the governing body of the municipality may by ordinance or resolution prescribe.

(2) The governing bodies of the municipalities may create and administer personnel benefit programs separately or jointly with other municipalities or other political subdivisions of the State of Utah or associations thereof. 1977

10-3-1104. Library personnel - Monthly wage deductions and matching sums - Time of inclusion.

(1) The librarians, assistants and employees of any public library may, at the discretion of the board of directors of the library, be included within and participate in the pension, retirement, sickness, disability and death benefit system established under Section 10-3-1103. In the event the librarian,

assistants and employees of the municipality are included within and participate in the system, there shall be deducted from the monthly wage or salary of the librarian, assistants and employees and paid into the system, a percentage of their wage or salary equal to the percentage of the monthly wage or salary of other employees of the municipality which is paid into the system. Also there shall be paid monthly into the system from the funds of the library a further sum equal to the total amount deducted monthly from the wage or salary of the librarian, assistants and employees and paid into the retirement system.

(2) Where the election by the board of directors of any library for inclusion of its librarian, assistants and employees within the system of any municipality is subsequent to the establishment of the system, the inclusion may begin as of the date of the establishment of the system or as of the date of the election as shall be determined by the board of directors. If inclusion is as of the date of the establishment of the system, there shall be paid into the system in addition to the subsequent monthly wage deductions and matching sums, a sum equal to the aggregate of monthly payroll deductions and matching sums that would have accrued during the period beginning with the establishment of the system and ending with the election had the librarian, assistants and employees been included within the system from its establishment. 1977

10-3-1105. Appointive officers and employees - Duration and termination of term of office.

All appointive officers and employees of municipalities, other than members of the police departments, fire departments, heads of departments, and superintendents, shall hold their employment without limitation of time, being subject to discharge or dismissal only as hereinafter provided. 1977

10-3-1106. Discharge or transfer - Appeals - Board - Procedure.

(1) No officer or employee covered by Section 10-3-1105 shall be discharged or transferred to a position with less remuneration because of his politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. In all cases where any officer or employee is discharged or transferred from one position to another for any reason, he shall have the right to appeal the discharge or transfer to a board to be known as the appeal board which shall consist of five members, three of whom shall be chosen by and from the appointive officers and employees, and two of whom shall be members of the governing body.

(2) The appeal shall be taken by filing written notice of the appeal with the recorder within ten days after the discharge or transfer. Upon the filing of the appeal, the city recorder shall forthwith refer a copy of the same to the appeal board. Upon receipt of the referral from the municipal recorder, the appeal board shall forthwith commence its investigation, take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge or transfer.

(3) The employee shall be entitled to appear in person and to be represented by counsel, to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the appeal board.

(4) In the event the appeal board upholds the discharge or transfer, the officer or employee may

have 14 days thereafter to appeal to the governing body whose decision shall be final. In the event the appeal board does not uphold the discharge or transfer the case shall be closed and no further proceedings shall be had.

(5) The decision of the appeal board shall be by secret ballot, and shall be certified to the recorder with 15 days from the date the matter is referred to it. The board may, in its decision, provide that an employee shall receive his salary for the period of time during which he is discharged, or any deficiency in salary for the period he was transferred to a position of less remuneration but not to exceed a 15 day period. In no case shall the appointive officer or employee be discharged or transferred, where an appeal is taken, except upon a concurrence of at least a majority of the membership of the governing body of the municipality.

(6) In the event that the appeal board does not uphold the discharge, or transfer, the recorder shall certify the decision to the employee affected, and also to the head of the department from whose order the appeal was taken. The employee shall be paid his salary, commencing with the next working day following the certification by the recorder of the appeal board's decision, provided that the employee, or officer, concerned reports for his assigned duties during that next working day.

(7) The method and manner of choosing the members of the appeal board, and the designation of their terms of office shall be prescribed by the governing body of each municipality by ordinance, but the provisions for choosing the three members from the appointed officers and employees shall in no way restrict a free selection of members by the appointive officers and employees of the municipality. 1977

10-3-1107. Cost of living adjustment - Price index used.

(1) The governing body of each municipality may, in their discretion, adopt a plan to allow any person who qualifies under this part to receive a cost of living adjustment in that person's monthly retirement allowance. The adjustment allowed shall be a percentage, not to exceed 100%, of the sum as would restore the full purchasing power of each person's original unmodified pension allowance as it was in the calendar year in which the retirement giving rise to the pension occurred.

(2) The amount necessary to restore the full purchasing power of the original unmodified pension allowance shall be computed from the consumers price index published by the United States Bureau of Labor Statistics.

(3) Adjustments may be effective as of the date of this act or at any subsequent date set by the governing body. A municipality may choose to pay any per cent to the maximum amount provided that such percentage be paid to all qualified persons equally. 1993

Part 12. Alternative Forms of Municipal Government.

10-3-1201. Citation of act.

10-3-1202. Legislative finding.

10-3-1203. Election requirements and procedure for organization under optional form of government.

10-3-1204. Application of act.

10-3-1205. Rights, powers, and duties of municipality operating under optional form.

10-3-1206. Limitation on changing form of government.

10-3-1207. Disapproval of optional form by voters - Limitation on resubmission.

- 10-3-1208. Election of officers - When new government operative - Compensation of officials without position in new government.
- 10-3-1209. Council-mayor and council-manager form defined.
- 10-3-1210. Functions of the council.
- 10-3-1211. Council members - Qualifications - Terms of office.
- 10-3-1212. Meetings of council - Access to records.
- 10-3-1213. Chairmen of councils - Power to call witnesses and administer oath - Quorum - Voting procedure.
- 10-3-1214. Ordinance adoption under council-mayor form - Powers of mayor.
- 10-3-1215. Rules and regulations for government of council.
- 10-3-1216. Council members elected from districts - Boundary - Adjustments.
- 10-3-1217. Limitations on actions and authority of council members - Investigatory committees.
- 10-3-1218. Vacancy in council.
- 10-3-1219. Council-mayor form - Powers and duties of mayor.
- 10-3-1219.5. Council-mayor form - Ordinances on transfer of municipal property and regulation of subdivisions or annexations.
- 10-3-1220. Council-mayor form - Appointment of chief administrative officer.
- 10-3-1221. Municipal administrative code in council-mayor form.
- 10-3-1222. Council-mayor form - Vacancy in office of mayor.
- 10-3-1223. Council-manager form - Election and powers and duties of mayor.
- 10-3-1224. Council-manager form - Appointment of municipal manager.
- 10-3-1225. Manager - Removal from office.
- 10-3-1226. Manager - Powers and duties.
- 10-3-1227. Municipal administrative code in council-manager form.
- 10-3-1228. Manager - Working time and compensation.

10-3-1201. Citation of act.

This part shall be known and may be referred to as the "Optional Forms of Municipal Government Act." 1977

10-3-1202. Legislative finding.

The Legislature of the State of Utah, finding that increasing demands for services and growing citizen awareness and concern have strained the ability of Utah's local governments to respond effectively, determines that there is a need to provide optional forms of municipal government under which citizens may vote to organize to meet their needs and desires. 1977

10-3-1203. Election requirements and procedure for organization under optional form of government.

Any municipality in the state, now incorporated, or area which may incorporate, may organize under any form of municipal government provided for in this part. This organization shall be by approval of a majority of registered voters of the municipality or area concerned voting in a special election held for that purpose. The proposal may be entered on the ballot by resolution passed by the governing body of the municipality or by initiative as provided for in Title 20A, Chapter 7, or as provided for areas wishing to incorporate pursuant to Section 10-2-101. The resolution or petition shall state the number, method of election, and initial terms of council members and shall specify the boundaries of districts substantially equal in population if some or all council members are to be chosen from these districts. The proposal shall be voted upon at a

special election to be held not more than twelve months after the resolution is passed or after receipt of a valid initiative petition. The special election shall be held at least ninety days before or after regular municipal elections. The ballot for the special election to adopt or reject one of the forms of municipal government shall be in substantially the following form:

Shall (name of municipality), Utah, adopt	Yes
the (council-mayor) (council-manager) form of municipal government?	No

1996

10-3-1204. Application of act.

Nothing in this part shall be construed to apply to school districts, courts, special service districts, or their officers. All existing statutes governing municipalities shall remain applicable except as provided in this part. 1977

10-3-1205. Rights, powers, and duties of municipality operating under optional form.

Any municipality operating under this part shall retain and have the rights, powers, and duties now or hereafter granted to municipalities of the same class and those rights, powers and duties which could be granted to municipalities of the same class. 1977

10-3-1206. Limitation on changing form of government.

Following approval of an optional form of municipal government by the voters of a municipality, no other form of municipal government may be adopted for a period of four years after the election at which the optional form was approved. 1985

10-3-1207. Disapproval of optional form by voters - Limitation on resubmission.

If the voters of a municipality fail to approve an optional form of municipal government at a special election called for the purpose, the same optional form may not be placed on the ballot of that municipality for a period of at least two years following the date on which it was disapproved. 1977

10-3-1208. Election of officers - When new government operative - Compensation of officials without position in new government.

Upon approval of an optional form of government by a municipality pursuant to this part, election of officers shall be held in the municipality on the Tuesday next following the first Monday in November following approval of the optional form, or on the same day in the year next following, whichever day falls in an odd-numbered year. The new government shall become effective at 12 o'clock noon on the first Monday of January following the election of officers. Elected officials of the municipality whose positions would no longer exist as a result of the adoption of a form of government provided for in this act shall be paid at the same rate until the date on which their terms would have expired, if they hold no municipal office in the new government for which they are regularly compensated. At their option, former commissioners of first and second class cities, council members of third class cities, or board members of towns may serve as one of the council members for the remainder of their term. 1977

10-3-1209. Council-mayor and council-manager form defined.

The optional form of government known as the council-mayor form vests the government of a

municipality which adopts this form in two separate, independent, and equal branches of municipal government; the executive branch consisting of a mayor and the administrative departments and officers; and the legislative branch consisting of a municipal council. The optional form known as the council-manager form vests the government of the municipality in a municipal council which shall be deemed the governing body of the municipality and a manager appointed by the council. 1979

10-3-1210. Functions of the council.

The municipal council of a municipality adopting an optional form of government provided for in this part shall pass ordinances, appropriate funds, review municipal administration, and perform all duties that may be required of it by law. 1977

10-3-1211. Council members - Qualifications - Terms of office.

Council members shall be residents of the municipality from which they are elected, and, if elected from districts, of the districts from which they are elected. Council members shall have no other compensated employment with the municipality. Terms of office of the council members shall be four years each, or until a successor is qualified, except that initially, approximately one-half of the council members shall serve terms of two years each. 1977

10-3-1212. Meetings of council - Access to records.

(1) In municipalities organized under an optional form of government provided for in this act, the council shall prescribe by ordinance the time and place of its regular meetings provided that the council shall hold at least two public meetings each month in cities with 3,000 or more population and at least one meeting each month in municipalities with less than 3,000 population. All meetings of the council shall be held in compliance with the provisions of Title 52, Chapter 4, relating to open and public meetings.

(2) The books, records, and accounts of the council shall be kept at the office of the city recorder or town clerk. Individual citizens or citizen groups may have access to all public records with the exception of personnel records, which have not been classified as confidential for public policy purposes. 1981

10-3-1213. Chairmen of councils - Power to call witnesses and administer oath - Quorum - Voting procedure.

In a municipality organized under the council-mayor form of government, the municipal council shall, by a majority vote of its members, select one of its number as chairman. In a municipality organized under the council-manager form of government, the mayor shall serve as chairman of the council. A majority of the members shall constitute a quorum for the transaction of business, and no act of the council shall be binding unless a majority of a quorum concur in respect to it. 1977

10-3-1214. Ordinance adoption under council-mayor form - Powers of mayor.

In municipalities organized under the council-mayor form of government, every ordinance or tax levy passed by the council shall be presented to the mayor for his approval or disapproval. If the mayor approves the ordinance or tax levy, he shall sign it and it shall be recorded and thereafter shall be in force. If the ordinance is an appropriation ordinance, the mayor may approve or disapprove all or any part of the appropriation. If the mayor dis-

proves an ordinance, tax levy, or appropriation, he shall return it with a statement of his objections, to the council within fifteen days and the council shall, at its next meeting, reconsider the ordinance, tax levy or appropriation item. If after reconsideration it again passes by a vote of at least two-thirds of all council members, it shall be recorded and thereafter be in force. If any ordinance, tax levy or appropriation item is not returned within fifteen days after presentation to the mayor, it shall be recorded and thereafter shall be in force. 1977

10-3-1215. Rules and regulations for government of council.

The council shall have power to make and enforce any additional rules and regulations for the government of the council, the preservation of order, and the transaction of the business of the council as may be necessary. 1977

10-3-1216. Council members elected from districts - Boundary - Adjustments.

If some or all municipal council members are elected from districts, the council shall, within six months following the Legislature completing its redistricting process, make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population. If the council fails to accomplish this duty, the court of the county in which the district is located shall, on petition of any registered voter of the municipality, make the necessary boundary adjustments. 1991

10-3-1217. Limitations on actions and authority of council members - Investigatory committees.

No member of the council shall direct or request, except in writing, the appointment of any person to, or his removal from office or to interfere in any way with the performance by the officers of their duties. The council shall not give orders to any subordinate of the mayor or manager either publicly or privately, but may make suggestions and recommendations. Nothing in this section shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer, department, or agency of the municipal government, or any matter relating to the welfare of the municipality, and delegating to these committees such powers of inquiry as the council may deem necessary. 1981

10-3-1218. Vacancy in council.

Council vacancies shall be filled as provided in Section 20A-1-510 1993

10-3-1219. Council-mayor form - Powers and duties of mayor.

(1) In the optional form of government known as the council-mayor form, the mayor shall be a registered voter of the municipality from which he is elected and shall be elected for a term of four years.

(2) The mayor shall be the chief executive and administrative officer of the municipality and shall:

- (a) enforce the laws and ordinances of the municipality;
- (b) execute the policies adopted by the council;
- (c) appoint and remove administrative assistants, including a chief administrative officer; and
- (d) with the advice and consent of the council, appoint department heads and all statutory officers, commissions, boards, and committees of the municipality, except as may otherwise be specifically limited by law;
- (e) remove department heads and officers and employees, commissions, boards, and committees;
- (f) exercise control of all departments, divisions,

and bureaus within the municipal government;

(g) attend all meetings of the council with the right to take part in all discussions and the responsibility to inform the council of the condition and needs of the municipality and make recommendations and freely give advice to the council, except that the mayor may not vote in council meetings;

(h) appoint a budget officer to serve in place of the mayor for the purpose of conforming with the requirements of the Uniform Municipal Fiscal Procedures Act and in all other respects fulfill the requirements of that act;

(i) appoint, with the advice and consent of the council, a qualified person to each of the offices in cities of recorder, treasurer, engineer, and attorney and, in towns, town treasurer and clerk;

(j) create any other offices that are considered necessary for the good government of the municipality, and make appointments to them;

(k) regulate and prescribe the powers and duties of all other officers of the municipality, within the general provisions of law and ordinance;

(l) furnish the municipal council with a report periodically, as determined by ordinance, that is available for public inspection and sets forth:

(i) the amounts of all budget appropriations;

(ii) the total disbursements to date from these appropriations;

(iii) the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and

(iv) the percentage of the appropriations encumbered to date;

(m) execute agreements within certified budget appropriations on behalf of the municipality, or delegate, by written executive order, the power to execute such agreements to executive officials, subject to the procedure described in Section 10-6-138; and

(n) perform other duties as may be prescribed by this part or may be required by ordinance not inconsistent with this part.

(3) Notwithstanding Subsection 63A-7-107 (4), the mayor may appoint a commission, board, or committee of a public sports entity as defined in Section 63A-7-103 pursuant to the bylaws of that public sports entity, if authorized or required by the legal documents creating or governing the public sports entity. 1996

10-3-1219.5. Council-mayor form - Ordinances on transfer of municipal property and regulation of subdivisions or annexations.

In the council-mayor form of government, the council shall, by ordinance, provide for the manner in which:

(1) municipal property is bought, sold, traded, encumbered, or otherwise transferred; and

(2) subdivisions, or annexations are approved, disapproved or otherwise regulated. 1979

10-3-1220. Council-mayor form -

Appointment of chief administrative officer.

The petition or resolution calling for a vote on the question of adoption of the council-mayor form of government may specify that the mayor shall be required, with the advice and consent of the council, to appoint a chief administrative officer to exercise such powers of administration and perform such duties as the mayor shall prescribe. The chief administrative officer shall be appointed on the basis of his ability and prior experience in the field of public

administration, together with such other qualifications as may be prescribed. 1977

10-3-1221. Municipal administrative code in council-mayor form.

It shall also be the duty of the first mayor elected under the provisions of this part to draft and submit to the council, within six months after assuming office, a proposed ordinance providing for the division of the administrative service of the municipality into departments, divisions, and bureaus, and defining the functions and duties of each. Subsequent to the adoption of this ordinance, upon recommendation of the mayor, the council by ordinance may create, consolidate, or abolish departments, divisions, and bureaus and define or alter the functions and duties of each. The compilation of the ordinances shall be known as the "municipal administrative code." Each officer shall have the power to prescribe rules and regulations, not inconsistent with general law, the municipal administrative code, and the merit plan. Prior to the adoption of the municipal administrative code, the mayor shall have power to establish temporary rules and regulations to ensure efficiency and effectiveness in the divisions of the municipal government. 1977

10-3-1222. Council-mayor form - Vacancy in office of mayor.

(1) (a) If any vacancy occurs in the office of mayor of any municipality organized under the council-mayor form of government, the council shall within 30 days appoint a successor to fill the vacancy until the next municipal election when a successor can be elected and qualified.

(b) If the vacancy is caused by the resignation of a mayor, the council may appoint a person to fill the vacancy before the effective date of the outgoing mayor's resignation by making the effective date of the appointment the same as the effective date of the resignation.

(2) (a) The chair of the council shall become acting mayor pending the appointment of a person to fill the vacancy.

(b) While serving as acting mayor, the council chair shall:

(i) continue to act as a council member; and

(ii) vote at council meetings. 1993

10-3-1223. Council-manager form - Election and powers and duties of mayor.

In a municipality organized under the council-manager form of government, a mayor shall be elected at large for a four-year term. The mayor shall preside at all meetings of the council and shall have a vote in all council proceedings. All bonds, notes, contracts, and written obligations of the municipality shall be executed on its behalf by the mayor or, in the event of his inability to act, by the councilman that the council shall designate to act as mayor during his absence or disability. He shall be chief ceremonial officer of the municipality and shall represent the municipality in all its external relationships. The powers and duties of the mayor shall be only those conferred upon him by this part. 1977

10-3-1224. Council-manager form -

Appointment of municipal manager.

In a municipality organized under the council-manager form of government, the municipal council, by a two-thirds vote of its full membership, shall appoint a municipal manager, who shall be the chief executive officer of the municipality. The manager shall be appointed solely on the basis of his abilities, integrity, and prior experience rela-

ting to the duties of the office, including but not limited to, abilities in public administration and executive leadership, and shall possess such managerial capabilities as in the opinion of the council befit him to provide professional direction to the executive department of the municipality. 1977

10-3-1225. Manager - Removal from office.

The municipal council may at its pleasure, by majority vote remove the manager. Except in the case of removal for proven malfeasance in office, the council shall cause the manager, upon his removal, to be paid any unpaid balance of his salary due to the date of his removal together with his salary at the same rate for the next six calendar months following the date of his removal. 1977

10-3-1226. Manager - Powers and duties.

The manager shall have the power, and it shall be his duty to:

(1) faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the municipality are observed;

(2) carry out the policies and programs established by the council;

(3) organize and direct the management of the executive affairs of the municipality in a manner consistent with this act and with municipal ordinances;

(4) appoint a budget officer for the purpose of complying with the requirements of the uniform municipal fiscal procedures act;

(5) appoint, with the advice and consent of the council, a qualified person to each of the offices in cities of recorder, treasurer, engineer, and attorney, and, in towns, town treasurer and clerk; create any other offices as may be deemed necessary for the good government of the municipality; and regulate and prescribe the powers and duties of all other officers of the municipality, except as provided by law or by ordinance;

(6) examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the municipality, and make investigations and require reports from personnel;

(7) appoint, subject to the provisions of this act and of the municipal administrative code, and with the advice and consent of the council, suspend, and remove heads of municipal offices, departments, and agencies, and all appointive officers of boards and commissions;

(8) establish standards, qualifications, criteria, and procedures to govern the appointments, by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and municipal administrative code;

(9) submit to the council plans and programs relating to the development and needs of the municipality, and annual and special reports concerning the financial, administrative, and operational activities of municipal offices, departments, agencies, boards, and commissions, together with his evaluation and recommendations relating to them;

(10) attend all meetings of the council and take part in its discussions and deliberations, but without the right to vote;

(11) appoint, with approval by majority vote of the full membership of the council, an acting mun-

icipal manager to serve in his absence or temporary incapacity to perform the powers and duties provided for in this part; and

(12) discharge any other duties specified by statute or imposed by the council. 1977

10-3-1227. Municipal administrative code in council-manager form.

It also shall be the duty of the first manager appointed under the provisions of this part to draft and submit to the council within six months after assuming office, a proposed ordinance providing for the division of the administrative service of the municipality into departments, divisions, and bureaus, and defining the functions and duties of each. Subsequent to the adoption of this ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions, and bureaus and define or alter the functions and duties of each. The compilation of these ordinances shall be known as the "municipal administrative code." Each officer shall have the power to prescribe rules and regulations, not inconsistent with general law, the municipal administrative code, and the merit plan. Prior to the adoption of the municipal administrative code, the manager shall have power to establish temporary rules and regulations to ensure efficiency and effectiveness in the divisions of the municipal government. 1977

10-3-1228. Manager - Working time and compensation.

The municipal manager shall devote that portion of his working time as the council may prescribe to the duties of his office and shall receive compensation at the rate and in the form to be determined by the municipal council. 1977

Part 13. Municipal Officers' and Employees' Ethics Act.

10-3-1301. Short title.

10-3-1302. Purpose.

10-3-1303. Definitions.

10-3-1304. Use of office for personal benefit prohibited.

10-3-1305. Compensation for assistance in transaction involving municipality - Public disclosure and filing required.

10-3-1306. Interest in business entity regulated by municipality - Disclosure statement required.

10-3-1307. Interest in business entity doing business with municipality - Disclosure.

10-3-1308. Investment creating conflict of interest with duties - Disclosure.

10-3-1309. Inducing officer or employee to violate part prohibited.

10-3-1310. Penalties for violation - Dismissal from employment or removal from office.

10-3-1311. Complaints charging violations - Procedure.

10-3-1312. Violation of disclosure requirements - Penalties - Rescission of prohibited transaction.

10-3-1301. Short title.

This part is known as the "Municipal Officers' and Employees' Ethics Act." 1989

10-3-1302. Purpose.

The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. 1981

10-3-1303. Definitions.

As used in this part:

(1) "Appointed officer" means any person appointed to any statutory office or position or any

other person appointed to any position of employment with a city. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

(3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

(5) "Elected officer" means any person elected or appointed to the office of mayor, commissioner, or council member.

(6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full or part-time basis by a municipality.

(8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63, Chapter 2, Government Records Access and Management Act or other applicable provision of law.

(9) "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity. 1992

10-3-1304. Use of office for personal benefit prohibited.

(1) No elected or appointed officer or municipal employee shall:

(a) improperly use private, controlled, or protected information acquired by reason of his official position or to secure special privileges or exemptions for himself or others;

(b) use or attempt to use his official position to secure special privileges for himself or others; or

(c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties.

(2) This subsection does not apply to:

(a) an occasional nonpecuniary gift having a value of less than \$50;

(b) an award publicly presented;

(c) any bona fide loan made in the ordinary course of business; or

(d) a political campaign contribution if the contribution is actually used in a political campaign. 1992

10-3-1305. Compensation for assistance in transaction involving municipality - Public disclosure and filing required.

(1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.

(2) An elected officer, or appointed officer, who is a member of a public body, may not receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which he is an officer unless he:

(a) files with the mayor a sworn statement giving the information required by this section; and

(b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which he is a member immediately before the discussion.

(3) An appointed officer who is not a member of a public body or a municipal employee may not receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which he is employed unless he:

(a) files with the mayor a sworn statement giving the information required by this section; and

(b) discloses the information required by Subsection (5) to:

(i) his immediate supervisor; and

(ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.

(4) (a) The officer or employee shall file the statement required to be filed by this section ten days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days before the receipt of compensation by the officer or employee, whichever is earlier.

(b) The statement is public information and shall be available for examination by the public.

(5) The statement and disclosure shall contain:

(a) the name and address of the officer or municipal employee;

(b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and

(c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed. 1992

10-3-1306. Interest in business entity regulated by municipality - Disclosure statement required.

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

(2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the

disclosure statement within 30 days after the statement is received by him.

(3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities shall not be considered in determining the value of any such interest.

10-3-1307. Interest in business entity doing business with municipality - Disclosure.

1989

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.

(2) The disclosure statement shall be entered in the minutes of the meeting.

(3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections 10-3-1305 and 10-3-1306

1989

10-3-1308. Investment creating conflict of interest with duties - Disclosure.

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 10-3-1306

1989

10-3-1309. Inducing officer or employee to violate part prohibited.

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

1991

10-3-1310. Penalties for violation - Dismissal from employment or removal from office.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306 10-3-1307 10-3-1308 , and 10-3-1309 , shall be dismissed from employment or removed from office and is guilty of:

(1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;

(2) a felony of the third degree if:

(a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or

(b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;

(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

1989

10-3-1311. Complaints charging violations - Procedure.

(1) Any complaint against a person who is under the merit system, charging that person with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

(2) If the person charged with the violation is not under any merit system, then the complaint shall be filed with the mayor or city manager. The mayor or city manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the mayor or city manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

1981

10-3-1312. Violation of disclosure requirements - Penalties - Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 10-3-1305 10-3-1306 10-3-1307 , or 10-3-1308 , the municipality:

(1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and

(2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

1989

Chapter 7. Miscellaneous Powers of Cities and Towns.

Article 1. [Repealed]

Article 2. Local Boards of Health.

Article 3. Water, Lighting and Sewers.

Article 4. Sale of Power Plants.

Article 5. Gifts to Railroads.

Article 6. Contracts for Public Improvements.

Article 7. Levy of Special Taxes by Cities and Towns.

Article 8. [Repealed]

Article 9. [Repealed]

Article 10. [Repealed]

Article 11. Actions for Violations of Ordinances.

Article 12. [Repealed]

Article 13. City Resources.

Article 5. [Repealed]

Article 1. [Repealed]

Article 2. Local Boards of Health.

10-7-3. Joining with county to create and maintain local health department - Adoption of ordinances and regulations required.

10-7-3. Joining with county to create and maintain local health department - Adoption of ordinances and regulations required.

(1) The governing body of every municipality shall join with the governing body of the county in which the municipality is located to create and maintain a local health department as provided in Title 26A, Chapter 1, Part 1.

(2) The municipality shall cooperate with the board of health of the local health department in the adoption of ordinances necessary for the protection of public health required in this title.

1991

Article 3. Water, Lighting and Sewers.

10-7-4. Water supply - Acquisition - Condemnation - Protest - Special election.

10-7-5. Limitations on lease or purchase.

10-7-6. Contracts for lighting public buildings, streets and alleys - Limitation.

- 10-7-7. Bond issues for water, light and sewers.
- 10-7-8. Resolution on bond issue - Election as provided by Utah Municipal Bond Act.
- 10-7-9. Sale of bonds - Amount - Tax levy to pay interest - Utility rates - Sinking fund - Serial or term bonds.
- 10-7-10. Water rates - Owner of premises liable.
- 10-7-11. Failure to pay for service - Termination.
- 10-7-12. Scarcity of water - Limitation on use.
- 10-7-13. Right of entry on premises of water user.
- 10-7-14. Rules and regulations for use of water.
- 10-7-14.1. Declaration of public policy.
- 10-7-14.2. Special tax - Grant of power to levy.
- 10-7-14.3. Time limit for cities of first class.

10-7-4. Water supply - Acquisition - Condemnation - Protest - Special election.

The board of commissioners, city council or board of trustees of any city or town may acquire, purchase or lease all or any part of any water, waterworks system, water supply or property connected therewith, and whenever the governing body of a city or town shall deem it necessary for the public good such city or town may bring condemnation proceedings to acquire the same; provided, that if within thirty days after the passage and publication of a resolution or ordinance for the purchase or lease or condemnation herein provided for one-third of the resident taxpayers of the city or town, as shown by the assessment roll, shall protest against the purchase, lease or condemnation proceedings contemplated, such proposed purchase, lease or condemnation shall be referred to a special election, and if confirmed by a majority vote thereat, shall take effect; otherwise it shall be void. In all condemnation proceedings the value of land affected by the taking must be considered in connection with the water or water rights taken for the purpose of supplying the city or town or the inhabitants thereof with water. 1953

10-7-5. Limitations on lease or purchase.

It shall not be lawful for any city or town to lease or purchase any part of such waterworks less than the whole, or to lease the same, unless the contract therefor shall provide that the city or town shall have control thereof and that the net revenues therefrom shall be divided proportionately to the interests of the parties thereto; said contract shall also provide a list of water rates to be enforced during the term of such contract. 1953

10-7-6. Contracts for lighting public buildings, streets and alleys - Limitation.

The board of commissioners, city council or the board of trustees may enter into a contract on behalf of the city or town for the lighting of its public buildings, streets, alleys and other public places for such period of time as such board of commissioners, city council or board of trustees may deem advisable, not to exceed three years. 1953

10-7-7. Bond issues for water, light and sewers.

Any city of the first or second class may incur an indebtedness, not exceeding in the aggregate with all other indebtedness eight per cent of the value of the taxable property therein, for the purpose of supplying such city with water, artificial light or sewers, when the works for supplying such water, light and sewers shall be owned and controlled by the municipality. Any city of the third class and any town may become indebted to an amount not exceeding in the aggregate with all other indebtedness twelve per cent of the value of the taxable property therein for the purpose of supplying such city or town with water, artificial light or sewers, when the works for

supplying such water, light and sewers shall be owned and controlled by the municipality. 1970

10-7-8. Resolution on bond issue - Election as provided by Utah Municipal Bond Act.

When the board of commissioners, city council or the town board of trustees of any city or town shall have decided that incurring such bonded indebtedness is advisable, it shall by resolution specify the purpose for which the indebtedness is to be created and the amount of bonds which it is proposed to issue, and shall provide for submitting the question of the issue of such bonds to the qualified electors of the city or town at the next general election, or at a special election to be called for that purpose by the board of commissioners, city council or board of trustees in such manner and subject to such conditions as is provided in the Utah Municipal Bond Act. This section does not require an election for the issuance of refunding bonds or other bonds not required by the Constitution to be voted at an election. 1970

10-7-9. Sale of bonds - Amount - Tax levy to pay interest - Utility rates - Sinking fund - Serial or term bonds.

The board of commissioners, city council or board of trustees as the case may be shall provide by ordinance for the issuance and disposal of such bonds; provided, that no such bonds shall be sold for less than their face value. The board of commissioners, city council or board of trustees shall annually levy on all taxable property within the boundaries of the issuer a sufficient tax to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued which levy shall be made without regard to any statutory limitation on the taxing power of such issuer which may now exist or, unless an express contrary provision appears in the statute, which may hereafter be enacted by the legislature; provided, that whenever bonds shall have been issued for the purpose of supplying any city or town with artificial light, water or other public utility the rates or charges for the service of the system or plant so constructed may be made sufficient to meet such payments, in addition to operating and maintenance expenses, and taxes shall be levied to meet any deficiencies. Water or sewer bonds may be issued for a period not exceeding forty years; other bonds may be issued for a period not exceeding twenty years. Such bonds may be either serial or term bonds. 1953

10-7-10. Water rates - Owner of premises liable.

No city or town which is the owner or in control of a system for furnishing water to its inhabitants shall be required to furnish water for use in any house, tenement, apartment, building, place, premises or lot, whether such water is for the use of the owner or tenant, unless the application for water shall be made in writing, signed by such owner or his duly authorized agent, in which application such owner shall agree that he will pay for all water furnished such house, tenement, apartment, building, place, premises or lot according to the ordinances, rules and regulations enacted or adopted by such city or town. In case an application for furnishing water shall be made by a tenant of the owner, such city or town may require as a condition of granting the same that such application contain an agreement signed by the owner thereof or his duly authorized

agent, to the effect that in consideration of the granting of such application the owner will pay for all water furnished such tenant, or any other occupant of the place named in the application, in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations enacted or adopted by such city or town. 1953

10-7-11. Failure to pay for service -

Termination.

In case the owner of any of the premises mentioned in Section 10-7-10, or the tenant or occupant, shall fail to pay for water furnished such owner, tenant or occupant, according to such ordinances, rules or regulations enacted or adopted, the city or town may cause the water to be shut off from such premises, and shall not be required to turn the same on again until all arrears for water furnished shall be paid in full. 1953

10-7-12. Scarcity of water - Limitation on use.

In the event of scarcity of water the mayor of any city or the president of the board of trustees of any town may, by proclamation, limit the use of water for any purpose other than domestic purposes to such extent as may be required for the public good in the judgment of the board of commissioners or city council of any city or the board of trustees of any town. 1953

10-7-13. Right of entry on premises of water user.

All authorized persons connected with the waterworks of any city or town shall have the right to enter upon any premises furnished with water by such city or town to examine the apparatus, the amount of water used and the manner of use, and to make all necessary shutoffs for vacancy, delinquency or violation of the ordinances, rules or regulations enacted or adopted by such city or town. 1953

10-7-14. Rules and regulations for use of water.

Every city and town may enact ordinances, rules and regulations for the management and conduct of the waterworks system owned or controlled by it. 1953

10-7-14.1. Declaration of public policy.

Whereas, the purification of drinking water and the treatment of raw sewage are important to public health and welfare and create an unusual need for money with which to create proper facilities for the protection of the people of the state of Utah, it is hereby declared to be the public policy of this state to grant the privilege to municipalities to raise funds to improve the aforementioned health standards, to encourage the municipalities to provide that no waste shall be discharged into any waters of the state of Utah without first being given proper treatment, to provide for the treatment of water to be used for drinking purposes to protect the health of the citizens and to give municipalities the discretion to determine the priority of development of the facilities directed toward the elimination of health hazards and pollution of public waters. The construction of the facilities herein mentioned shall be given an early priority in those areas where the present welfare of the people is endangered by the lack of such facilities. 1953

10-7-14.2. Special tax - Grant of power to levy.

There is granted to the municipalities of the state not in an improvement district created for the purpose of establishing and maintaining a sewage collection, treatment, or disposal system or a system for the supply, treatment, or distribution of water pursuant to the provisions of Title 17A, Chapter 2, Part 3, in addition to all other rights of assessment,

the right to levy a tax annually not to exceed .0008 per dollar of taxable value of taxable property in the municipality. The money raised by the levy shall be placed in a special fund and used only for the purpose of financing the construction of facilities to purify the drinking water of the municipality and the construction of facilities for the treatment and disposal of the sewage of the municipality, or to pay principal and interest on bonds issued for the construction of facilities if construction has actually commenced subsequent to the enactment of this statute. The municipality may accumulate from year to year and reserve in the special fund the money raised for this purpose. The levy shall be made and collected in the same manner as other property taxes are levied and collected by municipalities. 1992

10-7-14.3. Time limit for cities of first class.

In cities of the first class the authority to levy an additional .0008 per dollar of taxable value of taxable property above the overall limitation provided by Section 10-6-133 shall be limited to a period of ten years from the date of the first levy. 1989

Article 4. Sale of Power Plants.

10-7-15. Submitting proposition to electors.

10-7-16. Call for bids - Notice - Contents.

10-7-17. Opening of bids - Amount to equal appraised value and amount of outstanding bonds.

10-7-18. Disposition of moneys received.

10-7-15. Submitting proposition to electors.

Whenever in the judgment of the board of commissioners or city council of any city, or the board of trustees of any town, it shall be deemed advisable to sell or lease the works or plant, constructed, purchased or used by such city or town for the purpose of generating or distributing electrical energy for light, heat or power purposes, such board of commissioners, city council or board of trustees, as the case may be, shall cause an appraisal of the property proposed to be sold or leased to be made by three resident taxpayers of such city or town, to be appointed by the commissioners, city council or board of trustees, and shall provide for submitting the question of the sale or lease of such property to the qualified electors of such city or town as shall have paid a property tax in the year preceding such election, at the next general election or at a special election called for that purpose. Such election shall be called and conducted in the same manner as provided by statute for the issue of bonds in Section 10-7-8, the necessary changes in the form of the ballot being made. 1953

10-7-16. Call for bids - Notice - Contents.

In case a majority of the qualified electors of any city or town voting thereon at any general election or special election called for that purpose shall vote in favor of selling or leasing any property mentioned in Section 10-7-15, the board of commissioners, city council or board of trustees, as the case may be, shall cause notice to be given by publication thereof for at least twenty days in a newspaper published or having general circulation in the city or town, giving a general description of the property to be sold or leased, and specifying the time when sealed bids for the said property, or for a lease thereon, will be received, and the time when and the place where the same will be opened. 1953

10-7-17. Opening of bids - Amount to equal appraised value and amount of outstanding bonds.

At the time and place mentioned in such notice all bids received for the property sought to be sold or leased shall be opened and considered, and the commissioners, city council or trustees shall accept the bid of the highest responsible bidder; provided, that such bid, if for the purchase of the works or plant, is for an amount equal to the appraised value thereof, and in the judgment of the commissioners, city council or board of trustees is an adequate price for the said property; and provided further, that no offer to purchase the works or plant shall be accepted which does not amount to the total outstanding bonds sold for the purpose of constructing the same, together with accumulated interest thereon.

1953

10-7-18. Disposition of moneys received.

All moneys received from the sale of property as in this article provided shall be kept in a separate fund, and shall not be expended, or mixed with other funds of such city or town, until all bonds sold for the purchase or construction of such plant or works, together with accumulated interest thereon, shall have first been paid; provided, that where the property so sold shall bring an amount in excess of the outstanding bonds issued for the purchase or construction of the property so sold such excess shall be deposited in bank in this state under direction of the board of commissioners, city council or board of trustees at interest, and may not thereafter be expended except for some municipal purpose by authority given by the qualified electors of such city or town at a general or special election called and conducted in the manner set forth in Sections 10-7-7 and 10-7-8

1953

Article 5. Gifts to Railroads.

10-7-19. Election to authorize - Notice - Ballots.

10-7-19. Election to authorize - Notice - Ballots.

The board of commissioners or city council of any city or the board of trustees of any incorporated town is authorized to aid and encourage the building of railroads by granting to any railroad company for depot or other railroad purposes real property of such city or incorporated town, not necessary for municipal or public purposes, upon such limitations and conditions as the board of commissioners, council or board of trustees may prescribe; provided, however, that no such grant shall be made to any railroad company unless the question of making it has been submitted to the qualified electors of the city or town at the next municipal election, or special election to be called for that purpose by the board of commissioners, city council or town board. If the question is submitted at a special election, it shall be held as nearly as practicable in conformity with the general election laws of the state. Notice of such election shall be given by publication in some newspaper published or having general circulation in the city or town once a week for four weeks prior thereto, or if there is no such newspaper, then by posting notices. The board of commissioners, city council or town board shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the proposed grant for depot or other railroad purposes: Yes. No." If a majority of the qualified electors voting thereon shall have voted in favor of such grant, the board of commissioners, city council or town board shall then proceed to convey the property to the railroad company.

1953

Article 6. Contracts for Public Improvements.

10-7-20. Definition - Necessity for contract - Call for bids - Acceptance or rejection - Retainage escrow.

10-7-20. Definition - Necessity for contract - Call for bids - Acceptance or rejection - Retainage escrow.

(1) As used in this section the term "lowest responsible bidder" means any prime contractor who has bid in compliance with the invitation to bid and within the requirements of the plans and specifications for a construction project, who is the low bidder, who has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

(2) Whenever the board of commissioners or city council of any city or the board of trustees of any town contemplates making any new improvement to be paid for out of the general funds of the city or town, the governing body shall cause plans and specifications for, and an estimate of the cost of, the improvement to be made. If the estimated cost of the improvement is less than \$25,000, the city or town may make the improvement without calling for bids for making the same. If the estimated cost of the proposed improvement exceeds the amount above mentioned, the city or town shall, if it determines to make the improvement, do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in that city or town at least five days prior to the opening of bids. However, in cities or towns where no newspaper is printed or published therein, this notice shall be posted at least five days prior to the opening of bids in at least five public places in the city or town. This notice shall remain posted for at least three days. When the cost of a contemplated improvement exceeds the sum of \$25,000, the same shall not be so divided as to permit the making of such improvement in several parts, except by contract. The governing body has the right to reject any or all bids presented, and all notices calling for bids shall so state. If all bids are rejected and the governing body decides to make the improvement, it shall advertise anew in the same manner as before. If after twice advertising as herein provided, no bid is received that is satisfactory, the governing body may proceed under its own direction to make the improvement.

(3) If any payment on a contract with a private person, firm, or corporation is retained or withheld, it shall be placed in an interest-bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the board of commissioners or city council of the city, or the board of trustees of the town. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis.

(4) Cities and towns are not required to call for bids or let contracts for the conduct or management of any of the departments, business, or property of the city or town, for lowering or repairing water mains or sewers, making connections with water mains or sewers, or for grading, repairing, or maintaining streets, sidewalks, bridges, culverts, or conduits in any city or town. Work excluded under this subsection shall comply with Section 27-12-

108.1 as applicable.

1991

Article 7. Levy of Special Taxes by Cities and Towns.

10-7-26. Streets and alleys used by railway companies.

10-7-27. Street railway companies to restore streets.

10-7-29. Railway companies to repave streets.

10-7-30. Failure to pay for repairs - Lien on company's property.

10-7-31. Sale of property to satisfy claims for special taxes.

10-7-32. Actions to recover taxes.

10-7-33. Delinquent taxes - Installment payments - Election and waiver.

10-7-26. Streets and alleys used by railway companies.

(1) As used in this section and in Sections 10-7-27 10-7-29 10-7-30 10-7-31 10-7-32 , and 10-7-33 , the terms "railway company" or "street railway company" means any company which owns or operates railway tracks on, along or across a street or alley in any city or town.

(2) Nothing contained in this section or in the sections referred to in Subsection (1) shall be construed to exempt any railway company from keeping every portion of every street and alley used by it and upon or across which tracks shall be constructed at or near the grade of such streets in good and safe condition for public travel, but it shall keep the same planked, paved, macadamized or otherwise in such condition for public travel as the governing body of the city or town may from time to time direct, keeping the plank, pavement or other surface of the street or alley level with the top of the rails of the track. The portions of the streets or alleys to be so kept and maintained by all such railway companies shall include all the space between their different rails and tracks and also a space outside of the outer rail of each outside track of at least two feet in width, and the tracks herein referred to shall include not only the main tracks but also all sidetracks, crossings and turnouts constructed for the use of such railways. 1969

10-7-27. Street railway companies to restore streets.

Every street railway company shall at its own expense restore the pavement, including the foundation thereof, of every street disturbed by it in the construction, reconstruction, removal or repair of its tracks, to the same condition as before the disturbance thereof, to the satisfaction of the governing body having charge of such street. The obligation imposed hereby shall, in cities other than cities of the first class, be in lieu and substitution of any and all other obligations of any such company to pave, repave or repair any street, or to pay any part of the cost thereof, and may be enforced in the same manner as similar obligations are or may be enforced under the laws of this state. Nothing herein contained shall be considered to relieve any such company from the repayment of any money which has heretofore been advanced or expended by any city for any paving heretofore done under or by virtue of a specific contract or agreement made and entered into between the board of commissioners or the city council of any city and such company providing for the repayment thereof, but the obligation for such repayment shall be and remain enforceable as if this section had not been passed. 1953

10-7-29. Railway companies to repave streets.

All railway companies shall be required to pave or

repave at their own cost all the space between their different rails and tracks and also a space two feet wide outside of the outer rails of the outside tracks in any city or town, including all sidetracks, crossings and turnouts used by such companies. Where two or more companies occupy the same street or alley with separate tracks each company shall be responsible for its proportion of the surface of the street or alley occupied by all the parallel tracks as herein required. Such paving or repaving by such railway companies shall be done at the same time and shall be of the same material and character as the paving or repaving of the streets or alleys upon which the track or tracks are located, unless other material is specially ordered by the municipality. Such railway companies shall be required to keep that portion of the street which they are herein required to pave or repave in good and proper repair, using for that purpose the same material as the street upon which the track or tracks are laid at the point of repair or such other material as the governing body of the city may require and order; and as streets are hereafter paved or repaved street railway companies shall be required to lay in the best approved manner a rail to be approved by the governing body of the city. The tracks of all railway companies when located upon the streets or avenues of a city or town shall be kept in repair and safe in all respects for the use of the traveling public, and such companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets. For injuries to persons or property arising from the failure of any such company to keep its tracks in proper repair and free from obstructions such company shall be liable and the city or town shall be exempt from liability. The word "railway companies" as used in this section shall be taken to mean and include any persons, companies, corporations or associations owning or operating any street or other railway in any city or town. 1953

10-7-30. Failure to pay for repairs - Lien on company's property.

In the event of the refusal of any such company to pave, repave or repair as required herein when so directed, upon the paving or repaving of any street upon which its track is laid, the municipality shall have power to pave, repave or repair the same, and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any property of such company in the same manner as special taxes are now or may be collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing or repairing of any such railway may be levied upon the track, including the ties, iron, roadbed, right of way, sidetracks and appurtenances, and buildings and real estate belonging to any such company and used for the purpose of such railway business all as one property, or upon such parts of such track, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, and shall be a lien upon the property levied upon from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer or encumbrance of any such property or of any rolling stock or personal property of any such company, created or suffered by it after the time when any street or part thereof upon which any railway shall have been laid shall have been ordered paved, repaved, macadamized or repaired shall be made or suffered except subject to the lien of such special taxes, if such levy is in contem-

plation. 1953

10-7-31. Sale of property to satisfy claims for special taxes.

The city treasurer shall have the power and authority to seize any personal property belonging to any such company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now or may be authorized to sell personal property upon execution; but failure so to do shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which special taxes are levied may be sold. 1953

10-7-32. Actions to recover taxes.

It shall also be competent for any municipality to bring a civil action against any party owning or operating any such railway liable to pay such taxes to recover the amount thereof, or any part thereof, delinquent and unpaid, in any court having jurisdiction of the amount, and obtain judgment and have execution therefor, and no property, real or personal, shall be exempt from any such execution; provided, that real estate shall not be levied upon by execution except by execution out of the district court on judgment therein, or transcript of judgment filed therein, as is now or hereafter may be provided by law. No defense shall be allowed in any such civil action except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust or inequitable, judgment shall be rendered for such amount as is just and equitable. 1953

10-7-33. Delinquent taxes - Installment payments - Election and waiver.

It shall be competent for the governing body, upon the written application of any company owning any such railway, to provide that such special taxes shall become delinquent and be payable in installments as in case of taxes levied upon abutting real estate as herein provided, but such application shall be taken and deemed a waiver of any and all objections to such taxes and the validity thereof. Such application shall be made at or before the final levy of such taxes. 1953

Article 8. [Repealed]

Article 9. [Repealed]

Article 10. [Repealed]

Article 11. Actions for Violations of Ordinances.

10-7-65. Party plaintiff - Successive actions permitted.

10-7-66. Fines and forfeitures to be paid to treasurer - Exceptions.

10-7-67. Pleading - Reference to ordinance - Judgment enforced by imprisonment.

10-7-68. Service of process and arrests.

10-7-69. Corporations may be complained against.

10-7-70. Corporate violation - Summons - Forms.

10-7-71. Corporate violation - Summons - Time and manner of service.

10-7-72. Appearance by agent of corporation - Bench

warrant for default.

10-7-73. Corporate violation - Hearing - Penalty imposed to be a fine.

10-7-74. Execution on judgment against corporation.

10-7-76. Payment of witness fees and mileage.

10-7-65. Party plaintiff - Successive actions permitted.

All actions brought to recover any fine or to enforce any penalty under an ordinance of a city or town shall be brought in the corporate name of the city or town as plaintiff. No prosecution, recovery, or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance although the different causes of action existed at the same time and if united would not have exceeded the jurisdiction of a justice court judge. 1950

10-7-66. Fines and forfeitures to be paid to treasurer - Exceptions.

Except where otherwise provided by law in relation to fines, fees, and forfeitures imposed or received by district courts, all fines and forfeitures for the violation of ordinances shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance. 1956

10-7-67. Pleading - Reference to ordinance - Judgment enforced by imprisonment.

In all actions for the violation of any ordinance it shall be sufficient if the complaint refers to the title and section of the ordinance under which such action is brought. Any person upon whom any fine or penalty shall be imposed may upon the order of the court before whom the conviction is had be committed to the county jail or the city prison or to such other place as may be provided for the incarceration of offenders until such fine, penalty and costs shall be fully paid. 1953

10-7-68. Service of process and arrests.

Any peace officer may serve any process or make any arrest authorized to be made by any city or town officer. 1953

10-7-69. Corporations may be complained against.

A corporation violating any of the provisions of a city or town ordinance may be complained against the same as a natural person. 1953

10-7-70. Corporate violation - Summons - Forms.

Whenever complaint is made against a corporation for violation of a city or town ordinance summons shall be issued thereon substantially in the following form:

State of Utah, County of _____
In the _____ court, in and for the city (or town) of _____, county of _____ city, (or town) _____
vs.

SUMMONS.

The state of Utah, to (naming the corporation):
You are hereby summoned to be and appear before the above entitled court at the courtroom thereof on the _____ day of _____ at the hour of _____ o'clock _____ m., then and there to answer a charge made against you upon the complaint of _____ for (designating the offense in general terms), a copy of which complaint is hereto attached.

Dated this _____ day of _____, 19____.

Witness:

The Honorable _____
Judge of said court.
_____ Clerk
By _____ Deputy Clerk.

In courts having a clerk the summons, with a copy of the complaint attached, shall be signed by the clerk thereof, and in courts having no clerk the summons shall be signed by the judge or justice thereof. 1953

10-7-71. Corporate violation - Summons - Time and manner of service.

The summons and copy of complaint must be served at least twenty-four hours before the hour of appearance fixed therein by delivering to and leaving a copy thereof with the president or other head of the corporation, or the secretary, the cashier, or the managing or process agent thereof, and by showing to him the original summons. 1953

10-7-72. Appearance by agent of corporation - Bench warrant for default.

At the time appointed in the summons, the corporation must appear by agent or attorney and plead thereto the same as a natural person. In case no appearance is made on or before the hour appointed, the court may issue a bench warrant for the person served as the officer or agent of the corporation, requiring him to be brought forthwith before the court to plead on its behalf. 1953

10-7-73. Corporate violation - Hearing - Penalty imposed to be a fine.

After the plea of the corporation is entered the court must fix a time for the hearing of the cause, and thereafter the proceedings therein shall be the same as in the cases of natural persons charged with violating a city or town ordinance, except that in cases of conviction the penalty imposed in all instances shall be by way of fine. 1953

10-7-74. Execution on judgment against corporation.

Whenever a fine and costs, either or both, shall be imposed upon a corporation upon conviction for a violation of a city or town ordinance, judgment therefor may be collected on execution issued out of the court in the same manner as an execution in a civil action. 1953

10-7-76. Payment of witness fees and mileage.

Whenever a criminal action arising out of the violation of a city or town ordinance is tried on appeal, the per diems and mileage of witnesses for the prosecution shall be paid out of the treasury of the city or town in which such action originated. 1953

Article 12. [Repealed]

Article 13. City Resources.

10-7-79. Power of board of city commissioners or council to provide for development of resources.

10-7-80. Development committee - Appointment of members - Terms, compensation and expenses, vacancies and removal of members.

10-7-81. Development committee - Election of officers - Employment of executive director.

10-7-82. Development committee - Functions.

10-7-83. Power of board of city commissioners or council to contract with other authorities.

10-7-84. Expenditure of city funds authorized.

10-7-85. Support of the arts.

10-7-86. Municipality may adopt Utah Procurement Code.

10-7-87. Procurement - Use of recycled goods.

10-7-79. Power of board of city commissioners or council to provide for development of resources.

The boards of city commissioners or city councils of the respective cities within the state are authorized and empowered to provide for the development of the city's mineral, water, manpower, industrial and other resources. 1965

10-7-80. Development committee - Appointment of members - Terms, compensation and expenses, vacancies and removal of members.

The board of city commissioners or council of any city within the state is hereby authorized and empowered to appoint by resolution an unpaid commission of three or more members, to be known as the city resource development committee. One or more members of the board of city commissioners or council shall be designated by the board of city commissioners or council as members of such committee. Each of the other members of the committee shall be a resident of the city. The term of appointed members of the committee shall be two years and until their respective successors have been appointed. The members of the committee shall serve as such without compensation, except that the board of city commissioners or council may provide for reimbursement of the members of the committee for actual expenses incurred, upon presentation of proper receipts and vouchers. The board of city commissioners or council shall provide for the filling of vacancies in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct. 1965

10-7-81. Development committee - Election of officers - Employment of executive director.

The city resource development committee may elect such officers from its members as it may deem advisable and may, with consent and approval of the board of city commissioners or council, employ an executive director for the committee. 1965

10-7-82. Development committee - Functions.

It shall be the function of the city resource development committee to assist in the development of the city's mineral, water, manpower, industrial and other resources, and to make such recommendations to the board of city commissioners or council for resource development programs as it may deem advisable. 1965

10-7-83. Power of board of city commissioners or council to contract with other authorities.

The board of city commissioners or council may co-operate with and enter into contracts with other municipalities, local communities and counties for the purpose of promoting the development of the economic resources of their respective areas. 1965

10-7-84. Expenditure of city funds authorized.

The board of city commissioners or council may expend city funds as are deemed advisable to carry out the purposes of this act. 1965

10-7-85. Support of the arts.

The governing body of any municipality may provide for and appropriate funds for the support of the arts, including but not limited to music, dance, theatre, crafts and visual, folk and literary art, for the purpose of enriching the lives of its residents and may establish guidelines for the support of the arts. 1977

10-7-86. Municipality may adopt Utah Procurement Code.

The governing body of any municipality may adopt any or all of the provisions of the Utah Procurement Code, Sections 63-56-1 et seq., or the

rules and regulations promulgated pursuant thereto.

10-7-87. Procurement - Use of recycled goods. ¹⁹⁸⁰

The procurement officer or other person responsible for purchasing supplies for each municipality shall:

(1) maintain for reference a copy of the current listing of recycled items available on state contracts as issued by the chief procurement officer under Section 63-56-9; and

(2) give recycled items consideration when inviting bids and purchasing supplies, in compliance with Section 11-37-101 ¹⁹⁹²

Article 5. [Repealed]

Chapter 9. Municipal Land Use Development and Management.

- Part 1. General Provisions.
- Part 2. Planning Commission.
- Part 3. General Plan.
- Part 4. Zoning.
- Part 5. Residential Facilities for Elderly.
- Part 6. Residential Facilities for the Handicapped.
- Part 7. Board of Adjustment.
- Part 8. Subdivisions.
- Part 9. Solar Energy Access.
- Part 10. Appeals and Enforcement.

Part 1. General Provisions.

- 10-9-101. Short title.
- 10-9-102. Purpose.
- 10-9-103. Definitions - Notice.
- 10-9-104. Stricter requirements.
- 10-9-105. State and federal property.
- 10-9-106. Property owned by other government units - Effect of land use and development ordinances.
- 10-9-106.5. Manufactured homes.

10-9-101. Short title.

This chapter shall be known as "The Municipal Land Use Development and Management Act." ¹⁹⁹¹

10-9-102. Purpose.

To accomplish the purpose of this chapter, and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values, municipalities may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the municipality, including ordinances, resolutions; and rules governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law. ¹⁹⁹²

10-9-103. Definitions - Notice.

(1) As used in this chapter:
(a) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

- (b) "Chief executive officer" means:
 - (i) the mayor in municipalities operating under all forms of municipal government except the council-manager form; or
 - (ii) the city manager, in municipalities operating under the council-manager form of municipal government.
- (c) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (d) "County" means the unincorporated area of the county.
- (e) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
- (f) (i) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9-301 and 10-9-302
 - (ii) "General plan" includes what is also commonly referred to as a "master plan."
- (g) "Handicapped person" means a person who:
 - (i) has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments that is likely to continue indefinitely and that results in a substantial functional limitation in three or more of the following areas of major life activity:
 - (A) self-care;
 - (B) receptive and expressive language;
 - (C) learning;
 - (D) mobility;
 - (E) self-direction;
 - (F) capacity for independent living; and
 - (G) economic self-sufficiency; and
 - (ii) requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.
- (h) "Legislative body" means the city council or city commission.
- (i) "Lot line adjustment" in a subdivision means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.
- (j) "Municipality" means a city or town.
- (k) "Nonconforming structure" means a structure that:
 - (i) legally existed before its current zoning designation; and
 - (ii) because of subsequent zoning changes, does not conform with the zoning regulation's setback, height restrictions, or other regulations that govern the structure.
- (l) "Nonconforming use" means a use of land that:
 - (i) legally existed before its current zoning designation;
 - (ii) has been maintained continuously since the time the zoning regulation governing the land changed; and
 - (iii) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.
- (m) "Official map" means a map of proposed

streets that has the legal effect of prohibiting development of the property until the municipality develops the proposed street.

(n) (i) "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 5 and any ordinance adopted under authority of that part.

(ii) "Residential facility for elderly persons" does not include a health care facility as defined by Section 26-21-2

(o) "Residential facility for handicapped persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 6 and any ordinance adopted under authority of that part.

(p) "Special district" means all entities established under the authority of Title 17A and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

(q) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(r) (i) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(ii) "Subdivision" includes:

(A) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and

(B) divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(s) "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.

(2) (a) A municipality meets the requirements of reasonable notice required by this chapter if it:

(i) posts notice of the hearing or meeting in at least three public places within the jurisdiction and publishes notice of the hearing or meeting in a newspaper of general circulation in the jurisdiction, if one is available; or

(ii) gives actual notice of the hearing or meeting.

(b) A municipal legislative body may enact an ordinance establishing stricter notice requirements than those required by this subsection.

(c) (i) Proof that one of the two forms of notice authorized by this subsection was given is prima facie evidence that notice was properly given.

(ii) If notice given under authority of this section is not challenged as provided in Section 10-9-1001 within 30 days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

1995

10-9-104. Stricter requirements.

(1) Except as provided in Subsection (2), municipalities may enact ordinances imposing stricter requirements or higher standards than are required by this chapter.

(2) A municipality may not impose stricter requirements or higher standards than are required by:

(a) Section 10-9-106

(b) Section 10-9-106.5

(c) Part 5, Residential Facilities for Elderly Persons; and

(d) Part 6, Residential Facilities for Handicapped

Persons.

1996

10-9-105. State and federal property.

Unless otherwise provided by law, nothing contained in Parts 4 and 8 of this chapter may be construed as giving the planning commission or the legislative body jurisdiction over properties owned by the state of Utah or the United States government.

10-9-106. Property owned by other government units - Effect of land use and development ordinances.

1992

(1) (a) Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

(b) In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) A school district is subject to a municipality's land use regulations under this chapter, except that a municipality may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal;

(e) require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or

(f) impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

1992

10-9-106.5. Manufactured homes.

(1) For purposes of this section, a manufactured home is the same as defined in Section 58-56-3, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any zone or area in which a single-family

residence would be permitted, provided the manufactured home complies with all local zoning, building code, and subdivision requirements, including any restrictive covenants, applicable to single family residence within that zone or area. 1996

Part 2. Planning Commission.

10-9-201. Appointment, term, vacancy, and compensation.

10-9-202. Organization and procedures.

10-9-203. Use of state data.

10-9-204. Powers and duties.

10-9-205. Entrance upon land.

10-9-201. Appointment, term, vacancy, and compensation.

(1) (a) Each municipality may enact an ordinance establishing a planning commission.

(b) The ordinance shall define:

(i) the number and terms of the members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office; and

(iv) other details relating to the organization and procedures of the planning commission.

(2) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. 1991

10-9-202. Organization and procedures.

(1) The planning commission shall elect a chairperson from its members as provided by the ordinance establishing the planning commission.

(2) (a) The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.

(b) The legislative body may provide that those policies and procedures be approved by the legislative body before taking effect. 1991

10-9-203. Use of state data.

(1) The planning commission may obtain access to and use any data and information held by the state or any of its agencies:

(a) that is classified "public"; and

(b) that is classified "protected" if the planning commission's use of the data is lawfully authorized or if the data will be used for a purpose similar to the purpose for which it was gathered.

(2) Each state official, department, and agency shall:

(a) make any data and information requested by the planning commissions available if authorized under the requirements of this section; and

(b) furnish any other technical assistance and advice that they have available to planning commissions without additional cost to the municipality. 1991

10-9-204. Powers and duties.

The planning commission shall:

(1) prepare and recommend a general plan and amendments to the general plan to the legislative body as provided in this chapter;

(2) recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the legislative body as provided in this chapter;

(3) administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the legislative body;

(4) recommend subdivision regulations and amendments to those regulations to the legislative body

as provided in this chapter;

(5) recommend approval or denial of subdivision applications as provided in this chapter;

(6) advise the legislative body on matters as the legislative body directs;

(7) hear or decide any matters that the legislative body designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;

(8) exercise any other powers:

(a) that are necessary to enable it to perform its function; or

(b) delegated to it by the legislative body. 1991

10-9-205. Entrance upon land.

The planning commission or its authorized agents may enter upon any land at reasonable times to make examinations and surveys. 1992

Part 3. General Plan.

10-9-301. General plan.

10-9-302. Plan preparation.

10-9-303. Plan adoption.

10-9-304. Amendment of plan.

10-9-305. Effect of the plan on public uses.

10-9-306. Effect of official maps.

10-9-301. General plan.

(1) In order to accomplish the purposes set forth in this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:

(a) present and future needs of the municipality; and

(b) growth and development of the land within the municipality or any part of the municipality.

(2) The plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

(e) the protection of urban development; and

(f) the protection and promotion of air quality.

(3) The municipality may determine the comprehensiveness, extent, and format of the general plan. 1992

10-9-302. Plan preparation.

(1) (a) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(b) The plan may include areas outside the boundaries of the municipality if, in the commission's judgment, they are related to the planning of the municipality's territory.

(c) Except as otherwise provided by law, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) The general plan, with the accompanying maps, plats, charts and descriptive and explanatory

matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things:

- (a) a land use element that:
 - (i) designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (ii) may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;
- (b) a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;
- (c) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
- (d) a public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
- (e) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;
- (f) an economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base and residentiary industry, primary and secondary market areas, employment, and retail sales activity;
- (g) recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and
- (h) any other elements the municipality considers appropriate. 1992

10-9-303. Plan adoption.

- (1) (a) After completing a proposed general plan for all or part of the area within the municipality, the planning commission shall schedule and hold a public hearing on the proposed plan.
- (b) The planning commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.
- (c) After the public hearing, the planning commission may make changes to the proposed general plan.
- (2) The planning commission shall then forward the proposed general plan to the legislative body.
- (3) (a) The legislative body shall hold a public

hearing on the proposed general plan recommended to it by the planning commission.

(b) The legislative body shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

(4) After the public hearing, the legislative body may make any modifications to the proposed general plan that it considers appropriate.

(5) The legislative body may:

- (a) adopt the proposed general plan without amendment;
 - (b) amend the proposed general plan and adopt or reject it as amended; or
 - (c) reject the proposed general plan.
- (6) (a) The general plan is an advisory guide for land use decisions.
- (b) The legislative body may adopt an ordinance mandating compliance with the general plan. 1992

10-9-304. Amendment of plan.

The legislative body may amend the general plan by following the procedures required by Section 10-9-303 1991

10-9-305. Effect of the plan on public uses.

(1) After the legislative body has adopted a general plan or any amendments to the general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless:

- (a) it conforms to the plan; or
- (b) it has been considered by the planning commission and, after receiving the advice of the planning commission, approved by the legislative body as an amendment to the general plan.

(2) (a) Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the legislative body shall submit the proposal to the planning commission for its review and recommendations.

(b) If the legislative body approves any of the items contained in Subsection (a), it shall also amend the general plan. 1991

10-9-306. Effect of official maps.

(1) Municipalities may not adopt an official map under this chapter.

(2) (a) An official map adopted under the previous enabling statute does not:

- (i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (b)(iii); or
- (ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a municipality from:

- (i) requiring a landowner to take into account the proposed streets in the planning of a development proposal;
- (ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
- (iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development.

(3) An official map may not be used to unconstitutionally prohibit the development of property designated for eventual use as a public street. 1992

Part 4. Zoning.

- 10-9-401. General powers.
- 10-9-402. Preparation and adoption.
- 10-9-403. Amendments and rezonings.
- 10-9-404. Temporary regulations.
- 10-9-405. Zoning districts.
- 10-9-406. Zoning of annexed territory.
- 10-9-407. Conditional uses.
- 10-9-408. Nonconforming uses and structures.

10-9-401. General powers.

The legislative body may enact a zoning ordinance establishing regulations for land use and development that furthers the intent of this chapter. 1991

10-9-402. Preparation and adoption.

(1) The planning commission shall prepare and recommend to the legislative body a proposed zoning ordinance, including both the full text of the zoning ordinance and maps, that represents the commission's recommendations for zoning all or any part of the area within the municipality.

(2) (a) The legislative body shall hold a public hearing on the proposed zoning ordinance recommended to it by the planning commission.

(b) The legislative body shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing. If a municipality mails notice of a proposed zoning change to property owners within that municipality within a specified distance of the property on which the zoning change is being proposed, it shall also mail equivalent notice to property owners of an adjacent municipality within the same distance of the property on which the zoning change is being proposed.

(3) After the public hearing, the legislative body may:

- (a) adopt the zoning ordinance as proposed;
- (b) amend the zoning ordinance and adopt or reject the zoning ordinance as amended; or
- (c) reject the ordinance. 1995

10-9-403. Amendments and rezonings.

(1) (a) The legislative body may amend:
(i) the number, shape, boundaries, or area of any zoning district;
(ii) any regulation of or within the zoning district; or
(iii) any other provision of the zoning ordinance.

(b) The legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval, or recommendations.

(2) The legislative body shall comply with the procedure specified in Section 10-9-402 in preparing and adopting an amendment to the zoning ordinance or the zoning map. 1991

10-9-404. Temporary regulations.

(1) (a) The legislative body may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the area within the municipality if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; or
- (ii) the area is unzoned.

(b) Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

(2) The legislative body shall establish a period of limited effect for the ordinances not to exceed six

months.

1992

10-9-405. Zoning districts.

(1) (a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. 1991

10-9-406. Zoning of annexed territory.

(1) The legislative body of a municipality may assign a zoning designation to territory annexed to the municipality at the time the territory is annexed.

(2) If the annexing municipality's zoning ordinance does not designate a zone for the territory to be annexed to the municipality, or if the legislative body does not assign a zone to territory at the time it is annexed, the territory annexed to a municipality shall be zoned according to the zone of the annexing municipality with which it has the longest common boundary. 1991

10-9-407. Conditional uses.

(1) A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses.

(2) The board of adjustments has jurisdiction to decide appeals of the approval or denial of conditional use permits unless the legislative body has enacted an ordinance designating the legislative body or another body as the appellate body for those appeals. 1995

10-9-408. Nonconforming uses and structures.

(1) (a) Except as provided in this section, a nonconforming use or structure may be continued.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration.

(2) The legislative body may provide in any zoning ordinance or amendment for:

(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the zoning ordinance;

(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

(c) the termination of a billboard that is a nonconforming use by acquiring the billboard and associated property rights through:

- (i) gift;
- (ii) purchase;
- (iii) agreement;
- (iv) exchange; or
- (v) eminent domain.

(3) If a municipality prevents a billboard company from maintaining, repairing, or restoring a billboard

structure damaged by casualty, act of God, or vandalism, the municipality's actions constitute initiation of acquisition by eminent domain under Subsection (2)(c)(v).

(4) Notwithstanding Subsections (2) and (3), a legislative body may remove a billboard without providing compensation if, after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the legislative body finds that:

(a) the applicant for a permit intentionally made a false or misleading statement in his application;

(b) the billboard is unsafe;

(c) the billboard is in an unreasonable state of repair; or

(d) the billboard has been abandoned for at least 12 months.

(5) A municipality may terminate the nonconforming status of school district property when the property ceases to be used for school district purposes. 1993

Part 5. Residential Facilities for Elderly.

10-9-501. Residential facilities for elderly persons.

10-9-502. Municipal ordinances governing elderly residential facilities.

10-9-503. Municipal approval of elderly residential facilities.

10-9-504. Elderly residential facilities in areas zoned exclusively for single-family dwellings.

10-9-501. Residential facilities for elderly persons.

(1) (a) A residential facility for elderly persons may not operate as a business.

(b) A residential facility for elderly persons shall:

(i) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;

(ii) be consistent with existing zoning of the desired location; and

(iii) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

(2) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility. 1992

10-9-502. Municipal ordinances governing elderly residential facilities.

(1) Each municipality shall adopt ordinances that establish that a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.

(2) The ordinances shall establish a permit process that may require only that:

(a) the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

(b) adequate off-street parking space be provided;

(c) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

(d) no residential facility for elderly persons be established within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons, as defined by Section 10-9-103

(e) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and

(f) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. 1991

10-9-503. Municipal approval of elderly residential facilities.

(1) (a) Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, the municipality may decide only whether or not the residential facility for elderly persons conforms to ordinances adopted by the municipality under this part.

(b) If the municipality determines that the residential facility for elderly persons complies with the ordinances, it shall grant the requested permit to that facility.

(2) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.

(3) If a municipality has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for elderly persons is made, the municipality shall grant the permit if it is established that the criteria set forth in this part have been met by the facility. 1991

10-9-504. Elderly residential facilities in areas zoned exclusively for single-family dwellings.

(1) For purposes of this section:

(a) no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and

(b) placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

(2) Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

(a) conforms to all applicable health, safety, zoning, and building codes;

(b) is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and

(c) conforms to the municipality's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.

(3) A municipality may, by ordinance, provide that no residential facility for elderly persons be established within three-quarters mile of another existing residential facility for elderly persons or residential facility for handicapped persons, as defined by Section 10-9-103

(4) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

(5) (a) Municipal ordinances shall prohibit discrimination against elderly persons and against resid-

ential facilities for elderly persons.

(b) The decision of a municipality regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

(6) The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together. 1992

Part 6. Residential Facilities for the Handicapped.

10-9-601. Residential facility for handicapped persons.

10-9-602. Municipal ordinances governing handicapped residential facilities.

10-9-603. Municipal approval of handicapped residential facilities.

10-9-604. Handicapped residential facilities in areas zoned exclusively for single-family dwellings.

10-9-601. Residential facility for handicapped persons.

(1) A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.

(2) A residential facility for handicapped persons shall:

(a) be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager;

(b) conform to all applicable standards and requirements of the Department of Human Services; and

(c) be operated by or operated under contract with that department. 1991

10-9-602. Municipal ordinances governing handicapped residential facilities.

(1) Each municipality shall adopt ordinances that establish that a residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.

(2) Those ordinances shall establish a permit process that may require only that:

(a) the facility meet all municipal building, safety, and health ordinances applicable to similar dwellings;

(b) the operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;

(c) the operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;

(d) the operator of the facility provide adequate off-street parking space;

(e) the facility be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;

(f) no residential facility for handicapped persons be established or maintained within three-quarters mile of another residential facility for handicapped persons;

(g) no person being treated for alcoholism or drug abuse be placed in a residential facility for handicapped persons;

(h) no person who is violent be placed in a residential facility for handicapped persons; and

(i) placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. 1991

10-9-603. Municipal approval of handicapped residential facilities.

(1) (a) Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, the municipality may decide only whether or not the residential facility for handicapped persons conforms to ordinances adopted by the municipality under this part.

(b) If the municipality determines that the residential facility for handicapped persons is in compliance with those ordinances, it shall grant the requested permit to that facility.

(2) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this part.

(3) If a municipality has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for handicapped persons is made, the municipality shall grant the permit if it is established that the criteria set forth in this part have been met by the facility. 1991

10-9-604. Handicapped residential facilities in areas zoned exclusively for single-family dwellings.

(1) For purposes of this section:

(a) no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;

(b) no person who is violent may be placed in a residential facility for handicapped persons; and

(c) placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.

(2) Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

(a) conforms to all applicable health, safety, and building codes;

(b) is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and

(c) conforms to the municipality's criteria, adopted by ordinance, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.

(3) A municipality may, by ordinance, provide that no residential facility for handicapped persons be established or maintained within three-quarters mile of another existing residential facility for handicapped persons.

(4) The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with applicable health, safety, and building codes.

(5) (a) Municipal ordinances shall prohibit discrimination against handicapped persons and against

residential facilities for handicapped persons.

(b) The decision of a municipality regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents.

1991

Part 7. Board of Adjustment.

10-9-701. Board of adjustment - Appointment - Term - Vacancy.

10-9-702. Organization - Procedures.

10-9-703. Powers and duties.

10-9-704. Appeals.

10-9-705. Routine and uncontested matters.

10-9-706. Special exceptions.

10-9-707. Variances.

10-9-708. District court review of board of adjustment decision.

10-9-701. Board of adjustment - Appointment - Term - Vacancy.

(1) In order to provide for just and fair treatment in the administration of local zoning ordinances, and to ensure that substantial justice is done, each municipality adopting a zoning ordinance shall appoint a board of adjustment to exercise the powers and duties provided in this part.

(2) (a) The board of adjustment shall consist of five members and whatever alternate members that the chief executive officer considers appropriate.

(b) The chief executive officer shall appoint the members and alternate members with the advice and consent of the legislative body for a term of five years.

(c) The chief executive officer shall appoint members of the first board of adjustment to terms so that the term of one member expires each year.

(3) (a) No more than two alternate members may sit at any meeting of the board of adjustment at one time.

(b) The legislative body shall make rules establishing a procedure for alternate members to serve in the absence of members of the board of adjustment.

(4) (a) The chief executive may remove any member of the board of adjustment for cause if written charges are filed against the member with the chief executive.

(b) The chief executive shall provide the member with a public hearing if he requests one.

(5) (a) The chief executive officer with the advice and consent of the legislative body shall fill any vacancy.

(b) The person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.

1992

10-9-702. Organization - Procedures.

(1) The board of adjustment shall:

(a) organize and elect a chairperson; and

(b) adopt rules that comply with any ordinance adopted by the legislative body.

(2) The board of adjustment shall meet at the call of the chairperson and at any other times that the board of adjustment determines.

(3) The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.

(4) (a) All meetings of the board of adjustment shall comply with the requirements of Title 52, Chapter 4, Open and Public Meetings.

(b) The board of adjustment shall:

(i) keep minutes of its proceedings, showing the vote of each member upon each question, or if

absent or failing to vote, indicating that fact; and

(ii) keep records of its examinations and other official actions.

(c) The board of adjustment may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.

(d) The board of adjustment shall file its records in the office of the board of adjustment.

(e) All records in the office of the board of adjustment are public records.

(5) The concurring vote of three members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency or to decide in favor of the appellant.

(6) Decisions of the board of adjustment become effective at the meeting in which the decision is made, unless a different time is designated in the board's rules or at the time the decision is made.

(7) The legislative body may fix per diem compensation for the members of the board of adjustment based on necessary and reasonable expenses and on meetings actually attended.

1992

10-9-703. Powers and duties.

(1) The board of adjustment shall hear and decide:

(a) appeals from zoning decisions applying the zoning ordinance;

(b) special exceptions to the terms of the zoning ordinance; and

(c) variances from the terms of the zoning ordinance.

(2) The board of adjustment may make determinations regarding the existence, expansion, or modification of nonconforming uses if that authority is delegated to them by the legislative body.

1992

10-9-704. Appeals.

(1) (a) (i) The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.

(ii) The legislative body shall enact an ordinance establishing a reasonable time for appeal to the board of adjustment of decisions administering or interpreting a zoning ordinance.

(b) Any officer, department, board, or bureau of a municipality affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the board of adjustment.

(2) The board of adjustment shall hear and decide appeals from planning commission decisions regarding conditional use permits unless the zoning ordinance designates the legislative body or another body to hear conditional use permit appeals.

(3) The person or entity making the appeal has the burden of proving that an error has been made.

(4) (a) Only decisions applying the zoning ordinance may be appealed to the board of adjustment.

(b) A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments.

(5) Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

1995

10-9-705. Routine and uncontested matters.

(1) (a) With the consent of the legislative body,

the chief executive officer may appoint an administrative officer to decide routine and uncontested matters before the board of adjustment.

(b) The board of adjustment shall:

(i) designate which matters may be decided by the administrative officer; and

(ii) establish guidelines for the administrative officer to comply with in making decisions.

(2) Any person affected by a decision of the administrative officer may appeal the decision to the board of adjustment as provided in this part. 1992

10-9-706. Special exceptions.

(1) In enacting the zoning ordinance, the legislative body may:

(a) provide for special exceptions; and

(b) grant jurisdiction to the board of adjustment to hear and decide some or all special exceptions.

(2) The board of adjustment may hear and decide special exceptions only if authorized to do so by the zoning ordinance and based only on the standards contained in the zoning ordinance.

(3) The legislative body may provide that conditional use permits be treated as special exceptions in the zoning ordinance. 1991

10-9-707. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.

(2) (a) The board of adjustment may grant a variance only if:

(i) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same district;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the zoning ordinance is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the board of adjustment may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the board of adjustment may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to

other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The board of adjustment and any other body may not grant use variances.

(6) In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:

(a) mitigate any harmful affects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified. 1992

10-9-708. District court review of board of adjustment decision.

(1) Any person adversely affected by any decision of a board of adjustment may petition the district court for a review of the decision.

(2) In the petition, the plaintiff may only allege that the board of adjustment's decision was arbitrary, capricious, or illegal.

(3) The petition is barred unless it is filed within 30 days after the board of adjustment's decision is final.

(4) (a) The board of adjustment shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

(b) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

(5) (a) (i) If there is a record, the district court's review is limited to the record provided by the board of adjustment.

(ii) The court may not accept or consider any evidence outside the board of adjustment's record unless that evidence was offered to the board of adjustment and the court determines that it was improperly excluded by the board of adjustment.

(b) If there is no record, the court may call witnesses and take evidence.

(6) The court shall affirm the decision of the board of adjustment if the decision is supported by substantial evidence in the record.

(7) (a) The filing of a petition does not stay the decision of the board of adjustment.

(b) (i) Before filing the petition, the aggrieved party may petition the board of adjustment to stay its decision.

(ii) Upon receipt of a petition to stay, the board of adjustment may order its decision stayed pending district court review if the board of adjustment finds it to be in the best interest of the municipality.

(iii) After the petition is filed the petitioner may seek an injunction staying the board of adjustment's decision. 1991

Part 8. Subdivisions.

10-9-801. Enactment of subdivision ordinance.

10-9-802. Preparation - Adoption.

10-9-803. Amendments to subdivision ordinance.

10-9-804. Maps and plats required.

10-9-805. Subdivision approval procedure.

10-9-806. Exemptions from plat requirement.

10-9-807. Dedication of streets.

10-9-808. Vacating or changing a subdivision plat.

10-9-809. Notice of hearing for plat change.

10-9-810. Grounds for vacating or changing a plat.

10-9-811. Prohibited acts.

10-9-801. Enactment of subdivision ordinance.

The legislative body of any municipality may enact a subdivision ordinance requiring that a subdivision plat comply with the provisions of the subdivision ordinance and be approved as required by this part before:

- (1) it may be filed or recorded in the county recorder's office; and
- (2) lots may be sold. 1992

10-9-802. Preparation - Adoption.

(1) The planning commission shall:

(a) prepare and recommend a proposed subdivision ordinance to the legislative body that regulates the subdivision of land in the municipality;

(b) hold a public hearing on the proposed subdivision ordinance before making its final recommendation to the legislative body; and

(c) provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

(2) The legislative body shall:

(a) hold a public hearing on the proposed subdivision ordinance recommended to it by the planning commission; and

(b) provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

(3) After the public hearing, the legislative body may:

- (a) adopt the subdivision ordinance as proposed;
- (b) amend the subdivision ordinance and adopt or reject it as amended; or
- (c) reject the ordinance. 1992

10-9-803. Amendments to subdivision ordinance.

(1) The legislative body may amend the provisions of the subdivision ordinance if the proposed amendment was proposed by or submitted to the planning commission for its approval, disapproval, or suggestions.

(2) The legislative body and the planning commission shall comply with the procedures contained in Section 10-9-802 in adopting an amendment to the subdivision ordinance. 1991

10-9-804. Maps and plats required.

(1) Whenever any lands are laid out and platted, the owner of those lands shall provide an accurate map or plat that describes or specifies:

(a) the boundaries, course, and dimensions of the parcels of ground;

(b) whether the parcels of ground are intended to be used as streets or for other public uses, and whether any areas are reserved for public purposes;

(c) the number, temporary address, and length and width of the blocks and lots intended for sale; and

(d) existing right-of-way and easement grants of record for underground facilities, as defined in Section 54-8a-2, and for other utility facilities.

(2) (a) The owner of the land shall acknowledge the map or plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

(b) The surveyor making the map or plat shall certify it.

(c) The owner or operator of the underground and utility facilities shall approve the map or plat of its property interest if it specifies:

(i) the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;

(ii) the location of existing underground and utility facilities; and

(iii) any conditions or restrictions governing the

location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.

(d) The legislative body shall approve the map or plat as provided in this part. Before the legislative body may approve a map or plat, the owner of the land shall provide the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the map or plat has been acknowledged, certified, and approved, the owner of the land shall file and record it in the county recorder's office in the county in which the lands platted and laid out are situated. 1995

10-9-805. Subdivision approval procedure.

(1) A person may not file or record a plat of a subdivision of land in the county recorder's office unless a recommendation has been received from the planning commission and:

(a) it has been approved by:

(i) the legislative body; or

(ii) other officers that the legislative body designates in an ordinance; and

(b) the approvals are entered in writing on the plat by the mayor or chairperson of the legislative body or by the other officers designated in the ordinance.

(2) In municipalities under the council-mayor form of government, Section 10-3-1219.5 governs. 1992

10-9-806. Exemptions from plat requirement.

(1) In subdivisions of less than ten lots, land may be sold by metes and bounds, without the necessity of recording a plat if:

(a) a recommendation has been received from the planning commission;

(b) the deed contains a stamp or other mark indicating that the subdivision has been approved by:

(i) the legislative body; or

(ii) other officers that the legislative body designates in an ordinance;

(c) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

(d) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

(2) Municipalities under the council-mayor form of government shall comply with Section 10-3-1219.5 1995

10-9-807. Dedication of streets.

(1) Maps and plats, when made, acknowledged, filed, and recorded according to the procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in the municipality for the public for the uses named or intended in those maps or plats.

(2) The dedication established by this section does not impose liability upon the municipality for streets and other public places that are dedicated in this manner but unimproved. 1991

10-9-808. Vacating or changing a subdivision plat.

(1) (a) The legislative body of a municipality or any other officer that the legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amend-

ment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after it is filed if:

(i) the plat change includes the vacation of a public street or alley;

(ii) any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or

(iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

(3) A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

(4) (a) Petitions that lack the consent of all owners referred to in Subsection (3) may not be scheduled for consideration at a public hearing before the legislative body until the notice required by this part is given.

(b) The petitioner shall pay the cost of the notice.

(5) When the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

(6) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

(a) no new dwelling lot or housing unit results from the lot line adjustment;

(b) the adjoining property owners consent to the lot line adjustment;

(c) the lot line adjustment does not result in remnant land that did not previously exist; and

(d) the adjustment does not result in violation of applicable zoning requirements.

(7) Municipalities operating under the council-mayor form of government shall comply with Section 10-3-1219.5

1995

10-9-809. Notice of hearing for plat change.

(1) (a) Except as provided in Subsection (3), the responsible body or officer shall give notice of the proposed plat change by mailing the notice to all owners referred to in Section 10-9-808, addressed to their mailing addresses appearing on the rolls of the county assessor of the county in which the land is located.

(b) The responsible body or officer shall ensure that the notice includes:

(i) a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;

(ii) a statement that if no written objections are received by the responsible body or officer within the time limit, no public hearing will be held; and

(iii) the date, place, and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners as required by Section 10-9-808

(2) If the proposed change involves the vacation, alteration, or amendment of a street, the responsible body or officer shall give notice of the date, place, and time of the hearing by:

(a) mailing notice as required in Subsection (1); and

(b) either:

(i) publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the petition is located; or

(ii) if there is no newspaper of general circulation in the municipality, post the notice for four consecutive weeks before the hearing in three public places in that municipality.

(3) Municipalities operating under the council-mayor form of municipal government need not comply with this section.

1995

10-9-810. Grounds for vacating or changing a plat.

(1) (a) Within 30 days after the public hearing required by this part, the responsible body or officer shall consider the petition.

(b) If the responsible body or officer is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the legislative body, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

(c) The responsible body or officer may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the responsible body or officer.

(d) The responsible body or officer shall ensure that the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.

(2) An aggrieved party may appeal the responsible body's or officer's decision to district court as provided in Section 10-9-1001

(3) Municipalities operating in a council-mayor form of government shall comply with Section 10-3-1219.5

1995

10-9-811. Prohibited acts.

(1) (a) A county recorder may not record a plat of a subdivision without the approval of the governing body.

(b) A plat of a subdivision recorded without the approval of the governing body required by this part is void.

(2) (a) An owner or agent of the owner of any land located in a subdivision, as defined in this chapter, who transfers or sells any land in that subdivision must disclose to the transferee or purchaser the location, width, and restrictions of a right-of-way and easement of record within the subdivision, or before a plan or plat of the subdivision has been approved and recorded.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation or from the penalties or remedies provided in this

chapter.

1995

Part 9. Solar Energy Access.**10-9-901. Restrictions for solar and other energy devices.****10-9-901. Restrictions for solar and other energy devices.**

(1) The legislative body, in order to protect and ensure access to sunlight for solar energy devices, may adopt regulations governing legislative subdivision development plans that relate to the use of restrictive covenants or solar easements, height restrictions, side yard and setback requirements, street and building orientation and width requirements, height and location of vegetation with respect to property boundary lines, and other permissible forms of land use controls.

(2) The legislative body may refuse to approve or renew any plat or subdivision plan, or dedication of any street or other ground, if the deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision. 1991

Part 10. Appeals and Enforcement.**10-9-1001. Appeals.****10-9-1002. Enforcement.****10-9-1003. Penalties.****10-9-1001. Appeals.**

(1) No person may challenge in district court a municipality's land use decisions made under this chapter or under the regulation made under authority of this chapter until that person has exhausted his administrative remedies.

(2) Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.

(3) The courts shall:

(a) presume that land use decisions and regulations are valid; and

(b) determine only whether or not the decision is arbitrary, capricious, or illegal. 1992

10-9-1002. Enforcement.

(1) (a) A municipality or any owner of real estate within the municipality in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2) (a) The municipality may enforce the ordinance by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) The municipality may not issue a building

permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect. 1991

10-9-1003. Penalties.

(1) The municipal legislative body may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.

(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter are punishable as a class C misdemeanor upon conviction either:

(a) as a class C misdemeanor; or

(b) by imposing the appropriate civil penalty adopted under the authority of this section. 1992

Title 11. Cities, Counties and Local Taxing Units**Chapter 14. Utah Municipal Bond Act.****Chapter 14. Utah Municipal Bond Act.****11-14-1. Municipality defined - Bond issues authorized**

- Purposes - Use of bond proceeds - Costs allowed.

11-14-2. Election on bond issues - Qualified electors - Resolution and notice.**11-14-3. Notice of election - Publication.****11-14-4. Election procedure - Time for election -**

Equipment - Election officials - Combining precincts.

11-14-6. Election procedure.**11-14-7. Election - Registration of voters - Special registration not required - Registration lists supplied by clerk.****11-14-8. Election officials - Filling vacancies.****11-14-9. Election officials - Oaths - Powers and duties**

- Expenses of determining qualified voters.

11-14-10. Election ballots - Form and contents.**11-14-11. Election - Counting and canvassing - Results.****11-14-12. Contest of election and legality of bonds - Procedure.****11-14-13. Issuance of bonds by governing body -**

Computation of indebtedness under constitutional and statutory limitations.

11-14-14. Bond issue - Resolution - Negotiability -

Registration - Maturity - Interest - Payment -

Redemption - Combining issues - Sale - Financing

plan.

11-14-20. Nature and validity of bonds issued -

Applicability of other statutory provisions - Budget provision required - Applicable procedures for issuance.

11-14-1. Municipality defined - Bond issues authorized - Purposes - Use of bond proceeds - Costs allowed.

(1) "Municipality," for the purpose of this chapter, includes cities, towns, counties, school districts, public transit districts, and improvement districts operating under the authority of Title 17A, Chapter 2, Part 3, special service districts operating under the authority of Title 17A, Chapter 2, Part 13, the Utah Special Service District Act, metropolitan water districts operating under the authority of Title 17A, Chapter 2, Part 8, irrigation districts operating under the authority of Title 17A, Chapter 2, Part 7, water conservancy districts operating under the authority of Title 17A, Chapter 2, Part 14, and regional service areas operating under the authority of Title 17A, Chapter 2, Part 18, Regional

Service Areas. It does not include the state of Utah and its institutions. Any municipality may, in the manner and subject to the limitations and restrictions contained in this chapter, issue its negotiable bonds for the purpose of paying all or part of the cost of acquiring, improving, or extending any one or more improvements, facilities, or property which the municipality is authorized by law to acquire. Any municipality may also issue such bonds for the acquisition of or the acquisition of an interest in any one or more or combination of the following types of improvements, facilities, or property to be owned by the municipality or to be owned jointly by two or more municipalities, or for the improvement or extension of any such wholly or jointly owned facility or property:

(a) public buildings of every nature, including without limitation, offices, courthouses, jails, fire, police and sheriff's stations, detention homes, and any other buildings to accommodate or house lawful activities of a municipality;

(b) waterworks, irrigation systems, water systems, dams, reservoirs, water treatment plants, and any other improvements, facilities, or property used in connection with the acquisition, storage, transportation, and supplying of water for domestic, industrial, irrigation, recreational, and other purposes and preventing pollution of water;

(c) sewer systems, sewage treatment plants, incinerators, and other improvements, facilities, or property used in connection with the collection, treatment, and disposal of sewage, garbage, or other refuse;

(d) drainage and flood control systems, storm sewers, and any other improvements, facilities, or property used in connection with the collection, transportation, or disposal of water;

(e) recreational facilities of every kind, including without limitation, athletic and play facilities, playgrounds, athletic fields, gymnasiums, public baths, swimming pools, camps, parks, picnic grounds, fairgrounds, golf courses, zoos, boating facilities, tennis courts, auditoriums, stadiums, arenas, and theaters;

(f) convention centers, sports arenas, auditoriums, theaters, and other facilities for the holding of public assemblies, conventions, and other meetings;

(g) roads, bridges, viaducts, tunnels, sidewalks, curbs, gutters, and parking buildings, lots, and facilities;

(h) airports, landing fields, landing strips, and air navigation facilities;

(i) educational facilities, including without limitation, schools, gymnasiums, auditoriums, theaters, museums, art galleries, libraries, stadiums, arenas, and fairgrounds;

(j) hospitals, convalescent homes, and homes for the aged or indigent; and

(k) electric light works, electric generating systems, and any other improvements, facilities, or property used in connection with the generation and acquisition of electricity for these municipalities and transmission facilities and substations if they do not duplicate transmission facilities and substations of other entities operating in the state prepared to provide the proposed service unless these transmission facilities and substations proposed to be constructed will be more economical to these municipalities.

(2) Any such improvement, facility, or property need not lie within the limits of the municipality. Cost under Subsection (1) may include:

(a) the cost of equipment and furnishings for such improvements, facilities, or property;

(b) all costs incident to the authorization and issuance of bonds, including engineering, legal, and fiscal advisers' fees;

(c) costs incident to the issuance of bond anticipation notes, including interest to accrue on bond anticipation notes;

(d) interest estimated to accrue on the bonds during the period to be covered by the construction of the improvement, facility, or property and for 12 months thereafter; and

(e) other amounts which the governing body finds necessary to establish bond reserve funds and to provide working capital related to the improvement, facility, or property. 1995

11-14-2. Election on bond issues - Qualified electors - Resolution and notice.

The governing body of any municipality desiring to issue bonds under the authority granted in Section 11-14-1 shall by resolution provide for the holding of an election in the municipality on the question of the issuance of the bonds, and the bonds may be issued only if at the election the issuance of the bonds shall have been approved by a majority of the qualified electors of the municipality who vote on the proposition. This section does not require an election for the issuance of refunding bonds or other bonds not required by the constitution to be voted at an election. The resolution calling the election and the election notice shall state the purpose for which the bonds are to be issued, the maximum amount of bonds to be issued, and the maximum number of years from their respective dates for which the bonds may run. The purpose may be stated in general terms and need not specify the particular projects for which the bonds are to be issued or the specific amount of bond proceeds to be expended for each such project. In addition, if the municipality is an improvement district and if the bonds are to be payable in part from tax proceeds and in part from the operating revenues of the district or from any combination thereof, the resolution and notice shall so indicate, but need not specify how the bonds are to be divided as to source of payment. 1977

11-14-3. Notice of election - Publication.

(1) Notice of the election shall be published once a week during three consecutive weeks in a newspaper designated in accordance with Section 11-14-21, the first publication to be not less than 21 nor more than 35 days before the election. If no official newspaper is designated, the notices shall be published in a newspaper published in the municipality, or if no newspaper is published in the municipality, the notices shall be published in a newspaper having general circulation in the municipality.

(2) Election notice given for any bond election held in this state need not be posted by any persons, except that in cities of the third class or towns where there is no newspaper published in such city or town, the governing body may provide that notice of a bond election therein may be given by posting in lieu of publication of such notice and in such event notice of the bond election shall be posted by the city recorder, town clerk, or other officer designated by the governing body in at least five public places in said city or town at least 21 days before the election. 1996

11-14-4. Election procedure - Time for election - Equipment - Election officials - Combining

precincts.

(1) (a) The governing body shall:

(i) designate the voting places to be used;

(ii) fix the hours during which the polls are to be open, which, if the election is a special election, shall be those provided by law for the conduct of regular general elections;

(iii) cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment, and supplies needed for the election as determined by the governing body; and

(iv) unless the election officials to serve at each voting place are otherwise appointed under the provisions of general law, appoint three election officials, who shall be qualified electors of the municipality or other entity calling the election, to serve at each voting place.

(b) The governing body may appoint one or more alternate election officials to so serve in case of the absence for any cause of the designated election officials.

(2) (a) A bond election may be held and the proposition for the issuance of bonds may be submitted at any general, primary, or other election held in the municipality or other entity calling the bond election, or at a special election called for the purpose.

(b) A special election may, but need not, be held on the same day as any other election.

(c) Where a bond election is being held on the same day as any other election held in the municipality or entity calling the bond election or in some part of that municipality or entity, the election officials serving for the other election may also serve as election officials for the bond election.

(3) (a) Voting precincts may be combined for purposes of bond elections.

(b) The governing body may designate whatever voting places that it considers best suited, so long as no voter is required to vote outside the county in which he resides.

1996

11-14-6. Election procedure.

(1) The qualifications as an elector of any person applying for a ballot at a bond election may be challenged for cause by any one or more of the election officials or by any other person at the time the ballot is applied for, but notwithstanding any challenge hereunder, any such person shall receive a ballot and be permitted to vote if: (a) such person is shown on the registration lists as a registered voter in the municipality or other entity calling the bond election, and (b) such person takes an oath sworn to before one of the election officials that he is a qualified elector of such municipality or entity.

(2) The oath referred to in Subsection (1) may, but need not, be in substantially the following form:

ELECTOR'S OATH

STATE OF UTAH)
COUNTY OF _____)

The undersigned, having been first duly sworn upon oath, deposes and says under the pains and penalties of perjury, as follows:

That I am a citizen of the United States; that I am 18 years of age or older; that I am now and have been a resident of the state of Utah for not less than 30 days; that I am a resident of _____ County and of the voting district or precinct of the (municipality or other entity calling the bond election) in which I am offering to vote; that I am a duly registered voter of _____ County and I am a qualified voter of and reside within the confines of (municipality or other entity calling the bond elec-

tion); and that I have not previously voted at the bond election being held on this _____ day of _____, 19__ in (municipality or other entity calling the bond election).

Signature of Elector

Address of Elector

I, the undersigned, Judge of election, hereby certify that the person whose signature appears above, signed the foregoing statement on this _____ day of _____, 19__, immediately after I administered to him an oath in the following words: You do solemnly swear (or affirm) that you have read the oath to which you are about to subscribe your signature and that the facts recited therein are true and correct, so help you God (or under the pains and penalties of perjury).

Judge of Election

Each election official is expressly authorized to administer such oath.

(3) In the case of challenges made pursuant to Subsection (1), the election officials shall keep a list of the names of each person challenged, the grounds for the challenge, and whether such person was permitted to vote. Such list shall be made in duplicate and the duplicate list shall be made available to the governing body when it canvasses the election results.

(4) No bond election shall be held invalid on the grounds that unqualified voters voted unless it shall be shown by clear and convincing evidence in a contest filed prior to the expiration of the period in which bond election contest may be filed that unqualified voters in sufficient numbers to change the result voted at the bond election. When the election results are canvassed such canvass shall show separately the number of votes which were challenged and the number of challenged voters who were permitted to vote, but the votes cast by such voters shall be accepted as having been legally cast for purposes of determining the outcome of the election, unless the court in a bond election contest shall find otherwise.

1977

11-14-7. Election - Registration of voters -

Special registration not required - Registration lists supplied by clerk.

(1) There shall be no special registration of voters for a bond election and the official register last made or revised shall constitute the register for such bond election except that:

(a) if the bond election is held on the same day as a general, special, primary, or other election held in the municipality or other bond-issuing entity or in part of the municipality or entity, all persons registered to vote in such other election shall be considered registered to vote in the bond election; and

(b) if the bond election is not to be held on the same day as any other election, the county clerk of each county in which the municipality or entity is wholly or partly located shall register at his office during regular office hours except Saturdays, Sundays, and holidays, and except during the 20-day period immediately preceding the bond election, any person who on the day of the bond election will be a qualified elector, such person to be registered in the same manner as provided by law for registration by satellite registrars.

(2) The county clerk of each county in which a municipality or entity holding the bond election is located shall make registration lists or copies of such

lists available at each polling place for use by registered electors entitled to use such voting place.

(3) If the registration lists furnished include electors who do not reside within the municipality or entity whose bonds are being voted upon, the county clerk or the municipality or other entity shall cause to be indicated on the registration lists the names of the registered electors who do not reside in such municipality or entity, but the failure to so indicate or any inaccuracy in such indication shall not be considered an irregularity or ground for invalidating the bond election. 1996

11-14-8. Election officials - Filling vacancies.

The governing body may fill any vacancies in the office of election official at the bond election. If any election official is unable or fails to attend or serve at the voting place designated at the hour fixed for opening the polls, the other election officials shall appoint, or in the absence of all officials the voters present shall elect, the necessary number of election officials to serve in the place of the absent or delinquent appointees. 1963

11-14-9. Election officials - Oaths - Powers and duties - Expenses of determining qualified voters.

The election officials, before opening the polls, shall be sworn to perform all the duties incumbent on them as such, the oath to be taken before any officer authorized to administer oaths, or each election official may administer the oath to any other election official. The election officials may administer any oath and receive any affidavit provided for in this act. The election officials at any bond election shall have the same powers and duties in conducting the elections and in preserving order at the polls as are conferred and imposed upon similar officers under the general election laws. The governing body ordering the election shall provide for payment, out of bond proceeds or otherwise, of the actual expenses entailed in ascertaining the taxpayer-status of the electors qualified to vote at the election. 1963

11-14-10. Election ballots - Form and contents.

(1) The governing body shall prescribe the form of ballot to be used at the election, but the proposition appearing thereon shall include a statement of the maximum amount of the bonds, the maximum number of years they are to run from their respective dates, and in general terms, the purpose for which they are to be issued. In addition, if the bonds are to be payable in part from tax proceeds and in part from the operating revenues of the municipality, or from any combination thereof, the proposition shall so indicate, but need not specify how the bonds are to be divided as to source of payment. The proposition shall be followed by the words, "For the issuance of bonds" and "Against the issuance of bonds," with appropriate boxes in which the voter may indicate his choice. If a bond question or questions are submitted at an election not specially held for that purpose, the bond question or questions may be combined with the candidate ballot.

(2) Where voting machines are used, the ballot shall be in such form as is appropriate for such use, and absentee ballots shall be in the form prescribed by law for such ballots. 1961

11-14-11. Election - Counting and canvassing - Results.

Immediately after the closing of the polls the judges of the election shall proceed to count and

canvass the ballots cast and make returns thereof to the governing body. The governing body shall not later than ten days after the election meet and canvass the returns. The oaths taken pursuant to Subsection (1) of Section 11-14-6 and the ballots and ballot boxes shall be held in safekeeping in the manner and for the period provided by law with respect to ballots for other elections. The canvass of the election returns shall be made in public and at its conclusion the governing body shall make an official finding as to the total number of votes cast, the number of affirmative votes, the number of negative votes, the number of mutilated ballots and the number of challenged voters as above required, and shall declare the bond proposition to have carried or lost. Such findings shall be incorporated in the official minutes of the governing body, and it shall not be necessary to file any statement or certificate of such results or affidavit with respect to the facts pertaining to the election nor pertaining to the indebtedness and valuation of the municipality with the county clerk or with any other official. The determination of the governing body that a majority of the qualified electors of the municipality voting on the proposition, have assented to the issuance of the bonds, shall be conclusive in any action or proceeding involving the validity of the election or determination or declaration of the result thereof instituted after the expiration of the period provided in Section 11-14-12 for the filing of actions contesting the validity of bond elections and after the date of delivery of and payment for any part of the bonds. 1975

11-14-12. Contest of election and legality of bonds - Procedure.

The general election laws with respect to the contest of elections shall be applicable to bond elections. Any such contest shall be regarded as one contesting the outcome of the vote on the proposition, rather than election to office, the municipality or other entity calling the election rather than a person declared to have been elected to office, shall be regarded as the defendant, and one of the grounds of contest may be the lack of the required qualifications of voters in sufficient numbers to change the result of the bond election.

When the validity of any bond election is contested, the plaintiff or plaintiffs must, within forty days after the returns of the election are canvassed and the results thereof declared, file with the clerk of the district court of the county in which any part of the municipality or entity conducting the bond election or some part thereof is located, a verified written complaint setting forth specifically:

(1) The name of the party contesting the bond election, and that he is an elector of the municipality or entity conducting the bond election.

(2) The proposition or propositions voted on at the bond election which are contested.

(3) The particular grounds of such contest. No such contest shall be maintained and no bond election shall be set aside or held invalid unless such a complaint is filed within the period prescribed in this section. 1965

11-14-13. Issuance of bonds by governing body - Computation of indebtedness under constitutional and statutory limitations.

If the governing body has declared the bond proposition to have carried and no contest has been filed, or if the contest is filed after it has been favorably terminated, the governing body may proceed

to issue the bonds voted at the election. It is not necessary that all of the bonds be issued at one time, but no bonds so voted may be issued more than ten years after the date of the election. No bonds so voted may be issued to an amount which will cause the indebtedness of the municipality to exceed that permitted by the Utah Constitution or statutes. In computing the amount of indebtedness which may be incurred pursuant to constitutional limitations, the constitutionally permitted percentage shall be applied to the fair market value, as defined under Section 59-2-102, of the taxable property in the municipality as computed from the last equalized assessment rolls for state and county purposes prior to the incurring of the additional indebtedness, except that in the case of cities the last equalized assessment rolls for city purposes shall be controlling. In determining the fair market value of the taxable property in the municipality as provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the total fair market value of taxable property in the municipality, as provided in Title 59, Chapter 3, the Tax Equivalent Property Act. Bonds of improvement districts issued in a manner that they are payable solely from the revenues to be derived from the operation of the facilities of the district may not be included as bonded indebtedness for the purposes of the computation. Where bonds are issued by a city, town, or county payable solely from revenues derived from the operation of revenue-producing facilities of the city, town, or county, or payable solely from a special fund into which are deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, the bonds shall be included as bonded indebtedness of the city, town, or county only to the extent required by the Utah Constitution, and any bonds not so required to be included as bonded indebtedness of the city, town, or county need not be authorized at an election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-2. No bond election is void because the amount of bonds authorized at the election exceeded the limitation applicable to the municipality at the time of holding the election, but the bonds may be issued from time to time in an amount within the applicable limitation at the time the bonds are issued. 1983

11-14-14. Bond Issue - Resolution -

Negotiability - Registration - Maturity - Interest - Payment - Redemption - Combining issues - Sale - Financing plan.

(1) Bonds issued under this chapter shall be authorized by resolution of the governing body, shall be fully negotiable for all purposes, may be made registrable as to principal alone or as to principal and interest, shall mature at such time or times not more than 40 years from their date, shall bear interest at such rate or rates, if any, shall be payable at such place or places, shall be in such form, shall be executed in such manner, may be made redeemable prior to maturity at such times and on such terms, shall be sold in such manner and at such prices, either at, in excess of, or below face value, and generally shall be issued in such manner and with such details as may be provided by resolution; it being the express intention of the legislature that interest rate limitations elsewhere appearing in the

laws of Utah shall not apply to nor limit the rate of interest on bonds issued under this chapter. The resolution shall specify either the rate or rates of interest, if any, on the bonds or specify the method by which the interest rate or rates on the bonds may be determined while the bonds are outstanding. If the resolution specifies a method by which interest on the bonds may be determined, the resolution shall also specify the maximum rate of interest the bonds may bear. Bonds voted for different purposes by separate propositions at the same or different bond elections may in the discretion of the governing body be combined and offered for sale as one issue of bonds. The resolution providing for this combination and the printed bonds for the combined issue shall separately set forth the amount being issued for each of the purposes provided for in each proposition submitted to the electors. If the municipality has retained a fiscal agent to assist and advise it with respect to the bonds and the fiscal agent has received or is to receive a fee for such services, the bonds may be sold to the fiscal agent but only if the sale is made pursuant to a sealed bid submitted by the fiscal agent at an advertised public sale.

(2) (a) All bonds shall be paid by the treasurer of the municipality or the treasurer's duly authorized agent on their respective maturity dates or on the dates fixed for the bonds redemption. All bond coupons, other than coupons cancelled because of the redemption of the bonds to which they apply, shall similarly be paid on their respective dates or as soon thereafter as the bonds or coupons are surrendered.

(b) Upon payment of a bond or coupon, the treasurer of the municipality or the treasurer's duly authorized agent, shall perforate the bond or coupon with a device suitable to indicate payment.

(c) Any bonds or coupons which have been paid or cancelled may be destroyed by the treasurer of the municipality or by the treasurer's duly authorized agent.

(3) Bonds, bond anticipation notes, or tax anticipation notes with maturity dates of one year or less may be authorized by a municipality from time to time pursuant to a plan of financing adopted by the governing body. The plan of financing shall specify the terms and conditions under which the bonds or notes may be issued, sold, and delivered, the officers of the municipality authorized to issue the bonds or notes, the maximum amount of bonds or notes which may be outstanding at any one time, the source or sources of payment of the bonds or notes, and all other details necessary for issuance of the bonds or notes. Subject to the Constitution, the governing body of the municipality may include in the plan of financing the terms and conditions of agreements which may be entered into by the municipality with banking institutions for letters of credit or for standby letters of credit to secure the bonds or notes, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the municipality. 1983

11-14-20. Nature and validity of bonds issued -

Applicability of other statutory provisions - Budget provision required - Applicable procedures for issuance.

Bonds issued under this act shall have all the qualities of negotiable paper, shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid for any irregularity or

defect in the proceedings for their issuance and sale. This act is intended to afford an alternative method for the issuance of bonds by municipalities and shall not be so construed as to deprive any municipality of the right to issue its bonds under authority of any other statute, but nevertheless this act shall constitute full authority for the issue and sale of bonds by municipalities. The provisions of Section 11-1-1, Utah Code Annotated 1953, shall not be applicable to bonds issued under this act. Any municipality subject to the provisions of any budget law shall in its annual budget make proper provision for the payment of principal and interest currently falling due on bonds issued hereunder, but no provision need be made in any such budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of the proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of bonds hereunder shall be necessary except as herein specifically required, nor shall the publication of any resolution, proceeding or notice relating to the issuance of the bonds be necessary except as herein required. Any publication made hereunder may be made in any newspaper conforming to the terms hereof in which legal notices may be published under the laws of Utah, without regard to the designation thereof as the official journal or newspaper of the municipality. No resolution adopted or proceeding taken hereunder shall be subject to referendum petition or to an election other than as herein required. All proceedings adopted hereunder may be adopted on a single reading at any legally convened meeting of the governing body. 1965

Title 17. Counties.

- Chapter 2. Annexation to County.
- Chapter 3. Creating New Counties.
- Chapter 5. County Commissioners and Legislative Bodies.
- Chapter 9. Fire Protection Districts [Renumbered].
- Chapter 10. Special Road District Tax [Renumbered].
- Chapter 11. Removal of County Seats.
- Chapter 12. Creating Bonded Indebtedness.
- Chapter 16. County Officers.
- Chapter 18. County Attorney.
- Chapter 20. County Clerk.
- Chapter 23. County Surveyor.
- Chapter 35. [Repealed]
- Chapter 35a. Optional Plans for County Government.

Chapter 2. Annexation to County.

- 17-2-1. County to county - Petition - Election - Ballots.
- 17-2-2. Election returns transmitted to lieutenant governor.
- 17-2-3. Certification of election result to governor.
- 17-2-4. When annexation effective - Governor's proclamation.
- 17-2-5. Conditions of annexation.
- 17-2-6. Annexation of portion of county to adjoining county - Petition - Election - Ballots.
- 17-2-7. Election returns transmitted to lieutenant governor.
- 17-2-8. Certification of election result to governor.
- 17-2-9. When annexation effective - Governor's proclamation.
- 17-2-10. Territory becomes part of annexing county.
- 17-2-11. Effect on precincts and school districts - Assumption of indebtedness.
- 17-2-12. Pending criminal proceedings.

17-2-1. County to county - Petition - Election - Ballots.

Whenever a majority of the legal voters of any county desire to have the territory included within the boundaries of such county annexed to an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county to be annexed, as well as the county legislative body of the county to which they desire to be annexed, which shall hereafter be referred to as the annexing county. Such petition must be presented before the first Monday in June of any year, and, if presented in a year during which a general election is held, the county legislative body must cause said proposition to be submitted to the legal voters of each of said counties at the ensuing general election. If the petition is presented during a year in which there is no general election, the county legislative body must call a special election to be held on the first Tuesday after the first Monday in November following the presentation of such petition, and must cause the proposition to be submitted to the legal voters of the respective counties on that day. Except as otherwise provided, such election shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state. The ballot to be used shall be:

For annexing _____ county to _____ county.

Against annexing _____ county to _____ county. 1993

17-2-2. Election returns transmitted to lieutenant governor.

As soon as the returns of the vote upon such proposition have been canvassed by the county boards of canvassers each county clerk must make a certified abstract thereof, seal up such abstract, endorse it "election returns," and without delay transmit it by registered mail to the lieutenant governor. 1984

17-2-3. Certification of election result to governor.

The certified abstract of such returns must be filed in the office of the lieutenant governor, and, if it appears therefrom that a majority of the voters in each of the counties have voted in favor of such annexation, the lieutenant governor must certify the result of such vote to the governor. 1984

17-2-4. When annexation effective - Governor's proclamation.

The governor must thereupon issue his proclamation, stating therein the result of the vote in each of said counties, and that the annexation of the one county to the other will take effect on the first Monday in January following. 1953

17-2-5. Conditions of annexation.

Whenever a majority of the legal voters of each of the counties to which the proposition is submitted vote in favor of annexing one county to another in the manner provided in this chapter such annexation shall be made under the following conditions:

(1) Such annexation shall be complete and take effect on the first Monday of January following the day of the election at which such proposition was submitted.

(2) All territory theretofore included within the boundaries of the county annexed shall become the territory of the annexing county.

(3) The precincts and school districts existing in the county annexed shall continue and become pre-

cincts and school districts in the annexing county and shall remain as then organized until changed in the manner provided by law, and the officers of such precincts and school districts shall hold their respective offices until the expiration of the terms thereof.

(4) All property, both real and personal, held and owned by the county annexed shall be vested in the annexing county.

(5) The terms of all county officers in the county annexed shall terminate and cease on the day the annexation takes effect, and it is made the duty of such officers to immediately deliver to the corresponding officers of the annexing county all books, records and papers of the annexed county.

(6) Any person who is confined under lawful commitment in the county jail of the county annexed, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of this state, shall be immediately delivered to the sheriff of the annexing county, and such person shall be confined in its county jail for the unexpired term of the sentence or held as specified in the commitment.

(7) All criminal proceedings pending in the county annexed shall be prosecuted to judgment and execution in the annexing county; all offenses theretofore committed in the county annexed which shall not have been prosecuted shall be prosecuted in the annexing county.

(8) All actions, proceedings and matters pending in the district court of the county annexed may be proceeded with in the district court of the annexing county.

(9) All indebtedness of the county annexed shall be transferred to and become the indebtedness of the annexing county with the same effect as if it had been incurred by such county. 1953

17-2-6. Annexation of portion of county to adjoining county - Petition - Election - Ballots.

(1) (a) Except as provided in Subsection (2), whenever a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county from which territory is to be taken, as well as the county legislative body of the county to which they desire to be annexed, which is referred to as the annexing county.

(b) Such petition must be presented before the first Monday in June of a year during which a general election is held, and the county legislative body must cause such proposition to be submitted to the legal voters residing in the county from which territory is to be taken as well as to the legal voters of the annexing county at the ensuing general election.

(2) (a) Notwithstanding Subsection (1), Subsection (2) applies to each petition seeking annexation of a contiguous portion of one county to an adjoining county if the area proposed for annexation is:

(i) located within an incorporated municipality that:

(A) extends into the annexing county; and

(B) is divided by a county line that was originally defined by a stream, river, or body of water; and

(ii) contiguous to the portion of the municipality located within the annexing county.

(b) A petition seeking annexation as provided in Subsection (2)(a) shall:

(i) contain the legal signatures of registered voters within the area proposed for annexation equal in number to over 50% of the votes cast at the preceding general election within that area; and

(ii) be filed with the legislative body of the annexing county before the first Monday in June of a year during which a regular general election is held.

(c) At the time of filing the petition, petitioners shall deliver a copy of it to the legislative body of the county in which the area proposed for annexation is located.

(d) The legislative body of the county in which the area proposed for annexation is located and the legislative body of the annexing county shall submit the question of annexation to the voters of the area proposed for annexation and the voters of the annexing county, respectively, at the next regular general election.

(e) If annexation occurs:

(i) the annexing county shall:

(A) pay all costs of the annexation election;

(B) with the cooperation and assistance of the legislative body and recorder's office of the county in which the annexed area was located before annexation, establish and implement a procedure for establishing in the recorder's office of the annexing county an appropriate record of the real property located in the annexed area; and

(C) pay all costs associated with the establishment and implementation of the procedure provided in Subsection (2)(e)(i)(B), including the reasonable costs incurred by the county in which the annexed area was located before annexation in fulfilling its duties under Subsection (2)(e)(ii)(A);

(ii) the legislative body and recorder's office of the county in which the annexed area was located before annexation:

(A) shall cooperate with and assist the annexing county in establishing and implementing the procedure as provided in Subsection (2)(e)(i)(B); and

(B) may not charge the annexing county, for documents or services the recorder's office provides the annexing county in implementing the procedure provided in Subsection (2)(e)(i)(B), more than the regular fee the recorder's office ordinarily charges the general public for similar documents or services;

(iii) as tax revenues are collected from the annexed area, the annexing county shall pay to the county in which the annexed area was located before annexation the amounts the latter would have received without annexation from tax revenues from the annexed area for the area's proportionate share of the liability for general obligation and revenue bonds issued before annexation by the county in which the annexed area was located before annexation; and

(iv) any petition filed within 20 years thereafter proposing annexation of the same area to the county in which the area was located before annexation is invalid.

(3) (a) Except as otherwise provided, the election provided in either Subsection (1) or (2) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(b) The ballot to be used shall be:

For annexing a portion of _____ county to _____ county.

Against annexing a portion of _____ county to _____ county.

1996

17-2-7. Election returns transmitted to lieutenant governor.

As soon as the returns of the vote upon the proposition under either Subsection 17-2-6 (1) or 17-2-6 (2) have been canvassed by the county boards of canvassers, each county clerk must make a certified abstract thereof, endorse it "election returns," and without delay transmit it by registered mail to the lieutenant governor. 1996

17-2-8. Certification of election result to governor.

(1) The certified abstract of such returns shall be filed in the office of the lieutenant governor.

(2) (a) In an election held under Subsection 17-2-6 (1), if it appears from the certified abstract that a majority of those voting in each county have voted in favor of such annexation, the lieutenant governor shall certify the result of such vote to the governor.

(b) In an election held under Subsection 17-2-6 (2), the lieutenant governor shall certify the result of that vote to the governor if it appears from the certified abstract that:

(i) a majority of those voting in the area proposed for annexation have voted in favor of annexation; and

(ii) a majority of those voting in the county to which the area is proposed to be annexed have voted in favor of annexation. 1996

17-2-9. When annexation effective - Governor's proclamation.

The governor must thereupon issue his proclamation, stating therein the result of the vote in each county, and that the annexation of such territory to the annexing county will take effect on the first Monday in January following. 1953

17-2-10. Territory becomes part of annexing county.

All the territory sought to be annexed shall become the territory of the annexing county. 1953

17-2-11. Effect on precincts and school districts - Assumption of indebtedness.

The precincts and school districts in the annexed territory shall continue, and shall become precincts and school districts in the annexing county and shall remain as then organized until changed in the manner provided by law, and the officers of such precincts and school districts shall hold their respective offices until the expiration of the terms thereof; provided, that whenever pursuant to the provisions of this chapter any precinct or school district shall be divided the same shall become disorganized, and the property and territory embraced therein shall be subject to the action of the county legislative body of the respective counties; provided further, that any bonded or other indebtedness of any such school district shall attach to, and become the obligation of, the district that shall be created out of the territory that shall retain the buildings and other property of the original district. 1993

17-2-12. Pending criminal proceedings.

All criminal proceedings and actions which shall be pending in the annexed territory shall be prosecuted to judgment and execution in such annexed territory as part of the annexing county. All offenses theretofore committed in the annexed territory which shall not have been prosecuted may be prosecuted to judgment and execution in such annexed territory or any part of the annexing county. 1953

Chapter 3. Creating New Counties.

17-3-1. By petition - Election - Ballots.

17-3-2. Election returns transmitted to lieutenant governor.

17-3-3. Certification of returns - Governor's proclamation of creation of new county - Name - Judicial district.

17-3-4. County seat, selection by election - First officers - Election.

17-3-5. Records to be transmitted - Expenses for transcribing and transfer.

17-3-1. By petition - Election - Ballots.

Whenever any number of the qualified electors of any portion of any county desire to have the territory within which they reside created into a new county they may petition therefor the county legislative body of the county in which they reside. Such petition must be signed by at least 1/4 of the qualified electors as shown by the registration list of the last preceding general election, residing in that portion of the county to be created into a new county, and by not less than 1/4 of the qualified electors residing in the remaining portion of said county. Such petition must be presented on or before the first Monday in May of any year, and shall propose the name and define the boundaries of such new county. The county legislative body must cause the proposition to be submitted to the legal voters residing in the county at a special election to be held in the month of July next following, first causing 30 days' notice of such election to be given in the manner provided by law for giving notice of general elections. Such election shall be held, the result thereof canvassed, and returns made under the provisions of the general election laws. The form of ballot to be used at such election shall be:

For the creation of (supplying the name proposed) county.

Against the creation of (supplying the name proposed) county. 1993

17-3-2. Election returns transmitted to lieutenant governor.

As soon as the returns of the vote upon such proposition have been canvassed by the county board of canvassers the county clerk must make a certified abstract thereof, seal up such abstract, endorse it "election returns," and without delay transmit it, together with a certified copy of the petition provided for in Section 17-3-1 by registered mail to the lieutenant governor. 1984

17-3-3. Certification of returns - Governor's proclamation of creation of new county - Name - Judicial district.

The certified abstract of such returns must be filed in the office of the lieutenant governor, who shall certify the result to the governor. If it appears that any proposition submitted to the electors as provided in this chapter has been carried in the affirmative by a majority vote of the qualified electors residing in that portion of the county proposed as a new county, and also by a majority vote of the qualified electors residing in the remaining portion of such county, the governor must issue his proclamation, stating therein the result of the vote in each division of said county, the name and boundaries of such new county, and the boundaries of the original county as changed by the creation of such new county, and that the creation of such new county will take effect on the first Monday in January fol-

lowing; and the same shall be a county of this state from and after 12:00 noon of said first Monday in the following January. The governor shall designate in said proclamation the name proposed in said petition as the name of such new county, and shall also state therein the judicial district to which such new county shall belong. 1984

17-3-4. County seat, selection by election - First officers - Election.

Whenever a new county shall have been created under the provisions of this chapter, the county legislative body of the county from which territory has been taken to create such new county shall provide for an election to select a county seat therefor and to elect officers for the new county; provided, that whenever the petitions provided for in this chapter shall be presented to any county legislative body during a year when no general election is held they shall call a special election to select a county seat and county officers for such new county, such election to be held on the first Tuesday after the first Monday of November following and to be conducted under the laws providing for general elections. The city or town receiving the largest number of votes therefor shall be the county seat of the new county. 1993

17-3-5. Records to be transmitted - Expenses for transcribing and transfer.

Whenever a new county shall have been created under the provisions of this chapter, the county executive of the county from which the new county has been taken shall furnish to the respective officers of the new county, in form and on suitable paper for binding into permanent records, certified copies of all such records or parts of such records and books as pertain to or affect the title of real or personal property in such new county; such copies to be complete up to twelve o'clock noon of the first Monday in January following the election for the creation of such new county; provided, that original records, books, maps or plats, whether filed or recorded, or filed papers which exclusively relate to or affect the title to land in such new county or which affect personal property owned by residents of such new county, as shown by the records pertaining thereto, shall be transferred to the custody of the proper officer of the new county, who shall give his receipt therefor; and where any record of any county from which such new county is taken has been compiled or arranged in such manner that it may be divided by segregating such instruments therein or pages thereof as to relate to or affect exclusively the title to lands in such new county or personal property owned by residents thereof, such record shall be so divided, and the separate parts of such divided or segregated records shall be the property of the counties to which they relate.

The records of all corporations whose principal place of business is situated in the new county, unless recorded in such a manner that the original record pertaining to any such corporation may, as herein provided, be delivered over to the new county, shall be copied and certified, and such certified copy of copies, together with all original documents, files and papers relating to such corporations shall be transmitted to the new county.

All recorded official bonds of officers within the new county in force at the time it is created, unless recorded in such manner that the original record thereof may be transferred, shall be copied, certified and transmitted to the new county, and all bonds of

local officers within the new county which are required by law to be filed only shall be transferred to the new county.

All official registers, books, papers and files of every description relating to or affecting elections, both general and local, which shall have been held in any district, precinct or other subdivision wholly within such new county, and certified copies of the last election proceedings had in any districts which are partly in the new county and partly in the old county shall be transmitted to the new county.

All records, maps, plats, files and papers relating to or affecting the creation, regulation and operation of irrigation, drainage and mosquito abatement districts which are wholly within the new county, and certified copies of such records, maps, plats, files and papers relating to and affecting the creation, regulation and operation of irrigation, drainage and mosquito abatement districts which are partly in the new and partly in the old county shall be transmitted to the new county.

All expenses lawfully incurred for transcribing and for the transfer of records provided for in this section shall be paid out of the general funds of the new county, and the expenses of any special election provided for in this chapter shall be paid one-half out of the general funds of the county from which territory is taken and one-half out of the general funds of the new county. 1993

Chapter 5. County Commissioners and Legislative Bodies.

Part 1. County Commission Form of Government.

Part 2. General Duties of County Legislative Bodies.

Part 1. County Commission Form of Government.

17-5-101. County commissioners - Number.

17-5-102. Eligibility - Election.

17-5-103. Term of office - Two vacancies in same election.

17-5-104. Vacancies on the County Commission.

17-5-101. County commissioners - Number.

Each county shall have a board of county commissioners consisting of three members. 1994

17-5-102. Eligibility - Election.

Each member of the board of county commissioners shall be an elector of the county which he represents and must have been such for at least one year immediately preceding his election, and he shall be elected by the qualified electors of the county at large. 1994

17-5-103. Term of office - Two vacancies in same election.

(1) County commissioners shall:

(a) be elected for a four-year term in each county at the general election before the expiration of the term of office of incumbents; and

(b) hold office for the term for which elected and until a successor is elected and has qualified.

(2) (a) Whenever two county commission positions are vacant for a general election, they are designated "county commissioner A" and "county commissioner B."

(b) At the time a candidate for the county commission files a declaration of candidacy for a county commission position when there are two positions vacant, he shall designate on the declaration of

candidacy form whether he is a candidate for county commissioner A or county commissioner B.

(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in one general election.

(3) County commissioners-elect shall take office on the first Monday in January following their election. 1994

17-5-104. Vacancies on the County Commission.

Commission vacancies shall be filled as provided in Section 20A-1-508 1994

Part 2. General Duties of County Legislative Bodies.

- 17-5-201. Chair - Oaths - Quorum.
- 17-5-202. Meetings - At county seat.
- 17-5-203. Special meetings - How called - Business limited.
- 17-5-204. Meetings to be public - Books and records.
- 17-5-205. Rules and regulations governing legislative body and transaction of business.
- 17-5-206. Moneys unlawfully paid - Recovery - Restraining payment.
- 17-5-207. Breach of duty by commissioners - Penalty.
- 17-5-208. County clerk is clerk of county legislative body - Chairman to sign minutes.
- 17-5-209. Clerk's duties.
- 17-5-210. Books to be kept.
- 17-5-211. Precincts and districts - County legislative bodies to create.
- 17-5-213. Powers of legislative body - Supervision of other officers.
- 17-5-214. Fees of county officers.
- 17-5-215. Examination and audit of accounts.
- 17-5-216. Vacancies in county offices - Vacancies in the office of county attorney.
- 17-5-217. Special funds.
- 17-5-218. Warrants - Authority to draw on treasurer.
- 17-5-219. Actions - Control and direction.
- 17-5-220. Seal for county clerk.
- 17-5-221. Seal for clerk of district court.
- 17-5-222. Business license fees and taxes - Application information to be transmitted to the county assessor.
- 17-5-223. Destruction of pests.
- 17-5-224. Dogs - Tax and regulation.
- 17-5-225. Protection of fish and game.
- 17-5-226. Working prisoners.
- 17-5-227. Inspecting and grading merchandise.
- 17-5-228. Commanding services of sheriff.
- 17-5-229. Police, building, and sanitary regulations.
- 17-5-230. Explosives.
- 17-5-231. Stationary engineers, examination and licensing - Boiler inspection.
- 17-5-232. County roads and airports - Acquisition and control - Retainage escrow.
- 17-5-233. Franchises - Granting - Terms and conditions.
- 17-5-234. Franchises for toll roads.
- 17-5-235. Franchises for ferries and bridges.
- 17-5-236. Regulation of use of roads.
- 17-5-237. Water and water rights - Acquisition and control - Retainage escrow.
- 17-5-238. Donations for county purposes.
- 17-5-239. Courthouse, jail, hospital, and other public buildings - Acquisition and control - Retainage escrow.
- 17-5-240. Rooms where building not available.
- 17-5-241. Insurance of buildings and furniture.
- 17-5-242. Acquisition, management, and disposal of property.
- 17-5-243. Provisions for general health - Creation of health department.
- 17-5-244. Omnibus authority.
- 17-5-245. Powers of cities and towns not affected.
- 17-5-246. Duties as board of equalization.
- 17-5-247. Taxation - Preliminary statements.
- 17-5-248. Taxation for general and local purposes.
- 17-5-249. Cemeteries and burials.

- 17-5-250. Burial of indigents.
- 17-5-251. Farm - Convalescent and nursing care facilities - Social services.
- 17-5-252. Transient indigents and insane persons.
- 17-5-253. Lawful settlement, how acquired.
- 17-5-254. Relief of sick persons.
- 17-5-255. Tax for care, relief, and burial of indigents.
- 17-5-256. Deposit of tax moneys.
- 17-5-257. County fire department.
- 17-5-258. Tax for exhibits encouraging trade.
- 17-5-259. County purchasing agent - Appointment - Compensation - Oath.
- 17-5-260. Powers and duties of purchasing agent.
- 17-5-261. Restriction of powers and duties.
- 17-5-262. Water survey - Cooperation with Utah Water Users' Association or subsidiary organization.
- 17-5-263. Ordinances - Power to enact - Penalty for violation.
- 17-5-264. Study and improvement of county government - Charges and expenses.
- 17-5-265. County resources - Power of county legislative bodies to provide for development.
- 17-5-266. Historic and cultural resource programs.
- 17-5-267. County resource development committee - Appointment of members - Terms - Compensation and expenses - Vacancies - Removal of members.
- 17-5-268. County resource development committee - Election of officers - Employment of executive director.
- 17-5-269. Functions of committee.
- 17-5-270. County resources - Power of county executives to contract with other authorities.
- 17-5-271. County resources - Expenditure of county funds authorized.
- 17-5-272. Rewards for information - Law enforcement - Protection of county property.
- 17-5-273. County may adopt Utah Procurement Code.
- 17-5-274. Contracting for management, maintenance, operation, or construction of jails.
- 17-5-275. Mental health and substance abuse services.

17-5-201. Chair - Oaths - Quorum.

Each county legislative body shall elect one of their number chair. The chair shall preside at all meetings of the county legislative body, and in case of his absence or inability to act the members present must, by an order entered in their minutes, select one of their number to act as chair temporarily. Any member of the county legislative body may administer oaths to any person when necessary in the performance of his official duties. Not less than two members shall constitute a quorum for the transaction of business, and no act of the county legislative body shall be valid or binding unless two members concur therein. 1994

17-5-202. Meetings - At county seat.

The county legislative body must provide by ordinance for the holding of regular meetings of the county legislative body at the county seat. 1994

17-5-203. Special meetings - How called - Business limited.

If at any time the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair thereof. The order must be signed by the members or chair calling such meeting and must be entered in the minutes of the legislative body. Five days' notice of such meeting must be given by the clerk to the members not joining in the order. The order must specify the business to be transacted at such meeting, and none other than that specified shall be transacted at such special meeting unless all the members are present and consent thereto. 1994

17-5-204. Meetings to be public - Books and records.

All meetings of the legislative body must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times during usual business hours for public inspection. 1994

17-5-205. Rules and regulations governing legislative body and transaction of business.

The county legislative body shall have power to make and enforce such rules and regulations for the government of itself, the preservation of order, and the transaction of business as may be necessary. 1994

17-5-206. Moneys unlawfully paid - Recovery - Restraining payment.

Whenever any county legislative body shall without authority of law order any money paid for any purpose and such money shall have been actually paid, or whenever any other county officer has drawn any warrant in his own favor or in favor of any other person without being authorized thereto by the county legislative body or by law and the same shall have been paid, the county attorney of such county shall institute suit in the name of the county against such person or such officer and his official bondsman to recover the money so paid, and when the money has not been paid on such order or warrants, the county attorney of such county upon receiving notice shall commence suit in the name of the county to restrain the payment of the same; no order of the county legislative body shall be necessary in order to maintain either of such actions. 1994

17-5-207. Breach of duty by commissioners - Penalty.

Any county commissioner who refuses or neglects to perform any duty imposed upon him without just cause therefor or willfully violates any law provided for his government as such officer, or who, as commissioner, willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law shall, in addition to the penalty provided in the penal code, forfeit to the county \$500 for every such act, to be recovered on his official bond, and shall be further liable on his official bond to any person injured thereby for all damages sustained. 1994

17-5-208. County clerk is clerk of county legislative body - Chairman to sign minutes.

The county clerk is the clerk of the county legislative body. The records and minutes of the county legislative body must be signed by the chairman and the clerk. 1994

17-5-209. Clerk's duties.

The clerk of the board must:

- (1) Record all its proceedings.
- (2) Make full entries of all its resolutions and decisions on all questions concerning the raising of money for, and the allowance of accounts against, the county.
- (3) Record the vote of each member on any question upon which there is a division.
- (4) Immediately after the adjournment of each meeting of the board prepare and certify duplicate lists of all claims passed upon by the board showing the amount and date of each claim or order and the date of the allowance or rejection thereof, which lists shall be countersigned by the chairman of the board; and thereafter the clerk shall deliver to and leave with the county auditor one of said lists and shall deliver to and leave with the county treasurer the other list.
- (5) File and preserve the reports of the county

officers to the board.

(6) Preserve and file all accounts acted upon by the board, except such as are necessarily kept by the auditor.

(7) Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

(8) Authenticate with his signature and the seal of the county clerk the proceedings of the board whenever the same shall be ordered published.

(9) Authenticate with his signature and the seal of the county clerk all ordinances or laws passed by the board, and record the same at length in the ordinance book.

(10) Record all orders levying taxes.

(11) Perform all other duties required by law or by any rule or order of the board. 1994

17-5-210. Books to be kept.

The board must cause to be kept:

(1) A minute book, in which must be recorded all orders and decisions made by the board and the daily proceedings had at all regular and special meetings.

(2) An allowance book, in which must be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year.

(3) A road book, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto.

(4) A franchise book, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid.

(5) An ordinance book, in which must be entered all ordinances or laws duly passed by the board.

(6) A warrant book, to be kept by the county auditor, in which must be entered in the order of drawing all warrants drawn on the treasurer, with their number and reference to the order on the minute book, with date, amount, on what account, and the name of the payee. 1994

17-5-211. Precincts and districts - County legislative bodies to create.

The county legislative bodies in the several counties have jurisdiction and power to divide the county into precincts and into road, sanitary, and other districts required by law, and may change the same and create others as convenience requires. 1994

17-5-213. Powers of legislative body - Supervision of other officers.

They may supervise the official conduct of all county officers and officers of all precincts, districts, and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary require them to renew their official bonds, make reports, and present their books and accounts for inspection. 1994

17-5-214. Fees of county officers.

(1) As used in this section, "county officer" means all of the county officers enumerated in Section 17-16-2 except county recorders, county constables, and county sheriffs.

(2) The county legislative body shall adopt an ordinance establishing the fees for services provided by each county officer.

(3) (a) Each county officer shall collect, in advance, for exclusive county use and benefit:

(i) all fees established by the county legislative body under this section; and

(ii) any other fees authorized or required by law.

(b) As long as the displaced homemaker program is authorized by Section 53A-15-204, the county clerk shall:

(i) assess \$20 in addition to whatever fee for a marriage license is established under authority of this section; and

(ii) transmit \$20 from each marriage license fee to the Division of Finance to be credited to the displaced homemaker program.

(c) As long as the Children's Legal Defense Account is authorized by Section 63-63a-8, the county clerk shall:

(i) assess \$10 in addition to whatever fee for a marriage license is established under authority of this section and in addition to the \$20 assessed for the displaced homemaker program; and

(ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit in the Children's Legal Defense Account.

(4) This section does not apply to any fees currently being assessed by the state but collected by county officers. 1994

17-5-215. Examination and audit of accounts.

They may examine and audit the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit. 1994

17-5-216. Vacancies in county offices -

Vacancies in the office of county attorney.

(1) Vacancies in county offices shall be filled as provided in Section 20A-1-508

(2) Vacancies in the office of county attorney shall be filled as provided in Section 20A-1-509 1994

17-5-217. Special funds.

They may establish a salary fund and such other county funds as the board may consider necessary for the proper transaction of the business of the county, and may transfer money from one fund to another as the public interest may require, except as otherwise specifically provided. 1994

17-5-218. Warrants - Authority to draw on treasurer.

They may settle and allow all accounts legally chargeable against the county, after the examination of the same by the county auditor, and order warrants to be drawn on the county treasurer therefor. 1994

17-5-219. Actions - Control and direction.

They may control and direct the prosecution and defense of all actions to which the county is a party, and when necessary may employ counsel to assist the county attorney in conducting the same or any other cases where the county attorney is authorized by law to act. 1994

17-5-220. Seal for county clerk.

They shall adopt a seal for the county clerk, the impression of which shall contain the words "State of Utah, County Clerk," together with the name of the county in which the same is to be used; an impression whereof must be filed in the office of the county clerk and with the Division of Archives. 1994

17-5-221. Seal for clerk of district court.

They shall provide a seal for the clerk of the district court of the county, the impression of which shall contain the words "District Court, State of

Utah," together with the name of the county; an impression whereof must be filed in the office of the county clerk and with the Division of Archives. 1994

17-5-222. Business license fees and taxes -

Application information to be transmitted to the county assessor.

(1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.

(2) The governing body of a county may license for the purpose of regulation and revenue any business within the unincorporated areas of the county.

(3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.

(4) The county shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.

(5) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Chapter 144, Laws of Utah 1988. 1994

17-5-223. Destruction of pests.

They may provide for the destruction of gophers, squirrels or other wild animals, birds, noxious weeds and insects injurious to fruit, fruit trees, vines, vegetables, or plant life. 1994

17-5-224. Dogs - Tax and regulation.

They may provide for the prevention of injuries to cattle or sheep by dogs, and may tax dogs and direct the application of the tax. 1994

17-5-225. Protection of fish and game.

They may make regulations for the protection of fish and game not in conflict with the laws of the state for the protection thereof. 1994

17-5-226. Working prisoners.

They may provide for the working of prisoners confined in the county jail under convictions for misdemeanors, under the direction of some responsible person, for the benefit of the county, upon public grounds, roads, streets, alleys, highways, or public buildings, when under such judgment of conviction or existing laws such prisoners are liable to labor. 1994

17-5-227. Inspecting and grading merchandise.

They may provide for the inspection, measurement, or grading of any merchandise, manufacture, or commodity and appoint the necessary officers therefor. 1994

17-5-228. Commanding services of sheriff.

They may direct the sheriff to serve notices, subpoenas, citations, or other process issued by the board, and to attend in person or by deputy all meetings of the board to preserve order. 1994

17-5-229. Police, building, and sanitary regulations.

They may make and enforce within the limits of the county, outside the limits of incorporated cities and towns, all such local, police, building, and sanitary regulations as are not in conflict with general laws. 1994

17-5-230. Explosives.

They may adopt such rules and regulations within the county, outside the limits of incorporated cities and towns, with regard to keeping and storing of every description of gunpowder or other combustible or explosive material as the safety and protection of the lives and property of individuals may require. 1994

17-5-231. Stationary engineers, examination and licensing - Boiler inspection.

They may provide for the examination, regulation, and licensing of stationary engineers, and of others having charge or control of stationary engines, boilers, or steam-generating apparatus within the county, outside the limits of incorporated cities. 1994

17-5-232. County roads and airports -**Acquisition and control - Retainage escrow.**

(1) They may contract for, purchase or otherwise acquire when necessary rights of way for county roads over private property, and may institute proceedings for acquiring such rights of way as provided by law, and lay out, construct, maintain, control and manage county roads, sidewalks, ferries and bridges within the county, outside of incorporated cities, may designate the county roads to be maintained by the county within or extending through any incorporated city or town, which in no case shall be more than three in the same direction, and may abolish or abandon such county roads as are unnecessary for the use of the public in the manner provided by law. They may also lay out, construct, maintain, control and manage landing fields and hangars for the use of airplanes or other vehicles for aerial travel anywhere within the county.

(2) If any payment on a contract with a private contractor to construct county roads, sidewalks, ferries, and bridges under this section is retained or withheld, it shall be placed in an interest bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the county executive. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis. 1994

17-5-233. Franchises - Granting - Terms and conditions.

They may grant franchises along and over the public roads and highways for all lawful purposes, upon such terms, conditions, and restrictions as in the judgment of the board may be necessary and proper, to be exercised in such manner as to present the least possible obstruction and inconvenience to the traveling public, but such permission shall not be for a longer period than 50 years. 1994

17-5-234. Franchises for toll roads.

They may grant, on such terms, conditions, and restrictions as in the judgment of the board may be necessary and proper, licenses and franchises for taking tolls on public roads or highways whenever in the judgment of the board the expense of operating or maintaining such roads or highways as free public highways is too great to justify the county in operating or maintaining them; provided, that it shall always be a condition attached to the granting of such licenses and franchises that such roads and highways shall be kept in reasonable repair by the persons to whom such licenses or franchises may be granted. 1994

17-5-235. Franchises for ferries and bridges.

They may grant licenses and franchises for constructing and keeping in repair roads, bridges, and ferries and for the taking of tolls thereon. All persons operating any toll boat or ferry for the transportation of persons, vehicles, or livestock across any stream, river, or body of water in this state shall obtain a franchise for the operation of

the same from the county executive of the county or counties in which such boat or ferry is operated. Whenever such boat or ferry is operated on a stream or body of water forming the boundary line between two adjoining counties, a franchise shall be obtained from the county executive of each of such counties. 1994

17-5-236. Regulation of use of roads.

They may enact ordinances and make regulations not in conflict with law for the control, construction, alteration, repair, and use of all public roads and highways in the county outside of incorporated cities. 1994

17-5-237. Water and water rights - Acquisition and control - Retainage escrow.

(1) They may purchase, receive by donation, or lease any real or personal property or water rights necessary for the use of the county; may purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and for other county purposes and may erect thereon pumping apparatus, tanks, and reservoirs for the obtaining and storage of water for such purposes; may preserve, take care of, manage, and control the same; may purchase, receive by donation, or lease any water rights or stock or rights in reservoirs or storage companies or associations for the use of citizens of the county; may construct dams and canals for the storage and distribution of such waters; and may fix the price for and sell such water, water rights, stock, or rights in reservoir or storage companies or associations, with the dams and canals, as are not required for public use to citizens of the county.

(2) If any payment on a contract with a private contractor to construct dams and canals under this section is retained or withheld, it shall be placed in an interest bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the county executive. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis. 1994

17-5-238. Donations for county purposes.

They may receive from the United States or other sources lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or for other specific purposes, may use the same therefor, and may provide for sale of the same and the application of the proceeds thereof. 1994

17-5-239. Courthouse, jail, hospital, and other public buildings - Acquisition and control - Retainage escrow.

(1) They may erect, repair or rebuild, and furnish a courthouse, jail, hospital, and such other public buildings as may be necessary, and join with cities and towns in the construction, ownership, and operation of hospitals.

(2) If any payment on a contract with a private contractor to erect, repair, or rebuild public buildings under this section is retained or withheld, it shall be placed in an interest-bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the county executive. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis. 1994

17-5-240. Rooms where building not available.

They may provide suitable rooms for county purposes when there are not suitable county buildings. 1994

17-5-241. Insurance of buildings and furniture.

They may insure the county buildings and furniture in the name of and for the benefit of the county. 1994

17-5-242. Acquisition, management, and disposal of property.

(1) The county may purchase, receive, hold, sell, lease, convey, or otherwise acquire and dispose of any real or personal property or any interest in such property that it determines to be in the public interest.

(2) Any property interest acquired by the county shall be held in the name of the county unless specifically otherwise provided by law.

(3) The county legislative body shall provide by ordinance, resolution, rule, or regulation for the manner in which property shall be acquired, managed, and disposed of. 1994

17-5-243. Provisions for general health - Creation of health department.

The board of health shall:

(1) make provisions for the preservation of health in the county and pay the related expenses; and

(2) in cooperation with municipalities in the county, create a local health department as provided in Title 26A, Chapter 1, Part 1. 1994

17-5-244. Omnibus authority.

They may do and perform all other acts and things required by law not in this title enumerated which may be necessary to the full discharge of the duties of the board. 1994

17-5-245. Powers of cities and towns not affected.

Nothing contained in this chapter is intended to diminish, impair, or in any wise affect the power conferred upon incorporated cities and towns. 1994

17-5-246. Duties as board of equalization.

They shall perform such duties as a county board of equalization as are or shall be provided by law. 1994

17-5-247. Taxation - Preliminary statements.

They shall have prepared by the auditor under their direction prior to the annual meeting for levying taxes a statement showing:

(1) The indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part thereof.

(2) A concise statement of all property owned by the county with an estimate of the value thereof and the amount of cash in the treasury and in its several funds. 1994

17-5-248. Taxation for general and local purposes.

They may levy taxes upon the taxable property within the county for all county purposes and may levy taxes upon the taxable property within any district for the construction and repair of roads and highways and for other district purposes; provided, that no district tax shall be levied until the proposition to levy the same has been submitted to a vote of such qualified electors of such districts as shall have paid a property tax therein in the year next preceding such election and a majority of those voting thereon shall have voted in favor of such tax. 1994

17-5-249. Cemeteries and burials.

They may purchase, hold, own, lay out, and

control graveyards or cemeteries, and regulate the burial of the dead; shall have police jurisdiction over such graveyards or cemeteries, may survey, map, plat, fence, ornament, and otherwise improve the same and convey cemetery lots therein, and may pass rules and ordinances for the protection and governing of such graveyards and cemeteries. 1994

17-5-250. Burial of indigents.

They shall also provide for the burial of the indigent dead or provide for other disposition of their bodies under such restrictions as may be considered advisable. 1994

17-5-251. Farm - Convalescent and nursing care facilities - Social services.

They may provide a farm in connection with the county hospital, infirmary, or other county facility, and convalescent and nursing care facilities. They may provide social services for county residents including aid and employment for the elderly, employment and temporary custody and counseling for youth, rehabilitation correction programs and other programs for the mental, social, and physical well-being of residents of the county. The several counties may accept grants-in-aid, financial assistance, donations, or gifts of any kind from any source including governmental entities. They may make necessary ordinances or rules and regulations for providing and governing the services, and may expend county funds to pay for the same.

Any of the foregoing facilities, programs, and activities may be made jointly or performed in cooperation with the state Department of Human Services, or any city, state, or federal agency as may be appropriate.

The foregoing grant of authority to county government shall not be construed to restrict or diminish the state's responsibility for social services as provided by law. 1994

17-5-252. Transient indigents and insane persons.

They may adopt such rules and regulations, by resolution, as may be necessary to regulate or prohibit the leaving by any person or common carrier within the limits of the county of any indigent, idiotic, or insane persons not having a lawful settlement in such county, or the leaving of the bodies of any such persons who may have died while traveling, unless such person or common carrier shall undertake to be responsible for the proper burial of such bodies or unless such deceased person at the time of his death had a lawful settlement in the county within which it is proposed to deliver his body. They may also regulate or prohibit the bringing into or leaving within the county of persons afflicted with or who have recently been exposed to any contagious disease. 1994

17-5-253. Lawful settlement, how acquired.

A lawful settlement as referred to in this chapter may be acquired in any county so as to oblige such county to relieve and support any indigent sick or dependent poor person acquiring settlement and needing care, maintenance or relief, attention of the county physician, or burial, as follows:

(1) Any adult person residing in this state who intends to make the state his residence and not here for temporary purpose, acquires a settlement in the county of his residence.

(2) A married woman has the settlement of her husband, if he has one in this state; if not, or if she lives apart from or is abandoned by him, she may acquire a settlement as if she were unmarried. Any

settlement which the wife had at the time of the marriage may at her election be resumed upon the death of her husband or if she is divorced or abandoned by him, if both settlements were in this state.

(3) Legitimate minor children take the settlement of the father, if there is one, if not, then that of the mother.

(4) Illegitimate minor children take the settlement of their mother, or, if she has none, then that of their putative father.

(5) Neither legitimate nor illegitimate children shall gain a settlement by birth in a county unless their parent or parents had settlement therein at the time.

(6) A minor without a settlement in this state, who intends to make the state his residence and not here for temporary purpose, acquires a settlement in the county of his residence.

(7) A legal settlement once acquired continues until lost by acquiring a new one or by absence for four months or more from the county in which such settlement has been made. Upon acquiring a new settlement all formerly acquired settlements shall be defeated and lost. 1994

17-5-254. Relief of sick persons.

It shall be the duty of the county executive, upon any complaint made to it that any person not an inhabitant of that county and not having a lawful settlement therein is lying sick or disabled therein, or is in distress without friends or money so that he or she is likely to suffer, to examine into the case of such person and grant such temporary relief as the nature of the case shall require. If any person not having a legal settlement in such county shall die within the county, and shall not leave money or other means to defray funeral expenses, it shall be the duty of the county to employ some person to provide for and superintend the burial of such deceased person, and the necessary and reasonable expenses thereof shall be paid upon the order of the county executive of such county in the same way that other claims against the county for the care, maintenance, and relief of the indigent sick or dependent poor persons are allowed and paid. 1994

17-5-255. Tax for care, relief, and burial of indigents.

The county legislative body may, if they consider it necessary and expedient so to do, annually at their session at which the annual tax levy for county purposes is fixed and levied, assess and levy a tax for the following purposes:

(1) the care, maintenance, and relief of the indigent sick or dependent poor persons having a lawful settlement in the county;

(2) the temporary relief of indigent persons not having a lawful settlement in the county temporarily residing therein, and for the burial of such indigent persons who shall die within the county;

(3) the erection and maintenance of hospitals, infirmaries, and farms in connection therewith;

(4) the employment of a superintendent for such county hospitals, infirmaries, and any other necessary help therein; and

(5) the salary of the county physician for attending the indigent sick or dependent poor and other duties as provided by law.

The taxes herein authorized shall be collected in the same manner as other county taxes are assessed, levied, and collected. 1994

17-5-256. Deposit of tax moneys.

All such taxes shall as rapidly as they are collected

be deposited into the county treasury. 1994

17-5-257. County fire department.

The board may provide for the organization and support of a fire department, procure fire apparatus and equipment for the prevention and extinguishment of fires and provide for the use and management of the same by voluntary or paid fire companies or otherwise. 1994

17-5-258. Tax for exhibits encouraging trade.

The boards may levy a special tax on the taxable property within their respective counties for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibit of the products and industries of the county at any domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state and for the purpose of maintaining, conducting, and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and making water surveys, collecting data relating to the supply, distribution and use of water or the necessity for drainage or other reclamation work and the compilation of data or information to encourage the conservation of water for the reclamation of lands within the county or counties of the state of Utah either by the county or through the instrumentality of a corporation not for pecuniary profit, organized for that purpose. 1994

17-5-259. County purchasing agent -

Appointment - Compensation - Oath.

The county executive, with the advice and consent of the county legislative body, in each county having a taxable value in excess of \$500,000,000 may appoint a county purchasing agent. The agent shall qualify by taking, subscribing, and filing the constitutional oath and giving bond to the county in a sum fixed by the county legislative body. 1994

17-5-260. Powers and duties of purchasing agent.

The county purchasing agent under the direction and supervision of the county executive shall:

(1) Negotiate for the purchase of or contract for all supplies and materials required by the county, and shall submit all contracts and purchases so negotiated to the county legislative body for approval and ratification.

(2) Keep an accurate and complete record of all purchases and a detailed disposition of the same, and shall whenever required by the county legislative body make a complete and detailed report to it of business transacted. 1994

17-5-261. Restriction of powers and duties.

The provisions of the next preceding section shall not apply to the duties concerning elections imposed on the county clerk or to the duties imposed on the sheriff under Section 17-22-8. 1994

17-5-262. Water surveys - Cooperation with Utah Water Users' Association or subsidiary organization.

The county legislative body of the several counties, or any of them jointly or separately, may cause water surveys to be made, collect data relating to the supply, distribution, and use of water or the necessity for drainage or other reclamation work and any information looking to the conservation of water or the reclamation of lands within the county or counties, and may compile and use or distribute such data or information in encouraging or aiding the conservation of water or the reclamation of lands within the county or counties. Money from the general fund of the county not exceeding \$5,000

in any one year may be expended to cover the expense thereof; provided, that if any county legislative body so determines, such water surveys may be made and such data compiled and distributed by the Utah Water Users' Association, a nonprofit corporation of the state of Utah, or any district or county subsidiary organization thereto; in which event the money appropriated for that purpose by such county legislative body shall be paid to the Utah Water Users' Association, a nonprofit corporation of the state of Utah, or any district or county subsidiary organization, for the benefit of the county making such payment. 1994

17-5-263. Ordinances - Power to enact - Penalty for violation.

The county legislative body may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county; and may enforce obedience to ordinances with fines or penalties as the legislative body considers proper, provided that the punishment of any offense shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine and imprisonment. The county legislative body may pass ordinances to control air pollution. 1994

17-5-264. Study and improvement of county government - Charges and expenses.

The several counties of the state of Utah are authorized and empowered, either singly or in association, to study the processes and methods of county government with a view to improvement and to cause to be assembled and presented to the legislature of the state of Utah or the Congress of the United States, or to or before the appropriate committees of either or both, such information and factual data with respect to the effect upon said counties, the taxpayers, and the people, of existing, pending or proposed legislation, as in the judgment of county executives and legislative bodies, will be in the interest of and beneficial to said counties, taxpayers, and people; and the charges and expenses incurred shall be proper claim against the funds of such counties, to be audited and paid as other county claims. 1994

17-5-265. County resources - Power of county legislative bodies to provide for development.

The county legislative bodies of the respective counties within the state are authorized and empowered to provide for the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources. 1994

17-5-266. Historic and cultural resource programs.

Historical and cultural resource programs may provide for the acquisition, compilation, preservation, publication, and dissemination of material and information which reflects the exploration, settlement, and growth of the counties, including all aspects connected with its historical, cultural, commercial, and political development. Such material and information may be maintained as public property and for public use. 1994

17-5-267. County resource development committee - Appointment of members - Terms

- Compensation and expenses - Vacancies - Removal of members.

The county executive, with the advice and consent of the county legislative body of any county within the state is hereby authorized and empowered to appoint by resolution an unpaid commission of three or more members, to be known as the county resource development committee. One or more members of the county legislative body shall be designated by the county executive as members of such committee. Each of the other members of the committee shall be a resident of the county. The term of appointed members of the committee shall be two years and until their respective successors have been appointed. The members of the committee shall serve as such without compensation, except that the county legislative body may provide for reimbursement of the members of the committee for actual expenses incurred, upon presentation of proper receipts and vouchers. The county legislative body shall provide by ordinance for the filling of vacancies in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct. 1994

17-5-268. County resource development committee - Election of officers - Employment of executive director.

The county resource development committee may elect such officers from its members as it may consider advisable and may, with the consent and approval of the county legislative body, employ an executive director for the committee. 1994

17-5-269. Functions of committee.

It shall be the function of the county resource development committee to assist in promoting the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources, and to make such recommendations to the county legislative body for resource development programs as it may consider advisable. 1994

17-5-270. County resources - Power of county executives to contract with other authorities.

The county executives may cooperate with and enter into contracts with municipalities, local communities, other counties, and the state, for the purpose of promoting the development of the economic, historical, and cultural resources of their respective counties. 1994

17-5-271. County resources - Expenditure of county funds authorized.

The county legislative body may expend county funds as are considered advisable to carry out the purposes of this act. 1994

17-5-272. Rewards for information - Law enforcement - Protection of county property.

(1) The county legislative body of each county may appropriate funds from the county treasury for the offering and payment of rewards for information which directly assists in the enforcement of law and protection of county property. The offering and payment of rewards shall be made under conditions and limitations as established by the county legislative body.

(2) With the prior approval of the county legislative body, any county officer or agency can offer rewards to the same extent and for the same purposes authorized by this section. 1994

17-5-273. County may adopt Utah Procurement Code.

The county legislative body of each county may adopt any or all of the provisions of the Utah Pro-

curement Code, Sections 63-56-1 et seq., or the rules and regulations promulgated pursuant thereto. 1994

17-5-274. Contracting for management, maintenance, operation, or construction of jails.

(1) (a) With the approval of the sheriff, the county executive may contract with private contractors for management, maintenance, operation, and construction of county jails.

(b) The county executive may include a provision in the contract that allows use of a building authority created under the provisions of Title 17A, Chapter 3, Part 9, to construct or acquire a jail facility.

(c) The county executive may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.

(2) If the county executive contracts only for the management, maintenance, or operation of a jail, the county executive shall include provisions in the contract that:

(a) require the private contractor to post a performance bond in the amount set by the county legislative body;

(b) establish training standards that must be met by jail personnel;

(c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;

(d) require the private contractor to indemnify the county for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the county;

(e) require the private contractor to show evidence of liability insurance protecting the county and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63, Chapter 30, Governmental Immunity Act;

(f) require the private contractor to:

(i) receive all prisoners committed to the jail by competent authority; and

(ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and

(g) prohibit the use of inmates by the private contractor for private business purposes of any kind.

(3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63, Chapter 30 may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter. 1994

17-5-275. Mental health and substance abuse services.

The county legislative body of each county shall provide mental health services in accordance with Title 62A, Chapter 12, and substance abuse services in accordance with Title 62A, Chapter 8. 1994

Chapter 9. Fire Protection Districts [Renumbered].

Chapter 10. Special Road District Tax [Renumbered].

Chapter 11. Removal of County Seats.

17-11-1. Election to determine.

17-11-2. Initiating petitions - Limitation.

17-11-1. Election to determine.

The county seats of the several counties of this state as now fixed by law are hereby recognized as such. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and two-thirds of the votes cast on the proposition shall be required to relocate a county seat. 1953

17-11-2. Initiating petitions - Limitation.

Whenever there shall be presented to the county legislative body of any county a petition signed by qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat, it shall be the duty of the county legislative body to submit the question of such removal at the next general election to the qualified electors of such county; and such election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof. A proposition of removal of the county seat shall not be submitted in the same county more than once in four years, or within four years from the time that any such proposition has been theretofore submitted. 1993

Chapter 12. Creating Bonded Indebtedness.

17-12-1. Authority and applicable procedure for issuance of bonds - Application of proceeds - Debt limit.

17-12-2. Bond elections - Consolidating voting districts and precincts - Voting places.

17-12-1. Authority and applicable procedure for issuance of bonds - Application of proceeds - Debt limit.

Except as otherwise provided under Section 17-4-4, the county legislative body may contract a bonded indebtedness in the manner and subject to the conditions provided under the Utah Municipal Bond Act. The revenue derived from the sale of bonds shall be applied only to the purpose or purposes specified in the order of the county legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no event may any county become so indebted to an amount, including existing indebtedness, exceeding 2% of the fair market value, as defined under Section 59-2-102, of the taxable property in the county as computed from the last equalized assessment roll for county purposes prior to the incurring of the indebtedness. 1994

17-12-2. Bond elections - Consolidating voting districts and precincts - Voting places.

The county legislative body may in any bond election consolidate voting districts and precincts and may select for the purposes of such election any voting places which it considers desirable, without

regard to regularly established voting precincts and the voting places therefor. 1993

Chapter 16. County Officers.

- 17-16-1. Eligibility and residency requirements for county, district, precinct, or prosecution district office.
- 17-16-2. County officers enumerated.
- 17-16-2.5. Creation of Office of District Attorney.
- 17-16-3. Consolidation of offices.
- 17-16-4. Election of officer to consolidated office.
- 17-16-6. County and precinct officers - Time of holding elections - County commissioners - Terms of office.
- 17-16-6.5. Campaign financial disclosure in county elections.
- 17-16-6.6. Election of district attorney.
- 17-16-6.7. Election of district attorney - Conditions precedent to filing of declaration of candidacy.
- 17-16-7. Deputies - Appointments - Liability of principal.
- 17-16-8. Powers, duties and liabilities of deputies.

17-16-1. Eligibility and residency requirements for county, district, precinct, or prosecution district office.

(1) A person filing a declaration of candidacy for a county, district, precinct, or prosecution district office shall have been a resident of the county, district, precinct, or prosecution district in which the person seeks office for at least one year immediately before the date of the election.

(2) Any person elected to a county, district, precinct, or prosecution district office shall be a registered voter in the county, district, precinct, or prosecution district in which he was elected.

(3) (a) A county, district, precinct, or prosecution district officer shall maintain residency within the county, district, precinct, or prosecution district in which he was elected during his term of office.

(b) If a county, district, precinct, or prosecution district officer establishes his principal place of residence as provided in Section 20A-2-105 outside the county, district, precinct, or prosecution district in which he was elected, the office is automatically vacant.

(4) If an elected county, district, precinct, or prosecution district officer is absent from the county, district, precinct, or prosecution district any time during his term of office for a continuous period of more than 60 days without the consent of the county legislative body or bodies, the county, district, precinct, or prosecution district office is automatically vacant.

(5) The residency requirement of this section is inapplicable to the appointment of a county attorney or district attorney under the conditions prescribed in Sections 17-5-216 20A-1-508 , and 20A-1-509 1994

17-16-2. County officers enumerated.

The officers of a county are: three county commissioners, a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, a county assessor, and any others provided by law; but in counties having a taxable value of less than \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation. 1993

17-16-2.5. Creation of Office of District Attorney.

For each prosecution district created pursuant to Section 17-18-1.9 , there is created the Office of

District Attorney.

1993

17-16-3. Consolidation of offices.

(1) The county legislative body may, unless prohibited by Subsection (2), pass an ordinance that:

(a) consolidates county offices and establishes the duties of those consolidated offices;

(b) separates any previously consolidated offices and reconsolidates them; or

(c) separates any previously consolidated offices without reconsolidating them.

(2) The county legislative body may not:

(a) consolidate the offices of county commissioner, county council member, or county treasurer with the office of county auditor;

(b) consolidate the office of county executive with the office of county auditor, unless a referendum approving that consolidation passes; or

(c) consolidate the offices of county commissioner, county council member, county executive, or county auditor with the office of county treasurer.

(3) The county legislative body shall ensure that any ordinance consolidating or separating county offices:

(a) is enacted before the February 1 of the year in which county officers are elected; and

(b) takes effect on the first Monday in January after the year in which county officers are elected.

(4) Each county legislative body shall:

(a) separate any county offices that are prohibited from consolidation by this section by March 1, 1994; and

(b) publish, by March 7, 1994, a notice once in a newspaper of general circulation in the county identifying the county offices that will be filled in the November, 1994 election. 1994

17-16-4. Election of officer to consolidated office.

When offices are united and consolidated but one person shall be elected to fill the offices so united and consolidated, and he must take the oath and give the bond required for, and discharge all the duties pertaining to, each. 1983

17-16-6. County and precinct officers - Time of holding elections - County commissioners - Terms of office.

(1) Each elected county and precinct officer shall be elected at the general election held in November, 1990, and then every four years, except as otherwise provided in this title.

(2) County commissioners shall be elected at the times, in the manner, and for the terms provided in Title 17, Chapter 5.

(3) An elected officer shall hold office for the term for which he is elected, beginning at noon on the first Monday in January following his election and until a successor is elected or appointed and qualified, except as provided in Section 17-16-1 1990

17-16-6.5. Campaign financial disclosure in county elections.

(1) (a) By January 1, 1996, each county shall adopt an ordinance establishing campaign finance disclosure requirements for candidates for county office.

(b) The ordinance shall include:

(i) a requirement that each candidate for county office report his itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;

(ii) a definition of "contribution" and "expenditure" that requires reporting of nonmon-

etary contributions such as in-kind contributions and contributions of tangible things; and

(iii) a requirement that the financial reports identify:

(A) for each contribution of more than \$50, the name of the donor of the contribution and the amount of the contribution; and

(B) for each expenditure, the name of the recipient and the amount of the expenditure.

(2) (a) Except as provided in Subsection (b), if any county fails to adopt a campaign finance disclosure ordinance by January 1, 1996, candidates for county office shall comply with the financial reporting requirements contained in Subsections (3) through (6).

(b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting the requirements of Subsection (1), that county need not comply with the requirements of Subsections (3) through (6).

(3) (a) Except as provided in Subsection (b), and if there is no county ordinance meeting the requirements of this section, each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor shall file a signed campaign financial statement with the county clerk:

(i) seven days before the date of the regular general election, reporting each contribution of more than \$50 and each expenditure as of ten days before the date of the regular general election; and

(ii) no later than 30 days after the date of the regular general election.

(b) Candidates for community council offices are exempt from the requirements of this section.

(4) (a) The statement filed seven days before the regular general election shall include:

(i) a list of each contribution of more than \$50 received by the candidate, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

(iii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

(b) The statement filed 30 days after the regular general election shall include:

(i) a list of each contribution of more than \$50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and

(iii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

(5) Candidates for elective office in any county who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

(6) Any person who fails to comply with this section is guilty of an infraction.

(7) Counties may, by ordinance, enact requirements that:

(a) require greater disclosure of campaign contributions and expenditures; and

(b) impose additional penalties.

1996

17-16-6.6. Election of district attorney.

(1) Each district attorney shall be elected at the general election beginning in November, 1994, or any general election year thereafter.

(2) A district attorney shall hold office for four years, the term for which he is elected, beginning the first Monday of January following his election and until a successor is elected or appointed and qualified. 1993

17-16-6.7. Election of district attorney -

Conditions precedent to filing of declaration of candidacy.

Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:

(1) a United States citizen;

(2) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;

(3) a registered voter in a county in the prosecution district in which he is seeking office; and

(4) a current resident of the prosecution district in which he is seeking office and has been a resident of that district for at least one year. 1993

17-16-7. Deputies - Appointments - Liability of principal.

(1) Every county or precinct officer, including any elected county executive, except a county commissioner or county council member, may with the consent of the county legislative body appoint deputies and assistants as necessary for the discharge of the duties of his office.

(2) The county legislative body shall provide the clerk of the district court in those counties where the county clerk performs court clerk functions, deputies and assistants for the business of the district courts as considered necessary and advisable by the judge or judges of the district court.

(3) The appointment of a deputy shall be made in writing and filed in the office of the county clerk. Until the appointment is made and filed, and the person has taken the oath of office as a deputy, he is not a deputy. An officer appointing a deputy is liable for all official acts of the deputy. 1996

17-16-8. Powers, duties and liabilities of deputies.

Whenever the official name of any principal officer is used in any law conferring powers or imposing duties or liabilities it includes deputies. 1953

Chapter 18. County Attorney.

17-18-1. Powers - Duties of county attorney - Prohibitions.

17-18-1.5. Powers - Duties of county attorney within a prosecution district - Prohibitions.

17-18-1.7. Powers - Duties of district attorney - Prohibitions.

17-18-1.9. Creation of prosecution district by ordinance or interlocal agreement.

17-18-2. Legal adviser to commissioners.

17-18-4. Qualification - Licensed to practice law.

17-18-5. Requirements of office.

17-18-1. Powers - Duties of county attorney - Prohibitions.

(1) In each county which is not within a prosecution district, the county attorney is a public prosecutor and shall:

(a) conduct on behalf of the state all prosecutions for public offenses committed within the county,

except for prosecutions undertaken by the city attorney under Section 10-3-928 and appeals from them;

(b) institute proceedings before the proper magistrate for the arrest of persons charged with or reasonably suspected of any public offense when in possession of information that the offense has been committed, and for that purpose shall attend court in person or by deputy in cases of arrests when required; and

(c) when it does not conflict with other official duties, attend to all legal business required in the county by the attorney general without charge when the interests of the state are involved. All the duties and powers of public prosecutor shall be assumed and discharged by the county attorney.

(2) The county attorney:

(a) shall appear and prosecute for the state in the district court of the county in all criminal prosecutions;

(b) may appear and prosecute in all civil cases in which the state may be interested; and

(c) shall render assistance as required by the attorney general in all cases that may be appealed to the Supreme Court and shall prosecute the appeal from any crime charged by the county attorney as a misdemeanor in the district court.

(3) The county attorney shall:

(a) attend the deliberations of the grand jury;

(b) draw all indictments and informations for offenses against the laws of this state within the county;

(c) cause all persons indicted or informed against to be speedily arraigned;

(d) cause all witnesses for the state to be subpoenaed to appear before the court or grand jury;

(e) examine carefully into the sufficiency of all appearance bonds that may be tendered to the district court of the county;

(f) upon the order of the court, institute proceedings in the name of the state for recovery upon the forfeiture of any appearance or other bonds running to the state and enforce the collection of them; and

(g) perform other duties as required by law.

(4) The county attorney shall:

(a) receive from the clerk of the district court a record of past-due fines, penalties, costs, and forfeitures and take action to collect the past-due amounts;

(b) at the close of every term of the district court prepare a statement of all fines, penalties, and forfeitures accruing to the state that have been collected or received by any officer required to collect or receive them, stating each case and the amount, and shall transmit the list to the state auditor; and

(c) proceed against any officer and sureties under this subsection for any neglect of duty.

(5) The county attorney shall:

(a) ascertain by all practicable means what estate or property within the county has escheated or reverted to the state;

(b) require the assessor of taxes of the county to furnish annually a list of all real or personal property that may have so escheated or reverted; and

(c) file a copy of the list in the office of the state auditor and of the attorney general.

(6) The county attorney shall:

(a) each year on the first business day of August file a report with the attorney general covering the preceding fiscal year, stating the number of criminal prosecutions in the district, the character of the offenses charged, the number of convictions, the

amount of fines and penalties imposed, and the amount collected; and

(b) call attention to any defect in the operation of the laws and suggest amendments to correct the defect.

(7) The county attorney shall:

(a) appear and prosecute for the state in the juvenile court of the county in any proceeding involving delinquency;

(b) represent the state in any proceeding pending before the juvenile court if any rights to the custody of any juvenile are asserted by any third person; and

(c) prosecute before the court any person charged with abuse, neglect, or contributing to the delinquency or dependency of a juvenile.

(8) The county attorney shall:

(a) defend all actions brought against the county;

(b) prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the county;

(c) give, when required and without fee, an opinion in writing to county, district, and precinct officers on matters relating to the duties of their respective offices;

(d) deliver receipts for money or property received in an official capacity and file duplicates with the county treasurer; and

(e) on the first Monday of each month file with the auditor an account verified by oath of all money received in an official capacity during the preceding month, and at the same time pay it over to the county treasurer.

(9) A county attorney may not:

(a) in any manner consult, advise, counsel, or defend within this state any person charged with any crime, misdemeanor, or breach of any penal statute or ordinance;

(b) be qualified to prosecute or dismiss in the name of the state any case in which the county attorney has previously acted as counsel for the accused on the pending charge; or

(c) in any case compromise any cause or enter a nolle prosequi after the filing of an indictment or information without the consent of the court.

(10) If at any time after investigation by the district judge involved, the judge finds and recommends that the county attorney in any county is unable to satisfactorily and adequately perform the duties in prosecuting a criminal case without additional legal assistance, the attorney general shall provide the additional assistance.

1995

17-18-1.5. Powers - Duties of county attorney within a prosecution district - Prohibitions.

(1) In each county which is within a state prosecution district, the county attorney is a public prosecutor only for the purpose of prosecuting violations of county ordinances or as otherwise provided by law and shall:

(a) conduct on behalf of the county all prosecutions for violations of county ordinances committed within the county;

(b) institute proceedings before the proper magistrate for the arrest of persons charged with or reasonably suspected of violations of county ordinances when in possession of information that the violation has been committed, and for that purpose shall attend court in person or by deputy in cases of arrests when required; and

(c) when it does not conflict with other official duties, attend to all legal business required in the county by the attorney general without charge when the interests of the state are involved.

(2) The county attorney:

(a) may appear and prosecute in all civil cases in which the state may be interested; and

(b) shall render assistance as required by the attorney general in all civil cases that may be appealed to the Supreme Court and shall prosecute the appeal from any violation of a county ordinance.

(3) The county attorney shall:

(a) draw all informations for violations of a county ordinance;

(b) cause all persons informed against to be speedily arraigned;

(c) cause all witnesses for the county to be subpoenaed to appear before the court;

(d) upon the order of the court, institute proceedings in the name of the county for recovery upon the forfeiture of any appearance or other bonds running to the county and enforce the collection of them; and

(e) perform other duties as required by law.

(4) The county attorney shall:

(a) receive from the clerk of the district court a record of past-due fines, penalties, costs, and forfeitures and take action to collect the past due amounts;

(b) at the close of every term of the district court prepare a statement of all fines, penalties, and forfeitures accruing to the state that have been collected or received by any officer required to collect or receive them, stating each case and the amount, and shall transmit the list to the state auditor; and

(c) proceed against any officer and sureties under this subsection for any neglect of duty.

(5) The county attorney shall:

(a) ascertain by all practicable means what estate or property within the county has escheated or reverted to the state;

(b) require the assessor of taxes of the county to furnish annually a list of all real or personal property that may have so escheated or reverted; and

(c) file a copy of the list in the office of the state auditor and of the attorney general.

(6) The county attorney shall:

(a) defend all actions brought against the county;

(b) prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the county;

(c) give, when required and without fee, an opinion in writing to county, district, precinct, and prosecution district officers on matters relating to the duties of their respective offices;

(d) deliver receipts for money or property received in an official capacity and file duplicates with the county treasurer; and

(e) on the first Monday of each month file with the auditor an account verified by oath of all money received in an official capacity during the preceding month, and at the same time pay it over to the county treasurer.

(7) A county attorney may not:

(a) in any manner consult, advise, counsel, or defend within this state any person charged with any crime, misdemeanor, or breach of any penal statute or ordinance;

(b) be qualified to prosecute or dismiss in the name of the county any case in which the county attorney has previously acted as counsel for the accused on the pending charge; or

(c) in any case compromise any cause or enter a nolle prosequi after the filing of an information without the consent of the court.

(8) The county attorney or his deputy may be

sworn as a deputy district attorney for the purpose of public convenience for a period of time and subject to limitations specified by the district attorney. 1993

17-18-1.7. Powers - Duties of district attorney

- Prohibitions.

(1) The district attorney is a public prosecutor and shall:

(a) prosecute in the name of the state all violations of criminal statutes of the state;

(b) be a full-time county officer;

(c) conduct on behalf of the state all prosecutions for public offenses committed within the county, except for prosecutions undertaken by the city attorney under Section 10-3-928 and appeals from them; and

(d) institute proceedings before the proper magistrate for the arrest of persons charged with or reasonably suspected of any violation of state law when in possession of information that the offense has been committed, and for that purpose shall attend court in person or by deputy in cases of arrests when required.

(2) The district attorney shall:

(a) appear and prosecute for the state in the district court all criminal actions for violation of state law;

(b) render assistance as required by the attorney general in all criminal matters or matters enumerated in Subsections (5) and (8) that may be appealed to the Court of Appeals or the Supreme Court and shall prosecute the appeal from any crime charged by the district attorney as a misdemeanor in the district court.

(3) The district attorney shall:

(a) attend the deliberations of the grand jury;

(b) draw all indictments and informations for offenses against the laws of this state within the county;

(c) cause all persons indicted or informed against to be speedily arraigned;

(d) cause all witnesses for the state to be subpoenaed to appear before the court or grand jury;

(e) examine carefully into the sufficiency of all appearance bonds that may be tendered to the district court of the county; and

(f) perform other duties as required by law.

(4) The district attorney shall:

(a) each year on the first business day of August file a report with the attorney general covering the preceding fiscal year, stating the number of criminal prosecutions in his office, the character of the offenses charged, the number of convictions, the amount of fines and penalties imposed, and the amount collected; and

(b) call attention to any defect in the operation of the laws and suggest amendments to correct the defect.

(5) The district attorney shall:

(a) appear and prosecute for the state in the juvenile court of the prosecution district in any proceeding involving delinquency;

(b) represent the state in any proceeding pending before the juvenile court if any rights to the custody of any juvenile are asserted by any third person; and

(c) prosecute before the court any person charged with abuse, neglect, or contributing to the delinquency or dependency of a juvenile.

(6) A district attorney may not:

(a) engage in private practice of law;

(b) engage in any occupation that may conflict with his duties as a district attorney;

(c) in any manner consult, advise, counsel, or defend within this state any person charged with any crime, misdemeanor, or breach of any penal statute or ordinance;

(d) be qualified to prosecute or dismiss in the name of the state any case in which the district attorney has previously acted as counsel for the accused on the pending charge; or

(e) in any case compromise any cause or enter a nolle prosequi after the filing of an indictment or information without the consent of the court.

(7) If at any time after investigation by the district judge involved, the judge finds and recommends that the district attorney in any prosecution district is unable to satisfactorily and adequately perform the duties in prosecuting a criminal case without additional legal assistance, the attorney general shall provide the additional assistance.

(8) The district attorney may act as counsel to any state or local government agency or entity regarding only the following matters of civil law:

(a) bail bond forfeiture actions;

(b) actions for the forfeiture of property or contraband because of misuse of the property or possession of the contraband in violation of criminal statutes of the state;

(c) civil actions incidental to or appropriate to supplement the district attorney's duties as state prosecuting attorney including injunction, habeas corpus, declaratory actions, and extraordinary writ actions, in which the interests of the state in any criminal prosecution or investigation may be affected; and

(d) any civil duties otherwise provided by statute.

(9) The district attorney or his deputy may be sworn as a deputy county attorney for the purpose of public convenience for a period of time and subject to limitations specified by the county attorney.

1995

17-18-1.9. Creation of prosecution district by ordinance or interlocal agreement.

(1) The county governing body may create a countywide state prosecution district by ordinance.

(2) (a) Two or more counties, whether or not contiguous, may unite to create and maintain a state prosecution district by interlocal agreement pursuant to Title 11, Chapter 13.

(b) At the time of the creation of the prosecution district, the participating counties shall be located within the same judicial district.

(3) The county governing body or bodies shall not dissolve a prosecution district during the term of office of an elected or appointed district attorney.

1993

17-18-2. Legal adviser to commissioners.

The county attorney is the legal adviser of the county. He must attend meetings of the county legislative body when required, and must oppose all claims and accounts against the county when he deems them unjust or illegal.

1993

17-18-4. Qualification - Licensed to practice law.

No person shall be elected to the office of, or serve as county attorney, without being duly licensed to practice law in the state of Utah.

1957

17-18-5. Requirements of office.

(1) Any person elected to the office of county attorney or district attorney shall be:

(a) a United States citizen;

(b) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;

(c) a registered voter in the county or prosecution district in which he is elected to the office; and

(d) a current resident of the county or prosecution district in which he was elected and has been a resident of that county for at least one year.

(2) Any person appointed to the office of county attorney or district attorney shall be:

(a) a United States citizen; and

(b) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar.

1993

Chapter 20. County Clerk.

17-20-5. Report of election and appointment of officers.

17-20-5. Report of election and appointment of officers.

Every county clerk shall within ten days after the issuance by him of any certificate of election of elective county officers, excepting justices of the peace and constables, and after the issuance by him of any certificate of appointment made to fill vacancies in elective county offices, excepting justices of the peace and constables, prepare and forward to the lieutenant governor a certified report on forms furnished by the lieutenant governor of every such certificate issued as aforesaid. Every such report shall show the name of the county, the name of the county office to which the person was elected or appointed, the date of the election or appointment of such person, the date of the expiration of the term for which the person was elected or appointed, the date of the certificate of election or appointment, and the date of the qualification of the person so elected or appointed.

1984

Chapter 23. County Surveyor.

17-23-1. Duties of county surveyor - Election requirements - Contract option.

17-23-2. Office supplies - Filing and indexing fees - Records remain public property.

17-23-3. Seal.

17-23-4. Duty respecting maps filed for record.

17-23-5. Maps for county or county officers.

17-23-7. Survey by direction of court - Compensation.

17-23-12. Additional powers.

17-23-13. Setting monuments.

17-23-14. Disturbed corners - County surveyor to be notified.

17-23-15. Removal, destruction, or defacement of monuments or corners as misdemeanor - Costs.

17-23-16. Resurveys.

17-23-17. Map of boundary survey - Procedure for filing - Contents - Marking of monuments - Record of corner changes.

17-23-17.5. Corner perpetuation and filing - Definitions - Establishment of corner file - Preservation of map records - Filing fees - Exemptions.

17-23-18. Amendment of survey maps or narratives by affidavit of corrections.

17-23-19. County permitted to establish Public Land Corner Preservation Fund - Use of fund - Fee schedule for filing maps.

17-23-1. Duties of county surveyor - Election requirements - Contract option.

(1) (a) The office of the county surveyor in each county shall be filled by election and except as provided in Subsection (b), the county surveyor shall be a registered professional land surveyor in the state.

(b) In a county where the office of county surv-

eyor is consolidated with another elected office, the officeholder need not be a registered professional land surveyor, but all surveying work must be performed by a registered professional land surveyor.

(c) In a county where there is no elected county surveyor, the county executive or legislative body may contract with a registered professional land surveyor to perform those duties.

(2) The county surveyor shall execute:

(a) all orders directed to the surveyor by any court; and

(b) all orders of survey required by the county executive or county legislative body.

(3) The surveyor of each county shall:

(a) advise the county executive and county legislative body regarding all surveying work;

(b) perform or arrange for the performance of all surveying work for the county;

(c) keep a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to Section 17-23-17.5

(d) number progressively all surveys received and state by whom and for whom the surveys were made;

(e) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county legislative body;

(f) ensure that all surveys of legal subdivisions of sections are made according to the current United States Manual of Surveying Instructions;

(g) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and

(h) perform other duties required by law.

(4) (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.

(b) The corners shall be reestablished in the manner provided in Section 17-23-13 for establishing corners.

(c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.

(d) Established or reestablished corners shall be recognized as the legal and permanent corners.

(5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work. 1996

17-23-2. Office supplies - Filing and indexing fees - Records remain public property.

(1) The county executive shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.

(2) The county legislative body, by ordinance or resolution, may establish the fee to be collected by the county surveyor for filing and indexing a map of a survey. Fees for filing of maps under Section 17-23-17 shall be governed by Section 17-23-19

(3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by the county

surveyor in his official capacity during his term of office, or by persons designated by him to do survey work on behalf of the county, or maps of a survey filed under Section 17-23-17, shall be the property of the county, open to the inspection of any person free of charge, and shall be delivered by the surveyor to his successor in office. In counties where there is no elected county surveyor, the county legislative body may designate another office within the county to act as a depository for all documents filed in compliance with this section. 1993

17-23-3. Seal.

The county surveyor shall have a seal, to be furnished by the county legislative body, the impression of which shall contain the following words: "State of Utah, County Surveyor," together with the name of the county in which the same is to be used. 1993

17-23-4. Duty respecting maps filed for record.

It shall be the duty of the county surveyor to copy or trace maps and plats filed for record in the office of the county recorder when requested by said recorder. 1961

17-23-5. Maps for county or county officers.

The county surveyor shall trace, blueprint, or otherwise make all maps necessary for the county or any county officer, when so requested, and the same shall be filed in his office, together with all data obtained by him from other sources; provided, that in counties where the salary of the county surveyor is not intended to cover the expenses of such work, the county executive may enter into a contract or other arrangement with the county surveyor, or another surveyor, or other person competent to make maps and plats for such mapping and platting as is required by law. 1993

17-23-7. Survey by direction of court - Compensation.

When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. The court order shall also provide for reasonable compensation for said services. 1961

17-23-12. Additional powers.

The county surveyor may:

(1) administer oaths or affirmations necessary to legally establish roads and other surveys; and

(2) take evidence from any person who may have information to prove any point material to a survey or whenever necessary in the discharge of his official duties. 1987

17-23-13. Setting monuments.

(1) (a) When establishing a section, quarter-section, or center corners, the county surveyor or his designee shall set a monument of durable quality.

(b) Wherever the nature of the ground will not allow the setting of a monument at the exact corner as described, then a witness monument shall be set.

(2) (a) Whenever possible, section corners and quarter-section corners shall be witnessed by at least four references of durable quality.

(b) All references shall be carefully described, and their bearings and distances noted in the report. 1987

17-23-14. Disturbed corners - County surveyor to be notified.

(1) Any person who finds it necessary to disturb any established corner in the improvement of a road, or for any other cause, or finds a monument which needs rehabilitation, shall notify the county surveyor.

(2) The county surveyor or his designee shall:

(a) reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:

(i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and

(ii) may be reasonably located at all times in the future; and

(b) record the proceedings in the record of permanent surveys. 1995

17-23-15. Removal, destruction, or defacement of monuments or corners as misdemeanor - Costs.

(1) No person shall willfully or negligently remove, destroy, or deface any government survey monument, corner, or witness corner that is recorded in the office of the county surveyor.

(2) Any person who violates this section is guilty of a class C misdemeanor and is additionally responsible for:

(a) the costs of any necessary legal action; and

(b) the costs of reestablishing the survey monument, corner, or witness corner. 1987

17-23-16. Resurveys.

In the resurvey of lands surveyed under the authority of the United States, the county surveyor or his designee shall observe the following rules:

(1) Section and quarter-section corners, and all other corners established by the government survey, shall stand as the true corner.

(2) Missing corners shall be reestablished at the point where existing evidence would indicate the original corner was located by the government survey.

(3) In all cases, missing corners must be reestablished with reference to the current United States Manual of Surveying Instructions. 1987

17-23-17. Map of boundary survey - Procedure for filing - Contents - Marking of monuments - Record of corner changes.

(1) (a) Any registered professional land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line on the ground by setting a monument or to obtain data for constructing a map or plat showing a monumented boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary monument or boundary line. Resurveys of filed surveys or subdivision lots are not required to be refilled if no monuments are set.

(b) The county surveyor or designated office shall file and index the map of the survey.

(c) The map shall be a public record in the office of the county surveyor or designated office.

(2) This type of map shall show:

(a) the location of survey by quarter section and township and range;

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;

(e) all measured bearings, angles, and distances separately indicated from those of record;

(f) a written boundary description of property surveyed;

(g) all monuments set and their relation to older

monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;

(i) the surveyor's seal or stamp; and

(j) the surveyor's business name and address.

(3) (a) The map shall contain a written narrative that explains and identifies:

(i) the purpose of the survey;

(ii) the basis on which the lines were established; and

(iii) the found monuments and deed elements that controlled the established or reestablished lines.

(b) If the narrative is a separate document, it shall contain:

(i) the location of the survey by quarter section and by township and range;

(ii) the date of the survey;

(iii) the surveyor's stamp or seal; and

(iv) the surveyor's business name and address.

(c) The map and narrative shall be referenced to each other if they are separate documents.

(4) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

(5) (a) Any monument set by a registered professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a registered land surveyor who is a public officer, it shall be marked with the official title of the office.

(6) (a) If, in the performance of a survey, the surveyor finds or makes any changes in the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the office of the county surveyor or designated office, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes needed to be made to any corner or accessories to the corner.

(b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.

(c) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any registered professional land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act.

(7) Any federal or state agency, board, or commission, special district, or municipal corporation that makes a survey of lands within this state shall comply with this section. 1995

17-23-17.5. Corner perpetuation and filing -

Definitions - Establishment of corner file -

Preservation of map records - Filing fees -

Exemptions.

(1) As used in this section:

(a) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(b) "Corner," unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of

these.

(c) "Geographic coordinates" means mathematical values that designate a position on the earth relative to a given reference system. Coordinates shall be established pursuant to Title 57, Chapter 10, Utah Coordinate System.

(d) "Land surveyor" means a surveyor who is registered to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act.

(e) "Monument" means an accessory that is presumed to occupy the exact position of a corner.

(f) "Property controlling corner" means a public land survey corner or any property corner which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.

(g) "Property corner" means a geographic point of known geographic coordinates on the surface of the earth, and is on, a part of, and controls a property line.

(h) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the land to a private person from the United States government.

(i) "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner.

(2) (a) Any land surveyor making a boundary survey of lands within this state and utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the county where the corner is situated, a written record to be known as a corner file for every public land survey corner and accessory to the corner which is used as control in any survey by the surveyor, unless the corner and its accessories are already a matter of record in the county.

(b) Where reasonably possible, the corner file shall include the geographic coordinates of the corner.

(c) A surveyor may file a corner record as to any property corner, reference monument, or accessory to a corner.

(d) Corner records may be filed concerning corners used before the effective date of this section.

(3) The county surveyor of the county containing the corners shall have on record as part of the official files maps of each township within the county, the bearings and lengths of the connecting lines to government corners, and government corners looked for and not found.

(4) The county surveyor shall make these records available for public inspection at the county facilities during normal business hours.

(5) Filing fees for corner records shall be established by the county executive or county legislative body consistent with existing fees for similar services. All corners, monuments, and their accessories used prior to the effective date of this section shall be accepted and filed with the county surveyor without requiring the payment of the fees.

(6) When a corner record of a public land survey corner is required to be filed under the provisions of this section and the monument needs to be reconstructed or rehabilitated, the land surveyor shall contact the county surveyor in accordance with Section 17-23-14

(7) A corner record may not be filed unless it is signed by a land surveyor.

(8) All filings relative to official cadastral surveys of the Bureau of Land Management of the United States of America performed by authorized personnel shall be exempt from filing fees. 1995

17-23-18. Amendment of survey maps or narratives by affidavit of corrections.

(1) Any survey map or narrative filed and recorded under the provisions of this chapter may be amended by an affidavit of corrections:

(a) to show any courses or distances omitted from the map or narrative;

(b) to correct an error in the description of the real property shown on the map or narrative; or

(c) to correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.

(2) (a) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the map or narrative.

(b) In the event of the death, disability, or retirement from practice of the surveyor who filed the map or narrative, the county surveyor or designated office may prepare the affidavit of correction.

(c) The affidavit shall set forth in detail the corrections made.

(d) The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

(3) The county surveyor or designated office having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.

(4) Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations. 1989

17-23-19. County permitted to establish Public Land Corner Preservation Fund - Use of fund - Fee schedule for filing maps.

(1) The county legislative body may establish by ordinance a fund to be known as the Public Land Corner Preservation Fund. Moneys generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, and Title 57, Chapter 10.

(2) The county legislative body may by ordinance establish a fee schedule for filing maps in the county surveyor's office of surveys filed under Section 17-23-17, subdivisions, road dedication plats, and other property plats. All moneys collected under this subsection shall be deposited with the county treasurer to be credited to the Public Land Corner Preservation Fund. 1993

Chapter 35. [Repealed]

Chapter 35a. Optional Plans for County Government.

17-35a-1. Legislative intent.

17-35a-2. Proceedings for adoption of optional plan - Initiation proceedings in general.

17-35a-3. Proceedings for adoption of optional plan - Initiation by county legislative body - Methods.

17-35a-4. Proceedings for adoption of optional plan - Initiation by citizens of county - Methods.

- 17-35a-5. Study commission - Appointment - Powers and duties - Meetings - Final report.
- 17-35a-6. Optional plan - Proceedings for election - Operation and effect of passage.
- 17-35a-7. Optional plan - Provisions to be included - Effect of adoption - Amendment of plan.
- 17-35a-8. Optional structural forms of government available for adoption.
- 17-35a-9. "General county (modified)" form of county government.
- 17-35a-10. "Urban county" form of county government.
- 17-35a-11. "Community council" form of county government.
- 17-35a-12. Optional forms of management arrangements.
- 17-35a-12.5. Consolidated city and county - Structural form.
- 17-35a-13. "County executive and chief administrative officer-council" form of management arrangement.
- 17-35a-14. "County executive-council" form of management arrangement.
- 17-35a-15. "Council-manager" form of management arrangement.
- 17-35a-15.5. "Council-county administrative officer" form of county government.
- 17-35a-16. Restricted taxing authority form of county government - Procedure for adoption.
- 17-35a-17. Validation of optional plans already adopted.

17-35a-1. Legislative intent.

The Legislature of the state of Utah hereby finds and determines that greater economy and efficiency in providing local governmental services can be achieved in certain counties of the state by modernizing the existing form of county government in these counties to conform more closely to the needs and desires of their citizens. In order to accomplish this purpose, optional plans of county government embodying specified forms of citizen representation, or specified forms for the organization, administration, and allocation of governmental powers, duties, functions and services, or both, may be proposed, approved, and placed in operation in counties wishing to do so. 1973

17-35a-2. Proceedings for adoption of optional plan - Initiation proceedings in general.

(1) Proceedings for the adoption of an optional plan of county government authorized by this act may be initiated in accordance with any one of the alternative methods provided in this act. When a proceeding has been initiated, no other proceeding may thereafter be initiated except by petition unless the first proceeding:

- (a) has been concluded by a negative vote of the county legislative body;
- (b) has been concluded by either an affirmative or negative vote of the electors; or
- (c) has been pending for at least two years since its initiation.

(2) Whenever the voters of any county shall have adopted an optional plan of government pursuant to this act, no subsequent proposal leading to possible adoption of a different plan may be initiated until at least six years shall have elapsed after the date of the election at which such plan was adopted.

(3) "Initiation," within the meaning of this section, occurs when the county legislative body duly adopts a resolution commencing proceedings under Section 17-35a-3, or when a petition, signed by the requisite number of qualified voters, is filed with the county clerk under Section 17-35a-4 1993

17-35a-3. Proceedings for adoption of optional plan - Initiation by county legislative body -

Methods.

The county legislative body may initiate proceedings for adoption of an optional plan of county government by one of the following methods:

(1) Adopting a resolution of intent to approve an optional plan described in the resolution, fixing the time and place for holding a public hearing or series of public hearings thereon commencing not less than 90 days after the adoption of the resolution, and providing for the giving of a reasonable notice of such hearing or hearings. The optional plan proposal need not be set forth in full in the resolution or in any published or posted notices concerning it if at least three full and complete copies are made available for public inspection and copying in the office of the county clerk, and reference to it is made in the resolution and in all notices of the hearing or hearings. After the conclusion of the last of the hearings, and within six months after the adoption of the resolution, of intent, the county legislative body may by final resolution approve the optional plan, amend the optional plan and approve it as amended, or reject it.

(2) Adopting a resolution submitting to the voters of the county, not less than 90 days after the date of the resolution, at a general or special election to be designated by the county legislative body the question: "Shall a study commission be established to study the present form of government in _____ county, and to consider and make recommendations respecting the adoption of an optional plan of county government?" The resolution shall specify the total membership of the proposed study commission at not less than seven nor more than eleven persons and shall designate whether the members are to be elected or appointed if the question receives an affirmative vote. If the resolution provides that the members are to be elected, it shall also provide procedures for nonpartisan nomination and election of the members at the same election at which the question of the establishment of the study commission is submitted to the voters. If the resolution provides that the members are to be appointed, the appointing process shall be governed by Subsection 17-35a-5 (2).

(3) Adopting a resolution establishing a study commission with an appointed membership to study the present form of government in the county, specifying the total membership of the commission at not less than seven nor more than 11 persons, and providing for the appointment of the membership of the commission in the manner provided by Subsection 17-35a-5 (2). 1993

17-35a-4. Proceedings for adoption of optional plan - Initiation by citizens of county - Methods.

The citizens of a county may initiate proceedings for the adoption of an optional plan of county government by one of the following methods:

(1) Filing with the county clerk a petition bearing signatures of registered voters, equal to or exceeding in number 15% of the total number of votes cast in the county at the next preceding gubernatorial election, calling upon the county legislative body to submit to the voters of the county the question of adoption of an optional plan of county government described in, or annexed to, the petition. The full and complete text of the proposed optional plan is not required to be included in, or to be annexed to, the petition at the time of its circulation to or signature by the voters, if it and each of its parts contains a general description of the proposed optional

plan, and makes reference to full and complete copies of it, not less than three in number, which prior to circulation of the petition shall have been filed and made available for public inspection in the office of the county clerk.

Within 30 days after the date of filing of the petition, the clerk shall report to the county legislative body whether it is signed by a sufficient number of qualified voters. If the clerk reports that the petition is insufficient, the governing body shall publicly so declare, and the asserted insufficiencies may thereafter be cured by filing an amended or supplementary petition within 20 days after the date of such declaration of insufficiency. When the clerk reports to the governing body that a sufficient petition, as amended or supplemented, is on file, the petition shall be deemed to be a final proposal, and the governing body shall, within 30 days thereafter, take action with respect to the proposed optional plan, without change in it, pursuant to Section 17-35a-6

(2) (a) Filing with the county clerk a petition bearing the signatures of registered voters equal to or exceeding in number 10% of the total number of votes cast in the county in the next preceding gubernatorial election, calling upon the county legislative body either:

(i) to adopt a resolution, after public hearing or hearings, establishing a study commission of not less than seven nor more than eleven members and causing its members to be appointed pursuant to Subsection 17-35a-5 (2); or

(ii) to submit to the voters of the county at either a general or special election to be designated by the governing body, but not later than the next general election held more than 90 days after the filing of the petition, the question: "Shall a study commission be established to study the present form of government in _____ county, and to consider and make recommendations respecting the adoption of an optional plan of county government?"

(b) Within 30 days after the date of the filing of the petition, the county clerk shall report to the county legislative body whether the petition is signed by a sufficient number of qualified voters. If the clerk reports that the petition is insufficient, the governing body shall publicly so declare, and the insufficiencies may thereafter be cured by the filing of amended or supplementary petitions within twenty days after the date of the declaration of insufficiency. When the clerk reports to the governing body that a sufficient petition, as amended or supplemented, is on file, it shall provide by resolution for the holding of one or more duly noticed public hearings upon the petition within 90 days after the date of filing of the petition, or of the last amended or supplemental petition, as the case may be.

(c) At the conclusion of the last hearing on the petition, the governing body shall either:

(i) adopt a resolution establishing the study commission, as proposed in the petition, and convening within ten days thereafter a meeting of the committee of appointment pursuant to Subsection 17-35a-5 (2); or

(ii) adopt a resolution in conformity with Subsection 17-35a-3 (2) submitting to the voters of the county the question specified in the petition. 1993

17-35a-5. Study commission - Appointment -

Powers and duties - Meetings - Final report.

(1) If a majority of the votes cast on the question of the establishment of a study commission with an

election membership, as duly submitted to the voters pursuant to Subsection 17-35a-3 (2) or Subsection 17-35a-4 (2), are in the affirmative, the county legislative body shall proceed immediately to organize the study commission and convene the first meeting of its elected members within 30 days after the election.

(2) (a) If a resolution by the governing body provides for the establishment of a study commission pursuant to Subsection 17-35a-3 (3) or Subsection 17-35a-4 (2)(c), or if a majority of the votes cast on the question of the establishment of a study commission with an appointed membership, duly submitted to the voters pursuant to Subsection 17-35a-3 (2) or Subsection 17-35a-4 (2), are in the affirmative, the county legislative body shall, within ten days after the election, convene a meeting of a committee of appointment composed of:

(i) the governor, or his designee;

(ii) the speaker of the House of Representatives, or his designee;

(iii) the president of the Senate, or his designee;

(iv) a resident of the county designated by the county legislative body;

(v) a resident of the county designated by majority vote of the mayors and town presidents of all cities and towns in the county; and

(vi) four other residents of the county designated by majority vote of the first five.

(b) The committee of appointment shall, within ten days after its initial meeting, appoint the members of a broadly representative study commission, each of whom must be a qualified elector of the county not then holding any public office or employment other than membership on the committee of appointment, and shall convene the first meeting of the study commission within 50 days after the date of the election.

(3) It shall be the duty of the study commission to study the form of government of and existing procedures for delivery of local governmental services within the county and compare them with other forms available under the laws of the state of Utah to determine whether in its judgment the administration of local government within the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency, by a change in the form of such government.

(4) The study commission shall have the power to adopt rules for its own organization and procedure, and to fill vacancies in its membership. It may establish advisory boards and committees, including on them persons who are not members of the study commission which it deems to be conducive to the discharge of its duties and may request the assistance and advice of any officers or employees of any agency of state or local government. Members of the commission shall serve without compensation but shall be reimbursed by the county for necessary expenses incurred in the performance of their duties. The county legislative body shall provide suitable meeting facilities, necessary secretarial, printing or photo-reproduction services, clerical and staff assistance, and reasonably adequate funds for the employment of independent legal counsel and professional consultants by the commission.

(5) All meetings of the commission shall be open to the public. The commission shall hold public hearings and community forums and may use other suitable means to disseminate information and stimulate public discussion of its purposes, progress,

and conclusions. It shall report its findings and recommendations not later than one year after the date of its first organizational meeting by filing a final report in written form with the governing body.

(6) The study commission shall include in its final report: (a) a recommendation as to whether the form of government of the county should be changed to an optional form authorized by law; (b) if an optional form is recommended, a complete detailed draft of the proposed plan including all necessary implementing provisions authorized by law; and (c) any additional recommendations the commission deems appropriate to improve the efficient and economical administration of local government within the county.

(7) The study commission may make alterations in its final report, following public hearings, up to 120 days prior to the election, but shall make no alterations which would lead to adoption of an optional form different from that proposed in the final report. The commission shall be discharged 90 days prior to the election. 1993

17-35a-6. Optional plan - Proceedings for election - Operation and effect of passage.

(1) (a) Whenever an optional plan of county government has been finally proposed by any one of the methods provided in Section 17-35a-3 17-35a-4 , or 17-35a-5 , the county legislative body shall:

(i) cause the proposed optional plan of government to be submitted to the voters of the county for their approval or rejection at the next general election, or at a special election, to be held not less than three nor more than 18 months thereafter;

(ii) cause the complete text of the proposed optional plan to be published in a newspaper of general circulation within the county, at least once during two different calendar weeks within the 30-day period immediately preceding the date of the election; and

(iii) cause the complete text of the optional plan, together with the rest of the report of the study commission, if any, to be printed and made available to the public at cost, not later than 30 days prior to the election, in sufficient number to equal at least 1% of the number of voters in the county who were registered to vote at the next preceding gubernatorial election.

(b) The question to the ballot at the election shall be framed in a manner which fairly and adequately describes the substance of the proposed plan.

(2) (a) If the proposed optional plan is approved by a majority of the votes cast at the election upon the question of its adoption, the plan is effective according to its own terms and provisions and at the time specified in it.

(b) All public officers and employees shall cooperate fully in making the transition between forms of county government.

(c) The county legislative body may enact and enforce necessary ordinances to bring about an orderly transition to the new plan of government, including any transfers of powers, records, documents, properties, assets, funds, liabilities, or personnel which are consistent with the approved optional plan and necessary or convenient to place it into full effect.

(3) (a) When a proposed optional plan has been approved by the voters, the county clerk shall immediately file a copy of the plan, duly certified by him to be a true and correct copy, with the lieutenant

governor.

(b) The approved plan is then the organic act for the government of the county, is a public record open to inspection of the public, and is judicially noticeable by all courts. 1993

17-35a-7. Optional plan - Provisions to be included - Effect of adoption - Amendment of plan.

(1) An optional plan may include, and shall be in conformity with:

(a) one of the optional forms of structural arrangements provided in Section 17-35a-8 , joined with one of the optional forms of management arrangements provided in Section 17-35a-12

(b) the structural arrangements for county government that are provided by Title 17, or other general laws applicable to county government, joined with one of the optional forms of management arrangements provided in Section 17-35a-12

(c) one of the optional forms of structural arrangements provided in Section 17-35a-8 , joined with the management arrangement for county government provided by Title 17, or other general laws applicable to county government; or

(d) both the structural and management arrangements for county government provided by Title 17, or other general laws applicable to county government, without the inclusion of any optional form specified in Section 17-35a-8 or 17-35a-12

(2) An optional plan submitted to the voters pursuant to Section 17-35a-6 may include additional detailed provisions authorized by or consistent with, but not included in, Sections 17-35a-8 through 17-35a-15 that the sponsors of the proposal consider necessary to the effective operation of the proposed optional plan.

(3) Detailed provisions relating to the transition from the existing form of county government to the form contemplated in the proposed optional plan shall be included in the plan submitted to the voters including provisions relating to the:

(a) election of new officers;

(b) continuity of existing offices and officers;

(c) continuity of existing ordinances and regulations;

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

(e) making of interim and temporary appointments; and

(f) preparation, approval, and adjustment of necessary budget appropriations.

(4) Adoption of a plan for an optional form of county government does not alter or affect the boundaries, organization, powers, duties, or functions of any school district, or of any justice court within the county, as they exist upon the effective date of the plan.

(5) (a) An optional plan that has been approved by the voters and has taken effect may be amended by the county legislative body, established as provided in the plan, by a two-thirds vote of all its members.

(b) An amendment adopted by that body, which is contrary to a specific requirement of this chapter that is applicable to the plan, is not effective unless submitted to and approved by a majority of the voters casting a vote on the question at a general or special election. 1996

17-35a-8. Optional structural forms of government available for adoption.

Optional structural forms of county government,

available for adoption by the voters of a county, include: the general county (modified) form; the urban county form; the community council form; and the consolidated city and county form. 1977

17-35a-9. "General county (modified)" form of county government.

(1) The structural form of county government known as the "general county (modified)" form retains, without change or modification, except to the extent that changes or modifications may be effectuated under other proceedings authorized by law, all existing incorporated cities and towns, special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county. Under this form of government, the county remains vested with all powers and duties vested in counties by general law, but the county legislative body, together with such other officers as may be specified in the optional plan, shall be elected or appointed in the manner authorized by this act and as provided in the optional plan.

(2) An optional plan for this form of county government shall provide for the election of a county council, composed of not less than three members, which shall be the county legislative body and shall exercise all legislative powers authorized by law. The plan shall specify:

(a) whether the members of the council are to be elected from districts, at large, or by a combination of district and at-large constituencies;

(b) their qualifications and terms of office, and whether such terms are concurrent or overlapping;

(c) grounds for and methods of removal of council members from office;

(d) procedures for filling vacancies on the council, provided that the procedures shall conform with Sections 17-5-104 and 20A-1-508; and

(e) the compensation, if any, of council members together with procedures for prescribing and changing such compensation from time to time. 1994

17-35a-10. "Urban county" form of county government.

(1) The structural form of county government known as the "urban county" form retains, without change or modification, except to the extent that changes or modifications may be effectuated under other proceedings authorized by law, all existing incorporated cities and towns, special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county. Under this form of government, the county remains vested with all powers and duties vested in counties by general law, but in addition is vested with and empowered to exercise within the unincorporated territory of the county all powers and duties which, by general law, are conferred upon cities whose population is equal to that of the unincorporated territory of such county.

(2) The urban county is empowered to enter into contractual arrangements for the joint exercise of powers or for performance of services and, for that purpose, may employ and be subject to the provisions of Title 11, Chapter 13, Interlocal Cooperation Act. By contract, the urban county may perform for any city, town, special taxing district, public authority, county service area, or other local public entity within the county any governmental service or function which such entity is lawfully empowered to perform for itself within its own territory, or which the county is lawfully empowered to perform any-

where within the county boundaries. No contract service or function shall be performed by the county except for a consideration which is at least substantially equal to the cost of performing it.

(3) The plan for an urban county form of county government may provide for organization of the unincorporated territory of the county into one or more county service areas and, for this purpose, may provide for special organizing or implementing procedures which differ from those provided in Title 17A, Chapter 2, Part 4, County Service Areas. Except to the extent that the plan provides to the contrary, all noncontract services and functions lawfully performed by the county solely within unincorporated territory and not on a county-wide basis shall, after the effective date of the plan, be considered performed and extended solely as services of, and financed by and through, the county service area. The plan may provide for, limit, or condition the services and functions which the urban county is authorized to perform and extend within the territory of incorporated cities and towns within the county and may provide procedures by which such provisions, limits, or conditions may be established and changed from time to time.

(4) The plan for the urban county shall provide for the election of a county council, composed of not less than three members. The council shall be the county legislative body and shall exercise all legislative powers authorized by law. The plan shall specify:

(a) whether the members of the council are to be elected from districts, at large, or by a combination of district and at-large constituencies;

(b) their qualifications and terms of office, and whether such terms are concurrent or overlapping;

(c) grounds for and methods for removal of council members from office;

(d) procedures for filling vacancies on the council, provided that the procedures shall conform with Sections 17-5-104 and 20A-1-508; and

(e) the compensation, if any, of council members together with procedures for prescribing and changing such compensation from time to time. 1994

17-35a-11. "Community council" form of county government.

(1) The structural form of county government known as the "community council" form unites in a single consolidated city and county government the powers, duties, and functions which, immediately prior to its effective date, are vested in the county, the largest city in the county, such other cities and towns as elect to merge in it, and all special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county, except school districts. The consolidated government shall have power to extend on a county-wide basis any governmental service or function which is authorized by law or which the previous county, cities, and other local public agencies included therein were empowered to provide for their residents, but no such service shall be provided within an incorporated municipality which continues to provide that service for its own inhabitants, except upon a contract basis for the municipality, and no taxes, assessments, fees, or other charges shall be extended or collected within the municipality for the purpose of financing any service which is not provided by the consolidated government within the municipality. "Largest city," as used in this section, means a city or cities the population of which, as shown by the

most recent decennial or special census, exceeds 35% of the total county population.

(2) The incorporated cities and towns, other than the largest city, in the county shall retain independent corporate existence and shall continue to provide local services to their inhabitants of the type and to the extent provided in the plan, but any such city or town, by majority vote of its qualified voters, cast either concurrently with the election at which the plan is approved or subsequently to it, as provided by the governing body of the city or town, may cause the city or town to be dissolved and its powers, duties, and functions vested in the county-wide government.

(3) The county legislative body of the county-wide government shall be a council composed of not less than five persons as specified in the plan, elected respectively from communities, which collectively include all of the territory within the county, having boundaries described in the plan embracing substantially equal populations. In addition to other powers vested in the county-wide government by law or pursuant to this act, the county council shall have all of the legislative and policy-making powers which it is possible for the governing body of a county or a city to possess and which are not expressly denied by the constitution, by a general law applicable to all cities or all counties, or by a specific restriction in the plan itself.

(4) The voters of each community shall elect a community council composed of the community's elected member of the county council, who shall be chairman of the community council, and not less than two nor more than four additional members elected either from districts of substantially equal population within the community, or at large therein, as may be provided in the plan. A community council shall have the power and duty, in conformity with guidelines prescribed by the county council, to adopt policies and formulate specific programs relating to and defining the kinds and levels of local governmental services necessary to satisfy the needs and desires of the citizens within the community, but a community council shall have no power to engage personnel or to acquire facilities, property, or equipment for the administration or performance of such services. Authorized programs for local governmental services which have been approved by a community council shall be submitted to the county council for implementation and shall be carried into effect by the county council and county executive unless, by a vote of not less than three-fourths of its entire membership, the county council determines that a particular program, in whole or in part, should be rejected as contrary to the general welfare of the county. A community council program for local governmental services within a community: (a) shall include a method or methods for financing such services; (b) may provide for supplying of such services by contract or by joint or co-operative action pursuant to the Interlocal Co-operation Act, Title 11, Chapter 13, in which case the community council shall be deemed a "public agency" within the meaning of said act; and (c) may provide for supplying of such services through the creation of county service areas pursuant to Title 17A, Chapter 2, Part 4, County Service Area Act.

(5) Notwithstanding Subsection (4) of this section, in any community which includes, in whole or in part, the territory of any incorporated city or town, no community council program for local govern-

ment services above the minimum level of area-wide services provided county-wide shall be submitted to the county council for implementation unless it first is submitted to the governing body of each such city or town for review. Within 30 days after such submission, the governing body of the city or town (a) may file with the community council a written statement of its comments, suggestions, and recommendations relating to the program, and the community council shall give due consideration thereto; or (b) may, by resolution or ordinance, provide that any designated part of the community council program relating to a service to be provided within the city or town shall be submitted to the voters thereof at a general or special election to be held therein within 60 days after the date of the resolution or ordinance. Any part of the program submitted to the voters of a city or town pursuant to this subsection shall not be included in the program as submitted to the county council unless it receives an approving vote at such election by majority of all votes cast on the question.

(6) Except as provided herein, the qualifications, mode of election, term of office, method of removal, procedure to fill vacancies, compensation, and other appropriate provisions relating to membership on the county council or community councils shall be provided in the plan.

(7) Upon the effective date of the plan and as provided in it, all properties and assets, whether tangible or intangible, and all obligations, debts, and liabilities, of those governmental entities which are merged into the new county-wide government shall become vested and transferred by operation of law in and to the new county-wide government. The properties, assets, obligations, debts, and liabilities of any city or town not merged into the new county-wide government, so far as allocated, used, or incurred primarily to discharge a function which under the plan will no longer be a responsibility of the city or town, shall likewise be vested in and transferred to the new county-wide government. All transfers under this subsection shall be subject to equitable adjustments, conditions, and limitations provided in the plan and determined by procedures specified in the plan; but the contractual rights of any bondholder or creditor shall not be impaired.

(8) Upon the effective date of the plan and as provided in it, non-elective officers and employees of governmental entities which are merged into the new county-wide government and such officers and employees of nonmerged cities or towns whose qualifications and duties relate primarily to functions which under the plan will no longer be a responsibility of those cities or towns, shall be blanketed in and transferred to the new county-wide government as officers and employees of it. Standards and procedures relating to such personnel transfers, and for resolving disputes or grievances relating thereto, shall be provided in the plan. 1996

17-35a-12. Optional forms of management arrangements.

Optional forms of management arrangements for county government, available for adoption by the voters of a county, include:

- (1) the county executive and chief administrative officer-council form;
- (2) the county executive-council form;
- (3) the council-manager form; and
- (4) the council-county administrative officer form. 1987

**17-35a-12.5. Consolidated city and county -
Structural form.**

(1) The structural form of county government known as the "consolidated city and county" form unites in a single consolidated city and county government the powers, duties, and functions which, immediately prior to its effective date, are vested in the county, the largest city in the county, such other cities and towns as elect to merge in it, and all special taxing districts, public authorities, county service areas, and other local public entities functioning within the boundaries of the county, except school districts. The consolidated government shall with the consent of the continuing municipalities have power to extend on a county-wide basis any governmental service or function which is authorized by law or which the previous county, cities, and other local public agencies included in them were empowered to provide for their residents. No such service, however, shall be provided within an incorporated municipality which continues to provide that such service for its own inhabitants, except upon a contract basis for the municipality. No taxes, assessments, fees, or other charges shall be extended or collected by the consolidated government within any municipality for the purpose of financing any service which is not provided by the consolidated government within the municipality. "Largest city," as used in this section, means a city or cities the population of which, as shown by the most recent decennial or special census, exceeds 35% of the total county population.

(2) The incorporated cities and towns, other than the largest city in the county, shall retain independent corporate existence and shall continue to provide local services to their inhabitants of the type and to the extent provided in the plan; but any such city or town by majority vote of its qualified voters cast either concurrently with the election at which the plan is approved or subsequently to it, as provided by the governing body of the city or town, may cause the city or town to be dissolved and its powers, duties, and functions vested in the consolidated government.

(3) The governing body of the consolidated government shall be a council composed of not less than five persons elected as specified in the plan. In addition to other powers vested in the consolidated government by law or pursuant to this act, the county council shall have all the legislative and policy-making powers which it is possible for the governing body of a county or a city to possess and which are not expressly denied by the Constitution, by general law applicable to all cities or all counties, or by a specific restriction in the plan itself.

(4) Except as provided in this act, the qualifications, mode of election, term of office, method of removal, procedure to fill vacancies, compensation, or other appropriate provisions relating to membership on the county council shall be provided in the plan.

(5) Upon the effective date of the plan, as provided in it, all properties and assets, whether tangible or intangible, and all obligations, debts, and liabilities of those governmental entities which are merged into the consolidated government shall become vested and transferred by operation of law in and to the consolidated government. The properties, assets, obligations, debts, and liabilities of any city or town not merged into the consolidated government, so far as allocated, used, or incurred primarily to discharge a function which under the plan

will no longer be a responsibility of the city or town, shall likewise be vested in and transferred to the consolidated government. All transfers under this subsection shall be subject to equitable adjustments, conditions, and limitations provided in the plan and determined by procedures specified in the plan; but the contractual rights of any bondholder or creditor shall not be impaired.

(6) Upon the effective date of the plan, and as provided in it, non-elective officers and employees of the governmental entities which are merged into the consolidated government and such officers and employees of nonmerged cities or towns whose qualifications and duties relate primarily to functions which under the plan will no longer be a responsibility of those cities or towns shall be blanketed in and transferred to the consolidated government as officers and employees of it. Standards and procedures relating to such personnel transfers and for resolving disputes or grievances relating to them shall be provided in the plan. 1977

**17-35a-13. "County executive and chief
administrative officer-council" form of
management arrangement.**

(1) A county operating under the management arrangement known as the "county executive and chief administrative officer-council" form shall be governed by the county council, a county executive elected at large by the voters of the county, an appointed chief administrative officer, and such other officers and employees as are authorized by law. The optional plan shall provide for the qualifications, time and manner of election, term of office, compensation, and removal of the county executive.

(2) The county executive shall be the chief executive officer of the county, and shall: (a) direct and organize the management of the county in a manner consistent with the optional plan; (b) carry out programs and policies established by the council; (c) faithfully enforce all applicable laws and county ordinances; (d) exercise supervisory and coordinating control over all departments of county government; (e) except as otherwise provided in the optional plan, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions; (f) exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county; (g) serve as and perform the duties of the budget officer of the county, as provided in the Uniform Municipal Fiscal Procedures Act, which shall be applicable except as otherwise provided in the optional plan; (h) supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county; (i) conduct planning studies and make recommendations to the council relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government; and (j) exercise a power of veto over ordinances enacted by the council, including an item veto upon budget appropriations, in the manner provided in the optional plan.

(3) The chief administrative officer shall be appointed and removed by the county executive, with the approval of the council, except that the plan may specifically provide for his appointment and removal by the council. He shall have the qualifications, training, and experience and receive compensation as provided in the optional plan. He shall be principal staff assistant to the county executive, and

under the direction and supervision of the county executive shall: (a) exercise supervisory control over all functions of the executive branch; (b) study and make recommendations to the county executive with respect to the administration of county affairs and the efficiency and economy of county programs and operations; (c) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls; (d) develop systems and procedures, not inconsistent with statutes, for planning, programming, budgeting, and accounting for all activities of the county; and (e) perform any other functions and duties required of him by the optional plan, by any applicable statutes or ordinances, or by the county executive.

(4) All powers and duties of the county shall be allocated for administrative and executive purposes to departments of the county as designated by the optional plan. Transfers of employees and reallocation of powers and duties between departments may be made by the county executive in his discretion, except as otherwise provided in the plan or by ordinance. 1973

17-35a-14. "County executive-council" form of management arrangement.

(1) (a) A county operating under the management arrangement known as the "county executive-council" form shall be governed by the county council, a county executive elected at large by the voters of the county, and such other officers and employees as are authorized by law.

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

(2) The county executive shall be the chief executive officer of the county and shall have the powers and duties provided in Subsection 17-35a-13 (2).

(3) In the county executive-council form of county government, the legislative powers of the county shall be vested in the county council, and the executive powers of the county shall be vested in the county executive.

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

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

(b) the county executive, with respect to executive functions, duties, and powers. 1989

17-35a-15. "Council-manager" form of management arrangement.

(1) A county operating under the management arrangement known as the "council-manager" form shall be governed by the county council, a county manager appointed by the council, and such other officers and employees as are authorized by law. The optional plan shall provide for the qualifications, time and manner of appointment, term of office, compensation, and removal of the county manager.

(2) The county manager shall be the administrative head of the county government and shall have the powers and duties of a county executive, subsection (2) of section 17-35a-13, except that the county manager shall not have any power of veto over ordinances enacted by the council.

(3) No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of

any appointment or removal of any officer or employee or in the purchase of supplies, attempt to exact any promise relative to any appointment from any candidate for manager, or discuss directly or indirectly with him the matter of specific appointments to any county office or employment. A violation of the foregoing provisions of this subsection shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county. Neither manager nor any person in the employ of the county shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office. The optional plan may provide procedures for implementing this subsection. 1973

17-35a-15.5. "Council-county administrative officer" form of county government.

(1) A county operating under the management arrangement known as the "council-county administrative officer" form shall be governed by:

(a) a county council;

(b) a county administrative officer appointed by the county council; and

(c) other officers and employees that are authorized by law.

(2) (a) The optional plan submitted to the voters shall require that the county council establish by ordinance, maintain, and keep filled a permanent position of county administrative officer.

(b) The optional plan submitted to the voters shall establish the qualifications, time, and manner of employment, term of office, compensation, and procedures for removal of the county administrative officer.

(c) The optional plan submitted to the voters shall require that the county administrative officer be appointed solely on the basis of his abilities, integrity, and prior experience as related to the duties of his office.

(d) The optional plan submitted to the voters shall designate the position of county administrative officer as either exempt or not exempt from any applicable county merit system.

(3) The county administrative officer shall administer the functions, responsibilities, powers, and duties of his office as set forth in the optional plan adopted by the voters, subject to the direction and control of the county council, and acting as its agent.

(4) The county council may assign additional functions, responsibilities, powers, and duties to the county administrative officer that do not conflict with the functions, responsibilities, powers, and duties set forth in the optional plan. 1987

17-35a-16. Restricted taxing authority form of county government - Procedure for adoption.

(1) In addition to the optional forms of county government specified in Section 17-35a-8, there is authorized an additional form of county government; the structure and power of which may differ from the forms expressly provided under this chapter.

(2) Under the optional form of county government allowed by this section, the county shall possess all powers granted to county government by the Constitution, the general law, or by the county government charter; except, it shall possess no

power to levy any tax, unless the legislature has expressly authorized the several counties to levy such tax.

(3) The optional form of county government allowed by this section may be proposed by any one of the methods specified in Section 17-35a-3 or 17-35a-4. If the optional form of county government allowed by this section is finally proposed, the county legislative body shall cause the proposal to be submitted to the voters of the county for their approval or rejection in conformance with the requirements of Section 17-35a-6

(4) The structure and management of the optional form of county government allowed by this section shall be set forth in the charter. 1993

17-35a-17. Validation of optional plans already adopted.

(1) Any optional plan adopted by a county prior to the effective date of this section is hereby validated, ratified, and confirmed.

(2) Nothing in this section shall be construed to affect or validate any optional plan of county government the legality of which is being contested in a pending court action at the time this section takes effect. 1987

Title 17A. Special Districts.

Chapter 1. General Provisions.

Chapter 2. Independent Special Districts.

Chapter 3. Dependent Special Districts.

Chapter 1. General Provisions.

Part 3. Special District Board Selection Procedures.

Part 3. Special District Board Selection Procedures.

17A-1-301. Exemptions.

17A-1-302. Vacancies on special district boards.

17A-1-303. Appointment procedures for appointed members.

17A-1-304. Notice of elections.

17A-1-305. Special district board - Election procedures.

17A-1-306. Board member qualification.

17A-1-301. Exemptions.

This part does not apply to:

(1) public transit districts established under authority of Title 17A, Chapter 2, Part 10, Utah Public Transit District Act;

(2) water conservancy districts established under Title 17A, Chapter 2, Part 14, Water Conservancy Districts;

(3) soil conservation districts created under the authority of Title 17A, Chapter 3, Part 8, Soil Conservation Districts;

(4) neighborhood redevelopment agencies established under authority of Title 17A, Chapter 2, Part 12, Utah Neighborhood Development Act;

(5) metropolitan water districts established under authority of Title 17A, Chapter 2, Part 8, Metropolitan Water District Act;

(6) any dependent special district established under the authority of Title 17A, Chapter 3; and

(7) Hazardous Waste Facilities Management Authorities established under authority of Title 17A,

Chapter 2, Part 17, Hazardous Waste Facilities Management Act. 1992

17A-1-302. Vacancies on special district boards.

Vacancies on special district boards shall be filled as provided in Section 20A-1-512 1993

17A-1-303. Appointment procedures for appointed members.

(1) The appointing authority may, by resolution, appoint persons to serve as members of a special district board by following the procedures established by this section.

(2) (a) In any calendar year when appointment of a new special district board member is required, the appointing authority shall prepare a notice of vacancy that contains:

(i) the positions that are vacant that must be filled by appointment;

(ii) the qualifications required to be appointed to those positions;

(iii) the procedures for appointment that the governing body will follow in making those appointments; and

(iv) the person to be contacted and any deadlines that a person must meet who wishes to be considered for appointment to those positions.

(b) The appointing authority shall:

(i) post the notice of vacancy in ten public places within the special district at least one month before the deadline for accepting nominees for appointment; and

(ii) either publish the notice of vacancy in a daily newspaper of general circulation within the special district for five consecutive days before the deadline for accepting nominees for appointment or publish the notice of vacancy in a local weekly newspaper within the special district in the week before the deadline for accepting nominees for appointment.

(c) The appointing authority may bill the special district for the cost of preparing, printing, and publishing the notice.

(3) (a) Not sooner than two months after the appointing authority is notified of the vacancy, the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.

(b) The appointing authority shall:

(i) comply with Title 52, Chapter 4, Open and Public Meetings, in making the appointment;

(ii) allow any interested persons to be heard; and

(iii) adopt a resolution appointing a person to the special district board.

(c) If no candidate for appointment to fill the vacancy receives a majority vote of the appointing authority, the appointing authority shall select the appointee from the two top candidates by lot.

(4) Persons appointed to serve as members of the special district board serve four-year terms, but may be removed with cause at any time after a hearing by 2/3 vote of the appointing body.

(5) At the end of each board member's term, the position is considered vacant and the governing body may either reappoint the old board member or appoint a new member after following the appointment procedures established in this section.

(6) Notwithstanding any other provision of this section, if the appointing authority appoints one of its own members, it need not comply with the provisions of this section. 1991

17A-1-304. Notice of elections.

(1) At least 45 days before any election involving any special district, the special district board shall

prepare a notice of election that contains:

- (a) the date of the election;
- (b) the purpose of the election;
- (c) the hours during which the polls will be open;
- (d) the location of the polling places for each voting district; and
- (e) the qualifications required for persons to vote in the election.

(2) The special district board shall:

- (a) post the notice of election and a sample ballot at each polling location within the special district at least ten days before the date of the election;
- (b) post the notice of election and a sample ballot at five public locations within the special district at least ten days before the date of the election; and
- (c) either publish the notice of election and a sample ballot in a newspaper of general circulation within the special district for five consecutive days before the date of the election or publish the notice of election and a sample ballot in a local weekly newspaper within the special district in the week before the election.

1991

17A-1-305. Special district board - Election procedures.

(1) Any elected board member shall be selected as provided in this section.

(2) (a) The election for members of the special district board shall be held on the same day as the municipal election.

(b) (i) The special district board shall fix the polling places for the election.

(ii) If appropriate, the special district board may consolidate voting districts or ballots with the municipal governing body.

(3) (a) To become a candidate for an elective special district board position, the prospective candidate shall file a declaration of candidacy with the special district not later than 5 p.m. on the sixth Tuesday before the November municipal election date.

(b) (i) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, State of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I am a registered voter and qualified elector of the special district; that I am a candidate for the office of _____(stating the term) to be voted upon at the November municipal election to be held on Tuesday, the _____ day of November, 19_____, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 19_____.

(Signed) _____
(Clerk or Notary Public)"

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

(4) There shall be no primary election.

(5) (a) The special district board shall:

- (i) provide election supplies; and
- (ii) appoint election judges before election day.

(b) At least one day before the election, and without expense to the special district, the county clerk shall provide the special district clerk with a certified list of registered voters who:

- (i) reside in the special district; and
 - (ii) are entitled to vote.
- (6) (a) The special district board shall prescribe the form of ballot for the special district board election.

(b) The ballot shall be a nonpartisan format.

(7) (a) Only qualified electors of the special district who are registered to vote and who are entitled to vote may vote.

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

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

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

(9) (a) A person elected to serve on a special district board shall serve a four-year term, beginning on the January 1 after the person's election.

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

(10) The term of a person serving on a special district board as of April 29, 1991, whose election falls on an even-numbered year is extended one year so that the person's election will be on the next November election day in an odd-numbered year.

(11) (a) If the application of Subsection (10) causes a disproportionate number of elected and appointed terms to expire at the same time, or if for any other reason a disproportionate number of positions expire at the same time, a number of elected terms shall be extended to January 1 following the next municipal election, or, in the case of appointed terms, a number of appointed terms shall be extended to January 1 following the normal expiration of appointed terms, to equalize, to the extent possible, the number of board positions expiring at the same time.

(b) The board member whose term is to be extended shall be determined by lot.

(c) After this apportionment has taken place, all board terms shall be four years.

1996

17A-1-306. Board member qualification.

(1) No elected or appointed member of the governing board of a special district may be a full or part-time employee of the district while serving on the district's governing board.

(2) No person employed by a special district as a full-time or part-time employee may serve on the governing board of that special district.

(3) A board member may not be compensated separately as a board member and as an employee for providing the same service.

(4) This section does not apply to persons serving on a special district board as of April 29, 1991, until their terms expire.

1991

Chapter 2. Independent Special Districts.

- Part 1. [Reserved].
- Part 2. Cemetery Maintenance Districts.
- Part 3. County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas.
- Part 4. County Service Areas.
- Part 5. Drainage Districts.
- Part 6. Fire Protection Districts.
- Part 7. Irrigation Districts.
- Part 8. Metropolitan Water Districts.
- Part 9. Mosquito Abatement Districts.
- Part 10. Public Transit Districts.
- Part 13. Special Service Districts.
- Part 14. Water Conservancy Districts.

Part 1. [Reserved].**Part 2. Cemetery Maintenance Districts.**

17A-2-202. Creation and organization of district.

17A-2-203. Procedure - Petition - Contents and sufficiency of petition.

17A-2-205. Election to determine organization of district - Notice - Eligibility of voters.

17A-2-206. Conduct of election - Precincts - Judges.

17A-2-207. Canvass of returns.

17A-2-208. Maintenance board - Appointment - Oath.

17A-2-209. Terms of office.

17A-2-210. Appointments to fill vacancies - Terms of office - Oath.

17A-2-202. Creation and organization of district.

If the owners of at least 55% of the taxable value of lands and not less than 55% of the total land area aggregating not less than 3,000 acres of contiguous territory or consisting of contiguous territory of less extent but having a taxable value of at least \$500,000 at the last preceding county assessment, desire to provide for the organization of the territory as a cemetery maintenance district, none of their lands being included within the boundaries of an already created and organized cemetery maintenance district under the terms of this part, the district may be created and organized as provided in this part. For purposes of this section, the taxable value of the property within the proposed district shall be determined from the last assessment roll for ad valorem taxes completed prior to the submission of the petition to the county legislative body. 1993

17A-2-203. Procedure - Petition - Contents and sufficiency of petition.

A petition shall first be presented to the county legislative body and filed with the clerk of the county legislative body of the county in which the proposed cemetery maintenance district is situated signed by the number of holders of title or evidence of title specified in Section 17A-2-202 which petition shall plainly and clearly designate the boundaries of the proposed cemetery maintenance district, and shall state the name of the proposed district and shall be accompanied by a map thereof. The petition together with all maps and other papers filed therewith shall at all proper hours be open to public inspection in the office of said clerk of the county legislative body between the date of their said filing and the date of the election. The petition may be in one paper or in several papers. 1993

17A-2-205. Election to determine organization of district - Notice - Eligibility of voters.

After the county legislative body has made their final order fixing and determining the boundaries of the proposed district, the clerk of the county legislative body shall cause to be published a notice of an election to be held in such proposed cemetery maintenance district for the purpose of determining whether or not the same shall be organized under the provisions of this part. Such notice shall plainly and clearly designate the boundaries of such proposed cemetery maintenance district and shall state the name of the proposed district as designated in the petition and shall state that a map showing the boundaries of said district is on file in his office.

Such notice shall be published once in each week for three successive publications prior to such election in a newspaper within the county aforesaid.

Such notice shall require the electors to cast ballots which shall contain the words " _____ cemetery maintenance district, yes" or " _____ cemetery maintenance district, no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this part unless he shall possess all the qualifications required of electors under the general laws of the state and be a resident of the proposed district. 1993

17A-2-206. Conduct of election - Precincts - Judges.

Such election shall be conducted as nearly as practicable in accordance with the general laws of the state. The county legislative body shall establish as many election precincts within such proposed cemetery maintenance district as will be convenient. Said county legislative body shall also appoint three judges of election for each such election precinct who shall perform the same duties as near as may be as judges of election under the general laws of the state and the result of such election shall be certified and canvassed and declared by the county legislative body. 1993

17A-2-207. Canvass of returns.

Immediately after any election for voting upon the organization of a cemetery maintenance district, the judges of said election shall forward the official results of said election to the clerk of said board of commissioners. The said board of commissioners shall meet within ten days after said returns are received and shall proceed to canvass the votes cast at such election. 1990

17A-2-208. Maintenance board - Appointment - Oath.

(1) There shall be three cemetery maintenance commissioners in each cemetery district who shall constitute the cemetery maintenance board.

(2) (a) The county legislative body shall appoint the first cemetery maintenance commissioners of the cemetery maintenance district according to the requirements of Title 17A, Chapter 1, Part 3.

(b) The certificate of appointment shall be filed with the clerk of the county legislative body.

(3) Every cemetery maintenance commissioner shall take and subscribe the official oath, and shall file the oath with the county legislative body. 1993

17A-2-209. Terms of office.

The first members of the cemetery maintenance board appointed by the county legislative body shall serve terms of two and four years respectively until the next board members are appointed. 1996

17A-2-210. Appointments to fill vacancies - Terms of office - Oath.

(1) All vacancies on the cemetery maintenance board shall be filled by the county legislative body by following the procedures and requirements of Section 17A-1-303

(2) (a) The board members shall:

(i) assume their duties at noon on the first Monday in January;

(ii) serve without compensation, but be reimbursed for their actual and necessary expenses; and

(iii) take and subscribe to the official oath.

(b) The subscribed oath shall be filed with the county legislative body. 1996

Part 3. County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas.

17A-2-301. Establishment - Authority - Area.

17A-2-302. Electric service districts - Public Service

- Commission jurisdiction - Exceptions.
- 17A-2-303. Procedure for creation of district.
- 17A-2-304. Notice of hearing and intent - Protests - Resolution establishing district - Writ of review.
- 17A-2-305. Board of trustees - Creation - Appointment and election of members - Qualifications - Terms.
- 17A-2-306. Bonds.
- 17A-2-307. Resolution calling bond election - Precincts and polling places.
- 17A-2-308. Board of trustees - Powers and duties - Compensation - Meetings - Budget.
- 17A-2-309. Results of bond election - Resolution - Issuance of bonds - Maximum bonded indebtedness.
- 17A-2-310. Certification of bond issue to county legislative body - Tax levy - Payment of revenue bonds - Election on general obligation bonds and revenue bonds - Bonds for sewer purposes - Collection of charges.
- 17A-2-311. Recital in bonds - Incontestability.
- 17A-2-312. Powers of district - Bond obligations of entity under Utah Interlocal Cooperation Act not obligation of district.
- 17A-2-313. Authority of district.
- 17A-2-314. Refunding bonds - Escrow of proceeds of sale.
- 17A-2-315. Publication of resolution or proceeding - Right to contest legality.
- 17A-2-316. Bonds to be legal investments - Use as security for faithful performance of acts.
- 17A-2-317. Ratification of districts created under prior laws - Issuance of authorized bonds - Amendatory proceedings.
- 17A-2-318. Separability clause.
- 17A-2-320. Special election of elective members of board of trustees.

17A-2-301. Establishment - Authority - Area.

(1) Improvement districts may be established in any county in this state as provided in this part for the purposes hereinafter stated and may acquire through construction, purchase, gift, or condemnation, or any combination of these methods, and may operate all or any part of the following:

- (a) systems for the supply, treatment, and distribution of water;
- (b) systems for the collection, treatment, and disposition of sewage;
- (c) systems for the collection, retention, and disposition of storm and flood waters;
- (d) systems for the generation, distribution, and sale of electricity; and
- (e) systems for the transmission of natural or manufactured gas that are:
 - (i) connected to a gas plant, as defined in Section 54-2-1 , of a gas corporation, as defined in Section 54-2-1 , regulated under Section 54-4-1 ; and
 - (ii) to be used to facilitate gas utility service within the district if such gas utility service is not available within the district prior to the acquisition or construction of such systems. Such new gas utility service shall be provided by a gas corporation regulated under Section 54-4-1 and not by the district.

(2) (a) The area of any district created under this part may include all or part of any county or counties, including all or any part of any incorporated municipalities, other incorporated areas, and unincorporated areas, as the needs of the inhabitants of the proposed districts may appear.

(b) The boundaries of a district created under this part do not need to be contiguous.

(c) Where a district created under this part is operating any facility or system mentioned in this

part, no other district overlapping that district, in whole or in part, may be created in a manner as to have authority to own or operate a facility or system of like kind.

(3) Where any district is created under this part solely for the purpose of acquiring a system for the collection, retention, or disposition of storm and flood waters, the county legislative body creating the district may, in its discretion and despite anything to the contrary in Section 17A-2-305 , act as the board of trustees of the district for so long as it considers desirable. 1995

17A-2-302. Electric service districts - Public Service Commission jurisdiction - Exceptions.

(1) An electric service district may only include an area where:

(a) no retail electricity has been provided to commercial, industrial, residential, and other users of electricity from an investor-owned utility within any part of an area certificated by the Public Service Commission or an area adjacent to that area, municipal agency, or electric cooperative within the five years immediately preceding September 1, 1985; and

(b) electric service is provided to at least one user of electricity within the electric service district as of September 1, 1985.

(2) An electric service district organized under this part is a public utility and subject to the jurisdiction of the Public Service Commission. Nothing in this part may be construed to give the Public Service Commission jurisdiction over any improvement district, other than an electric service district organized under this part, or over any municipality or association of municipalities organized under the Interlocal Cooperation Act. Before an electric service district serves any customer, the electric service district shall obtain a certificate of public convenience and necessity from the Public Service Commission.

(3) Section 54-7-12 does not apply to rate changes of an electric service district subject to the following:

(a) the electric service district is organized for the purpose of distributing electricity to customers within the boundaries of the electric service district on a not-for-profit basis;

(b) the schedule of new rates or other change that results in new rates has been approved by the board of directors of the electric service district;

(c) prior to the implementation of any rate increases, the electric service district first holds a public meeting for all its customers to whom mailed notice of the meeting is sent not less than ten days prior to the meeting; and

(d) the electric service district has filed the schedule of new rates or other change with the commission. These documents shall be made available by the commission for public inspection.

(4) If an application for certification is not filed by an electric service district organized under this part and approved by the Public Service Commission by September 1, 1986, all provisions in this part relating to electric service districts are repealed. 1990

17A-2-303. Procedure for creation of district.

(1) (a) Any county legislative body, upon its own motion, may by resolution declare that the public health, convenience, and necessity requires the creation of an improvement district.

(b) The resolution shall define the boundaries of the improvement district and the purposes for which

the district is to be created.

(2) The county legislative body shall adopt a resolution, if a petition proposing the creation of an improvement district and setting forth the boundaries and purposes of such improvement district is presented to any county legislative body of a petition signed by:

(a) the legislative body of any city or town included within the proposed district; or

(b) by 25% or more of the owners of real property included within the proposed district.

(3) (a) If the proposed district includes any part of another county, the resolution shall state the name of the other county and the areas within the other county proposed to be included within the district.

(b) A certified copy of the resolution shall then be presented to the county legislative body of the other county for their approval or rejection of the resolution within 60 days.

(c) After the approval of the resolution by the other county legislative body, the county legislative body of the county adopting the original resolution shall have complete jurisdiction over the entire district and its creation.

(4) When a special district was not established because a protest was filed pursuant to Subsection 17A-2-304 (3)(c), a special district for the same area and purpose may not be proposed for 12 months from the date scheduled for the public hearing provided in Subsection 17A-2-304 (3)(b).

17A-2-304. Notice of hearing and intent -

1994

Protests - Resolution establishing district - Writ of review.

(1) (a) After the resolution described in Section 17A-2-303 has been adopted by the county legislative body, the county legislative body shall give notice of:

(i) its intent to establish the improvement district; and

(ii) a public hearing to discuss the establishment of the improvement district.

(b) That notice shall:

(i) define the area to be included in the district;

(ii) define the district's boundaries;

(iii) describe the nature and extent of the improvements proposed;

(iv) estimate the cost of the proposed improvements;

(v) estimate the amount of bonds proposed to be issued;

(vi) designate whether these bonds are to be payable from taxes, from operating revenues of the district, or from both; and

(vii) designate a time for the public hearing that is not more than 40 days after and not less than 21 days after the notice required by Subsection (3) is first published.

(c) The estimates required in this subsection may not be construed as establishing a limit upon the costs of the improvements constructed or upon the amount of the bonds issued.

(2) If the district is an electric service district, the notice shall contain a statement that the district complies with the requirements of Section 17A-2-302

(3) (a) The county legislative body shall publish the notice once a week for three successive weeks in a newspaper of general circulation in each county that contains some or all of the proposed district.

(b) Any taxpayer within the district may, on or before the date of the public hearing, protest against

the establishment of the district by filing a signed written protest with the county clerk of the county in which the district is located.

(c) If, at or before the time fixed in the notice, a written protest is filed that is signed by more than 25% of the real property owners within the proposed district, according to the last assessment roll for county taxes completed prior to publishing the notice, the district may not be established.

(d) Any person who has filed a protest and wishes to withdraw that protest, or who has filed a protest, withdrawn the protest, and wishes to cancel the withdrawal, shall do so on or before the date set for the public hearing.

(e) The county legislative body may require:

(i) the county surveyor to check and report on the accuracy of the proposed boundaries of the district; and

(ii) the officials who prepared the assessment roll to segregate and certify to the governing authority the taxable value of the real property appearing on the roll that lies within the proposed boundaries of the district.

(f) A written protest filed by a corporation owning real property in the district is sufficient if it is signed by the president, vice president, or duly authorized agent of the corporation.

(g) (i) Where title to any real property in the district is held in the name of more than one person, all of the persons holding the title to that property must join in the signing of the written protest.

(ii) The deed records of the county shall be accepted as final and conclusive evidence of the ownership of the real property in the district.

(h) If any written protests are filed, and the county legislative body determines that the protests filed represent less than 25% of the property owners in the district, the resolution of the governing authority establishing the district shall contain a recital to that effect and that recital is binding and conclusive for all purposes.

(i) In the resolution establishing the district, the county legislative body shall eliminate from the proposed district any property originally included in the district that it determines will not be benefited by the proposed improvements.

(j) At the public hearing, or at any subsequent time to which the hearing may be adjourned, the county legislative body shall give full consideration to all protests that have been filed and shall hear all persons desiring to be heard.

(k) Following the hearing, the county legislative body shall adopt a resolution either creating the district or determining that it may not be created.

(l) Any resolution creating a district may contain any changes considered by the body to be equitable and necessary, including changes in the boundaries of the district, to assure that the district does not contain property that will not be benefited by the proposed improvements.

(4) After an improvement district is established, a property owner may petition the district court for a writ of review of the actions of the county legislative body in establishing the district if:

(a) the person filed a written protest as provided in Subsection (3);

(b) the petition is filed within 30 days after the date of the resolution establishing the improvement district; and

(c) (i) the petition alleges that the person's property will not be benefited by one or more of the services to be provided by the improvement district;

or

(ii) the petition alleges that the procedures used to establish the improvement district violated the law.

(5) If a petition for a writ of review is not filed within the time limits established by this section, owners of property and qualified voters within the improvement district may not object to the establishment of the district.

(6) The provisions of this section may not be considered to be a limitation on the rights of the governing authority to submit a bond issue in whatever amount and for whatever improvements that may be found desirable after the district has been organized. 1994

17A-2-305. Board of trustees - Creation -

Appointment and election of members -

Qualifications - Terms.

(1) (a) Except as provided in Subsection (3) the governing body of each district created under this part, except a district that has boundaries that coincide with the boundaries of an incorporated municipality, shall consist of a board of trustees created as provided in this subsection.

(b) (i) Whenever a district is created that does not include property within the boundaries of an incorporated municipality, the county legislative body of the initiating county may, in the initial resolution creating the district, declare that the county legislative body of that county act as the trustees of the district.

(ii) When the county legislative body of the county is designated as the trustees of the district, they may:

(A) exercise all the powers, authority, and responsibility vested in the trustees under this chapter; and

(B) use any existing county offices, officers, or employees for the purposes of the district.

(iii) The county legislative body shall charge the district a reasonable amount for the services rendered to the district by the county officers, offices, and employees, other than the county legislative body, to the county treasurer for the general fund of the county.

(c) (i) At any time after creation of any district under the provisions of this subsection, the county legislative body of the initiating county may by resolution determine that the interests of the district would be best served by the appointment of a board of trustees.

(ii) The trustees shall be appointed by the county legislative body according to the procedures and requirements of Title 17A, Chapter 1, Part 3.

(d) The county legislative body shall hold an election for trustees as provided in Title 17A, Chapter 1, Part 3, when:

(i) a petition requesting an election for trustees is filed with the county legislative body at least 30 days before the date set for a bond election or 90 days before the date set for the November municipal elections; and

(ii) the petition is signed by at least 10% of the people eligible to vote on a bond issue in any district created under this part.

(2) In the resolution creating the district, the county legislative body of the initiating county may appoint a board of trustees according to the procedures and requirements of Title 17A, Chapter 1, Part 3 to serve until the election and qualification of the successors as provided in this part.

(3) (a) If the district is created for the purpose of providing electric service, the requirements of this

subsection supersede any contrary provision in this part.

(i) The initial board of trustees may be appointed by the county legislative body until the election and qualification of successors as provided in this subsection.

(ii) The board of trustees shall subsequently be elected by the persons using electricity within the district.

(iii) In addition to the qualifications enumerated in this section, each member of the board of trustees shall be a resident of the district and a user of electricity from the district.

(iv) The board of trustees may be elected according to geographic areas within the district.

(v) A municipality within the district is not entitled to automatic representation on the board of trustees.

(b) All proceedings that have taken place in connection with the organization of the board of trustees of an electric service district are considered valid and binding despite any failure to comply with the provisions of this section if the electric service district was created or purported to be created under this part before April 28, 1986.

(c) The county legislative body of the initiating county may, in the initial resolution creating an electric service district, set the boundaries of the geographic areas which each trustee will represent and the number of members who may serve on the board of trustees.

(d) The board of trustees may not consist of less than three or more than nine members.

(4) (a) (i) Each incorporated municipality that is contained entirely within, but does not coincide with, the boundaries of the district may request the county legislative body to appoint to the board one member who is a resident of the municipality.

(ii) The legislative body of the municipality shall appoint that member by following the procedures and requirements of Title 17A, Chapter 1, Part 3.

(iii) If two or more incorporated municipalities are entitled to representation on the board of trustees, the number of members of the board of trustees shall be increased to the lowest odd number greater than the number of those municipalities so that there is always at least one member of the board of trustees residing in the district but outside the corporate limits of any incorporated municipality having the right to appoint a member to the board of trustees.

(b) (i) If the boundaries of the newly created district coincide with the boundaries of an incorporated municipality, the legislative body of the municipality shall be the board of trustees for the district.

(ii) When the municipal legislative body serves as the board of trustees:

(A) they shall maintain separate minutes, accounts, and other records of the affairs of the district;

(B) they may use the existing facilities and personnel of the municipality to administer district affairs;

(C) their terms coincide with their terms as officials of those municipalities; and

(D) they represent the district at large.

(c) If there is no elected board of trustees for the unincorporated county at the time of the first bond election, election of members of the board of trustees who are not appointed as representatives of municipalities shall be held at the time the bond election is held.

(d) Candidates for election to the board of trustees

tees shall be taxpayers and qualified voters in the district.

(e) Any owner of real property in the district outside of an incorporated municipality that has the right to appoint a member to the board of trustees may file a signed statement announcing that he is a candidate to be one of the first elected trustees of the district with the county clerk within 30 days after the board of trustees has entered an order calling the bond election, but not less than 15 days before the election.

(f) The board of trustees, in calling the bond election, shall provide a separate ballot, if required, that contains the names of the candidates and blanks in which the voters may write in additional names.

(g) Each voter at the election may vote for three persons, or a lesser number qualified to represent the area outside the corporate limits of any incorporated municipality that has the right to appoint a member to the board of trustees, if some members of the board of trustees of the improvement district are appointed by a municipality or incorporated area.

(h) The three persons, or a lesser number qualified as provided in this section, receiving the highest number of votes at the election are members of the board of trustees, together with those members appointed by an incorporated municipality.

(i) As a member of the board of trustees, each representative may vote on all questions, orders, resolutions, and ordinances coming before the board.

(j) (i) The members of the first board of trustees shall serve for two and four year terms from the first Monday of the next January following the first election held in the district.

(ii) Initial terms shall be selected by lot, and shall be apportioned so that, as nearly as possible, 1/2 of the board will serve for two years and 1/2 for four years.

(k) After the first election, except for appointments made to fill unexpired terms, the term of each member shall be four years and until his successor is elected and qualified.

(l) In voting on the election of trustees, all qualified voters in the district outside the corporate limits of any incorporated municipality that has the right to appoint a member to the board of trustees may vote.

(m) Following the election or appointment of the first trustees, any elected trustee shall be elected according to the procedures and requirements of Title 17A, Chapter 1, Part 3.

(n) Each trustee shall:

(i) take office on the first Monday of the January after his election;

(ii) take the oath of office; and

(iii) give the bond required by law for members of the county legislative body.

(o) The trustees initially appointed shall:

(i) meet immediately after their appointment;

(ii) qualify as trustees;

(iii) elect one of their members as chairman; and

(iv) appoint a clerk and a treasurer. 1995

17A-2-306. Bonds.

(1) The board of trustees may, at any time after its organization, adopt a resolution determining it desirable to issue the bonds of the district for purposes and in amounts stated in the resolution. The resolution shall specify whether the bonds are payable from taxes or from the operating revenues

of the district, or both. Where the bonds are payable from taxes, in whole or in part, the board of trustees shall call a bond election. If at the election, the proposition to issue the bonds is approved, the board of trustees shall issue the bonds in the manner provided in the Utah Municipal Bond Act. If the bonds are payable solely from the operating revenues of the district, no election is required to approve their issuance, and such bonds shall be issued pursuant to the resolution and in the manner provided in Title 11, Chapter 14, Utah Municipal Bond Act. The board may reduce the amount of bonds.

(2) Any bonds authorized prior to April 28, 1986, by an electric service district created pursuant to Chapter 2, Part 3, Improvement Districts for Water, Sewage, Flood Control, Electric and Gas Systems, are considered valid and binding if all of the following conditions have been met:

(a) a resolution has been adopted by the board of trustees of the electric service district, prior to April 28, 1986, for the purpose of authorizing the bonds, whether or not these bonds have been issued;

(b) the bonds are delivered and paid for;

(c) the electric service district which authorized the bonds complied with all of the requirements for electric service districts set forth in Section 17A-2-305; and

(d) the requirements of Subsection (1) are met.

(3) If any bonds have been authorized under the conditions described in Subsection (2), prior to April 28, 1986, the board of trustees of the electric service district may make any necessary changes in the specifications of the bonds or the proceedings authorizing the bonds. 1990

17A-2-307. Resolution calling bond election - Precincts and polling places.

If, under the provisions of Section 17A-2-306, the board shall determine to call an election on the issuance of the bonds, the board shall adopt a resolution directing that an election be held in the district for the purpose of determining whether bonds in the amount, for the purpose, and with the maximum maturity specified in the resolution, shall be issued. The resolution calling the election shall be adopted, notice of the election shall be given, the election shall be held, voters' qualifications shall be determined, and the results thereof canvassed in the manner and subject to the conditions provided for in the Utah Municipal Bond Act. The board may for purposes of the election treat the entire district as a single precinct or may divide the district into such precincts and fix such polling places as it may see fit. 1990

17A-2-308. Board of trustees - Powers and duties - Compensation - Meetings - Budget.

(1) (a) Except for the levy of taxes, and for the powers and duties expressly vested in the county legislative body in this part, the board of trustees shall exercise all powers and duties in the operation of the properties of the district as are ordinarily exercised by the governing body of a political subdivision.

(b) The board of trustees shall:

(i) fix its domicile;

(ii) set a regular meeting time;

(iii) select and have an official seal made; and

(iv) either require all officers and employees who are charged with the handling of any district funds to provide surety bonds or provide a blanket surety bond to cover all those officers and employees.

- (c) The board of trustees may:
 - (i) adopt regulations and bylaws for the orderly operation of the district;
 - (ii) employ agents and employees for the operation of the properties of the district;
 - (iii) sue and be sued;
 - (iv) enter into all contracts for the benefit of the district; and
 - (v) generally do all things and perform or cause to be performed all acts that are necessary or desirable in the conduct of its affairs and in the operation of the properties of the district.

(2) (a) Except as provided in Subsection (b), each trustee shall receive compensation of not more than \$1,500 per year, as determined by the board of trustees.

(b) When the county legislative body acts as the board of trustees, they may not receive any compensation.

(c) The district shall reimburse the trustees for actual and necessary traveling and other expenses incurred in the performance of their duties.

(3) (a) At any meeting of the board, the presence of the trustees entitled to cast a majority of all votes entitled to be cast by the entire board of trustees is necessary for a quorum.

(b) All meetings of the board are public.

(c) The clerk shall keep a proper record of all proceedings of the board, which is open to public inspection.

(d) The accounts of the district are subject to periodic audits provided by law for the auditing of county accounts.

(4) The board of trustees shall annually prepare and adopt a budget by following the procedures and requirements of Title 17A, Chapter 1, Part 4. 1991

17A-2-309. Results of bond election - Resolution - Issuance of bonds - Maximum bonded indebtedness.

(1) The results of the bond election shall be canvassed by the board of trustees and a resolution adopted by the board declaring the results, and a certified copy of the resolution filed in the records of the district. The results of all subsequent elections shall be similarly canvassed by the board of trustees and resolutions declaring the results of the elections adopted and filed.

(2) If, at the bond election, a majority of the qualified voters voting on any bond proposition vote in favor of the issuance of the bonds, the board of trustees shall proceed to issue the bonds. Bonds may be issued for the purpose of constructing or acquiring any improvement provided in Section 17A-2-301, or any part or combination of them, or for improving and extending the improvement or combination of improvements, and may include the payment of all legal, engineering, and fiscal agent expenses reasonably incurred in connection with the construction, acquisition, improving, and extending of these improvements and with the authorization and issuance of the bonds. The bonds shall be fully negotiable for all purposes and may not be issued in an amount which, together with all other existing indebtedness of the district then outstanding, will exceed in total principal amount 2.4% of the taxable value of taxable property in the district as computed from the last equalized assessment roll for county purposes made and completed prior to the issuance of the bonds. The taxable value of all tax equivalent property, as defined in Subsection 59-3-102 (2), shall be included as a part of the total taxable value of taxable property in the district for purposes of

the limitations. Bonds issued in the manner that they are payable solely from revenues to be derived from the operation of all or part of the facilities of the district may not be included as bonded indebtedness of the district for the purpose of this computation. All bonds not payable solely from revenues shall be the general obligations of the district, and the full faith, credit, and resources of the district shall be pledged for their payment; and regardless of any limitations contained elsewhere in the laws of Utah and this part, including Section 17A-2-312, the board of trustees shall cause to be levied annually on all taxable property in the district taxes sufficient to pay principal and interest on general obligation bonds as principal and interest fall due, or if the bonds are payable primarily from revenues, then anticipate and make up any amounts which may be necessary to pay the principal and interest by reason of deficiencies in revenues. The bonds shall be issued and sold in compliance with the Utah Municipal Bond Act. 1990

17A-2-310. Certification of bond issue to county legislative body - Tax levy - Payment of revenue bonds - Election on general obligation bonds and revenue bonds - Bonds for sewer purposes - Collection of charges.

(1) Except as to bonds issued payable solely from revenues derived from the district's facilities, it is the duty of each board of trustees which has issued bonds under this part to certify annually to each appropriate county legislative body as provided in Section 17A-2-308, and it is the duty of the county legislative body to levy annually until principal and interest shall have been fully paid, taxes on all taxable property in the district, sufficient to assure the prompt payment of principal and interest as each falls due, all as provided in Section 17A-2-309

(2) If any bonds issued under this part are issued in a manner as not to be payable from taxes but to be payable solely from the revenues to be derived by the district from the operation of its facilities, the bonds so issued shall be payable from and secured by the pledge of all or any specified part of the revenues to be derived by the district from the operation of its facilities; and where the bonds are so issued, it is the duty of the board of trustees to impose for all services rendered thereby rates fully sufficient to pay principal of and interest on the bonds and to carry out all commitments made in the resolution authorizing the bonds. The board may in the resolution enter into such covenants with the future holders of the bonds as to the management and operation of the facilities, the imposition and collection of fees and charges for water and services furnished by these facilities, the disposition of these fees and revenues, the issuance of future bonds and the creation of future liens and encumbrances against these facilities and the revenue from them, and carrying of insurance on the facilities, the keeping of books and records, and other pertinent matters, as considered proper by the board of trustees to assure the marketability of the bonds. The board may undertake in the resolution to make the revenues of the facilities sufficient to pay the expense of their operation and maintenance and may undertake to make the revenues or net revenues of the facilities sufficient to produce in each year an amount in such specified excess of actual requirements for principal of and interest on the bonds in that year as the board may consider necessary to assure the highest marketability of the bonds. If the

board provides in the resolution authorizing the revenue bonds for the creation of a reserve fund to assure the prompt payment of principal and interest, the board may provide for the accumulation of this fund not only from the revenues of the facilities but also through the paying into it of such part of the bond proceeds as it may consider advisable. A proposition of issuing general obligation bonds and a proposition of the issuance of revenue bonds, or any combination of them, may be voted upon at the same election.

(3) When bonds are issued under this part in whole or in part for sewer purposes and the district operates a waterworks system, provision may be made in the bond resolution under which charges for sewer service and water are to be billed in a single bill to each customer and payment of the charge for water accepted only when the charge for sewer service is paid at the same time. The board may agree to suspend water or sewer service, or both, to any customer who shall become delinquent in the payment of any charges due the district. Whether or not a district operates a waterworks system, any unpaid and delinquent charges for sewer or water service shall be certified by the clerk of the district to the treasurer or assessor of the county in which the delinquent premises are located. The amount of the delinquent charges, together with interest and penalties, shall immediately upon the certification become a lien on the delinquent premises on a parity with and collectible at the same time and in the same manner as general county taxes are a lien on the premises and are collectible. All methods of enforcement available for the collection of general county taxes, including sale of the delinquent premises, shall be available and shall be used in the collection of the delinquent sewer charges. However, when the customer is a renter of residential property covered by Title 57, Chapter 22, any unpaid and delinquent charges are a personal liability for the customer and may not be placed as lien on the property. 1993

17A-2-311. Recital in bonds - Incontestability.

It may be provided in the resolution authorizing any bonds hereunder that such bonds shall recite that they are issued under authority of this part. Such recital shall conclusively import full compliance with all of the provisions of this part, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value. 1990

17A-2-312. Powers of district - Bond obligations of entity under Utah Interlocal Cooperation Act not obligation of district.

(1) Without in any way limiting the powers granted to districts created under this part by the provisions of this part, each district may:

(a) Exercise all powers of eminent domain possessed by counties in Utah, which powers shall be exercised in the manner provided for the exercise of these powers by counties.

(b) Cause to be levied taxes on all taxable property in the district for the carrying out of the purposes for which the district is created. The taxes so levied for any district may not in any year exceed .0008 per dollar of taxable value of taxable property in the district.

(c) Enter into contracts considered desirable by the board to carry out the functions of the district, including specifically the power to enter into contracts with: (i) counties, municipal or other public

corporations, or any other political subdivision of the state, including any entity created under the Interlocal Cooperation Act, (and any county, municipal or other public corporation, or political subdivision shall have the power to enter into contracts with districts created under this part) for the purpose of constructing, acquiring, or operating all or any part of a system for the collection, treatment, and disposition of sewage; (ii) gas corporations regulated under Section 54-4-1, for the purpose of providing for the operation or maintenance by those corporations of all or any part of a system for the transmission of natural or manufactured gas, or for the purpose of leasing or selling all or a portion of such a system to those corporations; and (iii) private persons or corporations, public or private, for the purchase of water or electricity from these persons or corporations, or for the sale of water or electricity to these persons or corporations, or for the use of any of the facilities of these persons or corporations as may seem desirable to the board of trustees. The district may make payments for the use of the water, electricity, or facilities pursuant to contract as the board of trustees considers proper, and the district may charge the persons or corporations for the use of water, electricity, or facilities by them as the board of trustees considers proper. In any contract entered into by the districts with counties, municipal or other public corporations, or other political subdivisions of the state for the purpose of constructing, acquiring, or operating all or any part of the system for the collection, treatment, and disposition of sewage, the district may include provisions imposing penalties and surcharges against the counties, municipal or other public corporations, or political subdivisions if they fail to comply with the provisions of the contracts as negotiated.

(d) Impose and collect charges or fees for water or other services or for the use of facilities of the district and pledge all or any part of the revenues so derived to the payment of any bonds of the district, whether these bonds are issued as revenue bonds or as general obligations of the district. Where revenue bonds are issued as authorized by this part payable solely from the revenues of the facilities, the fees and charges so imposed shall always be sufficient to carry out the provisions of the resolution authorizing the bonds. The board may perform acts and adopt resolutions necessary to assure the collection and enforcement of all fees and charges so imposed.

(e) Enter into contracts with private persons and corporations for the purpose of handling their industrial and commercial wastes and sewage and require pre-treatment of these wastes and sewage that would otherwise place an undue burden on the collection system or the treatment facilities. Districts may not enter into contracts within any area where sewer service is being provided by an existing municipal or other sewage collection system.

(2) Any bond obligations of a legal or administrative entity created under the Utah Interlocal Cooperation Act with which a district may contract as provided in this section may not be counted as an obligation of the district for purposes of this part. 1990

17A-2-313. Authority of district.

Any district created hereunder may own property, appropriate and otherwise acquire water and water rights within and without its boundaries and may sell water or other services to consumers residing outside its boundaries. 1990

17A-2-314. Refunding bonds - Escrow of proceeds of sale.

Any bonds issued under this part may be refunded pursuant to resolutions to be adopted by the board of trustees, in the manner hereinabove provided for the issuance of other bonds, except that no hearing need be held and it shall not be necessary to submit the question of the refunding of the bonds to the voters of the district. Refunding bonds so issued may be secured in such manner and may be made payable from such sources as may be provided in the resolution authorizing their issuance, except that bonds payable solely from operating revenues may not be refunded into bonds payable from taxes. Refunding bonds so issued may be sold at public or private sale or may be exchanged for the bonds to be refunded. If sold, the proceeds of sale may be escrowed for the payment of the bonds to be refunded in such manner as may be provided in the resolution authorizing the refunding bonds. No bonds may be refunded hereunder unless they either mature or are callable for redemption under their terms within 12 months from the date of issuance of the refunding bonds, or unless the holders thereof voluntarily surrender them for exchange or payment. 1990

17A-2-315. Publication of resolution or proceeding - Right to contest legality.

The board of trustees may provide for the publication of any resolution or other proceeding adopted by the board in a newspaper published in or having general circulation in the district. For a period of 30 days after the date of such publication, any person in interest shall have the right to contest the legality of such resolution or proceedings or any bonds which may be authorized thereby or by the provisions made for the security and payment of any such bonds, and after such time no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever. 1990

17A-2-316. Bonds to be legal investments - Use as security for faithful performance of acts.

All bonds payable from taxes issued pursuant to this part by any district shall be legal investments for all trust funds, including those under the jurisdiction of the state of Utah, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the state treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the state of Utah, such moneys or funds may be invested in or loaned upon the security of such bonds of such districts; and whenever bonds of cities, cities and counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance on execution of any court or private trust or any other act, such bonds of districts created under this part may be so used. 1990

17A-2-317. Ratification of districts created under prior laws - Issuance of authorized bonds - Amendatory proceedings.

Whenever any district has been heretofore created or purported to be created under authority of Chapter 25, Laws of Utah 1947, Chapter 24, Laws of Utah 1949, or the act hereby amended and where proceedings have been adopted by the governing

body of such district for the purpose of authorizing the bonds of such district, whether or not such bonds are payable from operating revenues or from taxes or both, and whether or not such bonds have been heretofore delivered, all proceedings had in connection with the creation of such district, the organization of the governing body thereof, and all proceedings had in connection with the authorization of such bonds, and, when duly delivered and paid for as required by such proceedings, the bonds themselves are hereby validated, ratified and declared to be binding and effective in accordance with their terms notwithstanding any failure to comply with any one or more pertinent statutory provisions and notwithstanding whether such proceedings have been continuously in effect from the date of their adoption to the date of the passage of this part.

As to each district coming within the purview of this section which has heretofore authorized bonds which have not yet been issued, the governing body of such district is hereby authorized and empowered to do all things necessary to the issuance of such bonds and to the performance and carrying out of the contracts of such district, and such things may be done and such bonds when issued shall benefit from the curative provisions of this section whether or not changes in the details of the bonds and in the proceedings authorizing the issuance thereof have been made since the original adoption thereof or may hereafter be made and without regard to the nature of such changes.

Where any district has been originally initiated or created under authority of either Chapter 2, Part 3 or Chapter 3, Part 2, the governing authority of such district may proceed to issue bonds and operate facilities under the authority of the law under which it was created or may, if in so doing provision is made for the payment in full of all expenses and obligations heretofore incurred by such district for legal, engineering, fiscal agent's and other proper services, make such changes and amendments in the proceedings for the authorization of such bonds as may be necessary to effect the authorization and issuance of such bonds under the provisions of this part as amended, and to that end, may increase or decrease the amount of bonds so authorized, may make such bonds payable in whole or in part from the operating revenues of the district or from taxes or both as herein provided, and may make any other changes in such proceedings it may deem to be the best interests of the district. If any such change has the effect of pledging or allocating to the payment of any such bond taxes to be levied by such district, such amendatory proceedings shall become effective only when there shall have been given the notice contemplated by Section 17A-2-304 hereof, and when the hearing required by such section shall have been held and appeals taken therefrom, if any, terminated. For the purpose of this section, the county legislative body under districts initiated or created under said Chapter 3, Part 2, shall at its option, if it elects hereafter to proceed hereunder, exercise all duties and functions provided by this part to be exercised by the board of trustees of any district created hereunder or may cause an election to be held for the election of trustees in accordance with the provisions of this part. 1993

17A-2-318. Separability clause.

If any one or more provisions of this law shall ever be held to be invalid for any reason, such holding shall not affect the enforceability of the remaining provisions of this law. 1990

17A-2-320. Special election of elective members of board of trustees.

(1) (a) Whenever any improvement district organized under the provisions of Chapter 2, Part 3, has failed to hold the election provided for in Section 17A-2-305 for the elective members of the board of trustees not appointed as a representative of a municipality, the board of trustees may by resolution order a special election to be held in the district.

(b) If that special election has not been called before the first regular election for municipal offices held after the date of the initial bond election held in the district, the board shall call the election for the same time as the regular election of municipal officers.

(2) Any election provided for in this section shall be called, held, and conducted by following the procedures and requirements of Title 17A, Chapter 1, Part 3. 1991

Part 4. County Service Areas.**17A-2-411. Board of trustees - Selection procedures - Terms - Surety bonds.****17A-2-421. Power to incur countywide indebtedness - Limitation - Submission to electors.****17A-2-422. Proposal to incur indebtedness - Resolution - Notice - Hearing - Calling of bond election - Written protests.****17A-2-423. Resolution calling election for issuing general obligation and revenue bonds.****17A-2-424. Issuance of bonds - Bonds as general obligations - Tax levy - Resolution for issuance and disposal of bonds - Time for issuance of full amount.****17A-2-425. Bonds payable from revenues - Covenants with future holders authorized.****17A-2-426. Refunding bonds.****17A-2-427. Recital in bonds as to authority for issuance - Effect.****17A-2-411. Board of trustees - Selection procedures - Terms - Surety bonds.**

(1) Each service area created by this part shall be governed by a board of trustees consisting of three or more members created as provided in this section.

(2) (a) In the ordinance creating the service area, the county legislative body may declare that the county legislative body of the county shall act as the trustees of the service area.

(b) Upon passage of the ordinance, the county legislative body of the county shall act as trustees of the service area with all the powers, authority, and responsibility vested in the trustees under this part.

(c) (i) The county legislative body, when acting as trustees, may use any existing county offices, officers, or employees for the purposes of the service area.

(ii) The county legislative body shall charge costs of those services to the service area and require them to be paid to the county treasurer for the general fund of the county.

(3) At any time after the creation of a board of trustees as provided in Subsection (1), if no elected board has been established as provided in this section, the county legislative body of the initiating county may:

(a) by ordinance, delegate its powers to an appointed or elected board of trustees as provided in Title 17A, Chapter 1, Part 3; and

(b) provide for the appointment or election of the board by following the procedures and requirements of Title 17A, Chapter 1, Part 3.

(4) At any time after the creation of a board of trustees as provided in Subsections (2) and (3), the county legislative body shall hold an election by following the procedures and requirements of Title 17A, Chapter 1, Part 3 when the county legislative body receives a petition requesting that an election for trustees be held that is:

(a) signed by at least 10% of persons eligible to vote in any election in any service area created under this part; and

(b) filed with the county legislative body at least 30 days before the date set for a bond election or 90 days before the date set for any municipal election.

(5) (a) If there is no elected board of trustees at the time of the first bond election, trustees shall be elected in conjunction with that bond election.

(b) Candidates for election to the board of trustees shall be taxpayers and qualified voters in the service area.

(c) At any time within 30 days after the county legislative body has called a bond election, but not less than 15 days before the day of election, any person who is qualified to vote in the service area may file a signed statement with the county clerk announcing that he is a candidate to be one of the first elected trustees of the service area.

(d) The board of trustees shall provide a ballot separate from the bond ballot that contains the names of the candidates and blanks in which the voters may write in additional names.

(e) Each voter at the election may vote for the number of trustee positions to be filled.

(f) The persons receiving the highest number of votes at the election are members of the board of trustees.

(6) (a) Members of the first board of trustees shall serve for two and four year terms, beginning on the first Monday in January after the election.

(b) Initial terms shall be selected by lot and shall be apportioned so that, whenever possible, equal numbers of the board will serve for two years and four years.

(c) After the first election, except for appointments made to fill unexpired terms, the term of each member is four years.

(7) (a) Each member of the board of trustees may vote on all questions, orders, resolutions, and ordinances coming before the board.

(b) Each trustee shall receive compensation of not more than \$1,500 per year as determined by the board of trustees, except that when the county legislative body acts as the board of trustees, no compensation may be paid to them as trustees.

(c) Each trustee who is also a member of the county legislative body shall take the oath of office and shall give the bond that is required by law for members of the county legislative body.

(d) All laws pertinent to the giving and filing of oaths and bonds for members of the county legislative body apply to the trustees.

(e) Trustees who are not members of the county legislative body shall take the oath of office and shall give a bond in the amount, and with the sureties, prescribed by the county legislative body.

(8) All qualified voters in the service area may vote in elections to select trustees and in elections to approve the issuance of bonds.

(9) (a) Following the election or appointment of the first trustees, any elected trustee shall be elected according to the procedures and requirements of Title 17A, Chapter 1, Part 3.

(b) Each trustee shall take office on the first

Monday in January following his election.

(10) Within a reasonable time after their appointment, the trustees shall meet and elect one of their members as chairman and shall appoint a clerk and a treasurer, or a clerk-treasurer.

(11) All vacancies of elected trustees in office shall be filled according to the procedures and requirements of Title 17A, Chapter 1, Part 3. 1993

17A-2-421. Power to incur countywide indebtedness - Limitation - Submission to electors.

(1) (a) The county may incur indebtedness on a countywide basis for the purpose of supplying services authorized by this part if the indebtedness does not exceed, in the aggregate with all other county indebtedness, 2% of the fair market value, as defined under Section 59-2-102, of all the taxable property in the county, as computed from the last equalized assessment roll for state and county purposes prior to the incurring of this indebtedness.

(b) In computing the fair market value of the taxable property in the county, the fair market value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the fair market value of the taxable property in the county, as provided under Title 59, Chapter 3, Tax Equivalent Property Act.

(c) Indebtedness that is payable from revenues to be derived from the operation of the facilities of the area, or from taxes on property within the area for benefits conferred, services rendered, or a combination of benefits conferred and services rendered, may be incurred but may not be included as indebtedness of the county for the purpose of computing countywide indebtedness.

(d) (i) When the total county debt, as determined after adding the debt authorized by this section, exceeds the county taxes for the current year, a proposition to incur countywide indebtedness shall be submitted to the vote of the qualified electors of the county.

(ii) A majority of those voting must vote in favor of incurring the debt.

(2) (a) When bonded indebtedness payable solely from taxes levied on, or service charges payable by, persons residing in the county service area is for a term exceeding one year, the proposition to incur that indebtedness shall be submitted to a vote of the qualified electors in the county service area.

(b) A majority of those voting must vote in favor of incurring the debt. 1990

17A-2-422. Proposal to incur indebtedness - Resolution - Notice - Hearing - Calling of bond election - Written protests.

A proposal to incur indebtedness which would cause the total county debt to exceed the county taxes for the current year or which would not be payable within one year, as the case may be, may be originated by a majority vote of the board of trustees or by petition of not less than 100 property owners or 10% of all the property owners, whichever is less, who own property within the county service area or by petition of not less than 10% of all the qualified voters residing in the county service area. The proposal shall specify the particular purpose for which the indebtedness is to be created, the amount in money of bonds which it is proposed to issue and the name and number of the county service area. After the proposal has been made, the board of trustees, as expeditiously as possible, shall

adopt a resolution fixing a time and place at which the proposal shall be heard, which time shall be not less than 30 nor more than 60 days after the date of adoption of the resolution. The board of trustees shall immediately issue a notice of the time and place of hearing, which notice shall state that all persons who own property in the service area when the debt is payable solely from within the county service area or all persons residing in the county when the debt is countywide may appear at the hearing and contend for or protest against the incurring of the debt and the holding of a bond election. If the service area has issued bonds, the notice shall include a statement of the amount of outstanding bonds of the service area and shall indicate whether the bonds are general obligations of the county or are payable solely from within the county service area. The board of trustees shall cause the notice to be published once a week during four consecutive weeks in a newspaper of general circulation in the county, the first publication to be not more than 60 days nor less than 28 days prior to the date of the hearing. It is not necessary that the notice be published on the same day of the week in each of four calendar weeks, but not less than 20 days shall intervene between the first publication and the last publication. At the time and place set for the hearing of the petition, or upon a subsequent date fixed at the original hearing the board of trustees shall proceed to hear the proposal and all matters in respect to a bond election. If, upon the hearing of the proposal, the board of trustees finds that due notice has been given and that the services under discussion would be for the benefit of all taxable property or the real property owners situated in the service area, then the board shall make and cause to be entered of record upon its minutes an order so finding, and shall proceed to call the bond election and, if a majority of those voting, vote in the affirmative, to issue the bonds in the manner provided. The board may reduce the amount in money of the bonds named in the petition. If written protests are filed prior to the date fixed for the original hearing, signed by property owners owning taxable property in the service area with a taxable value in excess of 40% of the taxable value of all the taxable property within the service area, according to the last assessment roll for county taxes completed prior to the holding of the election or by 40% of all the qualified voters residing in the county service area or by 40% of all the qualified voters residing in the county, the board does not have authority to proceed with the calling of the election, and no new petition for a bond election in the service area may be entertained for a period of 12 months from that time. If written protests are filed and the board of trustees determines that the protests so filed represent less than the 40% required, a resolution or finding in writing of the board calling the election shall so recite and the recital shall be conclusive. The provisions of this section and of Section 17A-2-407 with regard to publication of notice in a newspaper may be carried out concurrently. 1990

17A-2-423. Resolution calling election for issuing general obligation and revenue bonds.

(1) If under the foregoing provisions the board is authorized to call an election on the issuance of the bonds, the board shall adopt a resolution directing that an election be held in the county or service area, as the case may be, for the purpose of determining whether bonds in the amount, for the

purpose, and with the maximum maturity specified in the resolution, shall be issued. A proposition for issuing general obligation bonds and a proposition for issuing revenue bonds, or any combination thereof, may be submitted at the same election.

(2) Adoption of the resolution calling the election, determination of voters' qualifications, notice and conduct of the election, and the canvass of election results shall be accomplished in the manner prescribed in the Utah Municipal Bond Act. The board, for purposes of the election, may treat the entire district as a single precinct or divide the district into several precincts and it may fix such polling places as it deems appropriate. 1990

17A-2-424. Issuance of bonds - Bonds as general obligations - Tax levy - Resolution for issuance and disposal of bonds - Time for issuance of full amount.

(1) If a majority of the qualified electors voting thereon shall vote in favor of incurring the indebtedness as proposed, the board of trustees shall proceed to issue the bonds in the amount of money specified or such lesser amount as it may determine. The bonds shall be issued for the purpose or purposes provided in the voted proposition, which may be for the acquisition, construction, or installation of any facility or property, including water and water rights, required or deemed necessary to supply any of the extended services referred to in Section 17A-2-403 or any part or combination thereof, or for maintaining, repairing, improving, and extending the facility or property or combination of facilities and property. The proceeds of the bonds may also be used for the payment of all legal, engineering, and fiscal agent expenses reasonably incurred in connection with the construction, installation, improving, maintaining, repairing, and extending of the facilities or property and with the authorization and issuance of the bonds.

(2) Improvements in county service areas may be financed either entirely from ad valorem taxes or entirely from revenue of all or part of the facilities and property of the service area or in whole or in part from both ad valorem taxes and operating revenues. All bonds of the service area which are not payable solely from the revenues of the service area or from taxes proportionately levied on property benefited by the improvements shall be the general obligations of the county, and the full faith, credit, and resources of the county shall be pledged for the payment thereof. Regardless of any limitations contained elsewhere in the laws of Utah and this part, including Section 17A-2-414, it shall be the duty of the board of trustees to cause taxes to be levied annually on all taxable property in the service area in the manner provided in Section 17A-2-414 but without regard to the limitation on rate therein set forth, which will be fully sufficient: (a) to pay the interest on such indebtedness as it falls due; and (b) to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued.

(3) The board of trustees shall provide by resolution for the issuance and disposal of the bonds. The bonds may bear interest at such rate or rates and may be sold at public or private sale, in such manner, and at such prices, either at, in excess of, or below the face value thereof as may be provided in the resolution. The bonds may be made redeemable in advance of maturity at such times and with such premium and may be issued for such period not exceeding 40 years as may be provided in the

resolution. The bonds may be either serial or term bonds and may be in registered or coupon form.

(4) If the board of trustees does not issue the full amount of the bonds stated in the proposition approved by the electors, all or any part of the remainder so authorized may be issued at any time not later than three years after the date of the election at which the proposition was approved. 1990

17A-2-425. Bonds payable from revenues - Covenants with future holders authorized.

If any bonds issued hereunder are payable in whole or in part from revenues to be derived by the service area from the fees and charges it imposes for any commodities, services or facilities afforded by the service area to its consumers, the board of trustees may in the resolution authorizing the bonds enter into covenants with the future holder or holders of the bonds pertaining to the management and operation of the facilities, the imposition and collection of fees and charges, the disposition of fees and revenues, the issuance of future bonds and the creation of future liens and encumbrances against facilities and the revenue thereof, the carrying of insurance on the facilities, the keeping and auditing of books and records, and such other pertinent matters as may be deemed appropriate by the board of trustees. 1990

17A-2-426. Refunding bonds.

Any bonds issued by any service area may be refunded pursuant to resolutions adopted by the board of trustees in the manner provided by this part for the issuance of other bonds except that no hearing or election need be held in order to issue refunding bonds. Refunding bonds so issued may be secured in the manner and may be made payable from those sources as may be provided in the resolution authorizing their issuance except that bonds payable solely from the revenues of the service area may not be refunded into bonds payable in whole or in part from taxes. Refunding bonds so issued may be sold at public or private sale or may be exchanged for the bonds to be refunded. If sold, the proceeds of the sale may be escrowed for the payment of the bonds to be refunded in such manner as may be authorized in the resolution authorizing the refunding bonds. No bonds may be refunded unless they either mature or are callable for redemption under their terms within 12 months from the date of issuance of the refunding bonds, or unless the holders of said bonds voluntarily surrender them for exchange or payment. 1990

17A-2-427. Recital in bonds as to authority for issuance - Effect.

The resolution authorizing the issuance of any bonds of a service area may provide that the bonds recite that they are issued under the authority of this part. Any bonds issued containing this recital shall be incontestable for any cause whatsoever after their delivery for value and the recital shall conclusively establish full compliance with all of the provisions of this part. 1990

Part 5. Drainage Districts.

17A-2-543. Contractual powers - Bond issues - Elections - Limitations - Uses.

17A-2-544. Bonds - Lien on land and improvements.

17A-2-545. Bond issue - Statement attached.

17A-2-546. Organization of districts in cities or towns.

17A-2-547. Refunding bonds - Time limit.

17A-2-543. Contractual powers - Bond issues - Elections - Limitations - Uses.

Whenever the board of supervisors deem it expedient it shall have power, for the purpose of constructing drains, drainage canals and other required improvements necessary to drain lands in said district or conserve the public health or welfare, to make a contract or contracts with the United States providing for the repayment of the principal and such other sums due thereunder at such times as may be agreed upon, or to issue bonds of the district to run not less than five years nor more than 40 years, and to bear interest, payable semiannually, at a rate not exceeding 8% per annum to be called "drainage district bonds," which said bonds shall not be sold for less than 90% of their par value, and the proceeds of which shall be used for no other purpose than paying the cost of constructing such drains, drainage canals, or other like work deemed necessary to drain lands within said district, or conserve the public health or welfare. Before such contract or contracts shall be made or bonds shall be issued, the board of supervisors shall request the county legislative body to, and the county legislative body shall at once order a special election on the question of the issuance of bonds. The persons authorized to vote in, the giving of notice, the forms of ballots, and the manner of holding the election, and canvassing the results of the election, shall be as provided in the Utah Municipal Bond Act. The expenses of such election shall be paid out of the funds belonging to said drainage district. The terms and times of payment of the bonds so issued shall be fixed by the board of supervisors. Said bonds shall be issued for the benefit of the district authorizing said issue and shall bear the name and number of said district. The board of supervisors shall keep a record of the bonds issued and sold or otherwise disposed of, and such record will also show the lands embraced in said district. In no case shall the amount of bonds exceed the benefits assessed. Each bond issued shall show expressly upon its face that it is to be paid by a tax assessed, levied, and collected on the lands within the drainage district. Said board of supervisors shall, by resolution, provide for the issuance and disposal of such bonds and for the payment of the interest thereon, the creation of a sinking fund for the ultimate redemption thereof, and for the date and manner of the redemption of said bonds. Said board of supervisors may sell or dispose of said bonds either at public or private sale. Before making any such sale, either private or public, the board of supervisors shall give due notice of their intention to sell or dispose of said bonds, by publishing notice of sale at least once a week for four consecutive weeks in some newspaper having general circulation in the state of Utah and in the county where said district is situated, and by publishing in any other publication they may deem advisable. The notice shall state that sealed proposals will be received by the board of supervisors at their office, for the purchase of the bonds, until the day and hour fixed by the board of supervisors. At the time appointed the board of supervisors shall open the proposals, and award the purchase of the bonds to the highest responsible bidder, or may reject all bids. In case no bid is made and accepted as above provided, the board of supervisors is hereby authorized to use said bonds for the construction of any ditches, drain or drains, drainage canal or drainage canals, or any other required improvement deemed necessary to drain lands or for

the public health or welfare.

1993

17A-2-544. Bonds - Lien on land and Improvements.

Whenever any such drainage district bonds shall be issued, or contract with the United States made, in accordance with the provisions of this part, such bonds or contract, shall constitute a lien upon all of the lands and improvements thereon within the boundaries of the district, to the extent of the total benefits, assessed and equalized, and pledged for such purpose, and not in excess thereof, and the board of supervisors of said district shall from time to time, as by this part provided, levy a sufficient tax to pay the annual interest charge on such bonds, and in addition thereto, such an amount as a sinking fund which shall, in the course of events and ultimately, amount to a sufficient sum to redeem said bonds, or in case of contract with the United States, shall levy a sufficient tax to meet all payments due, or to become due thereunder, and in addition thereto, a sufficient tax to pay the interest or penalties on any delinquent payment or payments, as provided in said contract or as required by the statutes of the United States.

1990

17A-2-545. Bond issue - Statement attached.

Each bond issue as provided for by Section 17A-2-543, shall be signed by the president and secretary of the said board of supervisors, and be attested by the county clerk, and said clerk shall also make a certified statement thereon, affixing his seal of office thereto, of the total amount of the assessment of benefits pledged for the payment of said bonds and other bonds, if any, issued; the date, number, denomination, and time due of all bonds issued; when the assessment of benefits was confirmed by the county legislative body, and the number of acres of land in the district against which said assessments were made.

1993

17A-2-546. Organization of districts in cities or towns.

For the purpose of organizing a drainage district, which is wholly within the limits of any incorporated city or town, a like procedure may be followed within such city or town; the petition for organization may be presented to the town board, city council or commissioners; and city or town officers, who exercise functions similar or equivalent to the functions of the respective county officers named in this part, shall exercise the same functions with respect to the organization, administration and control of such district, and shall have the same powers in all respects, as such similar or equivalent county officers, with respect to the appointment, qualification and removal of district supervisors, the giving of notices, the holding of hearings, issuing of proclamations, fixing boundaries, calling district elections, equalizing assessments of benefits and taxes, certifying bond issues, and doing such other acts or things as will put into effect the provisions of this part in any such district within such city or town, and so as to give to any such city or town, and the officers thereof, the same powers and duties as are had and exercised by a county, and the county officers; provided that, except as varied to meet the requirements of this section, all other provisions of this part shall govern any such district organized pursuant to this section.

1990

17A-2-547. Refunding bonds - Time limit.

Any bond or bonds heretofore or hereafter issued by any drainage district may be refunded at any time by such drainage district when a lower rate of

interest or better terms can be obtained, or to provide means for the payment of maturing bonds. Such refunding bonds may be issued by resolution of the board of supervisors without an election, and may be sold by the board in such manner and on such terms as it may deem for the best interests of the district. Payment of such refunding bonds shall be provided for in the same manner as the bonds so refunded, and all statutory and other liens and rights existing under the original issue shall extend to and apply to said refunding bond; provided, that refunding bonds shall mature in not exceeding 40 years from date of issue. 1990

Part 6. Fire Protection Districts.

17A-2-605. Organization of proposed district - Adoption of ordinance - Election - Qualification of voters.

17A-2-606. Conduct of election - Challenges - Judges of election.

17A-2-608. Canvass of votes - Order of the county legislative body.

17A-2-609. Commissioners - Election or appointment - Countywide fire protection district - Compensation.

17A-2-612. Election for office of fire commissioner.

17A-2-614. Annexation of contiguous territory - Procedure - Petition - Special election.

17A-2-622. Election regarding issuance of bonds.

17A-2-605. Organization of proposed district - Adoption of ordinance - Election - Qualification of voters.

After the county legislative body has made its order finally fixing and determining the boundaries of the proposed district, the district can be created by either (1) the county legislative body adopting an ordinance creating the said district, which ordinance shall give the name thereof, the county in which it is located and a description of the proposed area and boundaries of the district. The said district shall become legally existent, provided no appeal is taken as set forth in Section 17A-2-607, 30 days from the date of first publication of the ordinance creating the said fire district or (2) the county legislative body shall give notice of an election to be held within the proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this part. Such notice shall give the name of the proposed fire protection district, describe the boundaries thereof, name the precinct or precincts therein with a description of the boundaries of each, together with a designation of the polling places. The notice shall be published, previous to the time of such election, in the same manner as provided in Section 17A-2-603 above. Such notice shall require the electors to cast ballots which shall contain the words "_____ fire protection district, yes," or "_____ fire protection district, no" or words equivalent thereto. Qualified electors, under the general laws of the state, living within such district shall be entitled to vote on the question of whether the district shall or shall not be created. 1994

17A-2-606. Conduct of election - Challenges - Judges of election.

Such election shall conform as nearly as practicable with the general election laws of the state, except that the provision of the election laws as to the form and distribution of ballots shall not apply. In case of a challenge, there shall be added to the usual elector's oath the following words: "and I am a resident within the boundaries of the proposed fire

protection district." The county legislative body shall appoint three judges for each such election precinct who shall perform the same duties as near as may be as judges of election under the general laws of the state. 1993

17A-2-608. Canvass of votes - Order of the county legislative body.

Within 14 days after said election, the county legislative body shall meet and canvass the votes cast at such election. If upon such canvass, it appears that a majority of all votes cast in the district are in favor of the formation of said district, the county legislative body shall, by an order entered in its minutes, declare the "_____ fire protection district," describing its boundaries, duly organized. The county legislative body shall then cause copies of such order, duly certified by the clerk of said county legislative body, to be immediately filed for record in the office of the lieutenant governor and in the office of the county recorder and assessor of said county. If, upon the canvass, it appears that a majority of the votes cast in the district within said county are not in favor of the formation of said district, the county legislative body shall enter an order to such effect and the proceedings to create the proposed district shall be null and void. 1994

17A-2-609. Commissioners - Election or appointment - Countywide fire protection district - Compensation.

(1) Except as provided in Subsection (b), there shall be three fire protection district commissioners for each district appointed or elected according to the procedures and requirements of Title 17A, Chapter 1, Part 3.

(2) (a) As used in this subsection, a "countywide fire protection district" means a fire protection district that includes all of the county except first and second class cities.

(b) If a complete county organizes into a countywide fire protection district, the county legislative body of that county is the fire protection district commission for as long as the county remains a countywide fire protection district.

(c) The fire commissioners shall serve without compensation, but shall receive necessary expenses in attending meetings and other district business. 1991

17A-2-612. Election for office of fire commissioner.

The fire district shall comply with the procedures and requirements of Title 17A, Chapter 1, Part 3 in holding the election. 1991

17A-2-614. Annexation of contiguous territory - Procedure - Petition - Special election.

Any territory contiguous with a fire protection district may be annexed to such district by petition of 25% or more of the holders of title to real property or evidence of title within the territory proposed to be annexed. Such petition shall be filed with the fire commissioners of the fire protection district and if the said fire commissioners shall concur with said petition they shall then file such petition with the county legislative body. The proceedings by the county legislative body shall be the same as for the organization of a district under this part. Provided, however, that the special election shall be held only within the boundaries of the territory proposed to be annexed to said fire protection district. 1993

17A-2-622. Election regarding issuance of bonds.

(1) After a fire protection district has been created, a petition may be presented to the fire protection district commissioners requesting such

commissioners to order an election to determine whether the bonds of the district shall be issued to the amount and for the purpose or purposes stated in the petition. Such petition shall comply in all respects to the requirements of Section 17A-2-602 hereof, except shall be made to the fire protection district commissioners. After the filing of said petition the procedure of said commissioners in respect to publication of notice, contents of notice, hearing and determination of petition, continuance, objections, determination of amount of bonds shall comply, as nearly as practicable, with Sections 17A-2-603 and 17A-2-604

(2) Adoption of the resolution calling the election, determination of voters' qualifications, notice and conduct of the election, and the canvass of election results shall be accomplished in the manner prescribed in the Utah Municipal Bond Act. Fire protection district commissioners, for purposes of the election, may treat the entire district as a single precinct or divide the district into several precincts and it may fix such polling places as they deem appropriate. 1990

Part 7. Irrigation Districts.

- 17A-2-703. Land and water allotments - Revision and alteration - Proceedings to list lands - Writ of mandamus - Hearing and determination on writ - Calling election - Conduct of election.
- 17A-2-704. Notice of election - Directors.
- 17A-2-705. Canvass of returns - Organization of district.
- 17A-2-706. Regular election of district - Official bond - Fiscal agents.
- 17A-2-707. Office location.
- 17A-2-711. Board of directors - Organization - Powers and duties.
- 17A-2-715. Issuance of bonds - Special election - Contract with the United States - Additional bonding - Validation of previous issues.
- 17A-2-738. Redivision of districts.
- 17A-2-745. Division of districts - Representation.
- 17A-2-746. Dissolution of district - Election - Procedure.
- 17A-2-747. Returns and canvass of election.

17A-2-703. Land and water allotments - Revision and alteration - Proceedings to list lands - Writ of mandamus - Hearing and determination on writ - Calling election - Conduct of election.

When a petition has been filed, water survey and allotment made, and notice of hearing published as required by this part, the county legislative body shall upon the date set, proceed to determine and list the lands, which need not be contiguous, by acreage and ownership in each 40-acre legal subdivision to be included in said proposed district, from the petition, and from such applications for the exclusion of lands therefrom and the inclusion of lands therein, as may be made in accordance with the intent of this part and may revise the allotment of water made by the state engineer; provided that no increase shall be made in any such allotment without the approval of the state engineer; they may adjourn such examination from time to time not exceeding two months in all, and shall by final order duly entered determine and list the acreage and ownership in each 40-acre legal subdivision together with the allotment of water made; provided, that said county legislative body shall not so alter the included lands, shown by the plat accompanying the petition, as to change the objects of said peti-

tion, or so as to exempt from the operation of this part any lands, requiring water, shown on the plat as included within the petition, and susceptible of irrigation by the same system of waterworks applicable to other lands in such proposed district; nor shall any land which will not in the judgment of the county legislative body be benefited by such proposed system be included in such district; nor shall any lands of the state of Utah not held under contract of sale and for which the state board of land commissioners has not petitioned inclusion, be included in such district; provided also that lands not included in said proposed district as shown on the ownership plat accompanying the petition, may upon application of the owner or owners be included in such district upon such hearing, and such included lands shall be listed with such allotment or water as the county legislative body, using the allotment made by the state engineer for similar lands as a basis, may make after the conclusion of such hearing; provided further that in the hearing of any such petition the county legislative body shall disregard any informality therein, and in case they deny the same or dismiss it for any reason on account of the provisions of this part not having been complied with, which are the only reasons upon which they shall have a right to refuse or dismiss the same, they shall state their reasons in writing therefor in detail, which shall be entered upon their records and in case these reasons are not well founded, a writ of mandamus shall, upon proper application therefor, issue out of the district court of said county, compelling them to act in compliance with this part, which writ shall be heard within 20 days from the date of its issuance, and which 20 days shall be excluded from the two months after return of survey by the state engineer given the county legislative body herein to act upon said petition. When the lands included in the proposed district shall have been determined and listed as aforesaid, the county legislative body shall forthwith make an order determining and listing said lands as aforesaid together with the allotments of water made, and designating the name of such proposed district, and shall by further order duly entered upon the record call an election of landowners of said district to be held for the purpose of determining whether such district shall be organized under the provisions of this part, and by such order shall submit the names of one or more persons from each of the three divisions of said district as hereinafter provided to be voted for as directors therein, and for the purpose of said election shall divide said district into three divisions as nearly equal in voting strength as may be practicable, define the boundaries thereof, designate polling places, and provided that a landowner of each of said 1994

17A-2-704. Notice of election - Directors.

The county legislative body shall thereupon cause a notice embodying said orders in substance signed by the chairman of the county legislative body, and the clerk of said legislative body, to be issued, given and published, giving public notice of said election, the time and place thereof, and the matters submitted to the vote of the landowners; said notice and substance of such order shall be so published as provided in Section 17A-2-702, and if any portion of such proposed district lies within any other county, or counties, then such order and notice shall be published in a newspaper of general circulation within each of said counties. At all elections held under the provisions of this part, all

persons shall be entitled to vote who are landowners of agricultural lands, to which water has been allotted with the district as defined by this part; provided, that corporations owning lands within the district shall be considered persons within the meaning of this section. Landowners shall be entitled to vote only in the division of such district, wherein their lands, to which water has been allotted, or a major portion thereof are located; and any individual entitled to vote as aforesaid shall also be eligible to election as a director in and for the division in such district, in which the major portion of his lands are located. The ballots to be used and cast at such election for the formation of such district, shall be substantially as follows: "Water conservation district, _____ Yes, _____ (Name) _____ acre-feet," or "Water conservation district, _____ No _____ (Name) _____ acre-feet," or words equivalent thereto, and shall also contain the names of the persons to be voted for as members of the board of directors of said district; each landowner may vote for three directors, one for each division, and shall indicate his vote by placing a marginal cross upon the ballot for or against any question submitted or name voted upon and opposite thereto at any election held under this part. Provided, that at the election for the organization of the district each elector as provided herein shall be entitled to cast one vote for each acre-foot of water or fraction thereof, allotted to the land owned by such elector, as shown by the order of the county legislative body, and shall sign the ballot and indicate along with his or her name the number of acre-feet allotted to the lands owned by the elector casting the ballot. 1994

17A-2-705. Canvass of returns - Organization of district.

The county legislative body shall meet on the first Monday next succeeding such election and proceed to canvass the returns thereof; and if, upon such canvass, it appears that a majority of the votes cast at said election are "Water conservation district..... yes," the county legislative body shall by an order entered on their minutes, declare such territory duly organized as a water conservation district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest number of votes for such several offices to be duly elected to such office. The county legislative body shall within a reasonable time thereafter, cause a copy of such order, including a list and plat of the lands of said district, with water allotment, to be filed for record in the office of the county clerk of the county in which the petition is filed and certified copy with the county recorder of each county in which any portion of such lands are situated, and no county legislative body of any county including any portion of such district, shall after the date of organization of such district, allow another district to be formed including any of the land of such district, without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete and the officers thereof shall immediately enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are elected and qualified. No filing or recording fees shall be charged for filing or recording any instruments required to be filed or recorded under this section. 1994

17A-2-706. Regular election of district - Official bond - Fiscal agents.

(1) The regular election of the district, for the purpose of electing a board of directors, shall be held according to the procedures and requirements of Title 17A, Chapter 1, Part 3.

(2) (a) Each member of the board of directors shall execute an official bond in the sum of \$3,000.

(b) That bond shall be approved by the county clerk of the county in which the district was organized.

(c) The board shall:

(i) record the bonds in the office of the county clerk; and

(ii) pay the premium on the bonds.

(d) All official bonds shall be in the form prescribed by law for official bonds for county officials, except that the obligee named in the bonds shall be the district.

(3) (a) If any district organized under this part is appointed fiscal agent of the United States or is authorized by the United States to collect money for and on behalf of the United States in connection with any federal project, each director shall execute an additional official bond in whatever sum that the Secretary of the Interior requires, conditioned upon the faithful discharge of the duties of the director's office.

(b) The district shall execute an additional bond for the faithful discharge by the district of its duties as fiscal or other agent of the United States under that appointment or authorization.

(c) Those additional official bonds shall be filed in the office of the county clerk.

(d) The United States or any person injured by the failure of a director or of the district to fully, promptly, and completely perform their respective duties may sue upon those official bonds. 1991

17A-2-707. Office location.

The office of the board of directors shall be located in the county that organized the district. 1991

17A-2-711. Board of directors - Organization - Powers and duties.

Once the directors have duly qualified, they shall organize as a board, elect a president from their number, and appoint a secretary. The secretary shall execute a bond, in favor of the district, in a form and amount prescribed by the board. The board shall adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts, employ agents, attorneys, officers, and employees as required, and prescribe their duties. The board shall establish boundaries of election precincts and may change them, but no change may be made less than 30 days prior to an election. Upon the completion of the organization of the district and before any bond issue or contract is voted on, any assessment levied, or toll or charge imposed, the board of directors, having first determined the amount of water available for the use of the district, shall upon notice and a hearing and under rules determined by the board, make a final revision and allotment of the available water to each 40-acre tract or smaller tract in separate ownership within each legal subdivision; but no allotment may be increased above the amount originally allotted by the state engineer without the consent of the state engineer and the final allotment may not be decreased as long as there may be any outstanding indebtedness in excess of .4% of the fair market value of the lands within the district. The allotment may,

however, be increased to an amount not exceeding the amount allotted by the state engineer if the additional amount of water becomes available for the use of the district. The final allotment in acre-feet, or other units of measurement, the service, turnout, construction, distribution charges, or other charges, if any, shall be the basis for all assessments, tolls, and charges levied against the land and shall also subsequently be the basis of the vote at all elections. A copy of the order making the allotment or any increase provided, certified to by the secretary of the district, shall be immediately filed for record in the office of the county clerk of the county in which the office of the district is located and a certified copy filed with the county recorder of each county in which any lands of the district are situated. Nothing in this part may prohibit the state engineer, upon petition by the board of directors after the organization of the district has been perfected, from increasing the maximum allotment of water for any tract or tracts of land embraced within the district when in the opinion of the state engineer the tract or tracts of land cannot be beneficially irrigated with the amount of water allotted. The board of directors may construct or may acquire by contract, purchase, condemnation, or otherwise, canals, ditches, reservoirs, reservoir sites, irrigation systems or works and lands necessary or incidental to the use and operation of irrigation works, and reservoir sites, which lands may be leased when leasing will not interfere with their use for irrigation purposes, and also water filings, water rights, rights-of-way, or other property or any interest in the property, including power plants when acquired or developed in connection with an irrigation system with the right to sell or dispose of the surplus power. The board may also purchase stock of irrigation canal, and reservoir companies. The board may exchange bonds of the district for any such property upon terms and conditions the board considers best, subject to the approval of the State Board of Certification. The board, its agents, and employees may enter upon any land in the district to make surveys and to locate and construct any canal or canals, and the necessary laterals. The board may, by condemnation, acquire rights of way for the enlargement of any ditches, canals, or reservoirs, but the board may not occupy the premises proposed to be condemned pending the determination of a suit, except upon filing the bond requi

The board of directors may annually instruct the county assessor of the county in which the lands to be affected are located to remove from the assessment roll any land publicly dedicated to streets, highways, and roads, and also other land the use of which has so permanently changed as to prevent the beneficial use of water, and the assessor shall do so. The instructions to the assessor shall be accompanied by a written consent to the removal from the assessment roll signed by all owners of private land affected by it.

When any tract of land in the district which has no water allotment becomes susceptible to irrigation and use of water, or when any tract has an insufficient water allotment, the board of directors, upon written application of the owner of the land, may temporarily permit water to be applied on the land, and in that case the board may annually instruct the county assessor of the county in which the tract to be affected is located to assess the tract for water in the amount fixed by the board, and the assessor shall do so. Nothing contained in this section may

affect the permanent water allotments in the district.

The board of directors may lease or rent the use of water not needed by the landowners of the district and in addition may contract to supply and deliver the water to municipalities, corporations, associations, or individuals, within or without the district for irrigation or any other beneficial use, at prices and terms the board considers best. No lease or rental agreement running for a period of more than five years may be made, and no vested or prescriptive right to the use of the water may attach to the land by virtue of the lease or rental; and any landowner in the district may, where practicable, with the consent of the board of directors, assign the right to the whole or any portion of the water apportioned to the landowner's land for any one year to any other bona fide landowner, for use in the district for the year; if the landowners have paid all amounts due on assessments upon the lands. The board shall generally perform all acts and have all powers necessary to carry out fully the purposes of this part. The board of directors shall, by resolution, prescribe the dates for holding regular meetings and shall also hold special meetings as required for the proper transaction of business. A special meeting may be called by a written request of ten or more of the electors of the district, addressed to the president of the board of directors, or by the president of the board, or by any two directors. All meetings of the board shall be public, two members constitute a quorum for the transaction of business, and on all questions requiring a vote, there shall be a concurrence of at least two members of the board. All records of the board shall be open to the inspection of any landowner during business hours. The board shall, at the end of each fiscal year, prepare and submit to a public meeting of the landowners within the district, called for that purpose, a report covering all transactions and operations of the district during the year. 1990

17A-2-715. Issuance of bonds - Special election - Contract with the United States - Additional bonding - Validation of previous issues.

For the purpose of constructing or purchasing or acquiring necessary reservoir sites, reservoirs, water, water filings, water rights, canals, ditches and works, stock of irrigation, canal, or reservoir companies, and other necessary property and rights, for the assumption of any indebtedness to the United States, for the purpose of paying interest upon the bonds herein authorized during the period of construction and for not more than four years thereafter, and otherwise carrying out the provisions of this part, the board of directors of any such district shall as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised for such purposes, and shall forthwith call a special election, at which election shall be submitted to the landowners of such district, possessing the qualifications prescribed by this part, the question of whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election shall be given by posting notice in one public place in each election precinct in said district for at least 20 days, and also by publication in the manner prescribed in Section 17A-2-702. Such notice shall specify the time of holding the election, the amount and purpose of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects as nearly as possible in conformity with the provisions of this

part governing the election of officers; provided, that no informalities in conducting such election shall invalidate the same, if the elections shall have been otherwise fairly conducted. At such election, the ballots shall contain the words "Bonds - Yes," or "Bonds - No," or words equivalent thereto. If a two-thirds majority of the votes cast at such election are "Bonds-Yes," the board of directors shall cause the bonds to be executed and payable in series as follows, to wit:

Not later than at the expiration of 11 years, and annually, after the date of first payment of principal amount, a certain percentage, not less than 3%, of the whole amount and number of said bonds; at the expiration of the final period for which the bonds have been issued, which period shall in no event exceed 40 years, a percentage sufficient to pay off the remainder of said bonds; that the several enumerated percentages be of the entire amount of the bond issue; that each bond must be payable at the given time for its entire amount, and not for percentage. That said bonds shall bear interest at the rate of not to exceed 6% per annum, payable semi-annually on the 1st day of June and December of each year.

The principal and interest shall be payable at the office of the county treasurer of the county in which the organization of the district was effected as aforesaid, and at such other places as the board of directors may designate in such bonds. Said bonds shall be each of the denomination of not less than \$100, nor more than \$1,000, shall be negotiable in form, executed in the name of the district and signed by the president and secretary and the seal of the district shall be affixed thereto. Bonds deposited with the United States may call for the payment of such interest not exceeding 6% per annum, may be of such denomination, and may call for the repayment of the principal at such times as may be agreed upon between the board and the United States, and where contract is made and bonds are not deposited with the United States, the contract may likewise call for the repayment of the principal at such time as may be agreed upon. Said bonds shall be numbered consecutively as executed and bear the date of authorization. Coupons for the interest shall be attached to each bond bearing the printed or lithographed facsimile of the signature of the president and the secretary. Said bonds shall express on their face that they are issued by the authority of this part, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received, the name of the purchaser and may keep a transfer register; provided, any such district may provide for the issuance of bonds that will mature in any number of years less than 40, and arrange for the payment thereof, in series as above provided; provided, further, that when the money obtained from any previous issue of bonds has become exhausted by expenditures, herein authorized therefor, and it becomes necessary to raise additional money for such purposes, additional bonds may be issued after submitting the question at a special election to the qualified voters of said district, and otherwise complying with the provisions of this section in respect to an original issue of such bonds; provided, also that the lien for taxes, for the payment of interest and principal for any bond issue, or for any indebtedness under any contract with the United States for or with which bonds have not been deposited, shall be a prior lien to that of any subseq-

uent bond issue.

All bonds heretofore executed by any irrigation district wherein the proceedings for the organization of such district and authorizing the issuance of such bonds have been approved and confirmed by the district court of the judicial district within which such irrigation district is located, are hereby confirmed and validated. 1990

17A-2-738. Redivision of districts.

At least 30 days before the next general election of such district, after the inclusion of lands, the board of directors thereof shall make an order redividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second, and third, and one director shall thereafter be elected from each division. 1990

17A-2-745. Division of districts -

Representation.

At least 30 days before the next general election of such district the board of directors thereof shall make an order dividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall be elected from each division. 1990

17A-2-746. Dissolution of district - Election -

Procedure.

Whenever landowners representing a majority of the number of acre-feet of water allotted to the lands in any irrigation district organized, or hereafter to be organized, under this part, shall petition the board of directors to call a special election, for the purpose of submitting to the landowners of said irrigation district a proposition to vote on the dissolution of said irrigation district, setting forth in said petition that all bills and claims of every nature whatsoever have been fully satisfied and paid, it shall be the duty of said directors, if they shall be satisfied that all claims and bills have been fully satisfied, to call an election, setting forth the object of said election, and to cause notice of said election to be published, as in Section 17A-2-702, setting forth the time and place for holding said election in each of the three voting precincts in said district. It shall also be the duty of the directors to prepare ballots to be used at said election on which shall be written or printed the words: "For Dissolution - Yes," and "For Dissolution - No," provided, that in case contract has been made between the district and the United States the board shall have no jurisdiction to consider any such petition for dissolution of the district, no such special election shall be held, and such district shall not be disorganized or declared disorganized until it shall have been certified to the board of directors by the United States that all payments and obligations due or to become due to the United States under such contract have been fully paid or that the United States consents to such dissolution. 1990

17A-2-747. Returns and canvass of election.

The board of directors shall name a day for canvassing the returns of election, and if it shall appear that a majority of the votes cast are "For Dissolution - Yes," then it shall be the duty of said board of directors to declare said district to be disorganized, and shall certify to the county clerk of the county in which the office of the district is located, stating the number of signers to said petition and the number of acre-feet of water allotted to them; that said election was called and set for the day of month of year, that said election was held and that so many votes (stating the

number) had been cast for, and that so many votes (stating the number) had been cast against said proposition; said certificates to bear the seal of the district, and the signatures of the president and secretary of said board of directors. And it shall be the duty of said clerk to have such certificate recorded with the county recorder of the respective counties embracing any lands of the district. Should it appear that a majority of the votes cast at said election were "For Dissolution - No," then the board of directors shall declare the proposition lost and shall cause the result and the vote to be made a part of the records of said irrigation district. 1990

Part 8. Metropolitan Water Districts.

- 17A-2-808. Call for election.
- 17A-2-809. Election districts.
- 17A-2-810. Concurrent and consolidated elections.
- 17A-2-811. Publication of call.
- 17A-2-812. Ballot.
- 17A-2-813. Counting ballots and canvassing returns.
- 17A-2-814. Consolidated elections.
- 17A-2-815. Certificate to lieutenant governor - Valuation of cities approving.
- 17A-2-816. Incorporation - Certificate - Date effective.
- 17A-2-821. Resolution or ordinance proposing obligations or indebtedness - Election.
- 17A-2-823. Majority vote in favor of incurring obligations or indebtedness.

17A-2-808. Call for election.

Within 120 days after the transmission of said original ordinance, as provided in Section 17A-2-805, but not until each municipality named therein shall have acted thereon or said 60 day periods shall have expired, the legislative bodies of the cities within the proposed district including the initiating city shall call and provide for the holding of a special election in all of the municipalities, at which election the proposition of the incorporation of such metropolitan water district shall be submitted to the electors residing within such municipalities for ratification or rejection. Such election may be held separately or may be consolidated or held concurrently with any other election or elections authorized by law at which the electors residing in all of the cities wherein such election is called to be held are entitled to vote. 1990

17A-2-809. Election districts.

Such election shall be called by ordinance by the governing bodies of the municipalities enacting the original ordinance including the initiating city. Such ordinance shall contain: (1) The names of all cities, the governing bodies of which shall have approved the original ordinance as provided in Section 17A-2-806, in which cities such election shall be called to be held, (2) the day upon which such election shall be held, which day shall be the same day in all municipalities, (3) the time for opening and closing polls, and (4) the manner of voting for or against the proposition. (5) Such ordinance shall also designate the voting districts and polling places and shall appoint for each polling place, from each election district from the electors thereof, the officers of such election, which officers shall consist of three judges, one of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of election districts may be made by reference to any order or orders of the county legislative body of the county or respective county legislative body of the counties in which the proposed metropolitan water district, or any part thereof,

shall be situated, or by reference to any provisions, orders or ordinances of the legislative body of any municipality proposed to be included in the incorporation of such metropolitan water district, or by detailed description of such election districts. Election districts established by the county legislative body of the various counties may be consolidated for special elections held hereunder. 1993

17A-2-810. Concurrent and consolidated elections.

Whenever any election held hereunder shall be held concurrently with or shall be consolidated with any primary or general election, the precincts, polling places and officers of election shall be those designated and appointed for such primary or general election, and the ordinance calling the election hereunder need not designate precincts or polling places or name the election officers, but shall refer to the order or orders, or act or acts, by which such other election shall have been called, and by which the precincts and polling places thereof shall have been fixed and the officers of election appointed. 1990

17A-2-811. Publication of call.

The ordinance calling such election shall be published once at least ten days before the date of the election therein called in a newspaper of general circulation printed and published in each county within the proposed metropolitan water district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. 1990

17A-2-812. Ballot.

The ballot used at such election shall contain the words "Shall the territory embraced within the corporate boundaries of the city of become a part of the metropolitan water district" (inserting the name of the city or water district as the case may be wherein such ballot shall be used and the name of the metropolitan water district as stated in the initiating ordinance) and the words "Yes" and "No" accompanied by voting squares set opposite thereto so that any elector may record his vote either for or against the propositions. 1990

17A-2-813. Counting ballots and canvassing returns.

When such election shall be held separately or shall be conducted concurrently with any other election but by the use of separate ballots, such ballots shall be counted by the respective election boards and the returns thereof shall be made to the governing board of the initiating city, which governing board, at a meeting thereof to be held within five days after such election, shall canvass the returns and declare the result thereof. 1990

17A-2-814. Consolidated elections.

In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition herein provided for shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of commissioners or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the governing body of the initiating city a statement of the result of the

vote upon the proposition submitted hereunder in each of the respective cities, the returns for which shall have been made to such canvassing bodies. Upon the receipt of such certificates it shall be the duty of the governing body of the initiating city to tabulate and declare the result thereof. 1990

17A-2-815. Certificate to lieutenant governor - Valuation of cities approving.

The governing body of the initiating city shall certify to the lieutenant governor the proceedings together with the result of the election, separately stating the names of the cities in which a majority of the electors voting upon the proposition have voted affirmatively; but the total taxable value in the approving municipalities as shown by county assessment records, shall be not less than 2/3 of the total taxable value within the district as proposed in the original ordinance according to the records of the county or counties. 1990

17A-2-816. Incorporation - Certificate - Date effective.

The lieutenant governor shall within ten days after the receipt of such certificate of election issue a certificate of incorporation reciting that the district named in such certificate of election has been duly incorporated according to the laws of the state of Utah, and naming the municipality or municipalities of which said district shall be composed as shown by such certificate of election, which municipality or municipalities shall be those in which the majority of electors voting on the proposition of incorporation shall have voted affirmatively. The lieutenant governor shall transmit to each such municipality a copy of said certificate of incorporation. The incorporation of any metropolitan water district shall be and become effective from and after the date of the issuance of such certificate of incorporation, and such district shall thereupon and thereafter become vested with all of the rights, privileges, and powers in this part provided. 1990

17A-2-821. Resolution or ordinance proposing obligations or indebtedness - Election.

Whenever the board of directors of any metropolitan water district incorporated under this part shall, by resolution or ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of the district and the public interest or necessity demand the acquisition, construction, or completion of any source of water supply, water, waterworks or other improvement, works or facility, or the making of any contract with the United States or other persons or corporations, or the incurring of any preliminary expense, necessary or convenient to carry out the objects or purposes of the district wherein an indebtedness or obligation shall be created to satisfy which shall require a greater expenditure than the ordinary annual income and revenue of the district shall permit, the board of directors may order the submission of the proposition of incurring the obligation or bonded or other indebtedness, for the purposes set forth in the resolution or ordinance, to the qualified electors of the district at an election held for that purpose. The resolution or ordinance calling the election shall be adopted, the notice of the election shall be given, the election shall be held, the voters' qualifications shall be determined, and the results of the elections canvassed in the manner and subject to such conditions as are provided in the Utah Municipal Bond Act. The declaration of public interest or necessity

so required and the provision for the holding of the election may be included within the same resolution or ordinance, which resolution or ordinance, in addition to the declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, or the estimated amount of preliminary expenses, as the case may be, and the maximum amount of the principal of the indebtedness to be incurred. 1990

17A-2-823. Majority vote in favor of incurring obligations or indebtedness.

If it appears from the returns that a majority of the qualified electors of the district who shall have voted on any proposition submitted under this part at the election, voted in favor of the proposition, the district shall then be authorized to incur such indebtedness or obligation, enter into such contract, and issue and sell such bonds of the district, all for the purposes and objects provided for in the proposition so submitted. 1990

Part 9. Mosquito Abatement Districts.

17A-2-913. Dissolution - Election - Apportionment of property.

17A-2-913. Dissolution - Election - Apportionment of property.

(1) A mosquito abatement district may at any time be dissolved upon the vote of a majority of the votes cast at an election called by its board of trustees on the question of dissolution. An election on the question of dissolution shall be called by the board of trustees if a petition requesting dissolution is presented to the board of trustees, signed by registered voters within the boundaries of the district equal in number to at least 30% of the votes cast in the district for the office of governor in the last general election prior to presentation of the petition.

(2) The proposition which shall be submitted to the electors shall be "Shall the _____ (naming district) mosquito abatement district be dissolved?"

(3) The election shall be held in conjunction with the next general election following the date a petition is presented to the board of trustees in accordance with Subsection (1). Notice of the election shall be published for at least four weeks prior to the election in a newspaper published in the district.

(4) Between the date a petition for dissolution is presented to the board of trustees and the date of the election, no capital expenditures may be made by the board of trustees.

(5) If a majority of the votes cast at the election are in favor of dissolution, the board of trustees shall certify that fact to the lieutenant governor, who shall issue a certificate reciting that the mosquito abatement district has been dissolved.

(6) A copy of the certificate shall be transmitted to and filed with the county clerk of the county in which the mosquito abatement district is located.

(7) From the date of the certificate, the district shall be considered disincorporated, and the property of the district shall vest in the county in which the district is located if the district comprises unincorporated territory alone. If the district comprises partly incorporated and partly unincorporated territory, its property shall be ratably apportioned among the municipalities and the county in proportion to the taxable value of the property included within the district as shown upon the last county

assessment roll. However, any real property, easements, or rights-of-way belonging to the district shall remain the property of the municipality where they are located; otherwise, they shall remain the property of the county. 1990

Part 10. Public Transit Districts.

- 17A-2-1001. Short title.
- 17A-2-1002. Legislative findings.
- 17A-2-1003. Part to be liberally construed.
- 17A-2-1004. Definitions.
- 17A-2-1005. Organization and incorporation - Contents of ordinance.
- 17A-2-1006. Certified copy of ordinance - Duty to mail.
- 17A-2-1007. Approval or rejection of ordinance.
- 17A-2-1008. Area-wide election to be held.
- 17A-2-1009. Ordinances calling for election - Contents.
- 17A-2-1010. Ordinances calling for election - Publication.
- 17A-2-1011. Ballot - Contents.
- 17A-2-1012. Results of election - Taxable value of approving areas to be considered - Public interest must be served.
- 17A-2-1013. Certification to lieutenant governor.
- 17A-2-1014. Certificate of incorporation - Copies to municipalities and counties.
- 17A-2-1015. Validity of incorporation of district.
- 17A-2-1037. Elections.
- 17A-2-1038. Board of directors - Selection - Appointment - Qualifications - Quorum - Compensation - Terms.
- 17A-2-1044. Annual tax levy - Election.
- 17A-2-1048. Annexations to or consolidations with municipalities already within district.
- 17A-2-1049. Withdrawal from district.

17A-2-1001. Short title.

This act shall be known and may be cited as the Utah Public Transit District Act. 1990

17A-2-1002. Legislative findings.

The Legislature hereby finds and declares:

(1) that the predominant part of the state's population is located in its rapidly expanding metropolitan and other urban areas which generally cross the boundary lines of local jurisdictions and often extend into two or more counties;

(2) that usage of present public urban transit systems has been declining while cost of operation has been increasing, so that present public transit systems have been forced to curtail services rendered, and their plans and equipment have been deteriorating with the result that they are unable to provide the type of service needed by citizens and are unable to plan, establish and coordinate area-wide metropolitan public transit systems;

(3) that the welfare and vitality of urban areas, the satisfactory movement of people within these areas, the lessening of traffic congestion and the effectiveness of housing, tourist, highway and other governmental programs, are being jeopardized thereby; and

(4) that the problems involved in adequately furnishing public urban transportation for the present and future needs of the people of the state are of such magnitude and complexity that the various urban transit systems, municipalities and counties acting individually, lack the ability, finances and jurisdiction to resolve, establish and coordinate urban transportation.

Therefore, it is essential to establish a public agency known as a transit district which can operate in its own right and authority and exercise jurisdiction without being restricted to municipal corporate

or county limits, governed by representatives of the governmental units lying within the district. It is the purpose of this part to provide the means necessary for mass transportation of persons presently and in the future. 1990

17A-2-1003. Part to be liberally construed.

This part shall be liberally construed to carry out the objects and purposes and the declared policy of the state of Utah as in this part set forth. 1990

17A-2-1004. Definitions.

As used in this part:

(1) "District" means a public transit district organized under this part.

(2) "Public transit" means the transportation of passengers only, and their incidental baggage by means other than chartered bus, sightseeing bus, taxi, or other vehicle not on an individual passenger fare paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers, or operating transit services requested by a recreational, tourist, or convention bureau provided for under Section 17-31-2 by a governmental entity when the recreational, tourist, or convention bureau certifies that privately owned carriers furnishing like services or operating like equipment within the area served by the bureau have declined to provide the service or do not have the equipment necessary to provide the service. Nothing in this section shall be construed to prohibit the district from providing school bus services for transportation of pupils and supervisory personnel between homes and school and other related school activities within the area served by the district, or to prohibit the transportation of passengers covered by an elderly or handicapped program within the district where all or part of the transportation services are paid for by public funds.

(3) "Public agency" includes the state of Utah and any county, city, town, district, or other public agency or entity created under the laws of this state, the federal government, and any agency thereof.

(4) "Municipality" means any incorporated city or town. 1996

17A-2-1005. Organization and incorporation - Contents of ordinance.

Districts shall be organized and incorporated in the following manner:

The legislative body of any county or municipality may pass an ordinance declaring that the public convenience and necessity require the incorporation of a district which shall state that it is proposed to incorporate the district pursuant to this part. The ordinance shall also contain the names of municipalities and a description of the area of any unincorporated area to be included within the proposed district not within the jurisdiction of the initiating area. 1990

17A-2-1006. Certified copy of ordinance - Duty to mail.

It shall be the duty of the clerk or recorder of the legislative body, upon the effective date of an ordinance as described in Section 17A-2-1005, to transmit a certified copy by registered mail to the chief officer of each municipality and county named in the ordinance. 1990

17A-2-1007. Approval or rejection of ordinance.

Within 60 days after receipt by any municipality or county named therein of a certified copy of such ordinance, the legislative body of the municipality or county shall either approve or reject it by resol-

ution without alteration or amendment and transmit a certified copy to the clerk or recorder of the initiating entity. If the legislative body shall fail to act upon the ordinance within 60 days after receipt of the certified copy, the municipality or county is deemed to have rejected the ordinance. 1990

17A-2-1008. Area-wide election to be held.

Within 120 days after transmission of the original initiating ordinance, but not until each municipality and county named therein has acted thereon, or the 60 day period has expired, the legislative bodies of the municipalities and counties which have area within the proposed district, including the initiating entity, shall call and provide for the holding of an election within the area proposed to be included within the district at which the proposition of the creation and incorporation of the district shall be submitted to the duly qualified electors residing within the area for ratification or rejection. However, nothing contained in this section prohibits the calling and holding of that election as part of a general election. 1990

17A-2-1009. Ordinances calling for election - Contents.

The election shall be called by ordinance by the governing bodies of the municipalities and counties approving the original ordinance, including the initiating entity. The ordinance shall contain: (1) the names of all municipalities and counties which have approved the original initiating ordinance; (2) the day when the election shall be held which shall be the same day in all municipalities and counties; (3) the time for opening and closing polls; (4) the manner of voting for or against the proposition; (5) a designation of voting districts and polling places and the names of three judges of election for each district, one of whom shall act as clerk and be selected from the electors of each district, said judges to constitute a board of election for each polling place. The districts may be described as far as possible by reference to voting districts already established by order of the legislative body designated by law to establish voting districts for general elections, or, when such description would be inappropriate, by detailed description. 1990

17A-2-1010. Ordinances calling for election - Publication.

The various ordinances calling the election shall be published once at least ten days before the date of the election in a newspaper of general circulation printed and published in each county within the area of the proposed district and no other or further notice of election need be given or made. 1990

17A-2-1011. Ballot - Contents.

The ballot used by each municipality holding an election shall contain the words: "Shall the area of _____ (name of city or town) be included within and become a part of a public transit district?" The ballot used by each county holding an election in an unincorporated area shall contain the words: "Shall the following described area of _____ county _____ (description of area) be included within and become a part of a public transit district?" The ballot shall also contain the words "yes" and "no" accompanied by voting squares so that any elector may record his vote either for or against the proposition. 1991

17A-2-1012. Results of election - Taxable value of approving areas to be considered - Public interest must be served.

The ballots shall be counted by the respective

election boards and returns shall be made to the clerk or recorder of the governing body of the initiating entity. The governing body at a meeting to be held within five days after the election shall canvass the returns and declare the results. The canvass shall be made by canvassing separately the ballots cast in each separate municipality and unincorporated area. If a majority of the ballots cast in any municipality or in any unincorporated area were cast against the proposition, the municipality or unincorporated area may not become a part of the proposed district. If the total taxable value in the approving municipalities and unincorporated areas as shown by the county assessment records according to the latest county assessment rolls, in the aggregate, is two-thirds or more of the total taxable value within the district as proposed in the original initiating ordinance, the respective governing bodies of the municipalities, or counties, or unincorporated areas where a majority of the ballots were cast in favor of the proposition, may determine, after public hearing, whether the public interest would be served by incorporating and organizing a district within the area or areas favoring the proposition. 1990

17A-2-1013. Certification to lieutenant governor.

The governing body of the initiating entity shall certify to the lieutenant governor the names of the municipalities and a description of the area of the county unincorporated areas in which a majority of the electors voting upon the proposition voted affirmatively and that the total taxable value in the approving municipalities and unincorporated areas as shown by the county assessment records according to the last county assessment rolls in the aggregate, is two-thirds or more of the total taxable value within the district as proposed in the original initiating ordinance. 1990

17A-2-1014. Certificate of incorporation -

Copies to municipalities and counties.

The lieutenant governor shall, within ten days after the receipt of such certificate, issue a certificate of incorporation reciting that the district named in the certificate of election has been duly incorporated according to the laws of the state of Utah, with the names of the municipalities and description of the unincorporated county areas which shall compose the district. The lieutenant governor shall transmit to each municipality and county a copy of certificate of incorporation. The incorporation of said district shall be effective from and after the date of issuance of the certificate of incorporation and the district shall thereupon and thereafter become vested with all the rights, privileges, and powers accorded under this part. 1990

17A-2-1015. Validity of incorporation of district.

The validity of the incorporation of any district shall not be contestable in any suit or proceeding not commenced within three months after the issuance of the certificate of incorporation thereof; and no invalidity or irregularity in any proceeding which does not substantially and adversely affect the interests of the electors or citizens of the district, or any municipality therein, shall be held to invalidate the incorporation of any such district. 1990

17A-2-1037. Elections.

All district elections shall be held in accordance with the provisions of the elections code of the state of Utah as they now exist or may be amended for the holding of elections in general law cities in so far as the same are not in conflict with this part; provided all elections upon the issuance of bonds of

a district shall be called, held and conducted pursuant to the provisions of the Utah Municipal Bond Act and the provisions of the election code shall not be applicable to any such bond election. 1990

17A-2-1038. Board of directors - Selection - Appointment - Qualifications - Quorum - Compensation - Terms.

(1) (a) All powers, privileges, and duties vested in any incorporated district shall be performed by a board of directors.

(b) The board may delegate the exercise of any duty to any of the offices created under this part.

(2) Members of the board of directors shall be selected as follows:

(a) If 200,000 people or less reside within the district boundaries, the board of directors shall consist of directors appointed by the legislative bodies of each municipality, county, or unincorporated area within any county on the basis of one director for each full unit of regularly scheduled passenger routes proposed to be served by the district in each municipality or unincorporated area within any county in the following calendar year.

(b) The number of service miles comprising a unit shall be determined jointly by the legislative bodies of the municipalities or counties comprising the district.

(c) Directors shall be appointed and added to the board or omitted from the board at the time scheduled routes are changed, or as municipalities, counties, or unincorporated areas of counties annex to or withdraw from the district using the same appointment procedures.

(d) Municipalities, counties, and unincorporated areas of counties in which regularly scheduled passenger routes proposed to be served by the district in the following calendar year is less than a full unit, as defined in Subsection (a), may combine with any other similarly situated municipality or unincorporated area to form a whole unit and may appoint one director for each whole unit formed.

(3) (a) If more than 200,000 people reside within the district boundaries, the board of directors shall consist of:

(i) one director appointed by each entire county within the district;

(ii) one director appointed by each municipality or combination of municipalities annexed to the district that:

(A) are located inside a county where the entire county did not incorporate into the district as an entire county; and

(B) have a population of at least 26,000 people who reside within the district; and

(iii) one additional director for each 120,000 people who reside:

(A) within the county, municipality, or combination of municipalities; and

(B) within the district.

(b) (i) Directors representing counties shall be designated and appointed by the county executive with the consent and approval of the county legislative body.

(ii) the county legislative body may confer with mayors within the county.

(c) Directors representing a municipality or combination of municipalities shall be designated and appointed by the chief executive officer of the municipality or municipalities with the consent of the legislative body of the municipality or municipalities.

(d) The appointment of directors shall be made

without regard to partisan political affiliation from among citizens in the community.

(e) Population shall be determined by the official United States Census, or, with the consent of the district, any other census agreed upon by the legislative bodies of the municipalities or counties comprising the district.

(f) Each director shall be a bona fide resident of the municipality, county, or unincorporated area or areas which the director is to represent for at least six months before the date of appointment, and must continue in that residency to remain qualified to serve as a director.

(g) (i) Except the initial directors, the terms of office of the directors shall be three years or until their successors are appointed and qualified.

(ii) At the first meeting of the initial directors, the directors shall designate by the drawing of lots 1/3 of their number to serve for one-year terms, 1/3 for two-year terms, and 1/3 for three-year terms.

(iii) A director may not be appointed for more than two successive full terms.

(iv) Vacancies shall be filled by the official appointing the member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within 60 days.

(v) If the appointing official does not fill the vacancy within 60 days, the board of directors of the authority shall fill the vacancy.

(h) Each director may cast one vote on all questions, orders, resolutions, and ordinances coming before the board of directors.

(i) A majority of all members of the board of directors are a quorum for the transaction of business.

(j) The affirmative vote of a majority of all directors present at any meeting at which a quorum was initially present shall be necessary and, except as otherwise provided, is sufficient to carry any order, resolution, ordinance, or proposition before the board of directors.

(k) The district shall pay to each director:

(i) an attendance fee of \$25 per board or committee meeting attended, not to exceed \$75 in any calendar month to any director; and

(ii) reasonable mileage and expenses necessarily incurred to attend board or committee meetings.

(l) Members of the initial board of directors shall convene at the time and place fixed by the chief executive officer of the entity initiating the proceedings.

(m) Immediately upon convening, the board of directors shall elect from its membership a president, vice president, and secretary who shall serve for a period of two years or until their successors shall be elected and qualified.

(n) At the time of a director's appointment or during a director's tenure in office, a director may not:

(i) hold any elected public office with the United States, the state, or any political subdivision of either; or

(ii) any employment, except as an independent contractor, with a county or municipality within the district.

(o) Each director shall:

(i) take an oath of office before entering the office; and

(ii) file a copy of the oath with the lieutenant governor and the secretary of the district. 1995

17A-2-1044. Annual tax levy - Election.

Before June 22, the board of directors of the district shall, by resolution, determine the amount of money necessary to be raised by taxation during the fiscal year beginning January 1 next preceding to pay the district's operating needs and obligations for the fiscal year, and to recommend to the governing body of each county within the district the rate of taxation for the areas within the district. Upon receipt of the resolution by the board of directors of the district, the governing body of each county may levy a tax not to exceed .0004 per dollar of taxable value of taxable property within the district. This tax may not be imposed unless the county legislative body has provided by resolution for the submittal of the proposed tax to a general election within the county in which all electors situated both within and without the incorporated areas of the county may participate and a majority of the electors voting on the proposal have approved it. The county legislative body shall cause 15 days notice of the election to be given in the manner provided by law for giving notice of general elections. The election shall be held, its results canvassed, and the returns made under the provisions of the general election laws. If a majority of the electors voting on the proposal to impose the additional tax have approved the proposal, the additional tax shall become effective on the date fixed by the governing body. 1993

17A-2-1048. Annexations to or consolidations with municipalities already within district.

Additional municipalities and county areas may be included within or become part of a district by either of the following methods:

(1) If any area is annexed to or consolidated with any municipality which is a part of a district organized under these provisions, the annexed or consolidated area shall by virtue of its annexation or consolidation become part of the district and be taxable in accordance with the provisions of this part to pay the indebtedness of the district outstanding at the time of annexation or consolidation.

(2) The governing body of any municipality or of any county may apply to and obtain from the comptroller of the district a financial statement showing the financial condition of the district, its assets and liabilities, taxable value of taxable property according to the last assessment, and the names of the municipalities and a description of other areas included in the district. After consideration of the statement, the governing body of the municipality or county may apply to the board of directors of the district for consent to annex the municipality or described county area. The board of directors after reasonable notice and public hearing may grant or deny the application and in granting it may fix the terms and conditions upon which the area may be annexed. The action of the board of directors evidenced by order made on motion shall be promptly transmitted to the governing body or bodies of the entities applying for annexation, which shall promptly submit the proposition of annexation to the qualified electors of the area. Notice of election shall be given by posting or publication. When notice is given by posting, notice shall be posted for at least ten days in three public places in each area to be annexed. When notice is given by publication, notice shall be published at least once ten days before the date fixed for election in a newspaper of general circulation in the municipality and county area. Publication may be made in one newspaper

having general circulation in each of the areas sought to be annexed. Notice shall contain the substance of the terms and conditions fixed by the board of directors as provided, and in other respects be in form similar to the notice published to create the district. Elections shall be conducted and returns canvassed by the governing bodies of the areas seeking annexation. If the annexation proposition receives the affirmative vote of a majority of the electors, the governing body of the municipality or county shall certify the election results to the board of directors of the district and a certificate of proceedings shall be made by the secretary of the district and filed with the lieutenant governor. Upon filing the certificate in the office of the lieutenant governor, the municipality or county area shall become an integral part of the district and the taxable property in the municipality or area subject to taxation for the purposes of the district, including the payment of bonds and other obligations of the district at the time authorized or outstanding.

(3) No action to contest the validity of annexation proceedings may be commenced more than three months after the certificate of proceedings is filed with the lieutenant governor.

(4) Upon annexation the annexed area shall have a representative on the board of directors on the same basis as it would have had had it been included in the district as originally organized. 1990

17A-2-1049. Withdrawal from district.

Any municipality or unincorporated county area may withdraw from the district in the following manner:

The governing body of such municipality, or unincorporated area, may submit to the electors at a special election a proposition for withdrawal from the district. Notice of election shall be given in the manner provided in Section 17A-2-1048. Elections shall be conducted and returns canvassed in the manner provided by law for the conduct of municipal elections. If a majority of the electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the municipality or unincorporated area to the board of directors of the district and filed with the lieutenant governor. Withdrawal shall become effective upon filing the certificate with the lieutenant governor. Taxable property within the withdrawn area at the time of exclusion shall continue taxable for purposes of paying any bonded indebtedness or judgments against the district incurred prior to the date of withdrawal. 1990

Part 13. Special Service Districts.

17A-2-1322. Tax levy and bonds - Approval by majority of electors voting in election - Procedure for election.

17A-2-1323. Intent of Legislature regarding bond elections - Validation of elections.

17A-2-1324. Effect of voter approval.

17A-2-1325. Exceptions to election requirements.

17A-2-1326. Administrative control board - Powers.

17A-2-1322. Tax levy and bonds - Approval by majority of electors voting in election - Procedure for election.

(1) The governing authority of a county or municipality which has established a service district may levy a tax on all taxable property within the service district in addition to all other taxes on such property levied or imposed by the county or municipality or by any other public corporation, district, or

political subdivision in which the service district is located, and may also issue bonds payable in whole or in part from these taxes. No tax may be levied and no bonds or guaranteed bonds shall be issued, however, unless authorized, except as otherwise provided in Section 17A-2-1325, by a majority of the qualified electors of the service district voting at an election for that purpose held as provided in this section.

(2) The proposition to levy the tax or to issue the bonds shall be submitted to the qualified electors of the service district at an election called and held and for which notice is given in the same manner as is provided in the Utah Municipal Bond Act for the holding of bond elections. The proposition shall state the purpose or purposes for which the taxes are to be levied or the bonds are to be issued. In addition, a proposition for the issuance of bonds shall state the maximum amount of bonds to be issued, the maximum number of years from their respective dates for which the bonds may run, and, if the bonds are to be payable in whole or in part from taxes, that fact and that taxes may be levied on all taxable property in the service district to pay the principal of and interest on the bonds. The purpose or purposes may be stated in general terms and need not specify the particular projects or services for which the taxes are to be levied or the bonds are to be issued nor the specific amount of the proceeds of the taxes or of the bonds to be expended for each project or service. If bonds are to be payable in part from tax proceeds and in part from the operating revenues of the service district or from any combination of them, the proposition shall so indicate but need not specify how the bonds are to be divided as to source of payment. If the bonds are to be issued as guaranteed bonds, the proposition shall also clearly state that fact together with the name or names of the guarantors. A proposition for the levy of taxes and for the issuance of bonds may be combined as a single proposition. 1990

17A-2-1323. Intent of Legislature regarding bond elections - Validation of elections.

It is the intent of the Legislature that bonds be approved only by a majority of the electors voting in the election as provided in other sections of the chapter rather than a majority of all electors. It is also the intent of the Legislature that any bond elections held by a special district since May 10, 1983, be validated and ratified if the bonds were authorized by a majority of the electors voting in the election. 1990

17A-2-1324. Effect of voter approval.

When approved by a majority of the qualified electors of the service district voting at an election for that purpose:

(1) A proposition for the issuance of bonds shall be full authorization for the issuance of bonds for the purposes, up to the maximum amount and for the period provided for in the proposition, and also, if the bonds are to be payable in whole or in part from taxes, shall be full authorization for the levy of these taxes, without limit as to rate or amount, as may be necessary to pay the principal of and interest on such bonds;

(2) A proposition for the levy of taxes shall be full authorization for the levy of taxes for the purpose or purposes as are stated in the proposition, the levy to be at such rate or rates, in such amount or amounts and for such period of time as the governing authority of the county or municipality

shall determine to be appropriate, subject, however, to any limitations on these rates, amounts and period as may be expressly stated in the proposition; and

(3) A combined proposition for the levy of taxes and for the issuance of bonds shall grant the same authority as if submitted in separate propositions.

17A-2-1325. Exceptions to election requirements. 1990

The election provided for in Section 17A-2-1322 shall not be required for the issuance by the service district of:

(1) bonds payable solely from revenues derived from the operation of revenue-producing facilities of the district or which are otherwise not payable from taxes levied on the taxable property in the service district;

(2) tax anticipation notes;

(3) bond anticipation notes; or

(4) refunding bonds. 1990

17A-2-1326. Administrative control board - Powers.

(1) (a) The governing authority of a municipality or the county legislative body that has established a service district may, by resolution adopted at the time of the establishment or at any time afterwards, create an administrative control board for the service district.

(b) (i) The administrative control board shall consist of at least three and no more than seven persons, each of whom is a qualified elector of the service district.

(ii) If a county establishes a service district that includes all or part of one or more municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part 3, to provide the same service as the service district, the municipality or improvement district may appoint one member to represent it on any administrative control board created.

(iii) That member may, but need not, be a qualified elector of the service district.

(c) (i) If a service district is providing commodities, services, or facilities to an institution of higher education, that institution may appoint the number of members necessary to assure that it has at least one-third of the total of the board members to represent it on the board.

(ii) Those members may, but need not, be qualified electors of the service district.

(d) The number of members of the administrative control board shall be increased by the number of improvement district, municipal, or institution of higher education members appointed.

(2) Members of the administrative control board other than improvement district, municipal, or institution of higher education members shall be either appointed or elected as provided in Title 17A, Chapter 1, Part 3.

(3) (a) If a service district was established to provide either water or sewerage service or both, the governing authority may by resolution adopted at or after the time of establishment, or if the service district was established before March 29, 1983, or within 90 days after that date, create an administrative control board according to Subsection (1).

(b) A resolution creating a service district for water or sewerage purposes adopted under Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage districts within the area of the proposed service district.

(4) (a) One-half of the members initially elected

or appointed shall serve two year terms and one-half shall serve four year terms.

(b) The initial terms shall be determined by lot.

(5) (a) The governing authority of the municipality or the county legislative body that established the service district may, by resolution, delegate any of its powers to the administrative control board, including the power to act as the governing authority of the service district and to exercise all or any of the powers provided for in Sections 17A-2-1314 17A-2-1316 17A-2-1320 , and 17A-2-1321

(b) Notwithstanding anything to the contrary in this part, the governing authority of the municipality or the county legislative body may not delegate the power to:

(i) levy a tax on the taxable property of the service district;

(ii) issue bonds payable from taxes;

(iii) call or hold an election for the authorization of the tax or bonds;

(iv) levy assessments for improvements in an improvement district created under Title 17A, Chapter 3, Part 3, or Title 17A, Chapter 3, Part 2;

(v) issue interim warrants or bonds payable from those assessments; or

(vi) appoint a board of equalization under Section 17A-3-217 or Section 17A-3-317

(c) The administrative control board may not hold an election, levy a tax or assessment, or issue bonds or interim warrants unless the county or municipal legislative body that created the district has approved.

(d) The county or municipal legislative body that created the district may revoke in whole or in part any power or authority delegated to an administrative control board or other officers or employees.

(6) (a) Administrative control board members shall be paid at a per diem rate to be set by resolution of the governing authority.

(b) The administrative control board shall be assigned or authorized to employ staff commensurate with the duties and functions assigned to it by the governing authority. 1993

Part 14. Water Conservancy Districts.

17A-2-1440. Election for issuance of bonds or incurring contract indebtedness or obligation - When an election is not required.

17A-2-1441. Majority authorizes issuance of bonds - Resubmission of proposition.

17A-2-1440. Election for issuance of bonds or incurring contract indebtedness or obligation - When an election is not required.

(1) If the majority of a water conservancy district board approves a resolution determining that the interests of the district and the public interest or necessity demand the acquisition, construction, or completion of any water supply, waterworks, improvements, or facilities, or the making of any contract with the United States or other persons or corporations, public or private, to carry out the purposes of the district, wherein an indebtedness or obligation is created, to satisfy which requires an expenditure greater than the ordinary annual income and revenue of the district, the board shall adopt a resolution directing that an election be held to determine whether bonds shall be issued, or an indebtedness or obligation under a contract shall be incurred in the amount and for the purposes specified in the resolution.

(2) The following shall be subject to the conditions provided in Title 11, Chapter 14, Utah Municipal Bond Act:

(a) adoption of the resolution calling the election;

(b) giving notice of the election;

(c) conduct of the election;

(d) determination of voters' qualifications; and

(e) canvassing of election results.

(3) The board may, for purposes of the election:

(a) treat the entire district as a single precinct or divide the district into precincts; and

(b) fix polling places.

(4) If bonds or the indebtedness or obligations under a contract are payable solely from revenues derived from the operation of all or any part of the district's works, no election is required under this section prior to issuance of the bonds or the entering into of the contract, except as provided in Subsection (5).

(5) No district may issue bonds or incur an indebtedness or obligation under a contract payable solely from revenues unless:

(a) the issuance of the bonds or the incurring of the contract indebtedness or obligation has been approved at an election called and held as provided in this section; or

(b) the board of directors adopts a resolution declaring the intention of the district to issue bonds or incur a contract indebtedness or liability payable solely from revenues in the amount and for the purpose provided in the resolution and directs that notice of this intention be published once in a newspaper of general circulation in the district.

(i) The notice of intention shall set forth:

(A) the amount and purpose of the proposed bond issue or contract; and

(B) when and where petitions may be filed requesting the calling of an election to determine whether the bonds may be issued or the contract indebtedness or obligation may be incurred.

(ii) The resolution of the board shall specify the form of the petitions.

(iii) If, within 30 days after the publication of the notice of intention, a petition is filed with the secretary of the board, signed by not less than 5% of the qualified electors of the district, requesting that an election be called to authorize the issuance of the bonds or the incurring of the contract indebtedness or liability payable solely from revenues, then the board shall proceed to call and hold an election as provided in this section. The qualified electors of the district shall be certified to the board, prior to the adoption of the resolution, by the clerks of the counties in which portions of the district are located.

(iv) If no petition is filed, or if the number of signatures filed within the 30-day period is less than the required number, the board of directors may adopt the resolution and proceed to issue the bonds or enter into the contract. 1996

17A-2-1441. Majority authorizes issuance of bonds - Resubmission of proposition.

(1) If an election is held under Section 17A-2-1440 , and if it appears from the returns of that election that a majority of the qualified electors of the district who voted on any proposition submitted at that election voted in favor of the proposition, the district is authorized to incur the indebtedness or obligations, enter into the contract or issue, and sell the bonds of the district, all for the purpose or purposes and object or objects provided for in the proposition and in the resolution in the amount

provided in such resolution.

(2) Submission of the proposition of incurring that obligation or bonded or other indebtedness at an election does not prevent or prohibit submission of the same or other propositions at any subsequent election called for that purpose. 1996

Chapter 3. Dependent Special Districts.

Part 1. [Reserved].

Part 2. County Improvement Districts.

Part 1. [Reserved].

Part 2. County Improvement Districts.

17A-3-228. Bonds.

17A-3-228. Bonds.

(1) Fifteen days or more after the effective date of any ordinance levying an assessment in a special improvement district, the governing body levying the assessment, by ordinance or resolution, may authorize the issuance of special improvement bonds to pay the costs of the improvements in the district against the funds created by the assessment. Special improvement bonds so authorized shall not exceed the unpaid balance of the assessments at the end of this 15-day period, shall be fully negotiable for all purposes, shall mature at such time or times not exceeding the period of time over which installments of the assessments are due and payable plus one year, shall bear interest at the lowest rate or rates obtainable, shall be sold at the prices, either at, in excess of, or below their face value, shall be payable at the place or places, shall be in the form, and generally shall be issued and shall be sold in the manner and with those details as may be provided by ordinance or resolution. The bonds shall be dated no earlier than the effective date of the ordinance levying the assessment.

(2) Except for special improvement bonds issued for light service or park maintenance purposes (which bonds shall bear interest only from their due date), interest shall be paid semiannually or annually as determined by the governing body and may be evidenced by interest coupons attached to the bonds.

(3) The governing body may provide that the bonds shall be callable for redemption prior to maturity and fix the terms and conditions of redemption, including the notice to be given and the premium, if any, to be paid. No bonds are callable for redemption unless the terms and conditions of redemption are stated on the face of the bonds.

(4) The bonds shall be signed and may be countersigned by the official or officials of the governing entity (including a member or members of the governing body) as designated by the governing body. If so provided by the governing body, the signatures on the bonds and interest coupons, if any, may be by facsimile signature if at least one signature required or permitted to be placed on the face of the bond is manually signed. Bonds or interest coupons bearing the signatures (manual or facsimile) of officers in office on the date of the execution of them shall be valid and binding obligations notwithstanding that before the delivery of the bonds any or all of the persons whose signatures appear on them shall have ceased to be officers of the governing entity. 1990

Title 20. [Repealed]

Title 20A. Election Code.

Chapter 1. General Provisions.

Chapter 2. Voter Registration.

Chapter 3. Voting.

Chapter 4. Election Returns and Election Contests.

Chapter 5. Election Administration.

Chapter 6. Ballot Form.

Chapter 7. Issues Submitted to the Voters.

Chapter 8. Political Party Formation and Procedures.

Chapter 9. Candidate Qualifications and Nominating Procedures.

Chapter 10. Term Limits Act.

Chapter 11. Campaign and Financial Reporting Requirements.

Chapter 12. Selection and Election of Judges.

Chapter 13. Elections to Federal Offices.

Chapter 14. Nomination and Election of State and Local School Boards.

Chapter 15. Convention to Ratify Amendments to the Constitution of the United States.

Chapter 1. General Provisions.

Part 1. Title and Definitions.

Part 2. Elections: General and Special.

Part 3. Elections: General Requirements.

Part 4. Election Law Controversies.

Part 5. Candidate Vacancies and Vacancies in Elected Offices.

Part 6. Election Offenses - Generally.

Part 7. Prosecuting and Adjudicating Election Offenses.

Part 1. Title and Definitions.

20A-1-101. Title.

20A-1-102. Definitions.

20A-1-101. Title.

This title is known as the "Election Code." 1993

20A-1-102. Definitions.

As used in this title:

(1) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.

(2) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(3) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

(5) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, and other questions submitted to the voters for their approval or rejection.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(7) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(8) "Bond election" means an election held for the sole purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(9) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(10) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(11) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

(12) "Convention" means the political party convention at which party officers and delegates are selected.

(13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(14) "Counting judge" means a judge designated to count the ballots during election day.

(15) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(16) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the counting judges to count ballots during election day.

(17) "County executive" means:

(a) the county commission in the traditional management arrangement established by Section 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

(b) the county executive in the county executive and chief administrative officer-council optional form of management arrangement authorized by Section 17-35a-13

(c) the county executive in the county executive-council optional form of management arrangement authorized by Section 17-35a-14

(d) the county council in the council-manager optional form of management arrangement authorized by Section 17-35a-15; and

(e) the county council in the council-county administrative officer optional form of management arrangement authorized by Section 17-35a-15.5

(18) "County legislative body" means:

(a) the county commission in the traditional management arrangement established by Section 17-4-2 and Title 17, Chapter 5;

(b) the county council in the county executive and chief administrative officer-council optional form of management arrangement authorized by Section 17-35a-13

(c) the county council in the county executive-council optional form of management arrangement authorized by Section 17-35a-14

(d) the county council in the council-manager optional form of management arrangement authorized by Section 17-35a-15; and

(e) the county council in the council-county administrative officer optional form of management arrangement authorized by Section 17-35a-15.5

(19) "County officers" means those county officers that are required by law to be elected.

(20) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary

election, a municipal primary election, and a special district election.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means each canvassing judge, counting judge, and receiving judge.

(23) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots;

(b) the county clerk or clerks for all county ballots;

(c) the municipal clerk for all municipal ballots; and

(d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

(24) "Election official" means any election officer, election judge, or satellite registrar.

(25) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(26) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.

(27) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

(28) "Judicial office" means the office filled by any judicial officer.

(29) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(30) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(31) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

(32) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(33) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the mayor in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the manager in the council-manager optional form of government defined in Section 10-3-1209

(34) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202

(35) "Municipal legislative body" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1;

(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the municipal council in the council-manager optional form of government defined in Section 10-3-1209

(36) "Municipal officers" means those municipal officers that are required by law to be elected.

(37) "Municipal primary election" means an election held to nominate candidates for municipal office.

(38) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(39) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the election judge's initials; and

(ii) the ballot number.

(40) "Official register" means the book furnished election officials by the election officer that contains the information required by Section 20A-5-401

(41) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

(42) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.

(43) "Polling place" means the building where residents of a voting precinct vote.

(44) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(45) "Posting list" means a list of registered voters within a voting precinct.

(46) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(47) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

(48) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(49) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(50) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a satellite registrar.

(51) "Registration form" means a book voter registration form and a by-mail voter registration form.

(52) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201

(53) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(54) "Resident" means a person who resides

within a specific voting precinct in Utah.

(55) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405

(56) "Satellite registrar" means a person appointed under Section 20A-5-201 to register voters and perform other duties.

(57) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

(58) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.

(59) "Special election" means an election held as authorized by Section 20A-1-204

(60) "Special district" means those local government entities created under the authority of Title 17A.

(61) "Special district officers" means those special district officers that are required by law to be elected.

(62) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or the election judge; or

(c) lacks the official endorsement.

(63) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(64) "Stub" means the detachable part of each ballot.

(65) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

(66) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(67) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(68) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(69) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(70) "Voter" means a person who meets the requirements of election registration and is registered and is listed in the official register book.

(71) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(72) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

(73) "Voting device" means:

(a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance; or

(c) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(74) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(75) "Voting poll watcher" means a person app-

ointed as provided in this title to witness the distribution of ballots and the voting process.

(76) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(77) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.

(78) "Write-in ballot" means a ballot containing any write-in votes.

(79) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

1996

Part 2. Elections: General and Special.

20A-1-201. Date and purpose of regular general elections.

20A-1-202. Date and purpose of local elections.

20A-1-203. Calling and purpose of special elections.

20A-1-204. Date of special election - Legal effect.

20A-1-201. Date and purpose of regular general elections.

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(2) At the regular general election, the voters shall:

(a) choose persons to serve the terms established by law for the following offices:

(i) electors of President and Vice President of the United States;

(ii) United States Senators;

(iii) Representatives to the United States Congress;

(iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

(v) senators and representatives to the Utah Legislature;

(vi) county officers;

(vii) State School Board members;

(viii) local school board members; and

(ix) any elected judicial officers; and

(b) approve or reject:

(i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;

(ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and

(iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

1994

20A-1-202. Date and purpose of local elections.

(1) A municipal general election shall be held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year.

(2) At the municipal general election, the voters shall:

(a) choose persons to serve as municipal and special district officers; and

(b) approve or reject:

(i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and

(ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

1994

20A-1-203. Calling and purpose of special elections.

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

(2) (a) Statewide special elections shall be con-

ducted using the procedure for regular general elections.

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

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

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

(b) the purpose for the statewide special election.

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

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

(b) the purpose for the statewide special election.

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

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

(ii) a vote on a voted leeway program authorized by Section 53A-17a-133 or 53A-17a-134

(iii) a referendum authorized by Title 20A, Chapter 7, Part 6; and

(iv) an initiative authorized by Title 20A, Chapter 7, Part 5.

(b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:

(i) the date for the local special election; and

(ii) the purpose for the local special election.

1996

20A-1-204. Date of special election - Legal effect.

(1) (a) The governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

(i) the first Tuesday after the first Monday in February;

(ii) the first Tuesday after the first Monday in May;

(iii) the fourth Tuesday in June in even-numbered years;

(iv) the first Tuesday after the first Monday in August; or

(v) the first Tuesday after the first Monday in November.

(b) Except as provided in Subsection (c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.

(c) Notwithstanding the requirements of Subsection (b), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(i) determines and declares that there is an emergency requiring that a special election be held on a date other than the ones authorized in statute;

(ii) identifies specifically the nature of the emergency and the reasons for holding the special election on that other date; and

(iii) votes unanimously to hold the special election on that other date.

(d) Nothing in this section prohibits:

(i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

(ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

(2) If two or more entities hold a special election within a county on the same day, those entities shall, to the extent practicable, coordinate:

- (a) polling places;
- (b) ballots;
- (c) election officials; and
- (d) other administrative and procedural matters connected with the election. 1996

Part 3. Elections: General Requirements.

- 20A-1-301. Designating offices to be filled - Publishing or posting of notice.
- 20A-1-302. Opening and closing of polls.
- 20A-1-303. Determining results.
- 20A-1-304. Tie votes.
- 20A-1-305. Publication and distribution of election laws.

20A-1-301. Designating offices to be filled - Publishing or posting of notice.

(1) On or before February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

- (a) designates the offices to be filled at the regular general election;
- (b) identifies the dates for filing a declaration of candidacy for those offices; and
- (c) contains a general description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) Each county clerk shall publish the parts of the notice applicable to the clerk's county at least once in a newspaper published in the county before March 15 of that year.

(b) If no newspaper is published in the county, the clerk shall:

- (i) post a copy of the notice in each county voting precinct in a conspicuous place that is most likely to give notice of the election to the voters; and
- (ii) make an affidavit of the posting, showing a copy of the notice and the places where the notice was posted. 1994

20A-1-302. Opening and closing of polls.

(1) Polls at all elections open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote. 1993

20A-1-303. Determining results.

(1) (a) When one person is to be elected or nominated, the person receiving the highest number of votes at any:

- (i) election for any office to be filled at that election is elected to that office; and
- (ii) primary for nomination for any office is nominated for that office.

(b) When more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

- (i) election for any office to be filled at that election are elected to that office; and
- (ii) primary for nomination for any office are nominated for that office.

(2) Any ballot proposition submitted to voters for their approval or rejection:

- (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
- (b) fails if:
 - (i) the number of "yes" votes equal the number of "no" votes; or
 - (ii) the number of "no" votes is greater than the number of "yes" votes. 1993

20A-1-304. Tie votes.

If two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held. 1993

20A-1-305. Publication and distribution of election laws.

- (1) The lieutenant governor shall:
 - (a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and
 - (b) transmit copies to each county clerk.
- (2) Each county clerk shall:
 - (a) inform the lieutenant governor of the number of copies needed; and
 - (b) furnish each election officer in the county with one copy. 1993

Part 4. Election Law Controversies.

- 20A-1-401. Election laws - Liberally construed - Computation of time.
- 20A-1-402. Election officer to render interpretations and make decisions.
- 20A-1-403. Errors or omissions in ballots.
- 20A-1-404. Election controversies.

20A-1-401. Election laws - Liberally construed - Computation of time.

(1) Courts and election officers shall construe the provisions of Title 20A, Election Code, liberally to carry out the intent of this title.

(2) Saturdays, Sundays, and holidays shall be included in all computations of time made under the provisions of Title 20A, Election Code. 1993

20A-1-402. Election officer to render interpretations and make decisions.

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter. 1993

20A-1-403. Errors or omissions in ballots.

(1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

- (b) The petition shall contain:
 - (i) an affidavit signed by the candidate or his agent identifying the error or omission; and
 - (ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

- (i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;
- (ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compli-

ance with the provisions of this title by the parties to the controversy; and

(iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

(b) The court may assess costs, including a reasonable attorney's fee, against either party. 1993

20A-1-404. Election controversies.

(1) (a) (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The verified petition shall identify concisely the nature of the controversy and the relief sought.

(2) After reviewing the petition, the court shall:

(a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(b) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments. 1993

Part 5. Candidate Vacancies and Vacancies in Elected Offices.

20A-1-501. Candidate vacancies - Procedure for filling.

20A-1-502. Midterm vacancies in office of United States representative or senator.

20A-1-503. Midterm vacancies in the Legislature.

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, and state auditor.

20A-1-505. Judicial vacancies - Courts of record.

20A-1-506. Judicial vacancies - Courts not of record.

20A-1-507. Midterm vacancies in the State Board of Education.

20A-1-508. Midterm vacancies in county elected offices.

20A-1-509. Midterm vacancies in the office of county or district attorney.

20A-1-510. Midterm vacancies in municipal offices.

20A-1-511. Midterm vacancies on local school boards.

20A-1-512. Midterm vacancies on special district boards.

20A-1-501. Candidate vacancies - Procedure for filling.

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) after the close of the period for filing declarations of candidacy but before the primary:

(i) only one or two candidates from that party have filed a declaration of candidacy for that office; and

(ii) one or both:

(A) dies;

(B) resigns because of becoming physically or

mentally disabled as certified by a physician; or

(C) is disqualified by an election officer for improper filing or nominating procedures; or

(b) after the primary election but before the general election the party's candidate:

(i) dies;

(ii) resigns because of becoming physically or mentally disabled as certified by a physician; or

(iii) is disqualified by an election officer for improper filing or nominating procedures.

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy. 1996

20A-1-502. Midterm vacancies in office of United States representative or senator.

(1) When a vacancy occurs for any reason in the office of a representative in Congress, the governor shall issue a proclamation calling an election to fill the vacancy.

(2) (a) When a vacancy occurs in the office of U.S. senator, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall appoint a person to serve as U.S. senator until the vacancy is filled by election from one of three persons nominated by the state central committee of the same political party as the prior officeholder. 1993

20A-1-503. Midterm vacancies in the Legislature.

(1) As used in this section, central committee means:

(a) the state central committee, when the legislative district encompasses more than one county; and

(b) the county central committee, when the legislative district is entirely within one county.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by appointing a person who meets the qualifications for the office from three persons nominated by the central committee of the same political party as the prior officeholder.

(3) (a) When a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the central committee of the same political party as the prior officeholder. 1993

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, and state auditor.

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the

next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall appoint a person to hold the office until the next regular general election at which the governor stands for election. 1996

20A-1-505. Judicial vacancies - Courts of record.

(1) (a) When a vacancy occurs in a court of record, the governor shall, within 30 days after receiving the list of nominees, fill the vacancy by appointing a person who meets the qualifications for the office from a list of at least three trial nominees and five appellate nominees certified to the governor by the judicial nominating commission that has authority over the vacancy.

(b) If the governor fails to fill the vacancy within 30 days, the chief justice of the Supreme Court shall, within 20 days, appoint a person who meets the qualifications for the office from the list of nominees.

(2) (a) The Senate shall:

(i) consider and decide on each judicial appointment within 60 days of the date of appointment; and

(ii) if necessary, convene itself in extraordinary session to consider a judicial appointment.

(b) If the Senate fails to approve the appointment, the office is considered vacant and a new nominating process begins.

(3) An appointment is effective upon approval of a majority of all members of the Senate.

(4) The judicial nominating commission, the governor, the chief justice, and the Senate shall nominate and select judges based solely upon consideration of their fitness for office without regard to any partisan political considerations. 1994

20A-1-506. Judicial vacancies - Courts not of record.

(1) As used in this section:

(a) "Appointing authority" means:

(i) the chair of the county commission in counties having the county commission form of county government;

(ii) the county executive in counties having the county executive-council form of government;

(iii) the chair of the city commission, city council, or town council in municipalities having:

(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1; and

(B) the council-manager optional form of government defined in Section 10-3-1209; and

(iv) the mayor, in the council-mayor optional form of government defined in Section 10-3-1209

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the city commission, city council, or town council.

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78-5-134; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to

contract under Subsection (1), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78-5-134

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications. 1993

20A-1-507. Midterm vacancies in the State Board of Education.

(1) If a vacancy occurs on the State Board of Education for any reason other than the expiration of a member's term, the governor, with the consent of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the unexpired term.

(2) The lieutenant governor shall issue a certificate of appointment to the appointed member and certify the appointment to the board. 1993

20A-1-508. Midterm vacancies in county elected offices.

(1) As used in this section:

(a) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county attorney, the county surveyor, and the county assessor.

(b) "County offices" does not mean the offices of president and vice president of the United States, United States senators and representatives, members of the Utah Legislature, state constitutional officers, and judges.

(2) (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this subsection.

(b) (i) To appoint an interim replacement, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior office holder and invite

that committee to submit the names of three nominees to fill the vacancy.

(ii) That county central committee shall, within 30 days, submit the names of three nominees for the interim replacement to the county legislative body.

(iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and

(B) contains the list of nominees submitted by the party central committee.

(ii) The governor shall appoint an interim replacement from that list of nominees to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed as interim replacement under this Subsection (2) shall hold office until their successor is elected and has qualified.

(3) (a) The requirements of this subsection apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the election at which the person was elected but before April 10 of the next even-numbered year.

(b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(ii) All persons intending to become candidates for the vacant office shall:

(A) file a declaration of candidacy according to the procedures and requirements of Title 20A, Chapter 9, Part 2;

(B) if nominated as a party candidate or qualified as an independent or write-in candidate under Title 20A, Chapter 8, run in the regular general election; and

(C) if elected, complete the unexpired term of the person who created the vacancy.

(4) (a) The requirements of this subsection apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more;

(ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50 days before the primary election.

(b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk shall notify the public and each registered political party that:

(A) the vacancy exists; and

(B) identifies the date and time by which a person interested in becoming a candidate must file a declaration of candidacy.

(ii) All persons intending to become candidates for the vacant offices shall, within five days after the date that the notice is made, ending at 5 p.m. on the fifth day, file a declaration of candidacy for the vacant office as required by Title 20A, Chapter 9, Part 2.

(iii) The county central committee of each party shall:

(A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(B) certify the name of the candidate or candidates to the county clerk at least 35 days before the

primary election.

(5) (a) The requirements of this subsection apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of two years or more; and

(ii) when 50 days or less remain before the primary but more than 50 days remain before the regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county central committees of each political party registered under this title that wishes to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the general election ballot.

(6) (a) The requirements of this subsection apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of less than two years; or

(ii) if the vacant office has an unexpired term of two years or more but 50 days or less remain before the next regular general election.

(b) (i) When the conditions established in Subsection (6)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party as the prior office holder and invite that committee to submit the names of three nominees to fill the vacancy.

(ii) That county central committee shall, within 30 days, submit the names of three nominees to fill the vacancy to the county legislative body.

(iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(B) contains the list of nominees submitted by the party central committee.

(ii) The governor shall appoint a person to fill the vacancy from that list of nominees to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed to fill the vacancy under Subsection (6) shall hold office until their successor is elected and has qualified.

(7) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

(8) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the same time limits.

20A-1-509. Midterm vacancies in the office of county or district attorney.

(1) (a) (i) If a vacancy occurs in the office of county attorney or district attorney and the vacancy is not filled according to the procedures established in Section 20A-1-508, the county legislative body or bodies, as provided by interlocal prosecution district agreement, shall publish a notice of the vacancy and a request for applications in a newspaper of general circulation in the county or prosecution district.

(ii) If three or more registered voters in the county or prosecution district who are licensed active members in good standing of the Utah State Bar submit applications for the position within four

weeks of the first publication of notice, the county legislative body shall appoint one of them to be county attorney or district attorney, or in cases of multicounty districts, the county legislative bodies shall appoint one of them to be district attorney as provided by interlocal agreement.

(b) (i) If fewer than three resident attorneys submit applications, the county legislative body or bodies, if applicable, may publicly solicit and accept additional applications for the position from licensed active members in good standing of the Utah State Bar who are not electors of the county.

(ii) The county legislative body or bodies, if applicable, shall consider the applications submitted by the attorneys who are registered voters in the county and the applications submitted by the attorneys who are not registered voters in the county and shall appoint one of the applicants to be county attorney or district attorney.

(2) The county legislative body or bodies, if applicable, shall appoint a person to serve in any vacant position for the unexpired term and until the replacement is elected and qualified. 1994

20A-1-510. Midterm vacancies in municipal offices.

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy;

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the two persons having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body.

(ii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section.

(3) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the

vacancy.

1994

20A-1-511. Midterm vacancies on local school boards.

(1) (a) A local school board shall fill vacancies on the board by appointment, except as otherwise provided in Subsection (2).

(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the county legislative body, or municipal legislative body in a city district, shall fill the vacancy by appointment.

(c) A member appointed and qualified under this subsection shall serve until a successor is elected or appointed and qualified.

(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

(b) Members elected under this subsection shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing a person to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the notice:

(i) the date, time, and place of the meeting where the vacancy will be filled; and

(ii) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it. 1994

20A-1-512. Midterm vacancies on special district boards.

(1) (a) Whenever a vacancy occurs on any special district board for any reason, a replacement to serve out the unexpired term shall be appointed as provided in this section by:

(i) the special district board, if the person vacating the position was elected; or

(ii) the appointing authority, if the person vacating the position was appointed.

(b) Before acting to fill the vacancy, the special district board shall:

(i) give public notice of the vacancy at least two weeks before the special district board meets to fill the vacancy;

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(2) If the special district board fails to appoint a person to complete an elected board member's term within 90 days, the county or municipality that created the special district shall fill the vacancy. 1994

Part 6. Election Offenses - Generally.

20A-1-601. Bribery in elections.

20A-1-602. Receiving bribe.

20A-1-603. Fraud, interference, disturbance -

Tampering with ballots or records.

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia.

20A-1-605. Mutilating certificate of nomination - Forging declaration or resignation - Tampering with ballots.

20A-1-606. Wagering on elections forbidden.

20A-1-607. Inducing attendance at polls - Payment of workers.

20A-1-608. Promises of appointment to office forbidden.

20A-1-609. Omnibus penalties.

20A-1-610. Abetting violation of chapter - Penalty.

20A-1-611. Cost of defense of action no part of campaign expense.

20A-1-601. Bribery in elections.

(1) It is unlawful for any person, directly or indirectly, by himself or through any other person to:

(a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:

(i) to induce the voter to vote or refrain from voting at any election provided by law;

(ii) to induce any voter to vote or refrain from voting at an election for any particular person or persons;

(iii) to induce a voter to go to the polls or remain away from the polls at any election;

(iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or

(v) to obtain the political support or aid of any person at an election;

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or persons; or

(iii) obtain the political support or aid of any person;

(c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or

(d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment. 1993

20A-1-602. Receiving bribe.

(1) It is unlawful for any person, for himself or for any other person, directly or indirectly, by himself or through any person, before, during or after any election to:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or measure at any election prov-

ided by law;

(b) receive any money or other valuable thing because the person induced any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or measure at an election.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment. 1993

20A-1-603. Fraud, interference, disturbance - Tampering with ballots or records.

(1) It is unlawful for:

(a) any person who is not entitled to vote to fraudulently vote; and

(b) any person to:

(i) vote more than once at any one election;

(ii) knowingly hand in two or more ballots folded together;

(iii) change any ballot after it has been deposited in the ballot box;

(iv) add or attempt to add any ballot to those legally polled at any election by fraudulently introducing the ballot into the ballot box either before or after the ballots have been counted;

(v) add to or mix, or attempt to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time;

(vi) willfully detain, mutilate, or destroy any election returns;

(vii) in any manner, interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(viii) engage in riotous conduct at any election or interfere in any manner with any election officer in the discharge of his duties;

(ix) induce any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with his duty or any law regulating his duty;

(x) take, carry away, conceal, remove, or destroy any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; or

(xi) aid, counsel, provide, procure, advise, or assist any person to do any of the acts specified in this section.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established in this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment. 1993

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia.

(1) It is unlawful for any person to:

(a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail not exceeding three months, or by both a fine and imprisonment. 1993

20A-1-605. Mutilating certificate of nomination

- Forging declination or resignation -

- Tampering with ballots.

(1) It is unlawful for any person to:

(a) falsely mark or willfully deface or destroy:

(i) any certificate of nomination or any part of a certificate of nomination; or

(ii) any letter of declination or resignation;

(b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;

(c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;

(d) forge any letter of declination or resignation;

(e) falsely make the official endorsement on any ballot;

(f) willfully destroy or deface any ballot;

(g) willfully delay the delivery of any ballots;

(h) examine any ballot offered or cast at the polls or found in any ballot box for any purpose other than to determine which candidate was elected; and

(i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor. 1993

20A-1-606. Wagering on elections forbidden.

(1) (a) It is unlawful for any candidate, before or during any primary or election campaign to:

(i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;

(ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and

(iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.

(b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by Subsection (1) is guilty of a felony.

(2) (a) It is unlawful for any person to make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.

(b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by Subsection (2) is guilty of a misdemeanor.

(3) (a) It is unlawful for any person to directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or

election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.

(b) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this Subsection (3) is guilty of a class B misdemeanor. 1993

20A-1-607. Inducing attendance at polls -

Payment of workers.

(1) (a) It is unlawful for any person to pay another for any loss due to attendance at the polls or to registering.

(b) This subsection does not permit an employer to make any deduction from the usual salary or wages of any employee who takes a leave of absence as authorized under Section 20A-3-103 for the purpose of voting.

(2) (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.

(b) Subsection (2) does not prohibit the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots. 1993

20A-1-608. Promises of appointment to office forbidden.

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination. 1993

20A-1-609. Omnibus penalties.

(1) Unless another penalty is specifically provided, any person who violates any provision of this title is guilty of a class B misdemeanor.

(2) A person convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which he was elected; and

(c) receive the emoluments of the office to which he was elected.

(3) (a) Any person convicted of any offense under this title forfeits the right to vote at any election unless restored to civil rights as provided by law.

(b) Any person may challenge that person's right to vote by following the procedures and requirements of Section 20A-3-202. 1993

20A-1-610. Abetting violation of chapter -

Penalty.

In addition to the penalties established in Section

20A-1-609, any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided. 1993

20A-1-611. Cost of defense of action no part of campaign expense.

(1) Nothing contained in this chapter prevents any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

(2) Expenses paid or incurred for that representation may not be considered part of the campaign expenses of any candidate. 1993

Part 7. Prosecuting and Adjudicating Election Offenses.

20A-1-701. Prosecutions - Venue.

20A-1-702. Offenders as witnesses - Privilege.

20A-1-703. Proceedings by registered voter.

20A-1-704. Judgment and findings - Appeal -

Criminal prosecution not affected by judgment.

20A-1-705. Supplemental judgment after criminal conviction.

20A-1-706. Special counsel on appeal.

20A-1-701. Prosecutions - Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed. 1993

20A-1-702. Offenders as witnesses - Privilege.

(1) Any person convicted of violating any provision of this title:

(a) is a competent witness against any other person accused of violating this title; and

(b) may be compelled to attend and testify at any trial, hearing, proceeding, or investigation in the same manner as any other person.

(2) Any testimony received under Subsection (1) may not be used in any prosecution or proceeding, civil or criminal, against the person testifying, except for perjury in giving the testimony.

(3) (a) Except as provided in Subsection (b), any person testifying under the authority of this subsection:

(i) may not be indicted, prosecuted, or punished for the offense about which he testified; and

(ii) may plead or prove that he gave that testimony in order to bar an indictment or prosecution.

(b) Notwithstanding the provisions of this section, any candidate or other person may be required to forfeit his nomination or election to office because of his testimony or production of evidence in a trial, hearing, proceeding, or investigation. 1993

20A-1-703. Proceedings by registered voter.

(1) Any registered voter who has information that any provisions of this title have been violated by any candidate for whom the registered voter had the right to vote, by any personal campaign committee of that candidate, by any member of that committee, or by any election official, may file a verified petition with the lieutenant governor.

(2) (a) The lieutenant governor shall gather information and determine if a special investigation is necessary.

(b) If the lieutenant governor determines that a special investigation is necessary, the lieutenant governor shall refer the information to the attorney

general, who shall:

(i) bring a special proceeding to investigate and determine whether or not there has been a violation; and

(ii) appoint special counsel to conduct that proceeding on behalf of the state.

(3) If it appears from the petition or otherwise that sufficient evidence is obtainable to show that there is probable cause to believe that a violation has occurred, the attorney general shall:

(a) grant leave to bring the proceeding; and

(b) appoint special counsel to conduct the proceeding.

(4) (a) If leave is granted, the registered voter may, by a special proceeding brought in the district court in the name of the state upon the relation of the registered voter, investigate and determine whether or not the candidate, candidate's personal campaign committee, any member of the candidate's personal campaign committee, or any election officer has violated any provision of this title.

(b) (i) In the proceeding, the complaint shall:

(A) be served with the summons; and

(B) set forth the name of the person or persons who have allegedly violated this title and the grounds of those violations in detail.

(ii) The complaint may not be amended except by leave of the court.

(iii) The summons and complaint in the proceeding shall be filed with the court no later than five days after they are served.

(c) (i) The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint.

(ii) Any allegation of new matters in the answer shall be considered controverted by the adverse party without reply, and the proceeding shall be considered at issue and stand ready for trial upon five days' notice of trial.

(d) (i) All proceedings initiated under this section have precedence over any other civil actions.

(ii) The court shall always be considered open for the trial of the issues raised in this proceeding.

(iii) The proceeding shall be tried and determined as a civil action without a jury, with the court determining all issues of fact and issues of law.

(iv) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may:

(A) order the proceedings consolidated and heard together; and

(B) equitably apportion costs and disbursements.

(e) (i) Either party may request a change of venue as provided by law in civil actions, but application for a change of venue must be made within five days after service of summons and complaint.

(ii) The judge shall decide the request for a change of venue and issue any necessary orders within three days after the application is made.

(iii) If a party fails to request a change of venue within five days of service, he has waived his right to a change of venue.

(f) (i) If judgment is in favor of the plaintiff, the relator may petition the judge to recover his taxable costs and disbursements against the person whose right to the office is contested.

(ii) The judge may not award costs to the defendant unless it appears that the proceeding was brought in bad faith.

(iii) Subject to the limitations contained in Subsection (f), the judge may decide whether or not to award costs and disbursements.

(5) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators. 1996

20A-1-704. Judgment and findings - Appeal -

Criminal prosecution not affected by judgment.

(1) (a) If the court finds that the candidate whose right to any office is being investigated, or that the candidate, the candidate's personal campaign committee or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, and if the candidate is not one mentioned in Subsection (2), the judge shall enter an order:

(i) declaring void the election of the candidate to that office;

(ii) ousting and excluding the candidate from office; and

(iii) declaring the office vacant.

(b) The vacancy created by that order shall be filled as provided in this chapter.

(2) (a) If a proceeding has been brought to investigate the right of a candidate for either house of the Legislature, and the court finds that the candidate, the candidate's personal campaign committee, or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, the court shall:

(i) prepare and sign written findings of fact and conclusions of law relating to the violation; and

(ii) without issuing an order, transmit those findings and conclusions to the lieutenant governor.

(b) The lieutenant governor shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.

(3) (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.

(b) A judge may not issue an injunction suspending or staying the proceeding unless:

(i) application is made to the court or to the presiding judge of the court;

(ii) all parties receive notice of the application and the time for the hearing; and

(iii) the judge conducts a hearing.

(4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person. 1993

20A-1-705. Supplemental judgment after criminal conviction.

(1) (a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

(i) enter a supplemental judgment declaring that person to have forfeited the office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(2) (a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign committee of any candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action

is tried shall, immediately after entering the finding of guilt:

(i) enter a supplemental judgment declaring the candidate to have forfeited the office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate. 1993

20A-1-706. Special counsel on appeal.

(1) If either party appeals the judgment of the trial court, the district judge, the attorney general, or the governor who appointed special counsel for the trial court shall authorize that counsel, or some other person, to appear as special counsel in the appellate court in the matter.

(2) (a) The special counsel authorized by this chapter shall receive a reasonable compensation for his services.

(b) The compensation shall be audited by the lieutenant governor and paid out of the state treasury upon a voucher and upon the written statement of the officer appointing the counsel that:

(i) the appointment has been made;

(ii) the person appointed has faithfully performed the duties imposed upon him; and

(iii) that the special counsel's bill is accurate and correct.

(c) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid. 1993

Chapter 2. Voter Registration.

Part 1. General Voter Registration Requirements.

Part 2. Alternate Means of Registering to Vote.

Part 3. County Clerk's Voter Registration Responsibilities.

Part 3. County Clerk's Voter Registration Responsibilities.

Part 4. Crimes Involving Voter Registration.

Part 1. General Voter Registration Requirements.

20A-2-101. Eligibility for registration.

20A-2-102. Registration a prerequisite to voting.

20A-2-103. Special elections - Lists of voters.

20A-2-104. Voter registration form.

20A-2-105. Determining residency.

20A-2-107. Designating or changing party affiliation.

20A-2-108. Driver license registration form -

Transmittal of information.

20A-2-109. Statewide voter registration data base -

Lieutenant governor to create - Counties to provide information.

20A-2-101. Eligibility for registration.

(1) Except as provided in Subsection (2), any person may apply to register to vote in an election who:

(a) is a citizen of the United States;

(b) has been a resident of Utah for at least the 30 days immediately before the election; and

(c) will be at least 18 years old on the day of the election.

(2) (a) A person who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the person was a resident of that voting precinct before the confinement or incarceration.

(b) A person who is involuntarily confined or incarcerated in a jail or prison is resident of the voting precinct in which the person resided before the confinement or incarceration.

(3) Any person who is eligible or qualified to vote may register and vote in a regular general election, a regular primary election, a municipal general election, a municipal primary election, a statewide special election, a local special election, a special district election, and a bond election unless that person resides outside the geographic boundaries of the entity in which the election is held. 1994

20A-2-102. Registration a prerequisite to voting.

A person may not vote at any election unless that person is registered to vote as required by this chapter. 1993

20A-2-103. Special elections - Lists of voters.

(1) (a) A special registration of voters is not required for a statewide or local special election.

(b) The last official or revised register is the register for the statewide or local special election:

(2) If a statewide or local special election is held at the same time and place as a regular general election, a municipal general election, or a primary, persons qualified to vote at those elections may also vote in the statewide or local special election.

(3) (a) If a statewide or local special election is held on a date other than the date of a regular or municipal general election, the county clerk of each county in which the municipality or entity is wholly or partly located shall register persons to vote in that election during regular office hours.

(b) The county clerk may not register persons to vote in that election if 20 or fewer days remain before the election.

(4) The county clerk of each county in which the entity holding the statewide or local special election is located shall make registration lists or copies of those lists available at each polling place for use by registered voters entitled to use those polling places. 1996

20A-2-104. Voter registration form.

(1) Every person applying to be registered shall complete a registration form printed in substantially the following form:

UTAH ELECTION REGISTRATION FORM

Name of Voter _____
First Middle Last

Date of Birth _____

Street Address of Principal Place of Residence _____

 City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number (optional) _____

Place of Birth _____

Last former address at which I was registered to vote (if known) _____

 City County State Zip Code

Voting Precinct (if known) _____

Political Party (optional) _____

I do swear (or affirm), subject to penalty of law

for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah for 30 days immediately before the next election.

Signed and sworn _____
Voter's Signature

Date _____, 19 _____.

NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL REGISTER.

FOR OFFICIAL USE ONLY

Voting Precinct _____
Voting I.D. Number _____

(2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which may be electronic or some other recognized system.

(3) (a) Each county clerk shall retain lists of currently registered voters.

(b) (i) Voter registration lists are public information and shall be made available for the public to view in the clerk's office.

(ii) The lieutenant governor shall maintain a list of registered voters in electronic form.

(iii) If there are any discrepancies between the two lists, the county clerk's list is the official list.

(c) The lieutenant governor and the county clerks may charge individuals who wish to obtain a copy of the list of registered voters.

(i) Any registered voter may submit a written request to the county clerk to have their voter registration record secured.

(ii) After receipt of a written request, the county clerk and the lieutenant governor may not provide that voter's information on the lists that are sold to the public. 1996

20A-2-105. Determining residency.

(1) Except as provided in Subsection (4), election officials and judges shall apply the standards and requirements of this section when determining whether or not a person is a resident for purposes of interpreting this title or the Utah constitution.

(2) A "resident" is a person who resides within a specific voting precinct in Utah.

(3) (a) A person resides in Utah if the person:

(i) has his principal place of residence within Utah; and

(ii) has a present intention to continue residency within Utah permanently or indefinitely.

(b) A person resides within a particular voting precinct if the person has, or will have as of the date of the election, his principal place of residence in the voting precinct.

(4) (a) The principal place of residence of any person shall be determined by applying the rules contained in this subsection.

(b) A person's "principal place of residence" is that place in which the person's habitation is fixed and to which, whenever he is absent, he has the intention of returning.

(c) A person has not gained or lost a residence solely because he is present in Utah or in a voting precinct or absent from Utah or his voting precinct because he is:

(i) employed in the service of the United States or of Utah;

(ii) a student at any institution of learning;

(iii) incarcerated in prison or jail; or

(iv) residing upon any Indian or military reservation.

(d) (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at any military facility within Utah.

(ii) In order to be a resident of Utah, that member must meet the other requirements of this section.

(e) (i) Except as provided in Subsection (ii), a person has not lost his residence if that person leaves his home to go into a foreign country or into another state or into another voting precinct within Utah for temporary purposes with the intention of returning.

(ii) If that person has voted in that state or voting precinct, the person is a resident of that state or voting precinct.

(f) A person is not a resident of any county or voting precinct if that person comes for temporary purposes without intending to make that county his home.

(g) If a person removes to another state with the intention of making it his principal place of residence, he loses his residence in Utah.

(h) If a person moves to another state with the intent of remaining there for an indefinite time as a place of permanent residence, he loses his residence in Utah, even though he intends to return at some future time.

(i) (i) Except as provided in Subsection (ii) the place where a person's family resides is presumed to be his place of residence.

(ii) A person may rebut the presumption established in Subsection (i)(i) by proving his intent to remain at a place other than where his family resides.

(j) (i) A person has changed his residence if:

(A) the person has acted affirmatively to remove himself from one geographic location; and

(B) the person has an intent to remain in another place.

(ii) There can only be one residence.

(iii) A residence cannot be lost until another is gained.

(5) In computing the period of residence, a person shall:

(a) include the day on which the person's residence begins; and

(b) exclude the day of the next election.

(6) (a) There is a presumption that a person is a resident of Utah and a voting precinct and intends to remain in Utah permanently or indefinitely if the person makes an oath or affirmation upon a registration application form that his residence address and place of residence is within a specific voting precinct in Utah.

(b) The election officers and election officials shall allow that person to register and vote unless, upon a challenge by the satellite registrar or some other person, it is shown by law or by clear and compelling evidence that:

(i) the person does not intend to remain permanently or indefinitely in Utah; or

(ii) the person is incarcerated in prison or jail.

(7) (a) The rules set forth in this section for determining place of residence for voting purposes do not apply to a person incarcerated in prison or jail.

(b) For voting registration purposes, a person incarcerated in prison or jail is considered to reside in the voting precinct in which his place of residence was located before incarceration.

1996

20A-2-107. Designating or changing party affiliation.

(1) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this section.

(2) Except for the 20 days immediately before a regular primary election, any registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate.

1996

20A-2-108. Driver license registration form - Transmittal of information.

(1) The lieutenant governor and the Driver License Division shall design the driver license application and renewal forms to include the question "if you are not registered to vote where you live now, would you like to register to vote today?"

(2) (a) The lieutenant governor and the Driver License Division shall design a motor voter registration form to be used in conjunction with driver license application and renewal forms.

(b) Each driver license application and renewal form shall contain:

(i) a place for the applicant to decline to register to vote;

(ii) an eligibility statement in substantially the following form:

"I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah for 30 days immediately before the next election.

Signed and sworn _____
Voter's Signature

Date....., 19...";

(iii) a statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iv) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

1995

20A-2-109. Statewide voter registration data base - Lieutenant governor to create - Counties to provide information.

(1) The lieutenant governor shall develop a statewide voter registration data base.

(2) Each county clerk shall provide the lieutenant governor with the county's voter registration and other data requested by the lieutenant governor in the form required by the lieutenant governor.

1995

Part 2. Alternate Means of Registering to Vote.

20A-2-201. Registering to vote at office of county clerk.

20A-2-202. Registration by mail.

20A-2-203. Satellite location - Registration by satellite registrar.

20A-2-204. Registering to vote when applying for or renewing a driver license.

20A-2-205. Registration at voter registration agencies.

20A-2-201. Registering to vote at office of county clerk.

Except as provided in Subsection (2):

(1) The county clerk shall register to vote all persons who present themselves for registration at

his office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county.

(2) During the 20 calendar days immediately before any scheduled election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late. 1994

20A-2-202. Registration by mail.

(1) (a) A citizen who will be qualified to vote at the next election may register by mail.

(b) To register by mail, a citizen shall complete and sign the by-mail registration form and mail or deliver it to the county clerk of the county in which the citizen resides.

(c) In order to register to vote in a particular election, the citizen shall:

(i) address the by-mail voter registration form to the county clerk; and

(ii) ensure that it is postmarked at least 20 days before the date of the election.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) mail confirmation of registration to the newly registered voter after entering the applicant's voting precinct number on that copy.

(3) (a) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked less than 20 days before an election, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives by-mail voter registration forms at least seven days before an election that are postmarked at least 20 days before the election, the county clerk shall:

(i) process the by-mail voter registration forms; and

(ii) record the new voters in the official register and posting list.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete. 1996

20A-2-203. Satellite location - Registration by satellite registrar.

(1) (a) Each county clerk shall designate at least one satellite location for voter registration for every 25,000 people residing within the county.

(b) A county clerk may designate as many satellite

locations as desired.

(2) (a) Any person who meets the voter registration requirements may register to vote with a satellite registrar at any satellite location between 8 a.m. and 8 p.m.:

(i) on the Monday and Tuesday, the seventh and eighth day, before the regular primary election;

(ii) on the Monday and Tuesday, the seventh and eighth day, before the regular general election;

(iii) on the Monday and Tuesday, the seventh and eighth day, before the municipal primary election in municipalities holding a municipal primary election; and

(iv) on the Monday and Tuesday, the seventh and eighth day, before the municipal general election.

(b) Each satellite registrar shall register to vote all persons who:

(i) present themselves for registration; and

(ii) are legally qualified and entitled to vote in that voting precinct on election day.

(3) For municipal elections, the municipality in which the registration is made shall pay the expenses of registration. 1996

20A-2-204. Registering to vote when applying for or renewing a driver license.

(1) As used in this section, "voter registration form" means the driver license application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-106

(2) Any citizen who is qualified to vote may register to vote by completing the voter registration form.

(3) The Driver License Division shall:

(a) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(b) accept completed forms for transmittal to the appropriate election official;

(c) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division; and

(d) transmit each address change within five days after it is received by the division.

(4) Upon receipt of a correctly completed voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(5) (a) If the county clerk receives a correctly completed voter registration form that is dated less than 20 days before an election, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives any voter registration forms at least seven days before an election that are dated at least 20 days before the election, the county clerk shall:

(i) process the voter registration forms; and

(ii) record the new voters in the official register and posting list.

(6) If the county clerk determines that a voter registration form received from the Driver License Division is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error

or because the form is incomplete.

1996

20A-2-205. Registration at voter registration agencies.

(1) As used in this section:

(a) "Discretionary voter registration agency" means each office designated by the county clerk under Part 3 to provide by-mail voter registration forms to the public.

(b) "Public assistance agency" means each office in Utah that provides:

- (i) public assistance; or
- (ii) state funded programs primarily engaged in providing services to people with disabilities.

(2) Any person may obtain and complete a by-mail registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Applying to register to vote or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.)

Yes _____ No _____

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

If you would like help in filling out the voter registration application form, we will help you. The decision about whether or not to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether or not to register, or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (801) 538-1040."

(4) Unless a person applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register to vote, each public assistance agency and discretionary voter registration agency shall:

- (a) distribute a by-mail voter registration form with each application for service or assistance provided by the agency or office;
- (b) assist applicants in completing the voter registration form unless the applicant refuses assistance;
- (c) accept completed forms for transmittal to the appropriate election official; and
- (d) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division.

(5) A person in a public assistance agency or a discretionary voter registration agency that helps a person complete the voter registration form may not:

- (a) seek to influence an applicant's political preference or party registration;
- (b) display any political preference or party allegiance;
- (c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or
- (d) make any statement to an applicant or take any action that has the purpose or effect of leading

the applicant to believe that a decision to register or not to register has any bearing upon the availability of services or benefits.

(6) Upon receipt of a correctly completed voter registration form, the county clerk shall:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(7) (a) If the county clerk receives a correctly completed voter registration form that is dated less than 20 days before an election, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives any voter registration forms at least seven days before an election that are dated at least 20 days before the election, the county clerk shall:

- (i) process the voter registration forms; and
- (ii) record the new voters in the official register and posting list.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete. 1996

Part 3. County Clerk's Voter Registration Responsibilities.

20A-2-300.5. Definitions.

20A-2-300.6. Chief elections officer.

20A-2-300.5. Definitions.

As used in this part:

(1) "Discretionary voter registration agency" means each office designated by the county clerk to provide by-mail voter registration forms to the public.

(2) "Public assistance agency" means each office in Utah that provides:

- (a) public assistance; and
- (b) state funded programs primarily engaged in providing services to people with disabilities. 1994

20A-2-300.6. Chief elections officer.

(1) The lieutenant governor is Utah's chief elections officer.

(2) The lieutenant governor shall:

- (a) oversee all of Utah's:
 - (i) voter registration activities; and
 - (ii) other responsibilities established by Public Law 103-31, the National Voter Registration Act of 1993; and

(b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.

(3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register. 1994

Part 3. County Clerk's Voter Registration Responsibilities.**20A-2-301. County clerk responsibilities - Voter registration forms.****20A-2-302. Voter registration forms for high school students.****20A-2-303. Notice of time and place of registration.****20A-2-304. County Clerk's responsibilities - Notice of disposition.****20A-2-305. Removing names from the official register - General requirements.****20A-2-306. Removing names from the official register - Determining and confirming change of residence.****20A-2-307. County clerks' instructions to election judges.****20A-2-308. Lieutenant governor and county clerks to preserve records.****20A-2-301. County clerk responsibilities - Voter registration forms.**

(1) Each county clerk shall provide book voter registration forms and by-mail voter registration forms for use in the voter registration process.

(2) Each county clerk shall:

(a) (i) designate certain offices within the county to provide by-mail voter registration forms to the public; and

(ii) provide by-mail voter registration forms to each public assistance agency and discretionary voter registration agency; and

(b) provide copies of by-mail voter registration forms to public school districts and nonpublic schools as provided in Section 20A-2-302

(3) (a) Each regular general election year, the county clerk shall make by-mail voter registration forms available to the political parties as provided in this Subsection (3).

(b) The county clerk shall set aside by-mail registration forms equal to 10% of the number of registered voters in the county as of January 1 of that regular general election year for allocation to political parties.

(c) The forms shall be allocated to the respective political parties in each county as follows:

(i) 90% of the forms shall be made available on an equal basis to all parties who had any candidate who polled 10% or more of the vote for any partisan office in the last regular general election.

(ii) 10% of the forms shall be made available on an equal basis to all other parties who qualify for a position on the ballot for the next regular general election.

(4) Candidates, parties, organizations, and interested persons may purchase by-mail voter registration forms from the county clerk or from the printer.

(5) (a) The clerk shall make book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

(b) Interested organizations that receive book voter registration forms from the county clerk shall return them to the county clerk at least 20 days before the date of the election.

(6) The county clerk may not refuse to register any person to vote for failing to provide a telephone number on the voter registration form.

(7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter registration forms, obtained as provided in this section, to the county clerk.

(b) A person who violates this subsection is guilty of a class B misdemeanor. 1994

20A-2-302. Voter registration forms for high school students.

(1) In September and March of each year, the school board of each local public school district and the authorities in charge of each accredited nonpublic school shall provide to the county clerk an estimate of how many students are 18 years old or who within six months will be 18 years old.

(2) The county clerk shall provide the public school district and accredited nonpublic schools of the county, free of charge, a sufficient number of by-mail voter registration forms for distribution to the students who are eligible to register or are about to become eligible to register to vote.

(3) Each school shall make the by-mail voter registration forms available to any unregistered student who is or who within six months will be 18 years old. 1993

20A-2-303. Notice of time and place of registration.

(1) The election officer shall give notice of satellite voter registration by publishing the notice in one issue of a newspaper of general circulation in the county at least five days before the day of satellite voter registration.

(2) The notice of satellite voter registration shall:

(a) be signed by the county clerk;

(b) identify the time and place for satellite voter registration. 1996

20A-2-304. County Clerk's responsibilities - Notice of disposition.

Each county clerk shall:

(1) register to vote each applicant for registration who meets the requirements for registration and who:

(a) submits a completed voter registration form to the county clerk at least 20 days before the date of the election;

(b) submits a completed voter registration form to the Driver License Division, a public assistance agency, or a discretionary voter registration agency at least 20 days before the date of the election; or

(c) mails a completed by-mail voter registration form to the county clerk that is postmarked at least 20 days before the election; and

(2) send a notice to the voter informing the voter that:

(a) the voter's application for voter registration has been accepted and that the voter is registered to vote;

(b) the voter's application for voter registration has been rejected and the reason for the rejection; or

(c) the application for voter registration is being returned to the voter for further action because the application is incomplete and giving instructions to the voter about how to properly complete the application. 1994

20A-2-305. Removing names from the official register - General requirements.

(1) The county clerk may not remove a voter's name from the official register because the voter has failed to vote in an election.

(2) The county clerk may remove a voter's name from the official register only when:

(a) the voter dies and the requirements of Subsection (3) are met;

(b) the county clerk, after complying with the requirements of Section 20A-2-306, receives

written confirmation from the voter that the voter no longer resides within the county clerk's county;

(c) the county clerk has obtained evidence that the voter's residence has changed, has mailed notice to the voter as required by Section 20A-2-306 and received no response from the voter, and the voter has failed to vote or appear to vote in either of the next two regular general elections following the date of the notice;

(d) the voter requests, in writing, that his name be removed from the official register; or

(e) the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter.

(3) The county clerk may remove a voter's name from the registration list upon the annual receipt of a listing of all deceased residents from the Department of Health's Bureau of Vital Records, after the county clerk:

(a) compares that listing to the list of registered voters;

(b) sends a letter addressed to the residence of the person whose name appears on both lists indicating that, unless advised otherwise, the clerk will delete that name from the registered voter's roll; and

(c) the clerk has received no objection to the removal after 30 days from the date the notice was mailed. 1996

20A-2-306. Removing names from the official register - Determining and confirming change of residence.

(1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).

(2) (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:

(i) change the official register to show the voter's new address; and

(ii) send to the voter by forwardable mail the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter by forwardable mail the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:

***VOTER REGISTRATION NOTICE**

We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

Street City County State Zip

If you have not changed your residence or have moved but stayed within the same county, you must

complete and return this form to the county clerk so that it is received by the county clerk no later than 20 days before the date of the election. If you fail to return this form within that time:

- you may be required to show evidence of your address to the election judge before being allowed to vote in either of the next two regular general elections; or

- if you fail to vote in either of the next two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

Signature of Voter"

(4) (a) Except as provided in Subsection (b), the county clerk may not remove the names of any voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election.

(b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election if:

(i) the voter requests, in writing, that his name be removed; or

(ii) the voter has died.

(c) (i) After a county clerk mails a notice as required in this section, the clerk may list that voter as inactive.

(ii) An inactive voter must be allowed to vote, sign petitions, and have all other privileges of a registered voter.

(iii) A county is not required to send routine mailings to inactive voters and is not required to count inactive voters when dividing precincts and preparing supplies. 1996

20A-2-307. County clerks' instructions to election judges.

Each county clerk shall instruct election judges to allow a voter to vote if:

(1) the voter has moved from one address within a voting precinct to another address within the same voting precinct if the voter affirms the change of address orally or in writing before the election judges;

(2) the voter was registered to vote in the election judge's voting precinct but has changed residence to a new voting precinct that is in the same county and congressional district as the election judge's voting precinct and has not registered to vote in that new voting precinct; and

(3) the official register shows that the voter has moved to a new residence in a different voting precinct, but the voter affirms, orally or in writing, that the voter still resides in the voting precinct. 1994

20A-2-308. Lieutenant governor and county clerks to preserve records.

(1) As used in this section:

(a) "Voter registration records" means all records concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.

(b) "Voter registration records" does not mean records that:

(i) relate to a person's decision to decline to register to vote; and

(ii) identify the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular

voter registered to vote.

(2) The lieutenant governor and each county clerk shall:

(a) preserve for at least two years all records relating to voter registration, including:

(i) the official register; and

(ii) the names and addresses of all persons to whom the notice required by Section 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

(b) make the records available for public inspection; and

(c) allow the records to be photocopied for a reasonable cost. 1994

Part 4. Crimes Involving Voter Registration.

20A-2-401. Fraudulent registration - Penalty.

20A-2-401. Fraudulent registration - Penalty.

(1) It is unlawful for any person to willfully cause, procure, or allow himself to be registered to vote, knowing that he is not entitled to register to vote.

(2) It is unlawful for any person to willfully cause, procure, advise, encourage, or assist any other person to be registered to vote, knowing or believing that the person is not entitled to register to vote.

(3) Any person who violates this section is guilty of a class A misdemeanor. 1993

Chapter 3. Voting.

Part 1. General Voting Requirements.

Part 2. Poll Watchers and Challenges to Voters.

Part 3. Voting by Absent or Physically Disabled Voters.

Part 4. Voting by Members of the Military and by Other Persons Living or Serving Aboard.

Part 5. Voting Offenses.

Part 1. General Voting Requirements.

20A-3-101. Residency and age requirements of voters.

20A-3-102. Voting by secret ballot.

20A-3-103. Employee's right to time off for election.

20A-3-104. Manner of voting.

20A-3-105. Marking and depositing ballots.

20A-3-106. Voting straight ticket - Splitting ballot - Writing in names - Effect of unnecessary marking of cross.

20A-3-107. No ballots may be taken away - Spoiled ballots.

20A-3-108. Assisting disabled, illiterate, or blind voters.

20A-3-109. Instructions to voters.

20A-3-101. Residency and age requirements of voters.

(1) A person may vote in any regular general election, statewide special election, and statewide primary election if that person:

(a) is a citizen of the United States;

(b) is a resident of Utah;

(c) will, on the date of that election:

(i) be at least 18 years old; and

(ii) have been a resident of Utah for 30 days immediately before that election; and

(d) has registered to vote.

(2) A person may vote in a municipal general election, municipal primary, in a local special election, in a special district election, and in a bond election if that person:

(a) is a citizen of the United States;

(b) is a resident of Utah;

(c) is a resident of the local entity that is holding the election;

(d) will, on the date of the election:

(i) be at least 18 years old; and

(ii) have been a resident of Utah for 30 days immediately before the election; and

(e) has registered to vote.

(3) If, as of the date of any election, a person has not resided within the voting precinct for at least 20 days or has not registered to vote in that voting precinct, the person may vote at the voting precinct in which he resided before he moved to the new voting precinct if:

(a) the person is legally registered in that voting precinct; and

(b) that voting precinct is in the same county and congressional district as the person's new voting precinct. 1995

20A-3-102. Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each special district election, and at each bond election shall be by secret ballot. 1993

20A-3-103. Employee's right to time off for election.

(1) (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.

(b) The voter shall apply for a leave of absence before election day.

(c) (i) The employer may specify the hours during which the employee may be absent.

(ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.

(d) The employer may not deduct from an employee's usual salary or wages because of the absence.

(2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.

(3) Any employer who violates this section is guilty of a class B misdemeanor. 1993

20A-3-104. Manner of voting.

(1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

(2) (a) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine whether or not the person is registered to vote.

(b) (i) If the voter's name is not found on the official register and, if it is not unduly disruptive of the election process, the election judge shall attempt to contact the county clerk's office to request oral verification of the voter's registration.

(ii) If oral verification is received from the county clerk's office, the judge shall record the verification on the official register, perform the other adminis-

trative steps required by Subsection (3), repeat the voter's name, hand the voter a ballot, and allow the voter to enter the voting booth.

(3) If the election judge determines that the voter is registered:

(a) the election judge in charge of the official register shall:

(i) write the ballot number opposite the name of the voter in the official register; and

(ii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook;

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) hand the voter a ballot; and

(iv) allow the voter to enter the voting booth.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote. 1993

20A-3-105. Marking and depositing ballots.

(1) (a) If paper ballots are used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.

(b) A mark is not required opposite the name of a write-in candidate.

(c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.

(d) The voter shall fold the ballot before leaving the booth so its contents are concealed and the stub can be removed.

(2) (a) (i) If ballot cards are used, the voter shall insert the ballot card into the voting device and mark the ballot card according to the instructions provided on the device.

(ii) If the voter is issued a ballot card with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.

(iii) If the voter is issued a ballot card with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.

(b) After the voter has marked the ballot card, the voter shall either:

(i) place the ballot card inside the secrecy envelope, if one is provided; or

(ii) fold the long stub over the face of the ballot card to maintain the secrecy of the vote if the voter is issued a ballot card with a long stub without a secrecy envelope.

(3) (a) After preparation of the ballot, the voter shall:

(i) leave the voting booth; and

(ii) announce his name to the election judge in charge of the ballot box.

(b) The election judge in charge of the ballot box shall:

(i) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;

(ii) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the election judge,

remove the stub from the ballot; and

(iii) return the ballot to the voter.

(c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot in the ballot box.

(d) (i) The election judge may not accept a ballot from which the stub has been detached.

(ii) The election judge shall treat a ballot from which the stub has been detached as a spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as provided in Section 20A-3-107

(4) A voter voting a paper ballot in a primary election shall, after marking the ballot:

(a) (i) detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;

(ii) fold that portion of the paper ballot so that its face is concealed; and

(iii) deposit it in the ballot box; and

(b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and

(ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.

(5) (a) Each voter shall mark and deposit the ballot without delay and leave the voting area after voting.

(b) A voter may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108

(ii) remain within the voting area more than ten minutes; or

(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.

(6) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

(7) The election judges may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are election officials, watchers, or are assisting handicapped voters. 1993

20A-3-106. Voting straight ticket - Splitting ballot - Writing in names - Effect of unnecessary marking of cross.

(1) When voting a paper ballot, any voter desiring to vote for all the candidates from any one registered political party may:

(a) mark in the circle or position above that political party;

(b) mark in the squares or position opposite the names of all candidates for that party ticket; or

(c) make both markings.

(2) (a) When voting a ballot card, any voter desiring to vote for all the candidates from any one registered political party may:

(i) mark the selected party on the straight party page; or

(ii) mark the name of each candidate from that party.

(b) To vote for candidates from two or more political parties, the voter may:

(i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or

(ii) indicate his choice by marking in the circle or position above one political party and marking in the squares or positions opposite the names of desired candidates.

(3) In any election other than a primary election, if a voter voting either a paper ballot or ballot card has placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, the voter shall mark the ballot next to the name of the candidate for whom the voter wishes to vote.

(4) (a) The voter may also insert the name of a valid write-in candidate in writing or by means of a sticker with the office and write-in name printed on it.

(b) A voter shall cast a write-in vote by writing the write-in name or pasting the write-in sticker on the blank write-in part of the ballot.

(c) A voter is considered to have voted for the person whose name is written or whose sticker appears in the blank write-in part of the ballot, whether a mark is made or is not made opposite that name.

(5) The unnecessary marking of a mark in a square on the ticket below the marked circle does not affect the validity of the vote. 1993

20A-3-107. No ballots may be taken away - Spoiled ballots.

(1) A person may not take or remove any ballot from the polling place before the close of the polls.

(2) If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

(3) If any ballot is spoiled by the printer or an election judge, the election judge shall give the voter a new ballot.

(4) The election judge shall:

(a) immediately write the word "spoiled" across the face of the ballot; and

(b) place the ballot in the envelope for spoiled ballots. 1993

20A-3-108. Assisting disabled, illiterate, or blind voters.

(1) Any voter who is blind, disabled, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice.

(2) The person providing assistance may not be:

(a) the voter's employer;

(b) an agent of the employer;

(c) an officer or agent of the voter's union; or

(d) a candidate.

(3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.

(4) Each time a voter is assisted, the election judge shall note that fact in the official register and the pollbook. 1993

20A-3-109. Instructions to voters.

(1) If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two election judges, each from a different political party, shall instruct the voter.

(2) After instructing the voter, and before the voter has cast his vote, the election judges shall leave the voting booth so that the voter may vote in secret.

(3) An election judge instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition. 1993

Part 2. Poll Watchers and Challenges to Voters.

20A-3-201. Watchers.

20A-3-202. Challenges - Recorded in official register and in pollbook.

20A-3-203. Officer or watcher revealing vote.

20A-3-201. Watchers.

(1) (a) (i) For each regular general election or statewide special election, and for each regular primary, each registered political party and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(ii) Each party poll watcher shall be designated, and his selection made known to the election judges, by an affidavit made by the county chair of each of the parties.

(iii) Each issue poll watcher shall be designated, and his selection made known to the election judges, by an affidavit made by the individual appointing him.

(b) (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot cards, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(iii) Each candidate poll watcher shall be designated, and his selection made known to the election judges, by an affidavit made by the candidate appointing him.

(iv) Each issue poll watcher shall be designated, and his selection made known to the election judges, by an affidavit made by the individual appointing him.

(2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the election judges of the substitution by affidavit.

(3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to challenge a voter as provided in this part.

(4) The counting poll watcher shall remain in the counting room, except in the case of necessity, until the close of the polls and may not divulge the progress of the count until the count is completed.

(5) (a) It is unlawful for a counting poll watcher to communicate in any manner, directly or indire-

ctly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(b) Any person who violates this subsection is guilty of a third degree felony.

(6) The inspecting poll watcher may be present in the office of the clerk or recorder to whom ballots are delivered after elections to:

(a) inspect the condition of the packages containing the ballots upon their arrival; and

(b) observe the placement of these packages in a safe and secure place. 1995

20A-3-202. Challenges - Recorded in official register and in pollbook.

(1) (a) When any person applies for a ballot or when a person offers a ballot for deposit in the ballot box, the person's right to vote in that voting precinct and in that election may be orally challenged by an election judge or any challenger orally stating the challenged voter's name and the basis for the challenge.

(b) A person may challenge another person's right to vote by alleging that:

(i) the voter is not the person whose name appears in the official register and under which name the right to vote is claimed;

(ii) the voter is not a resident of Utah;

(iii) the voter is not a citizen of the United States;

(iv) the voter has not or will not have resided in Utah for 30 days immediately before the date of the election;

(v) the voter does not live in the voting precinct;

(vi) the voter does not live within the geographic boundaries of the entity holding the election;

(vii) the voter's principal place of residence is not in the voting precinct;

(viii) the voter's principal place of residence is not in the geographic boundaries of the election area;

(ix) the voter has voted before in the election;

(x) the voter is not at least 18 years old; or

(xi) the voter is involuntarily confined or incarcerated in jail or prison and was not a resident of the entity holding the election before the voter was confined or incarcerated.

(2) (a) The election judges shall give the voter a ballot and allow the voter to vote if:

(i) the person challenged signs a written affidavit certifying that he meets all the requirements for voting; and

(ii) the election judge determines that the person challenged is registered to vote.

(b) The election judges may not give the voter a ballot or allow the voter to vote if:

(i) the person challenged refuses to sign the written affidavit; or

(ii) the election judge determines that the person challenged is not registered to vote.

(c) (i) It is unlawful for any person to sign an affidavit certifying that he meets all the requirements for voting when that person knows he does not meet at least one of those requirements.

(ii) Any person who violates this Subsection (c) is guilty of a class B misdemeanor.

(3) (a) Any person may challenge the right to vote of any person whose name appears on the posting list by filing a written signed statement identifying the challenged voter's name and the basis for the challenge with the county clerk on the Friday before the election during regular business hours.

(b) The person challenging a person's right to vote shall allege one or more of the grounds established in Subsection (1)(b) as the basis for the chal-

lenge.

(c) The county clerk shall:

(i) carefully preserve the written challenges;

(ii) write in the appropriate official register opposite the name of any person for whom the county clerk received a written challenge, the words "To be challenged"; and

(iii) transmit the written challenges to election judges of that voting precinct.

(d) On election day, the election judges shall raise the written challenge with the voter before giving the voter a ballot.

(e) If the person challenged takes an oath before any of the election judges that the grounds of the challenge are false, the judges shall allow the person to vote.

(f) If the person applying to vote does not meet the legal requirements to vote, or refuses to take the oath, the election judges may not deliver a ballot to him.

(4) The election judges shall record all challenges in the official register and on the challenge sheets in the pollbook. 1996

20A-3-203. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(2) Any person who violates this section is guilty of a class A misdemeanor. 1993

Part 3. Voting by Absent or Physically Disabled Voters.

20A-3-301. Right of absent or disabled person to vote.

20A-3-302. Absentee voting - No polling place for remote districts.

20A-3-303. Form of absentee ballot.

20A-3-304. Application for absentee ballot - Time for filing and voting.

20A-3-305. Mailing of ballot to voter - Enclose self-addressed envelope- Affidavit.

20A-3-306. Voting ballot - Returning ballot.

20A-3-306.5. Emergency absentee ballots.

20A-3-307. Processing of absentee ballot.

20A-3-308. Absentee ballots in the custody of election judges - Disposition.

20A-3-309. Absentee ballots in the custody of the election officer - Disposition.

20A-3-310. Frauds and malfeasance in absent voting - Penalty.

20A-3-301. Right of absent or disabled person to vote.

(1) Any person who is registered to vote may vote by absentee ballot, if, on the day of election, the person is an absent elector as defined in Section 20A-3-304

(2) Any registered voter who unexpectedly returns to his voting precinct before or on election day may vote in person if his absentee ballot has not already been deposited in the ballot box. 1996

20A-3-302. Absentee voting - No polling place for remote districts.

(1) Whenever, on the 60th day before an election, there are 100 or less persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located may elect to administer an election entirely by absentee ballot.

(2) If the county legislative body of the county in which the voting precinct is located decides to

administer an election entirely by absentee ballot, the county clerk shall mail to each registered voter within that voting precinct:

- (a) an absentee ballot;
- (b) a statement that there will be no polling place for the election;
- (c) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for his vote to be counted; and
- (d) a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, he will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.

(3) Any voter who votes by absentee ballot under this subsection is not required to apply for an absentee ballot as required by this part.

(4) (a) The county clerk of a county that administers an election entirely by absentee ballot shall:

- (i) obtain, in person, the signatures of each voter within that voting precinct before the election; and
- (ii) maintain the signatures on file in the county clerk's office.

(b) (i) Upon receiving the returned absentee ballots, the county clerk shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.

(ii) If the county clerk questions the authenticity of the signature on the absentee ballot, the clerk shall immediately contact the voter to verify the signature.

(iii) If the voter does not confirm his signature on the absentee ballot, the county clerk shall:

- (A) immediately send another absentee ballot and other voting materials as required by this subsection to the voter; and
- (B) disqualify the initial absentee ballot.

1996

20A-3-303. Form of absentee ballot.

(1) For all elections, the election officer shall:

(a) cause a sufficient number of official ballots to be known as absentee ballots to be prepared and printed; and

(b) ensure that the absentee ballots are prepared and printed in the same form, are of the same size and texture, and contain the same matter as the regular official ballot, except that the words "absentee ballot" are printed on the stub of the absentee ballots.

(2) The election officer may prepare absentee ballots as paper ballots or ballot cards or may use both methods.

1993

20A-3-304. Application for absentee ballot -

Time for filing and voting.

(1) As used in this section, "absent elector" means a person who:

- (a) is physically, emotionally, or mentally impaired;
- (b) will be serving as an election judge or who has election duties in another voting precinct;
- (c) is detained or incarcerated in a jail or prison;
- (d) suffers a legal disability;
- (e) is prevented from voting in a particular location because of religious tenets or other strongly-held personal values;
- (f) is called for jury duty in state or federal court; or
- (g) otherwise expects to be absent from the voting

precinct on election day.

(2) A registered voter who is or will be an absent elector may file an absentee ballot application with the appropriate election officer for an official absentee ballot.

(3) (a) Each election officer shall prepare blank applications for absentee ballot applications in substantially the following form:

"I, _____ a qualified elector, in full possession of my mental faculties, residing at _____ Street, _____ City, _____ County, Utah and to my best knowledge and belief am entitled to vote by absentee ballot at the next election.

I apply for an official absentee ballot to be voted by me at the election.

Dated _____ 19 _____

Signed _____
Voter"

(b) If requested by the applicant, the election officer shall:

- (i) mail or fax the application blank to the absentee voter; or
- (ii) deliver the application blank to any voter who personally applies for it at the office of the election officer.

(4) (a) (i) Except as provided in Subsection (ii), the voters shall file the application for an absentee ballot with the appropriate election officer no later than the Friday before election day.

(ii) Overseas applicants shall file their applications with the appropriate election officer no later than 20 days before the day of election.

(b) Persons voting an absentee ballot at the office of the election officer shall apply for and cast their ballot no later than the day before the election.

(5) (a) A county clerk may establish a permanent absentee voter list.

(b) The clerk shall place on the list the name of any person who:

- (i) requests permanent absentee voter status; and
 - (ii) meets the requirements of this section.
- (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the absentee voter list.

(ii) The questionnaire shall allow the absentee person to verify the voter's residence and inability to vote at the voting precinct on election day.

(iii) The clerk may remove the names of any voter from the absentee voter registration list if:

- (A) the voter is no longer listed in the official register; or
- (B) the voter fails to verify the voter's residence and absentee status.

(d) The clerk shall provide a copy of the permanent absentee voter list to election officers for use in elections.

1996

20A-3-305. Mailing of ballot to voter - Enclose self-addressed envelope - Affidavit.

(1) Upon timely receipt of an absentee voter application properly filled out and signed, or as soon after receipt of the application as the official absentee ballots for the voting precinct in which the applicant resides have been printed, the election officer shall either:

- (a) give the applicant an official absentee ballot and envelope to vote in the office; or
- (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).

(2) The election officer shall ensure that:

- (a) the name, official title, and post office address of the election officer is printed on the front of the

envelope; and

(b) a printed affidavit in substantially the following form is printed on the back of the envelope:

"County of _____
State of _____

I, _____, solemnly swear that: I am a resident voter in full possession of my mental faculties, of the _____ voting precinct in _____ County, Utah; I am entitled to vote in that voting precinct at the next election; and I am entitled by law to vote an absentee ballot.

Signature of Absentee Voter" 1996

20A-3-306. Voting ballot - Returning ballot.

(1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark his votes on the absentee ballot;
- (iii) place the voted absentee ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) attach postage and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

(b) To vote an absentee ballot in the office of the election officer, the absent voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark his votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) An absentee ballot is not valid unless it is:

- (a) received at the office of the appropriate election officer before the closing of polls on election day; or
- (b) clearly postmarked on the day before election day and received in the office of the election officer before noon on the day of the official canvass following the election. 1993

20A-3-306.5. Emergency absentee ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution.

(2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.

(3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office.

(b) The election officer shall require the person to sign a statement identifying himself and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope.

(5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office before the polls close on election day. 1996

20A-3-307. Processing of absentee ballot.

(1) Except as provided in Subsection (2), upon receipt of an envelope containing an absentee ballot, the election officer shall:

- (a) enclose the unopened envelope containing the absentee ballot and the written application of the absentee voter in a larger envelope;
- (b) seal that envelope and endorse it with:
 - (i) the name or number of the proper voting precinct;
 - (ii) the name and official title of the election officer; and
 - (iii) the words "This envelope contains an absentee ballot and may only be opened on election day at the polls while the polls are open."; and
- (c) safely keep the envelope in his office until it is delivered by him to the proper election judges.

(2) If the election officer receives envelopes containing absentee ballots too late to transmit them to the election judges on election day, the election officer shall retain those absentee ballots in a safe and secure place until they can be processed as provided in Section 20A-3-309

(3) (a) Except as provided in Subsection (c), when reasonably possible, the election officer shall deliver or mail valid absentee ballots to the appropriate voting precinct election judges so that they may be processed at the voting precinct on election day.

(b) If the election officer is unable to determine the voting precinct to which an absentee ballot should be sent, or if a valid absentee ballot is received too late for delivery on election day to election judges, the election officer shall retain the absentee ballot in a safe place until it can be processed as required by Section 20A-3-309

(c) When the absentee ballots will be centrally counted, the election officer shall deliver those absentee ballots to the counting center on election day for counting. 1993

20A-3-308. Absentee ballots in the custody of election judges - Disposition.

(1) (a) Voting precinct election judges shall open envelopes containing absentee ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this subsection.

(b) The election judges shall:

- (i) first, open the outer envelope only; and
- (ii) compare the signature of the voter on the application with the signature on the affidavit.

(2) (a) The judges shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:

- (i) the affidavit is sufficient;
- (ii) the signatures correspond; and
- (iii) the applicant is registered to vote in that voting precinct and has not voted in that election.

(b) The election judges shall:

- (i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;
- (ii) initial the stub in the same manner as for other ballots;
- (iii) remove the stub from the ballot;
- (iv) deposit the ballot in the ballot box; and
- (v) mark the official register and pollbook to show that the voter has voted.

(3) If the election judges determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:

- (a) disallow the vote; and

(b) without opening the absentee voter envelope, mark across the face of the envelope:

- (i) "Rejected as defective"; or
- (ii) "Rejected as not a registered voter."

(4) The election judges shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.

(5) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election. 1995

20A-3-309. Absentee ballots in the custody of the election officer - Disposition.

(1) The election officer shall deliver all envelopes containing valid absentee ballots that are in the election officer's custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.

(2) At the canvass, election judges, acting under the supervision of the official canvassers of the election, shall comply with the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.

(3) After all valid absentee ballots have been deposited, they shall be counted in the usual manner and the resulting tally added to the official canvass of the election. 1993

20A-3-310. Frauds and malfeasance in absent voting - Penalty.

(1) (a) It is unlawful for any person to willfully falsify the absentee voter affidavits required by this part.

(b) Any person violating this subsection is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5.

(2) (a) It is unlawful for any election officer to:

(i) refuse or neglect to perform any of the duties required by this part; or

(ii) violate any of the provisions of this part.

(b) Any person who violates this subsection is guilty of a class B misdemeanor. 1993

Part 4. Voting by Members of the Military and by Other Persons Living or Serving Aboard.

20A-3-401. Intent and purpose of part.

20A-3-402. Scope of part.

20A-3-403. Definitions.

20A-3-404. Special military write-in absentee ballots.

20A-3-405. Registration of military voters and overseas citizen voters.

20A-3-406. Absentee ballots for military personnel and citizens living overseas - Federal postcard applications for ballot.

20A-3-407. Mailing of ballot to military voter.

20A-3-408. Voting of ballot by military or overseas citizen voter.

20A-3-409. Disposition of ballot by county clerk.

20A-3-410. Duty of election judges.

20A-3-411. Challenge of ballot.

20A-3-412. State and county officials to provide supplies - Violation a misdemeanor.

20A-3-401. Intent and purpose of part.

(1) Each election officer, election official, and judge shall liberally interpret and apply this part to:

(a) make it possible for Utah voters living or serving abroad to vote in county, state, and national elections during their absence;

(b) enable these voters to register more conveniently; and

ntly; and

(c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting Act.

(2) The state selective service, all military organizations, and citizens and officers of Utah or of the respective counties and municipalities of the state shall cooperate with the election and party officers in carrying out the intent and purpose of this part.

(3) All state and county officers of Utah shall:

(a) do all things and perform all acts necessary to put into effect the provisions of any Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

(b) permit the use of any official ballot authorized by any Act of Congress and this part as a ballot supplementary to the official Utah election military ballot.

(4) Each provision of this part prevails over any inconsistent provision of any other statute or any part of any statute. 1993

20A-3-402. Scope of part.

(1) This part governs:

(a) each military or overseas citizen voter who is or expects to be absent on election day from the place in which he resides or is registered to vote, regardless of whether the military or overseas citizen voter is within or outside the territorial limits of the United States at the time of voting; and

(b) any overseas citizen voter whose overseas service was terminated by discharge from the armed forces, by separation from the merchant marine, or by termination of service or employment outside the territorial limits of the United States too late to enable that voter to register to vote as required by this title.

(2) All other persons may vote by absentee ballot only as provided in Part 3. 1993

20A-3-403. Definitions.

As used in this part:

(1) (a) "Ballot," "disabled voter's ballot" and "official Utah military ballot" means the same ballots that will be submitted to and used by other voters of Utah at the primary or general election.

(b) "Ballot" includes any official federal ballot provided by any Act of Congress to allow voting by voters in the military service of the United States.

(2) "Military voter" means each person who is qualified as a voter under the Utah Constitution and laws or who is eligible for registration and who would, by registration, be qualified to vote, and who is:

(a) a member of the armed forces of the United States while in the active service or is the spouse or dependent of that member;

(b) a member of the merchant marine of the United States or is the spouse or dependent of that member;

(c) a civilian employee of the United States in all categories who is serving outside the territorial limits of the United States whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not the employee is paid from funds appropriated by the Congress or is the spouse or dependent of that member when residing with or accompanying them; and

(d) a member of religious groups or welfare agencies assisting members of the armed forces, who is officially attached to and serving with the armed forces, or is the spouse or dependent of that member.

(3) "Overseas citizen voter" means:

- (a) a member of the armed forces of the United States while in the active service or the spouse or dependent of that member;
- (b) a member of the merchant marines of the United States or the spouse or dependent of that member; and
- (c) a citizen of the United States residing outside the territorial limits of the United States or the spouse or dependent of that member when residing with them or accompanying them. 1993

20A-3-404. Special military write-in absentee ballots.

- (1) Notwithstanding any other provisions of this chapter, a military voter may apply for a special write-in absentee ballot not later than 30 days before an election.
- (2) To qualify for a special write-in absentee ballot, a military voter shall:
 - (a) apply for a special write-in absentee ballot by submitting a federal postcard application form; and
 - (b) state on the form or on a separate paper submitted with the form that he is unable to vote by regular absentee ballot or in person because of his military service.
- (3) Upon receipt of the application, the county clerk shall issue and mail a special military write-in ballot, in substantially the following form, to the military voter who requested it.

"OFFICIAL MILITARY WRITE-IN ABSENTEE-VOTER BALLOT

Instructions: You may vote this ballot by:

- 1. Listing the name of the party for whose candidate for each office you wish to vote; or
- 2. By listing the name of the candidate, if known, or the person of your choice for whom you wish to vote.

BALLOT

President/Vice-president _____
 United States Senator _____
 United States Representative _____" 1993

20A-3-405. Registration of military voters and overseas citizen voters.

- (1) (a) (i) Any military voter who is a legal resident of Utah but is stationed outside Utah and who is not otherwise registered to vote in Utah and any overseas citizen voter who is a legal resident of Utah but who is outside the territorial limits of the United States and who is not otherwise registered to vote in Utah may register in the manner provided by this section.
- (ii) That registration entitles him to vote in Utah elections as provided for in this part.
- (b) The county clerk shall cause a registration and voting certificate to be printed on the back of the ballot envelope in substantially the following form:

"REGISTRATION AND VOTING CERTIFICATE

I _____ (Print Name), place of birth _____, date of birth _____, solemnly swear (or affirm) that I am now a citizen of the United States and am at least 18 years old or will be 18 years old on the _____ (Date of election to be inserted) that I am a legal resident of _____ County, residing at _____ (Street and Number if any or rural route number) in the city or town of _____, state of Utah; that I am: (check appropriate blank)
 _____ In the armed forces of the United States;
 _____ In the merchant marine of the United States;
 _____ In the American Red Cross, in the Society of Friends, in the United States service

organizations, attached to and serving with the armed forces of the United States;
 _____ A citizen of the United States residing outside the territorial limits of the United States;
 _____ A spouse or dependent of a person who meets the requirements of the above;
 that I have never been convicted of treason or crime against the elective franchise or other high crime causing a loss of my franchise without thereafter being restored to my civil rights; and that I expect to be absent from the above-named county on the date of the election.

Signature of voter
 (To be signed when voter is physically unable to see or write.)

Signature of additional witness who is a commissioned, noncommissioned, or petty officer not below the rank of sergeant (or its equivalent) or other person authorized to administer oaths, who does swear that at the request of _____ (the voter), he assisted him in voting because the voter was on account of physical disability unable to see or write. At the voter's direction he did read to him the registration and voting certificate and filled in the blanks and marked the ballot as the voter directed and signed his name at his request in the presence of both attesting officers.

This ballot may be voted even though an official federal ballot has already been voted, and if received by the proper election officials in time to be counted under the provisions of law, will be counted in lieu of the federal ballot."

(2) (a) Any overseas citizen voter whose overseas service was terminated by discharge from the armed forces, by separation from the merchant marine, or by termination of service or employment outside the territorial limits of the United States too late to enable that voter to register to vote as required by this title may register to vote by filing an affidavit establishing his eligibility with the county clerk of his county of residence by noon on the day before the election.

(b) After receiving and verifying the affidavit, the county clerk shall give the person a regular absentee ballot to vote. 1993

20A-3-406. Absentee ballots for military personnel and citizens living overseas - Federal postcard applications for ballot.

(1) (a) Applications for absentee ballots for military voters shall be filed in the county clerk's office no later than the Friday immediately before the day of election.

(b) Military personnel voting an absentee ballot at the office of the clerk shall apply and cast their ballot no later than the day before the election.

(2) (a) Military voters stationed overseas and overseas citizen voters shall file an application for a ballot with the county clerk no later than 20 days before the day of election.

(b) Upon receipt of a properly completed written application for an absentee ballot signed by any military voter or overseas citizen voter, the county clerk shall mail an appropriate ballot to the military voter or overseas citizen voter.

(c) The county clerk, at the time he furnishes the ballot, shall record, in a record book provided for that purpose, the name and home address of the military voter or overseas citizen voter to whom the ballot is mailed, the address mailed to, and the date

of mailing the ballot.

(d) If the military voter or overseas citizen voter sends his application to the lieutenant governor, the lieutenant governor shall forward the application to the county clerk of the county where the military voter or overseas citizen voter is entitled to vote.

(3) Any military voter or overseas citizen voter who is physically disabled so as to be unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or petty officer not below the rank of sergeant, or other person authorized to administer oaths to apply for a ballot on the voter's behalf.

(4) (a) A federal postcard application issued under the authority of any Act of Congress or federal regulation is acceptable, when properly executed, as an application for a ballot under this chapter.

(b) The county clerk shall accept the completed postcard application as an application for ballots for every election held in even-numbered years and shall send the applicant a ballot for each election as required by Section 20A-3-407

(5) The county clerk shall retain the application for use at the time the ballot is received from the military voter or overseas citizen voter. 1993

20A-3-407. Mailing of ballot to military voter.

(1) (a) Upon receipt of the military or overseas citizen voter's application for a ballot, or as soon after receipt as the ballot for the voting precinct in which the applicant resides has been printed, the county clerk shall:

(i) enclose a ballot in an unsealed ballot envelope printed as required in Subsection 20A-3-405 (1)(b);

(ii) enclose that envelope in a carrier envelope; and

(iii) mail, postage prepaid, the carrier envelope containing the unsealed ballot envelope and the ballot to the military or overseas citizen voter.

(b) The county clerk may not send more than one ballot in any election to the same military or overseas citizen voter.

(2) The county clerk shall ensure that the name, official title, return address of the county clerk, and "OFFICIAL UTAH ELECTION BALLOT" is printed on the carrier envelope.

(3) (a) The county clerk may enclose only the ballot, the ballot envelope, and an instruction sheet, if any, prepared by the county clerk in the sealed carrier envelope addressed to the military or overseas citizen voter.

(b) Both envelopes may be made of light weight paper. 1993

20A-3-408. Voting of ballot by military or overseas citizen voter.

(1) (a) The military or overseas citizen voter shall:

(i) upon receipt of the ballot, mark it in secret;

(ii) seal it in the ballot envelope provided for that purpose;

(iii) execute the registration and voting certificate on the back of the envelope in the presence of a commissioned, noncommissioned, or petty officer not below the rank of sergeant, or other person authorized to administer oaths.

(b) (i) If the military or overseas citizen voter is physically disabled so as to be unable to see or write, he may request assistance from two persons, each of whom shall be qualified to certify to the registration and voting certificate.

(ii) The military or overseas citizen voter shall tell those persons how he wishes his ballot marked.

(iii) Those persons shall mark the ballot as directed by the military or overseas citizen voter in his presence.

(iv) One of the persons assisting the military or overseas citizen voter shall:

(A) read to the voter the registration and voting certificate upon the ballot;

(B) fill in its blanks as the voter directs; and

(C) sign, on the line provided for the signature of the voter, the name of the voter and his own name.

(2) (a) The ballot shall be sent by any available mail service to the county clerk who issued it.

(b) The military or overseas citizen voter is not required to return the ballot by registered mail. 1993

20A-3-409. Disposition of ballot by county clerk.

(1) Upon receipt by the county clerk of the envelope containing the ballot, the county clerk shall:

(a) enclose the unopened envelope containing the ballot and the written application of the military or overseas citizen voter in a larger envelope;

(b) securely seal and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the clerk;

(iii) the words: "This envelope contains an absentee voter's official Utah election ballot to be voted at _____ (Insert Name and Number) precinct, in _____ (Insert Name) county, and may be opened on election day at the polls while the polls are open."; and

(c) safely keep the envelope in his office until it is delivered by him to the proper election judges.

(2) (a) When reasonably possible, the county clerk shall deliver or mail all military or overseas citizen voter ballot envelopes to the appropriate voting precinct election judges so that they may be processed on election day.

(b) If the clerk is unable to determine the voting precinct to which the ballot should be sent or when valid ballots are received too late to deliver to the election judges on election day, the clerk shall keep them in a safe place until delivery can be made as required by Section 20A-3-309 1995

20A-3-410. Duty of election judges.

(1) (a) Voting precinct election judges shall open envelopes containing military or overseas citizen voter ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this subsection.

(b) The election judges shall:

(i) first, open the outer envelope only; and

(ii) unless the ballot is a disabled military or overseas citizen voter's ballot, compare the signature of the military or overseas citizen voter on the application with the signature on the registration and voting certificate.

(2) (a) The judges shall register the military or overseas citizen voter to vote if the voter is not already registered if the judges find that:

(i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the military or overseas citizen voter to be registered as a voter; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the registration; and

(ii) without opening the ballot envelope, mark

across the face of the envelope "Rejected as defective because of."

(c) When a military or overseas citizen voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the military or overseas citizen voter on the back of the ballot envelope, together with his name upon the registration books, constitute his registration record.

(d) Nothing in this title may abridge the right of the military or overseas citizen voter to be registered as provided in this section.

(3) (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:

(i) the registration and voting certificate is sufficient; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) The election judges shall:

(i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;

(ii) initial the stub in the same manner as for other ballots;

(iii) deposit the ballot in the proper ballot box; and

(iv) mark the official register and pollbook to show that the voter has voted.

(c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the vote; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of."

(4) The election judges shall deposit the envelope, when the ballot is voted, and the envelope with its contents unopened, when the absent vote is rejected, in the ballot box containing the ballots.

(5) The county clerk shall retain and preserve the envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election. 1994

20A-3-411. Challenge of ballot.

(1) Except as provided in Subsection (2), a military or overseas citizen voter's ballot may be challenged in the same manner and on the same grounds as provided in this part.

(2) Notwithstanding the provisions of Subsection (1), a military or overseas citizen voter's ballot, may not be challenged because the ballot envelope has been opened and resealed if it appears from the envelope that the opening and resealing was done for the purpose of military censorship. 1993

20A-3-412. State and county officials to provide supplies - Violation a misdemeanor.

(1) All state and county officials charged with the duty of providing ballots, forms, envelopes, postage, or other supplies shall:

(a) provide those supplies at the expense of the particular department or office charged with those duties; and

(b) provide them as expeditiously as possible in order to carry out the intent and purpose of this chapter.

(2) Any person who violates this section is guilty of a class B misdemeanor. 1993

Part 5. Voting Offenses.

20A-3-501. Polling place - Prohibited activities.

20A-3-502. Intimidation - Undue influence.

20A-3-503. Influencing employee's vote.

20A-3-504. Violations - Penalties.

20A-3-505. False impersonation - Double voting.

20A-3-501. Polling place - Prohibited activities.

(1) As used in this section, "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue.

(2) On the day of any election, within a polling place or in any public area within 150 feet of the building where a polling place is located, a person may not:

(a) do any electioneering;

(b) circulate cards or handbills of any kind;

(c) solicit signatures to any kind of petition; or

(d) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(3) (a) A person may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

(4) A person may not:

(a) remove any ballot from the polling place before the closing of the polls, except as provided in Section 20A-4-101; or

(b) solicit any voter to show his ballot.

(5) A person may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that person is an election judge.

(6) Any person who violates any provision of this section is guilty of a class A misdemeanor. 1994

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety. 1994

20A-3-502. Intimidation - Undue influence.

(1) (a) It is unlawful for any person, directly or indirectly, by himself or by any other person on his behalf, to make use of any force, violence, or restraint, or to inflict or threaten the infliction of, by himself or through any other person, any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel that person to:

(i) vote or refrain from voting for any particular person or measure at any election provided by law; or

(ii) vote or refrain from voting at any election.

(b) It is unlawful for any person by abduction or duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in giving or refraining from giving his vote at any election, or in giving or refraining from giving his vote for any particular person at any election.

(c) It is unlawful for any employer, corporation, association, company, firm, or person to:

(i) enclose their employees' salary or wages in envelopes on which there is written or printed any political mottoes, devices, or arguments containing

threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employees; or

(ii) within 90 days of any election provided by law to put up, or otherwise exhibit, in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where employees may be working or be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:

(A) work in the establishment will cease in whole or in part;

(B) the establishment will be closed;

(C) wages of workmen be reduced; or

(D) other threats, express or implied, intended or calculated to influence the political opinions or actions of employees.

(2) Any person, whether acting in his individual capacity or as an officer or agent of any corporation, who violates any of the provisions of this section is guilty of a class B misdemeanor. 1993

20A-3-503. Influencing employee's vote.

(1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.

(2) (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.

(b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law. 1993

20A-3-504. Violations - Penalties.

(1) Except as allowed by Section 20A-3-108, a person is guilty of a class C misdemeanor if:

(a) he allows his ballot to be seen by any other person with an intent to reveal how he is about to vote;

(b) he states falsely that he is unable to mark his ballot;

(c) he interferes or attempts to interfere with any person who is inside the voting booth or who is marking a ballot; or

(d) he induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how he marked his ballot.

(2) The election judges and clerks shall report any person violating this section to the county attorney or district attorney having state criminal jurisdiction for prosecution. 1993

20A-3-505. False impersonation - Double voting.

(1) (a) It is unlawful for any person to apply for a ballot in the name of some other person, whether it is that of a person living or dead, or of a fictitious person, or who, having voted once at a primary or election, applies at the same election for a ballot in his own name or any other name.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one nor more than three years.

(2) (a) It is unlawful for any person to aid, abet, counsel, or procure another person to commit the felony prohibited in Subsection (1).

(b) Any person who violates this subsection is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one nor more than three years. 1994

Chapter 4. Election Returns and Election Contests.

Part 1. Counting Ballots and Tabulating Results.

Part 2. Transmittal and Disposition of Ballots and Election Returns.

Part 3. Canvassing Returns.

Part 4. Recounts and Election Contests.

Part 5. Offenses Involving Election Returns.

Part 1. Counting Ballots and Tabulating Results.

20A-4-101. Counting paper ballots during election day.

20A-4-102. Counting paper ballots after the polls close.

20A-4-103. Preparing ballot cards for the counting center.

20A-4-104. Counting ballots electronically.

20A-4-105. Standards and requirements for evaluating voter's ballot choices.

20A-4-106. Paper ballots - Sealing.

20A-4-101. Counting paper ballots during election day.

(1) Each county legislative body or municipal legislative body that has voting precincts that use paper ballots and each election judge in those voting precincts shall comply with the requirements of this section.

(2) (a) Each county legislative body or municipal legislative body shall provide:

(i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and

(ii) a counting room for the use of the election judges counting the ballots during the day.

(b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

(i) close the first ballot box and deliver it to the counting judges; and

(ii) prepare and use another ballot box to receive voted ballots.

(c) Upon receipt of the ballot box, the counting judges shall:

(i) take the ballot box to the counting room;

(ii) count the votes in the ballot box; and

(iii) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.

(d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and

(ii) the counting judges shall immediately count the ballots contained in that box.

(e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

(3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe the count.

(4) The counting judges shall apply the standards and requirements of Section 20A-4-104 to resolve

any questions that arise as they count the ballots.

20A-4-102. Counting paper ballots after the polls close.

(1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(b) The election judges shall apply the standards and requirements of Section 20A-4-104 to resolve any questions that arise as they count the ballots.

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(5) (a) In all elections, the counting judges shall:

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;

(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105

(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vii) read, count, and record upon the tally sheets

the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(6) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

20A-4-103. Preparing ballot cards for the counting center.

(1) (a) In voting precincts using ballot cards, as soon as the polls have been closed and the last qualified voter has voted, the election judges shall prepare the ballot cards for delivery to the counting center as provided in this section.

(b) The election judges, election officers, and other persons may not manually count any votes before delivering the ballots to the counting center.

(2) (a) The judges shall check each secrecy envelope to see if either contains any write-in votes.

(b) If a secrecy envelope does not contain any write-in votes, the election judges shall remove the ballot card from the secrecy envelope.

(c) If a secrecy envelope contains any write-in votes, the election judges may not separate the ballot card from the secrecy envelope.

(3) The election judges shall place:

(a) the voted ballot cards and one copy of the statement of disposition of ballots in the transfer case;

(b) the other copy of the statement of disposition of ballots, the pollbook, any unprocessed absentee ballots, the judges' pay vouchers, the official register, and the spoiled ballot envelope in the carrier envelope provided; and

(c) the other election materials in the election supply box.

20A-4-104. Counting ballots electronically.

(1) (a) Before beginning to count ballot cards using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall publish public notice of the time and place of the test at least 48 hours before the test in one or more daily or weekly newspapers of general circulation published in the county, municipality, or jurisdiction where the equipment is used.

(c) The election officer shall conduct the test by processing a preaudited group of ballot cards.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballot cards;

(ii) for each office, one or more ballot cards have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.

(e) If any error is detected, the election officer shall determine the cause of the error and correct it.

(f) The election officer shall ensure that:

(i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

(ii) the automatic tabulating equipment passes the same test at the end of the count before the election returns are approved as official.

(2) (a) The election officer or his designee shall supervise and direct all proceedings at the counting center.

(b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot, ballot card, or return.

(c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

(d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may observe the testing of equipment and actual counting of the ballot cards.

(ii) Those counting poll watchers may make independent tests of the equipment before or after the vote count as long as the testing does not interfere in any way with the official tabulation of the ballot cards.

(3) If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall:

(a) cause a true duplicate copy of the ballot card to be made with an identifying serial number;

(b) substitute the duplicate for the damaged ballot card;

(c) label the duplicate ballot card "duplicate"; and

(d) record the duplicate ballot card's serial number on the damaged or defective ballot card.

(4) The election officer may:

(a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and

(c) report the progress of the count for each candidate during the actual counting of ballots.

(5) (a) The election officer or his designee shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

(6) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(7) If for any reason it becomes impracticable to count all or a part of the ballot cards with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(8) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-

202

1995

20A-4-105. Standards and requirements for evaluating voter's ballot choices.

(1) Each person counting ballots shall apply the standards and requirements of this section to resolve any questions that arise as ballots are counted.

(2) If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.

(3) The counter shall count a defective or incomplete mark on any paper ballot if:

(a) it is in the proper place; and

(b) there is no other mark or cross on the paper ballot indicating the voter's intent to vote other than as indicated by the defective mark.

(4) (a) When the voter has marked the ballot so that it appears that the voter has voted more than one straight ticket, the election judges may not count any votes for party candidates.

(b) The election judges shall count the remainder of the ballot if it is voted correctly.

(5) A counter may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot or group of ballots show an intent by a person or group to mark their ballots so that their ballots can be identified.

(6) (a) In counting the ballots, the counters shall give full consideration to the intent of the voter.

(b) The counters may not invalidate a ballot because of mechanical and technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3.

(7) The counters may not reject a ballot because of any error in:

(a) stamping or writing any official endorsement; or

(b) delivering the wrong ballots to any polling place.

(8) The counter may not count any paper ballot that does not have the official endorsement by an election judge.

(9) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.

(10) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(11) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter. 1995

20A-4-106. Paper ballots - Sealing.

(1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.

(ii) After the ballots are strung, they may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401

(b) The judges shall carefully seal all of the strung ballots in a strong envelope.

(2) (a) For regular primary elections, after all the ballots have been counted, certified to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate envelopes.

(b) The judges shall:

(i) seal each of the envelopes containing the votes of each of the political parties in one large envelope; and

(ii) return that envelope to the county clerk.

(c) The judges shall:

(i) destroy the ballots in the blank ballot box; or

(ii) if directed to do so by the election officer, return them to the election officer for destruction.

(3) As soon as the judges have counted all the votes and sealed the ballots they shall sign and certify the pollbooks.

(4) (a) Except as provided in Subsection (c), the judges, before they adjourn, shall:

(i) enclose and seal the official register, the posting book, the pollbook, all affidavits of registration received by them, the ballot disposition form, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

(ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);

(iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch; and

(iv) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.

(b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:

"We, the undersigned, judges of election for precinct _____, (jurisdiction) _____, Utah, certify that the required entries have been made for the election held _____, 19____, including:

a list of the ballot numbers for each voter;

the voters' signatures, except where a judge has signed for the absentee voters;

a list of information surrounding a voter who is challenged,

including any affidavits; and

a notation for each time a voter was assisted with a ballot."

(5) Each judge shall:

(a) write his name across the seal of each envelope or pouch;

(b) mark on the exterior of the envelope or pouch:

(i) the word "ballots" or "returns" or "unused ballots," or other words plainly indicating the contents of the packages; and

(ii) the number of the voting precinct. 1995

Part 2. Transmittal and Disposition of Ballots and Election Returns.

20A-4-201. Delivery of election returns.

20A-4-202. Election officers - Disposition of ballots.

20A-4-201. Delivery of election returns.

(1) One judge shall deliver the ballot box, the lock, and the key to:

(a) the election officer; or

(b) the location directed by the election officer.

(2) (a) Before they adjourn, the election judges

shall:

(i) for paper ballots, choose one of their number to deliver the election returns to the election officer; and

(ii) for ballot cards, choose two of their number, each from a different political party, to deliver the election returns to the counting center.

(b) That judge or those judges shall:

(i) deliver the unopened envelopes or pouches to the election officer or counting center immediately but no later than 24 hours after the polls close; or

(ii) if the polling place is 15 miles or more from the county seat, mail the election returns to the election officer by registered mail from the post office most convenient to the polling place within 24 hours after the polls close.

(3) The election officer shall pay each election judge that transports election returns \$2 plus 30 cents per mile, one way, for every mile necessarily traveled between the polling place and the place of delivery. 1996

20A-4-202. Election officers - Disposition of ballots.

(1) (a) Upon receipt of the election returns from an election judge, the election officer shall:

(i) ensure that the election judge has provided all of the ballots and election returns;

(ii) inspect the ballots and election returns to ensure that they are sealed; and

(iii) (A) for paper ballots, deposit and lock the ballots and election returns in a safe and secure place; or

(B) for punch card ballots, count the ballots and deposit and lock the ballots and election returns in a safe and secure place.

(b) Inspecting poll watchers appointed as provided in Section 20A-3-201 may be present and observe the election officer's receipt, inspection, and deposit of the ballots and election returns.

(2) Each election officer shall:

(a) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;

(b) package and seal a true copy of the ballot label used in each voting precinct;

(c) preserve all other official election returns for at least 22 months after an election; and

(d) after that time, destroy them without opening or examining them.

(3) (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment;

(b) The election officer:

(i) may access these tabulating cards and other materials;

(ii) may make copies of these materials and make changes to the copies;

(iii) may not alter or make changes to the materials themselves; and

(iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.

(4) (a) If an election contest is begun within 12 months, the election officer shall:

(i) keep the ballots and election returns unopened and unaltered until the contest is complete; or

(ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.

(b) When all election contests arising from an

election are complete, the election officer shall either:

(i) retain the ballots and election returns until the time for preserving them under this section has run; or

(ii) destroy the ballots and election returns remaining in his custody without opening or examining them if the time for preserving them under this section has run. 1993

Part 3. Canvassing Returns.

20A-4-301. Board of canvassers.

20A-4-302. Duties of the board of canvassers - Receiving returns.

20A-4-303. Duties of the board of canvassers - Canvassing the returns.

20A-4-304. Declaration of results - Canvassers' report.

20A-4-305. Delivery of checked official register to county clerk after canvass.

20A-4-306. Statewide canvass.

20A-4-301. Board of canvassers.

(1) (a) Each county legislative body is the board of county canvassers for the county.

(b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at noon on the Monday after the election.

(c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:

- (i) the county treasurer;
- (ii) the county assessor; or
- (iii) the county sheriff.

(d) The board of county canvassers shall always consist of three acting members.

(e) The county clerk is the clerk of the board of county canvassers.

(2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body no later than seven days after the election.

(3) (a) The governing board of a special district is the board of canvassers for that special district.

(b) The special district board of canvassers shall meet to canvass the returns at the usual place of meeting of the special district governing board no later than seven days after the election.

(4) (a) This part does not apply to bond elections.

(b) Persons responsible for canvassing bond elections shall comply with the canvassing procedures and requirements of Title 11, Chapter 14, Utah Municipal Bond Act. 1994

20A-4-302. Duties of the board of canvassers - Receiving returns.

(1) If the election returns from each voting precinct in which polls were opened have been received at the time the board of canvassers convenes, the board of canvassers shall canvass the election returns as provided in this part.

(2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:

- (a) all of the election returns are received; or
- (b) the board has postponed the canvass seven times.

(3) (a) If the election officer has not received the

election returns from any voting precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns.

(b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer.

(c) The election officer shall pay the messenger ten cents per mile for the distance necessarily traveled.

(4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:

(a) sign a certificate attesting to that fact; and

(b) file the certificate with the election officer. 1993

20A-4-303. Duties of the board of canvassers - Canvassing the returns.

(1) (a) The board of canvassers shall canvass the election returns by publicly opening the returns and determining from them the votes of each voting precinct for:

- (i) each person voted for; and
- (ii) for and against each ballot proposition voted upon at the election.

(b) The board of canvassers shall, once having begun the canvass, continue until it is completed.

(2) In canvassing returns, the board of canvassers may not:

(a) reject any election returns if the board can determine the number of votes cast for each person from it;

(b) reject any election returns if the election returns:

- (i) do not show who administered the oath to the judges of election;
- (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or
- (iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; and

(c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.

(3) (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, they shall transmit the election returns to the election judges for correction.

(b) Upon receipt of the election returns for correction from the board of canvassers, the election judges shall correct the election returns as required by the facts.

(c) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material. 1994

20A-4-304. Declaration of results - Canvassers' report.

(1) Each board of canvassers shall:

(a) declare "elected" those persons who:

- (i) had the highest number of votes; and
- (ii) sought election to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

- (A) had more "yes" votes than "no" votes; and
- (B) were submitted only to the voters within the

board's jurisdiction;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction; and

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor.

(2) (a) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(i) the total number of votes cast in the board's jurisdiction;

(ii) the names of each candidate whose name appeared on the ballot;

(iii) the title of each ballot proposition that appeared on the ballot;

(iv) each office that appeared on the ballot;

(v) from each voting precinct:

(A) the number of votes for each candidate; and

(B) the number of votes for and against each ballot proposition;

(vi) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition; and

(vii) a statement certifying that the information contained in the report is accurate.

(b) The election officer and the board of canvassers shall:

(i) review the report to ensure that it is correct; and

(ii) sign the report.

(c) The election officer shall:

(i) record or file the certified report in a book kept for that purpose;

(ii) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(iii) publish a copy of the certified report in a newspaper with general circulation in the board's jurisdiction, or if no newspaper is published within the board's jurisdiction, post it in a conspicuous place within the jurisdiction; and

(iv) file a copy of the certified report with the lieutenant governor.

(3) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit it by registered mail to the lieutenant governor.

(4) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days of the canvass.

(5) In regular primary elections, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the Tuesday after the primary election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the

second Friday following the primary election. 1994

20A-4-305. Delivery of checked official register to county clerk after canvass.

Within ten days after the canvass of a November municipal election, the clerk or recorder shall transmit the checked official register and pollbook to the county clerk. 1993

20A-4-306. Statewide canvass.

(1) (a) The state board of canvassers shall convene:

(i) on the fourth Monday of November, at noon; or

(ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

(b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

(2) (a) The state board of canvassers shall:

(i) meet in the lieutenant governor's office; and

(ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

(b) The lieutenant governor, as secretary of the board shall file a report in his office that details:

(i) for each statewide officer and ballot proposition:

(A) the name of the statewide office or ballot proposition that appeared on the ballot;

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

(D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

(E) the total number of votes cast statewide; and
(ii) for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the ballot;

(B) the candidates for those offices, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and

(D) the total number of votes cast for each candidate and for and against each ballot proposition.

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

(b) instruct the messenger to demand a certified

copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

(c) pay the messenger the per diem provided by law as compensation.

(4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5) (a) At noon on the third Monday after the primary election, the lieutenant governor shall:

(i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(ii) publish and file the results of the canvass in the offices of the lieutenant governor.

(b) The lieutenant governor shall certify the results of the primary canvass to the county clerks not later than the September 1 after the primary election. 1995

Part 4. Recounts and Election Contests.

20A-4-401. Recounts - Procedure.

20A-4-402. Election contests - Grounds.

20A-4-403. Election contest - Petition and response.

20A-4-404. Election contest - Calendaring and disposition.

20A-4-405. Election contests - Costs.

20A-4-406. Election contests - Appeal.

20A-4-401. Recounts - Procedure.

(1) (a) Any candidate whose name appears on the official ballot in any voting precinct for any regular primary or municipal primary election may request that the board of canvassers recount the ballots cast in that voting precinct by alleging, in an affidavit filed with the election officer at least one day before the date fixed for canvassing the returns, that fraud was committed or error or mistake was made in counting or returning the votes cast in that voting precinct.

(b) (i) If the board receives an affidavit requesting a recount, the board shall recount the ballots cast in those voting precincts for the office for which the contestant was a candidate.

(ii) If, after recounting the ballots, the board reaches a different result from that returned by the election judges, the board shall substitute its result as the true and correct return and use its result in all subsequent proceedings.

(c) The board's decision based upon the recount is final and no other contest is permitted.

(2) If a court orders a recount of votes, the ballots shall be recounted in the manner directed by the judicial authority.

(3) (a) For any regular general or municipal general election, when any candidate loses by not more than a total of one vote per voting precinct, he may file a request for a recount with the appropriate election officer within seven days of the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that office;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3; and

(iv) declare elected the person receiving the highest number of votes on the recount.

(4) (a) Any ten voters who voted in an election when any ballot proposition was on the ballot may file a request for a recount with the appropriate election officer within seven days of the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that ballot proposition;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3; and

(iv) declare the ballot proposition to have "passed" or "failed" based upon the results of the recount.

(c) Proponents and opponents of the ballot proposition may designate representatives to witness the recount.

(d) The person or entity requesting the recount shall pay the costs of the recount.

(5) Costs incurred by recount under Subsection (3) may not be assessed against the person requesting the recount. 1993

20A-4-402. Election contests - Grounds.

(1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition submitted to a vote of the people may be contested according to the procedures established in this part only:

(a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;

(b) when the person declared elected was not eligible for the office at the time of the election;

(c) when the person declared elected has:

(i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or

(ii) committed any other offense against the elective franchise;

(d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;

(e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;

(f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;

(g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;

(h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and

(i) for any other cause that shows that another person was legally elected.

(2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.

(3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office. 1993

20A-4-403. Election contest - Petition and response.

(1) (a) In contesting the results of all elections except primary elections, a registered voter shall

contest the right of any person declared elected to any office by filing a verified written complaint with the district court of the county in which he resides within 40 days after the canvass.

(b) The complaint shall include:

- (i) the name of the party contesting the election;
- (ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;
- (iii) the name of the person whose right to the office is contested;
- (iv) the office to which that person was ostensibly elected;

(v) one or more of the grounds for an election contest specified in Section 20A-4-402

(vi) the person who was purportedly elected to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given in one or more specified voting precincts to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) that legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(2) (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate a person, a registered voter shall contest the right of any person declared nominated to any office by filing a verified written complaint within ten days from the date of the primary election, filing of the petition, or date of the convention with:

(i) the district court of the county in which he resides if he is contesting a nomination made only by voters from that county; or

(ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more than one county.

(b) The complaint shall include:

- (i) the name of the party contesting the nomination;
- (ii) a statement that the contesting party is a registered voter in the jurisdiction in which the election was held;
- (iii) the name of the person whose right to nomination is contested or the name of the person who failed to have their name placed in nomination;
- (iv) the office to which that person was nominated or should have been nominated;

(v) one or more of the grounds for an election contest specified in Subsection (1);

(vi) the person who was purportedly nominated to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any the votes described in Subsection (c), unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(3) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

(4) (a) The petitioner shall serve a copy of the petition on the respondent.

(b) (i) If the petitioner cannot obtain personal service of the petition on the respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.

(ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he has five days to answer the complaint.

(c) The respondent shall answer the petition within five days after the service.

(d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall set forth in the answer the name and address of all persons whom the defendant believes were properly or improperly admitted or denied the vote.

(e) If the answer contains a counterclaim, the petitioner shall file a reply within ten days after service of the counterclaim.

(5) (a) The provisions of this Subsection (5) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.

(ii) The affidavit shall include:

- (A) the petitioner's name;
- (B) the fact that the petitioner is a qualified voter of the municipality;
- (C) the respondent's name;
- (D) the elective office contested;
- (E) the time of election; and
- (F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the surties required by the court.

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails. 1993

20A-4-404. Election contest - Calendaring and disposition.

(1) (a) Upon receipt of the petition, the clerk shall inform the chief judge of the court having jurisdiction.

(b) The chief judge shall issue an order:

- (i) assigning the case to a district court judge, if the district court has jurisdiction; and
- (ii) setting a date and time, not less than ten nor more than 30 days from the date the petition was filed to hear and determine the contest.

(c) The clerk shall:

(i) issue a subpoena for the person whose right to the office is contested to appear at the time and place specified in the order; and

(ii) cause the subpoena to be served.

(2) The court shall meet at the time and place designated to determine the contest.

(3) (a) If it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.

(b) The judge shall:

(i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and

(ii) immediately after the inspection, seal them in an envelope and return them, by mail or otherwise, to their legal custodian.

(4) (a) If the petition, response, or counterclaim alleges an error in the canvass sufficient to change the result, the court may order and conduct a recount of the ballots or vote tabulation.

(b) The court may also require the production of any documents, records, and other evidence necessary to enable it to determine the legality or illegality of any vote cast or counted.

(c) (i) After all the evidence in the contest is submitted, the court shall enter its judgment, either confirming the election result or annulling and setting aside the election.

(ii) If the court determines that a person other than the one declared elected received the highest number of legal votes, the court shall declare that person elected. 1993

20A-4-405. Election contests - Costs.

(1) The court shall enter judgment for costs against the party contesting the election if:

(a) the proceedings are dismissed for:

- (i) insufficiency of pleading or proof; or
- (ii) want of prosecution; or

(b) the election is confirmed by the court.

(2) The court shall enter judgment for costs against the party whose election was contested if the election is annulled and set aside.

(3) (a) Each party is liable for the costs of the officers and witnesses that appeared on his behalf.

(b) The party may pay, and the officers and witnesses may collect, those costs in the same manner as similar costs are paid and collected in other cases. 1993

20A-4-406. Election contests - Appeal.

(1) (a) Either party may appeal the district court's judgment to the Supreme Court as in other cases of appeal from the district court.

(b) When an appeal is taken, the district court may not stay execution or proceedings, except execution for costs.

(2) Whenever an election is annulled or set aside by the judgment of a court and no appeal is taken within ten days, the certificate of election, if any has been issued, is void, and the office is vacant. 1993

Part 5. Offenses Involving Election Returns.

20A-4-501. Election returns - Forgery.

20A-4-502. Altering vote count or returns.

20A-4-503. Abetting forgery or alteration.

20A-4-504. Interfering with count.

20A-4-505. Communicating about the count.

20A-4-501. Election returns - Forgery.

(1) It is unlawful for any person to:

(a) forge or counterfeit any election returns from any election purporting to have been held at any voting precinct where no election was in fact held;

(b) willfully substitute any forged or counterfeit election returns in the place of the true return for a voting precinct where any election was actually held; or

(c) commit or cause any fraud in any election in any manner.

(2) Each person who violates this section may be sentenced to imprisonment in the state prison for a term of not less than two nor more than ten years. 1993

20A-4-502. Altering vote count or returns.

(1) It is unlawful for any person to:

(a) willfully add to or subtract from the votes actually cast at an election in any election returns; or

(b) alter any election returns.

(2) Any person who violates this section may be sentenced to imprisonment in the state prison for not less than one nor more than five years. 1993

20A-4-503. Abetting forgery or alteration.

(1) It is unlawful for any person to willfully aid or abet in the commission of any of the offenses defined in this part.

(2) Each person who violates this section may be sentenced to imprisonment in the state prison for a period not exceeding two years. 1993

20A-4-504. Interfering with count.

(1) It is unlawful for any person to intentionally ascertain, or attempt to ascertain, the progress or state of the count before the ballot count is completed in the voting precinct, or before 8 p.m., whichever is later.

(2) Any person who violates this section is guilty of a third degree felony. 1993

20A-4-505. Communicating about the count.

(1) It is unlawful for any election judge to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(2) Any person who violates this section is guilty of a third degree felony. 1993

Chapter 5. Election Administration.

- Part 1. Election Notices and Instructions.
- Part 2. Registration Agents.
- Part 3. Duties of the County and Municipal Legislative Bodies.
- Part 4. Election Officer's Duties.
- Part 6. Election Judges.
- Part 7. Offenses Involving Election Administration.

Part 1. Election Notices and Instructions.

- 20A-5-101. Notice of election.
- 20A-5-102. Voting instructions.
- 20A-5-103. Constitutional amendments - Posting.

20A-5-101. Notice of election.

(1) (a) On or before February 1 in each year in which a regular general election will be held, the lieutenant governor shall prepare and transmit to each county clerk a notice in writing, designating the offices for which candidates are to be elected in that election.

(b) No later than February 10, each county clerk shall:

(i) publish a list of the offices that will be voted on in that election in that county once in a newspaper published in that county; or

(ii) if no newspaper is published in that county:
(A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and
(B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice was posted.

(2) Before each election, the election officer shall give written or printed notice of:

- (a) the date and place of election;
- (b) the hours during which the polls will be open;
- (c) the polling places for each voting precinct; and
- (d) the qualifications for persons to vote in the election.

(3) To provide the notice required in Subsection (1), the election officer shall publish the notice at least two days before the election in a newspaper of general circulation common to the area or in which the election is being held.

1996

20A-5-102. Voting instructions.

- (1) Each election officer shall:
 - (a) print instruction cards for voters;
 - (b) ensure that the cards are printed in English in large clear type; and
 - (c) ensure that the cards instruct voters:
 - (i) about how to obtain ballots for voting;
 - (ii) about how to prepare ballots for deposit in the ballot box;
 - (iii) about how to record write-in votes;
 - (iv) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
 - (v) about how to obtain assistance in marking ballots;
 - (vi) about obtaining a new ballot if the voter's ballot is defaced; and
 - (vii) that identification marks or the spoiling or defacing of a ballot will make it invalid.
- (2) Each election officer shall:
 - (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;

- (b) direct the election judges to post:
 - (i) at least one instruction card in each voting booth; and
 - (ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

1994

20A-5-103. Constitutional amendments - Posting.

(1) Whenever a constitutional amendment is submitted to a vote of the people for their approval or rejection, the county clerk shall:

(a) cause the original section of the constitution to be printed on cards in large clear type with the changes to it indicated by bracketing and interlining any language proposed to be repealed and underlining any new language proposed to be inserted; and

(b) place the question as it appears upon the official ballot after the original section.

(2) If there is more than one amendment submitted, the clerk shall ensure that the proposed amendments are placed upon the cards in columns in the same order as they will appear upon the official ballot.

(3) Each county clerk shall:

(a) provide the election judges for each voting precinct with six constitutional amendment cards; and

(b) direct the election judges to post at least three constitutional amendment cards in and about the polling place.

1994

Part 2. Registration Agents.

- 20A-5-201. Satellite registrars - Appointment.
- 20A-5-202. Satellite registrars - Duties.
- 20A-5-204. Duplicate registration.
- 20A-5-205. Delivery of official register.
- 20A-5-206. Change of precinct boundaries - Revising list.

20A-5-201. Satellite registrars - Appointment.

(1) Each county legislative body shall appoint one or more persons to act as satellite registrars for each satellite location.

(2) (a) The county legislative body shall appoint satellite registrars every two years at the regular meeting of the county legislative body held nearest to the first day of the May before the regular general election.

(b) The county legislative body shall appoint satellite registrars to serve two-year terms, but may remove them at any time for cause.

(c) The county legislative body may not appoint a person who is a candidate for, or who holds, an elective state, county, municipal, school district, special district, or other public office to be a satellite registrar.

(d) A person who is a candidate for, or who holds, an elective state, county, municipal, school district, special district, or other public office may not act as a satellite registrar.

(e) A satellite registrar may also serve as an election judge.

(f) The county clerk shall provide each satellite registrar with written notice of his appointment.

(3) (a) Each county legislative body shall provide each satellite registrar with all books, stationery, and other supplies necessary to carry out the provisions of this chapter.

(b) The satellite registrar shall return all remaining materials to the county clerk, or to a person designated by the county clerk, when his appointment ends.

(4) A satellite registrar who resigns shall:

(a) notify the county clerk of that fact; and

(b) deliver to the county clerk, or to another person designated by the county clerk, the books, forms, maps, and materials in the agent's possession that pertain to the office.

(5) (a) (i) The county clerk, upon receipt of notice of the death, disqualification, or resignation of any satellite registrar after the opening and before the closing of the registration books, shall immediately, without giving notice, appoint some competent person to fill the vacancy.

(ii) The person appointed shall qualify within two days after receiving notice of the appointment.

(b) (i) If a satellite registrar is sick or otherwise unable to serve on a designated registration day, the satellite registrar shall select a responsible adult to perform the agent's duties on that day.

(ii) The county clerk shall approve the substituted adult.

(iii) The substitute shall use the original designated satellite location.

(6) (a) Before entering upon the duties prescribed in this chapter, each satellite registrar shall:

(i) take and subscribe the oath of office required by Article IV, Sec. 10, Utah Constitution, before any person authorized to administer an oath; and

(ii) file the oath with the county clerk.

(b) Each county legislative body shall establish a per diem as compensation for all services provided by satellite registrars.

(7) The county clerk shall make detailed entries of all proceedings had under this chapter and notify in writing the satellite registrars of their appointment. ¹⁹⁹⁶

20A-5-202. Satellite registrars - Duties.

(1) Satellite registrars may administer oaths and affirmations and perform all other acts that are necessary to fully accomplish the requirements of this part.

(2) A satellite registrar shall register to vote all persons who:

(a) present themselves for registration between 8 a.m. and 8 p.m. on:

(i) the first Tuesday before the regular primary election;

(ii) the first Tuesday before the regular general election;

(iii) the first Tuesday before the municipal primary election in municipalities holding a municipal primary election; and

(iv) the second Tuesday before the municipal general election; and

(b) are legally qualified and entitled to vote in that voting precinct on election day.

(3) Each satellite registrar shall:

(a) provide voter registration applications for interested citizens;

(b) have maps available for determining precinct locations;

(c) assist citizens in completing the voter registration form;

(d) review completed voter registration forms to ensure that they are accurate and that the applicant meets eligibility requirements;

(e) return the official proof of registration form to the voter; and

(f) deliver completed registration forms to the county clerk.

(4) The county clerk shall:

(a) record the new voters into the official register and posting list or prepare an addendum of new

voters for the official register and posting list; and

(b) before election day, deliver the official register, posting list, and addendum, if any, to the election judges of each voting precinct.

(5) During the time voter registration is being held, satellite registrars may not display any political signs, posters, or other designations of support for candidates, issues, or political parties on the premises. ¹⁹⁹⁶

20A-5-204. Duplicate registration.

(1) (a) Upon finding duplicate registration, the county clerk shall first check for errors in the record.

(2) If duplicate registration does exist, the clerk shall:

(a) eliminate one registration entry; and

(b) change the date of voter registration on the voter's file to the most recent registration date. ¹⁹⁹⁶

20A-5-205. Delivery of official register.

(1) Before delivering the official register to the election judges, the county clerk shall attach the certificate required by law to the book.

(2) The county clerk shall deliver the official register and the posting list, its accuracy verified by his signature, to an election judge in each voting precinct by noon on the day before the election. ¹⁹⁹⁶

20A-5-206. Change of precinct boundaries - Revising list.

(1) Whenever the boundaries of any voting precinct are changed, or a new voting precinct is created, the county clerk shall ensure that the names of all voters residing within the territory affected by the change are transferred from one official register to the other.

(2) Any registered voter whose name has been erroneously transferred from one official register to another, or erroneously allowed to remain on any official register, may vote in the voting precinct in which he resides if he:

(a) signs the registration affidavit; and

(b) presents sufficient proof to the election judges that his name does not appear on the official register because of an error. ¹⁹⁹⁴

Part 3. Duties of the County and Municipal Legislative Bodies.

20A-5-301. Combined voting precincts - Municipalities.

20A-5-302. Automated voting system.

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts - Combined voting precincts - Counties.

20A-5-301. Combined voting precincts - Municipalities.

(1) (a) The municipal legislative body of cities of the first and second class may combine two regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.

(b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.

(2) (a) The municipal legislative body of cities of the third class and towns may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if they designate the location and address of that combined voting precinct.

(b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.

(c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct. 1993

20A-5-302. Automated voting system.

(1) Any county or municipal legislative body or special district board may:

(a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(b) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with paper ballots.

(2) (a) Each automated voting system shall:

(i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108

(ii) permit each voter at any election to:

(A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(B) vote for as many persons for an office as that voter is entitled to vote; and

(C) vote for or against any ballot proposition upon which that voter is entitled to vote;

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

(iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;

(v) permit each voter to scratch vote;

(vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(vii) at primary elections:

(A) permit each voter to vote for candidates of the political party of his choice; and

(B) reject any votes cast for candidates of another party;

(viii) prevent the voter from voting for the same person more than once for the same office;

(ix) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(x) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots; and

(xi) when properly operated, record correctly and count accurately each vote cast.

(b) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed. 1994

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts - Combined voting precincts - Counties.

(1) The county legislative body may establish, divide, abolish, and change voting precincts.

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct

contains not more than 1,000 voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach 1,000 or become too large to facilitate the election process; and

(ii) divide those precincts before February 1.

(3) The county legislative body may not:

(a) establish or abolish any voting precinct after February 1, of a regular general election year; or

(b) alter or change the boundaries of any voting precinct after February 1, of a regular general election year.

(4) For the purpose of balloting on regular primary or regular general election day, the county legislative body may establish a common polling place for two or more whole voting precincts according to the following requirements:

(a) the total population of the combined voting precinct may not exceed 3,000 voters;

(b) the combined voting precincts shall all lie within the same legislative district; and

(c) the voting precincts shall be combined for balloting purposes at least 90 days before the election. 1996

Part 4. Election Officer's Duties.

20A-5-401. Official register and posting book - Preparation - Contents.

20A-5-403. Polling places - Booths - Ballot boxes - Provisions - Arrangements.

20A-5-404. Election forms - Preparation and contents.

20A-5-405. Election officer to provide ballots.

20A-5-406. Delivery of ballots.

20A-5-407. Election officer to provide ballot boxes.

20A-5-408. Disposition of election returns.

20A-5-401. Official register and posting book - Preparation - Contents.

(1) (a) Before the registration days for each regular general or municipal general election, each county clerk shall prepare an official register and posting list of voters for each voting precinct that will participate in the election.

(b) The county clerk shall ensure that the official register and posting list are bound or loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable dimensions to provide for the following entries:

(i) registered voter's name;

(ii) party affiliation;

(iii) grounds for challenge;

(iv) name of person challenging a voter;

(v) ballot numbers, primary, November, special;

(vi) date of birth;

(vii) place of birth;

(viii) place of current residence;

(ix) street address;

(x) zip code; and

(xi) space for the voter to sign his name for each election.

(2) (a) For municipal, special district, and bond elections, the county clerk shall make an official register and posting list only for voting precincts affected by the municipal, special district, or bond election.

(b) Municipalities shall pay the costs of making the official register and posting list. 1996

20A-5-403. Polling places - Booths - Ballot boxes - Provisions - Arrangements.

(1) Each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or special district governing board for those polling places.

(2) (a) For each polling place, the election officer shall provide:

- (i) an American flag;
- (ii) a sufficient number of voting booths or compartments;
- (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot cards, write-in ballots, and any other records and supplies necessary to enable a voter to vote; and
- (iv) the constitutional amendment cards and voter information pamphlets required by Part 1.

(b) Each election officer shall ensure that:

- (i) each voting booth is at least three feet square, contains a shelf that is at least one foot wide extending across one side of the booth at a convenient height for writing, and is arranged so that the voter can prepare his ballot screened from observation;
- (ii) there is at least one voting booth for every 100 voters who voted at the last similar election in the voting precinct; and
- (iii) there is at least one voting booth that is configured to accommodate persons with disabilities.

(c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

(3) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.

(4) The county clerk shall make detailed entries of all proceedings had under this chapter. 1995

20A-5-404. Election forms - Preparation and contents.

(1) For each election, the election officer:

- (a) shall prepare, for each voting precinct, a:
 - (i) ballot disposition form;
 - (ii) total votes cast form;
 - (iii) tally sheet form; and
 - (iv) pollbook.

(b) For each election, the election officer shall:

- (i) provide a copy of each form to each of those precincts using paper ballots; and
- (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

- (a) the number of ballots voted;
- (b) the number of substitute ballots voted, if any;
- (c) the number of ballots delivered to the voters;
- (d) the number of spoiled ballots;
- (e) the number of registered voters listed in the official register;
- (f) the total number of voters voting according to the pollbook; and
- (g) the number of unused ballots.

(3) The election officer shall ensure that the total votes cast form contains:

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

(c) a heading identifying each ballot proposition and blank spaces for the election judges to record

the number of votes for and against each proposition; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at _____ in _____ voting precinct in _____ (name of entity holding the election) and State of Utah, on the _____ day of _____, in the year _____, the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us _____, _____, _____, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

(a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;

(c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # _____, _____ (entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____ (date of election) and is a tally of the votes cast for each of those persons. Certified by us _____, _____, _____, Judges of Election."

(5) The election officer shall ensure that the pollbook:

(a) identifies the voting precinct number on its face; and

(b) contains:

(i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";

(ii) another section in which to record absentee ballots;

(iii) a section in which to record voters who are challenged; and

(iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on the _____ day of _____, 19____, having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was _____."

Judges of Election
1993

20A-5-405. Election officer to provide ballots.

(1) In jurisdictions using paper ballots, each election officer shall:

(a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;

(c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;

(d) ensure that the official paper ballots are printed and in the possession of the election officer at least four days before election day;

(e) ensure that the absentee ballots are printed and in the possession of the election officer at least 15 days before election day;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;

(h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before election day;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in his office at least seven days before the election;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election in at least one newspaper of general circulation in the jurisdiction holding the election;

(k) deliver at least five copies of the sample ballot to election judges in each voting precinct and direct them to post the sample ballots at each voting precinct as required by Section 20A-5-102; and

(l) print and deliver, at the expense of the jurisdiction conducting the election, enough official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.

(2) In jurisdictions using ballot cards, each election officer shall:

(a) provide official ballot cards, absentee ballot cards, and printed official ballot labels for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be printed on each official ballot label;

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label;

(d) ensure that the official ballot labels are printed

and in the possession of the election officer at least four days before election day;

(e) ensure that the absentee ballots are printed and in the possession of the election officer at least 15 days before election day;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballot labels but that are distinguishable from official ballot labels;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before election day;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in his office at least seven days before the election;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election in at least one newspaper of general circulation in the jurisdiction holding the election;

(k) deliver at least five copies of the sample ballot to election judges in each voting precinct and direct them to post the sample ballots at each voting precinct as required by Section 20A-5-102; and

(l) print and deliver official ballot cards, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(3) (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, or sample ballot, if the correction can be made without interfering with the timely distribution of paper ballots and ballot labels.

(b) If the election officer discovers errors or omissions in the paper ballots or ballot labels and it is not possible to correct the errors or omissions by reprinting the paper ballots or ballot labels, the election officer shall direct the election judges to make the necessary corrections on the official paper ballots or ballot labels before they are distributed at the polls.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots or ballot labels, a candidate or his agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in the publication of the name or description of a candidate or in the printing of sample or official paper ballots or ballot labels; and

(B) the election officer has failed to correct or provide for the correction of the error or omission.

(ii) The district court shall issue an order requiring correction of any error in a paper ballot or ballot label, or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.

(iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

20A-5-406. Delivery of ballots.

(1) Each election officer shall deliver ballots to the election judges of each voting precinct in his jurisdiction as follows:

(a) in regular general elections and regular primary elections:

(i) if the boundaries of the voting precinct have not been changed since the last election, 75 ballots for every 50, or fraction of 50, voters registered at the last election in the voting precinct; and

(ii) if the boundaries of the voting precinct have been changed since the last election, or when a new voting precinct has been created, 75 ballots for every 50, or fraction of 50, voters that the election officer estimates are registered to vote in the revised or new precinct; and

(b) in regular municipal elections and municipal primary elections, one ballot for each registered voter.

(2) The election officer shall:

(a) package and deliver the ballots to the election judges;

(b) clearly mark the outside of the package with:

(i) the voting precinct and polling place for which it is intended; and

(ii) the number of ballots enclosed;

(c) ensure that each package is delivered before noon the Monday before election day to an election judge in each precinct; and

(d) obtain a receipt for the ballots from the election judge to whom they were delivered that identifies the time when, and the manner in which, each ballot package was sent and delivered.

(3) (a) The election officer shall prepare substitute ballots in the form required by this subsection if any election judge reports that:

(i) the ballots were not delivered on time; or

(ii) after delivery, they were destroyed or stolen.

(b) The election officer shall:

(i) prepare the substitute ballots as nearly in the form prescribed for official ballots as practicable;

(ii) cause the word "substitute" to be printed in brackets immediately under the facsimile signature of the clerk or recorder preparing the ballots;

(iii) place the ballots in two separate packages, each package containing 1/2 the ballots sent to that voting precinct; and

(iv) place a signed statement in each package certifying that the substitute ballots found in the package were prepared and furnished by him, and that the original ballots were not received, were destroyed, or were stolen. 1995

20A-5-407. Election officer to provide ballot boxes.

(1) Except as provided in Subsection (3), each election officer shall:

(a) provide one ballot box with a lock and key for each polling place; and

(b) deliver the ballot boxes, locks, and keys to the polling place or the election judges of each voting precinct no later than noon on the day before the election.

(2) Election officers for municipalities and special districts may obtain ballot boxes from the county clerk's office.

(3) If locks and keys are unavailable, the ballot box lid shall be secured by tape. 1994

20A-5-408. Disposition of election returns.

(1) Each election officer shall produce the packages containing the election returns before the board of canvassers.

(2) As soon as the returns are canvassed, the election officer shall file the pollbook, lists, and papers produced before the board as required by Section 20A-4-202 1993

Part 6. Election Judges.

20A-5-601. Election judges - Appointment for regular general elections.

20A-5-602. Election judges - Appointment for local elections.

20A-5-603. Vacancies - Removal of election judges.

20A-5-604. Receipt of ballots, official register, and posting book by election judge.

20A-5-605. Duties of election judges on election day.

20A-5-606. Closing the polls - Preparation and delivery of election returns.

20A-5-601. Election judges - Appointment for regular general elections.

(1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the county chair of each registered political party a list of the number of election judges that the party must nominate for each voting precinct.

(b) (i) By April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the county clerk containing, for each voting precinct, the names of registered voters in the county who are willing to be election judges and who are competent and trustworthy.

(ii) The county chair and secretary shall submit, for each voting precinct, names equal in number to the number required by the county clerk plus one.

(2) Each county legislative body shall provide for the appointment of persons to serve as election judges at the regular primary and regular general election.

(3) Each county legislative body shall provide for the appointment of:

(a) (i) three registered voters from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) three registered voters from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) three registered voters from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(4) Each county legislative body may provide for the appointment of three registered voters from the list to serve as inspecting judges to observe the clerk's receipt and deposit of the ballots for safekeeping.

(5) For each set of three counting or receiving judges to be appointed for each voting precinct, the county legislative body shall ensure that:

(a) two judges are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and

(b) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appoint-

ment of the election judges.

(6) When the voting precinct boundaries have been changed since the last regular general election, the county legislative body shall ensure that not more than two of the judges are selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment.

(7) The county legislative body shall provide for the appointment of any qualified county voter as an election judge when:

(a) a political party fails to file the election judge list by the filing deadline; or

(b) the list is incomplete.

(8) A registered voter of the county may serve as an election judge in any voting precinct of the county.

(9) If a person serves as an election judge outside the voting precinct where the person is registered, that person may vote an absentee voter ballot.

(10) The county clerk shall fill all vacancies in the office of election judge.

(11) If a conflict arises over the right to certify the election judge lists for any political party, the county legislative body may decide between conflicting lists, but may only select names from a properly submitted list.

(12) The county legislative body shall establish compensation for election judges. 1994

20A-5-602. Election judges - Appointment for local elections.

(1) At least 15 days before the date scheduled for any local election, the municipal legislative body or special district board shall appoint or provide for the appointment of:

(a) in jurisdictions using paper ballots:

(i) three registered voters from their jurisdiction to serve as election judges for each voting precinct when the ballots will be counted after the polls close; or

(ii) three registered voters from their jurisdiction to serve as receiving judges in each voting precinct and three registered voters from their jurisdiction to serve as counting judges in each voting precinct when ballots will be counted throughout election day;

(b) in jurisdictions using automated tabulating equipment, three registered voters from their jurisdiction to serve as election judges for each voting precinct;

(c) in jurisdictions using voting machines, four registered voters from their jurisdiction to serve as election judges for each voting precinct; and

(d) in all jurisdictions:

(i) at least one registered voter from their jurisdiction to serve as canvassing judge, if necessary; and

(ii) as many alternate judges as needed to replace appointed judges who are unable to serve.

(2) The municipal legislative body and special district board may not appoint any candidate's parent, sibling, spouse, child, or in-law, to serve as an election judge in that candidate's voting precinct.

(3) The clerk shall:

(a) prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed; and

(b) make the list available in the clerk's office for inspection, examination, and copying during business hours.

(4) (a) The municipal legislative body and special

district board shall compensate election judges for their services.

(b) The municipal legislative body and special district board may not compensate their election judges at a rate higher than that paid by the county to its election judges. 1994

20A-5-603. Vacancies - Removal of election judges.

(1) (a) If a judge or alternate is unable to serve, that judge or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.

(b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.

(2) The election officer shall summarily remove any election judge who:

(a) neglects his duty;

(b) commits or encourages fraud in connection with any election;

(c) violates any election law;

(d) knowingly permits any person to violate any election law;

(e) has been convicted of a felony;

(f) commits any act that interferes or tends to interfere with a fair and honest election; or

(g) is incapable of performing the duties of an election judge. 1994

20A-5-604. Receipt of ballots, official register, and posting book by election judge.

(1) The election judge who receives official or substitute ballots from the election officer shall:

(a) sign a receipt for them and file it with the election officer; and

(b) produce the packages in the proper polling place with the seals unbroken.

(2) If the election judge receives packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the election judge shall produce the packages of substitute ballots in the proper polling place with the seals unbroken. 1996

20A-5-605. Duties of election judges on election day.

(1) (a) Receiving judges shall arrive at the polling place 30 minutes before the polls open and remain until the official election returns are prepared for delivery.

(b) Counting judges shall be at the polls as directed by the election officer and remain until the official election returns are prepared for delivery.

(2) Upon their arrival to open the polls, each set of election judges shall:

(a) designate which judge shall preside and which judges shall act as clerks;

(b) in voting precincts using paper ballots, select one of their number to deliver the election returns to the election officer or to the place that the election officer designates;

(c) in voting precincts using ballot cards, select two of their number, each from a different party, to deliver the election returns to the election officer or to the place that the election officer designates;

(d) display the United States flag;

(e) open the voting devices and examine them to see that they are in proper working order;

(f) place the voting devices, voting booths, and

the ballot box in plain view of election judges and watchers;

(g) open the ballot packages in the presence of all the judges;

(h) check the ballots, supplies, records, and forms;

(i) if directed to do so by the election officer, make any necessary corrections to the official ballots before they are distributed at the polls;

(j) post the sample ballots, instructions to voters, and constitutional amendments, if any;

(k) hang the posting list near the polling place entrance; and

(l) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are not available, tape it securely.

(3) (a) If any election judge fails to appear on the morning of the election, or fails or refuses to act, at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a member of the same political party as the judge who is being replaced to act as election judge.

(b) If a majority of the receiving election judges are present, they shall open the polls, even though the alternate judge has not arrived.

(4) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the election judges, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the judges move to a new polling place, they shall display a proclamation of the change and station a police officer or some other proper person at the original polling place to notify voters of the location of the new polling place.

(5) If the election judge who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the election judges shall use those substitute ballots as the official election ballots.

(6) If, for any reason, none of the official or substitute ballots are ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the election judges may use unofficial ballots, made as nearly as possible in the form of the official ballot, until substitutes prepared by the election officer are printed and delivered.

(7) When it is time to open the polls, one of the election judges shall announce that the polls are open as required by Section 20A-1-302

(8) (a) The election judges shall comply with the voting procedures and requirements of Title 20A, Chapter 3, in allowing people to vote.

(b) The election judges may not allow any person, other than election officials and those admitted to vote, within six feet of voting machines, voting booths, and the ballot box.

(c) Besides the election judges and watchers, the election judges may not allow more than four voters in excess of the number of voting booths provided within six feet of voting machines, voting booths, and the ballot box.

(d) If necessary, the election judges shall instruct each voter about how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two election judges may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two election judges who enter the voting booth to assist the voter shall be of different political parties. 1996

20A-5-606. Closing the polls - Preparation and delivery of election returns.

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4. 1994

Part 7. Offenses Involving Election Administration.

20A-5-701. Willful neglect of duty or corrupt conduct - Penalty.

20A-5-702. Destroying or concealing ballots.

20A-5-703. Neglect or refusal to deliver ballots or returns.

20A-5-705. Officer or watcher revealing vote.

20A-5-701. Willful neglect of duty or corrupt conduct - Penalty.

(1) It is unlawful for any election judge to willfully neglect his duty or to willfully act corruptly in discharging his duty.

(2) Any election judge who violates this section is guilty of a felony and, upon conviction, shall be punished by a fine of \$500 or by confinement in the state prison for not less than one year or both. 1994

20A-5-702. Destroying or concealing ballots.

(1) It is unlawful for any person, or officer having charge of official ballots, to destroy, suppress, or conceal them, except authorized by this title.

(2) Any person who violates this section is guilty of a felony, and shall be punished by imprisonment in the state prison for not less than one year nor more than five years. 1993

20A-5-703. Neglect or refusal to deliver ballots or returns.

(1) It is unlawful for any person or officer who has undertaken to deliver official ballots or election returns to any voting precinct or to any election judge or election officer to neglect, refuse, or fail to do so.

(2) Any person who violates this subsection is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250. 1994

20A-5-705. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted, or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(2) Any election official or watcher who violates this section is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250. 1993

Chapter 6. Ballot Form.

Part 1. General Requirements for all Ballots.

Part 2. Paper Ballots for Regular Primary Elections.

Part 3. Regular General Election Ballots.

Part 4. Ballot Form Requirements for Municipal Elections.

Part 1. General Requirements for all Ballots.

20A-6-101. General requirements for paper ballots.
20A-6-102. General requirements for machine-counted ballots.

20A-6-101. General requirements for paper ballots.

(1) Each election officer shall ensure that paper ballots:

- (a) are printed on only one side of the paper;
- (b) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;
- (c) are printed using precisely the same quality and kind of type;
- (d) are printed using precisely the same quality and tint of plain black ink;
- (e) are uniform in size for all the voting precincts within the election officer's jurisdiction;

(f) include, in elections where write-in voting is authorized, a write-in column immediately to the right of the last column on the ballot that is long enough to contain as many written names of candidates as there are persons to be elected with:

- (i) the offices to be filled printed above the blank spaces on the ticket; and
- (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division. 1994

20A-6-102. General requirements for machine-counted ballots.

(1) Each election officer shall ensure that ballot labels are printed:

- (a) to a size and arrangement that fits the construction of the voting device; and
- (b) in plain, clear type in black ink on clear white stock; or
- (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

- (i) identify different ballots or parts of the ballot; or
- (ii) differentiate between political parties.

(2) Each election officer shall ensure that:

(a) ballot cards are of a size, design, and stock suitable for processing by automatic data processing machines;

(b) each ballot card has an attached perforated stub, on which is printed the words "Official Ballot, (initial) Judge"; and

(c) ballot stubs are numbered consecutively.

(3) In elections in which voters are authorized to cast write-in votes, the election officer shall provide a separate write-in ballot, which may be in the form of a paper ballot, a card, or a secrecy envelope in which the voter places his ballot card after voting, to permit voters to write in the title of the office and the name of the person or persons for whom the voter wishes to cast a write-in vote.

(4) Notwithstanding any other provisions of this section, the election officer may authorize any ballots that are to be counted by means of electronic or electromechanical devices to be printed to a size, layout, texture, and in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be

placed.

Part 2. Paper Ballots for Regular Primary Elections.

20A-6-201. Paper ballots for regular primary elections.
20A-6-202. Machine-counted ballots for regular primary elections.

20A-6-201. Paper ballots for regular primary elections.

Each election officer shall ensure that:

(1) all paper ballots furnished for use at the regular primary election:

(a) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter's choice from the rest of the ballot;

(b) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the insides sections of the ballot when detached; and

(c) contain no captions or other endorsements except as provided in this section;

(2) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(3) the political parties are printed on the ballot in the order determined by the county clerk;

(4) (a) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the ballot;

(b) the ballot number and the words "Judge's Initial _____" are printed on the stub; and

(c) ballot stubs are numbered consecutively;

(5) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(a) "Official Primary Ballot for _____ County, Utah";

(b) the date of the election; and

(c) a facsimile of the signature of the county clerk and the words "county clerk"; and

(6) after the facsimile signature, the political party emblem and the name of the political party are printed;

(7) after the party name and emblem the ballot contains the following printed in not smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, place a cross (X) in the square at the right of the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(8) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(9) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(10) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;

(11) the candidate groups are separated from each other by one light and one heavy line or rule; and

(12) the nonpartisan candidates are listed as follows:

(a) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of the party listing above; and

(b) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates. 1994

20A-6-202. Machine-counted ballots for regular primary elections.

(1) The election officer may require that:

(a) the ballot label for a regular primary election consist of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(b) the separate groups of pages are identified by color or other suitable means; and

(c) the ballot label contain instructions that direct the voter how to vote the ballot.

(2) Each election officer shall:

(a) ensure that the ballot label provides a square for the voter to designate the political party in whose primary the voter is voting; and

(b) determine the order for printing the names of the political parties on the ballot label. 1994

Part 3. Regular General Election Ballots.

20A-6-301. Paper ballots - Regular general election.

20A-6-302. Placement of candidates' names on paper ballots.

20A-6-303. Machine-counted ballots for regular general elections.

20A-6-301. Paper ballots - Regular general election.

(1) Each election officer shall ensure that:

(a) all ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Judge's Initial _____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Ballot for _____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(d) each ticket is placed in a separate column on the ballot in the order determined by the election officer with the party emblem, followed by the party name, at the head of the column;

(e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates and candidates not affiliated with a registered political party are listed

in one column, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than 1/8 nor more than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of an inch apart;

(k) a square with sides measuring not less than 1/4 of an inch in length is printed at the right of the name of each candidate;

(l) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double bracket enclosing the right side of the names of the two candidates;

(m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:

(i) the offices to be filled printed above the blank spaces on the ticket; and

(ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle;

(n) when required, the ballot includes a nonpartisan ticket placed immediately to the right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and

(o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.

(2) Each election officer shall ensure that:

(a) each person nominated by any political party or group of petitioners is placed on the ballot:

(i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in alpha-

betical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to the number to be elected.

20A-6-302. Placement of candidates' names on paper ballots.

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

(a) except for candidates for state school board and local school boards:

- (i) each candidate is listed by party; and
- (ii) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office;

(b) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105

(c) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot; and

(d) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk.

(2) (a) The election officer may not allow the name of a candidate who dies or withdraws before election day to be printed upon the ballots.

(b) If the ballots have already been printed, the election officer:

- (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a line through the candidate's name before the ballots are delivered to voters; and
- (ii) may not count any votes for that dead or withdrawn candidate.

(3) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes _____ No _____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes for the candidate exceeds the number of "Yes" votes for the candidate, the candidate is not elected and may not take office, nor may he continue in the office past

the end of the term resulting from any prior election or appointment.

(d) If no qualified person files for the office of county attorney as provided in Section 20A-9-202, the county governing body shall appoint the county attorney as provided in Section 20A-1-509

(4) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes _____ No _____."

(5) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(6) If the number of "No" votes for the candidate exceeds the number of "Yes" votes for the candidate, the candidate is not elected and may not take office, nor may he continue in the office past the end of the term resulting from any prior election or appointment.

(7) If no qualified person files for the office of district attorney, or if the only candidate is not retained by the voters under this section, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509

1995

20A-6-303. Machine-counted ballots for regular general elections.

Each election officer shall ensure that:

(1) copy on the ballot labels are arranged in approximately the same order as paper ballots;

(2) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(3) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:

(a) the names of candidates for judicial offices and any other nonpartisan offices; and

(b) any ballot propositions submitted to the voters for their approval or rejection;

(4) the ballot labels include a voting square or position where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch;

(5) the tickets are printed on the ballot label in the order determined by the county clerk;

(6) the office titles are printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(7) the party designation of each candidate is printed to the right or below the candidate's name; and

(8) (a) if possible, all candidates for one office are grouped in one column or upon one page;

(b) if all candidates for one office cannot be listed in one column or grouped upon one page:

(i) the ballot label is clearly marked to indicate that the list of candidates is continued on the following column or page; and

(ii) approximately the same number of names are printed in each column or on each page; and

(9) arrows are used to indicate the place to vote for each candidate and on each measure.

1994

Part 4. Ballot Form Requirements for Municipal Elections.

20A-6-401. Ballots for municipal primary elections.

20A-6-402. Ballots for regular municipal elections.

20A-6-401. Ballots for municipal primary elections.

(1) Each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words "Judge's Initial _____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for _____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and

(c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates; and

(h) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes. 1994

20A-6-402. Ballots for regular municipal elections.

(1) Each election officer shall ensure, for paper ballots at municipal general elections, that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon

the municipal general election ballot.

(2) Each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words "Judge's Initial _____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Ballot for _____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and

(c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;

(h) following the name of the last candidate for each office, the ballot contains a write-in space for each elective office; and

(i) the candidate groups are separated from each other by one light and one heavy line or rule.

(3) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot. 1994

Chapter 7. Issues Submitted to the Voters.

Part 1. General Provisions.

Part 2. Statewide Initiatives.

Part 3. Statewide Referenda.

Part 4. Local Initiatives and Referenda - General Provisions.

Part 5. Local Initiatives - Procedures.

Part 6. Local Referenda - Procedures.

Part 7. Voter Information Pamphlet.

Part 1. General Provisions.

20A-7-101. Definitions.

20A-7-102. Initiatives and referenda authorized - Restrictions.

20A-7-103. Constitutional amendments and other questions - Procedures for submission to popular vote.

20A-7-101. Definitions.

As used in this chapter:

(1) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

(2) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(3) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(4) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(5) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been certified and verified as provided in this chapter.

(6) "Legal voter" means a person who:

(a) is registered to vote; or

(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(7) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulations adopted by ordinance or resolution.

(b) "Local law" does not include individual property zoning decisions.

(8) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(9) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(10) "Local legislative body" means the legislative body of a county, city, or town.

(11) "Measure" means an initiative or referendum.

(12) "Referendum" means a law passed by the Legislature or by a local legislative body that is being submitted to the voters for their approval or rejection.

(13) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(14) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(15) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(16) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(17) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305 1994

20A-7-102. Initiatives and referenda authorized - Restrictions.

By following the procedures and requirements of this chapter, Utah voters may, subject to the restrictions of Article VI, Sec. 1, Utah Constitution and this chapter:

(1) initiate any desired legislation and cause it to be submitted to:

(a) the Legislature or to a vote of the people for approval or rejection if it is a proposed state law; or

(b) a local legislative body or to a vote of the people if it is a local law;

(2) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be referred to the voters for their approval or rejection before the law takes effect; and

(3) require any law or ordinance passed by a local legislative body to be referred to the voters for their approval or rejection before the law takes effect. 1994

20A-7-103. Constitutional amendments and other questions - Procedures for submission to popular vote.

(1) The procedures contained in this section govern when:

(a) the Legislature submits a proposed constitutional amendment or other question to the voters; and

(b) an act of the Legislature is referred to the voters by referendum petition.

(2) The lieutenant governor shall, not later than 60 days before the regular general election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) designate the amendment or question by number and order of presentation on the ballot;

(b) draft and designate a ballot title that summarizes the subject matter of the amendment or question; and

(c) deliver them to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than the second Friday after the primary election.

(5) The county clerk of each county shall:

(a) ensure that both the number and title of the amendment, question, or referendum is printed on the sample ballots and official ballots; and

(b) publish them as provided by law. 1995

Part 2. Statewide Initiatives.

20A-7-201. Statewide initiatives - Signature requirements - Submission to the Legislature or to a vote of the people.

20A-7-202. Statewide initiative process - Application procedures - Time to gather signatures - Grounds for rejection.

20A-7-203. Form of initiative petition and signature sheets.

20A-7-204. Circulation requirements - Lieutenant governor to provide sponsors with materials.

20A-7-205. Obtaining signatures - Verification - Removal of signature.

20A-7-206. Submitting the initiative petition - Certification of signatures by the county clerks - Transfer to lieutenant governor.

20A-7-207. Evaluation by the lieutenant governor.

20A-7-208. Disposition of initiative petitions by the Legislature.

20A-7-209. Ballot title - Duties of lieutenant governor and Office of Legislative Research and General Counsel.

20A-7-210. Form of ballot - Manner of voting.

20A-7-211. Return and canvass - Conflicting measures - Law effective on proclamation.

20A-7-212. Effective date.

20A-7-213. Misconduct of electors and officers - Penalty.

20A-7-201. Statewide initiatives - Signature requirements - Submission to the Legislature or to a vote of the people.

(1) (a) A person seeking to have an initiative

submitted to the Legislature for approval or rejection shall obtain:

(i) legal signatures equal to 5% of the cumulative total of all votes cast for all candidates for governor at the last regular general election at which a governor was elected; and

(ii) from each of at least 15 counties, legal signatures equal to 5% of the total of all votes cast in that county for all candidates for governor at the last regular general election at which a governor was elected.

(b) If, at any time not less than ten days before the beginning of an annual general session of the Legislature, the lieutenant governor declares sufficient any initiative petition that is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant governor shall deliver that petition to the Legislature as soon as it convenes and organizes.

(2) (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast for all candidates for governor at the last regular general election at which a governor was elected; and

(ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes cast in that county for all candidates for governor at the last regular general election at which a governor was elected.

(b) If, at any time not less than four months before any regular general election, the lieutenant governor declares sufficient any initiative petition that is signed by enough legal voters to meet the requirements of this subsection, the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election.

(3) The lieutenant governor shall provide the following information from the official canvass of the last regular general election at which a governor was elected to any interested person:

(a) the cumulative total of all votes cast for all candidates for governor; and

(b) for each county, the total of all votes cast in that county for all candidates for governor. 1995

20A-7-202. Statewide initiative process -

Application procedures - Time to gather signatures - Grounds for rejection.

(1) Persons wishing to circulate an initiative petition shall file an application with the lieutenant governor.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors:

(i) is a registered voter; and

(ii) has voted in a regular general election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the proposed law.

(3) The application and its contents are public when filed with the lieutenant governor.

(4) (a) The sponsors shall qualify the petition for the regular general election ballot no later than the second regular general election after the application is filed.

(b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

(i) submit a new application;

(ii) obtain new signature sheets; and

(iii) collect signatures again.

(5) The lieutenant governor shall reject the application and not issue circulation sheets if:

(a) the law proposed by the initiative is patently unconstitutional;

(b) the law proposed by the initiative is nonsensical; or

(c) the proposed law could not become law if passed. 1995

20A-7-203. Form of initiative petition and signature sheets.

(1) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION

To the Honorable _____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on the _____ day of _____, 19____;

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the initiative;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section; and

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be three inches wide, headed "Signature of Registered Voter"; and

(iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

(3) The final page of each initiative packet shall contain the following printed or typed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am registered to vote in Utah;

All the names that appear in this packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(Name) (Residence Address) (Date)"

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors. 1995

20A-7-204. Circulation requirements -

Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

- (a) a copy of the initiative petition; and
- (b) one signature sheet.

(3) The sponsors of the petition shall:

- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
- (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the lieutenant governor.

(b) The lieutenant governor shall:

- (i) number each of the initiative packets and return them to the sponsors within five working days; and
- (ii) keep a record of the numbers assigned to each packet. 1995

20A-7-205. Obtaining signatures - Verification

- Removal of signature.

(1) Any Utah voter may sign an initiative petition if the voter is a legal voter.

(2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

- (a) is registered to vote in Utah;
- (b) meets the residency requirements of Section 20A-2-105; and

(c) verifies each signature sheet by completing the verification printed on the last page of each initiative packet.

(3) (a) (i) Any voter who has signed an initiative petition may have his signature removed from the

petition by submitting a notarized statement to that effect to the county clerk.

(ii) In order for the signature to be removed, the statement must be received by the county clerk before he delivers the petition to the lieutenant governor.

(b) Upon receipt of the statement, the county clerk shall remove the signature of the person submitting the statement from the initiative petition.

(c) No one may remove signatures from an initiative petition after the petition is submitted to the lieutenant governor. 1995

20A-7-206. Submitting the initiative petition -

Certification of signatures by the county clerks - Transfer to lieutenant governor.

(1) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the June 1 before the regular general election.

(2) No later than June 15 before the regular general election, the county clerk shall:

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are registered to vote in Utah; and

(b) submit the name of each of those persons who is not registered to vote in Utah to the attorney general and county attorney.

(3) No later than July 1 before the regular general election, the county clerk shall:

(a) check all the names of the signers against the official registers to determine whether or not the signer is a registered voter;

(b) certify on the petition whether or not each name is that of a registered voter; and

(c) deliver all of the packets to the lieutenant governor.

(4) Initiative packets are public once they are delivered to the county clerks.

(5) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them. 1995

20A-7-207. Evaluation by the lieutenant

governor.

(1) When each initiative packet is received from a county clerk, the lieutenant governor shall check off from his record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the lieutenant governor, the lieutenant governor shall:

(i) count the number of the names certified by the county clerks that appear on each verified signature sheet; and

(ii) declare the petition to be sufficient or insufficient by July 6 before the regular general election.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

(d) The lieutenant governor shall immediately notify any one of the sponsors of his finding.

(3) (a) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the pending regular general election.

(b) The petition sponsors may submit additional signatures to qualify the petition for the regular general election following the pending regular general election if:

(i) the petition is declared insufficient; and

(ii) the pending general election is the first regular general election after the application was filed.

(4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a sponsor believes is legally sufficient, any voter may, by July 20, apply to the supreme court for an extraordinary writ to compel the lieutenant governor to do so.

(b) The supreme court shall:

(i) determine whether or not the initiative petition is legally sufficient; and

(ii) certify its findings to the lieutenant governor by July 30.

(c) If the supreme court certifies that the initiative petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(d) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election. 1995

20A-7-208. Disposition of initiative petitions by the Legislature.

(1) (a) When the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.

(b) If any law proposed by an initiative petition is enacted by the Legislature, it is subject to referendum the same as other laws.

(2) If any law proposed by a petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:

(a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201 (2); and

(b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in this part. 1994

20A-7-209. Ballot title - Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) By July 6 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) prepare a ballot title for each initiative; and

(ii) return each petition and ballot title to the lieutenant governor by July 20.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not more than 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure

as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.

(d) In preparing ballot titles, the Office of Legislative Research and General Counsel shall, to the best of its ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.

(4) (a) If the ballot title furnished by the Office of Legislative Research and General Counsel is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by July 30, appeal the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the supreme court.

(b) The supreme court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) by August 10, certify to the lieutenant governor a ballot title for the measure that fulfills the intent of this section.

(c) By September 1, the lieutenant governor shall certify the title verified to him by the supreme court to the county clerks to be printed on the official ballot. 1995

20A-7-210. Form of ballot - Manner of voting.

(1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.

(2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square following the word "For," and those desiring to vote against enacting the law proposed by the initiative petition shall mark the square following the word "Against." 1994

20A-7-211. Return and canvass - Conflicting measures - Law effective on proclamation.

(1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the initiative petition.

(3) (a) The governor shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the state for and against each law proposed by an initiative petition; and

(ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the state of Utah.

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(c) (i) Within ten days after the governor's proclamation, any qualified voter who signed the initia-

tive petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the Supreme Court to review the governor's decision.

(ii) The court shall:

(A) immediately consider the matter and decide whether or not the proposed laws are in conflict; and

(B) within ten days after the matter is submitted to it for decision, certify its decision to the governor.

(4) Within 30 days after his previous proclamation, the governor shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

1994

20A-7-212. Effective date.

(1) A proposed law submitted to the Legislature by initiative petition and enacted by them takes effect 60 days after the final adjournment of the session of the Legislature that passed it, unless a different effective date is included in the proposed law and the proposed law passes the Legislature by a two-thirds vote of the members elected to each house of the Legislature.

(2) (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.

(b) Any act or law submitted to the people by initiative that is approved by the voters at any election takes effect on the date specified in the initiative petition.

(c) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.

(3) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any laws approved by the people at any legislative session after the law has taken effect.

1994

20A-7-213. Misconduct of electors and officers

- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any initiative petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign an initiative knowing he is not a legal voter;

(d) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for an initiative packet knowing that:

(a) he is not registered to vote in Utah;

(b) he does not meet the residency requirements of Section 20A-2-105

(c) he has not witnessed the signatures of those persons whose names appear in the initiative packet; or

(d) one or more persons whose signatures appear in the initiative packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in

Utah.

(3) Any person violating this section is guilty of a class A misdemeanor.

(4) The attorney general or the county attorney shall prosecute any violation of this section. 1996

Part 3. Statewide Referenda.

20A-7-301. Referendum - Signature requirements - Submission to voters.

20A-7-302. Referendum process - Application procedures.

20A-7-303. Form of referendum petition and signature sheets.

20A-7-304. Circulation requirements - Lieutenant governor to provide sponsors with materials.

20A-7-305. Obtaining signatures - Verification - Removal of signature.

20A-7-306. Submitting the referendum petition - Certification of signatures by the county clerks - Transfer to lieutenant governor.

20A-7-307. Evaluation by the lieutenant governor.

20A-7-308. Ballot title - Duties of lieutenant governor and Office of Legislative Research and General Counsel.

20A-7-309. Form of ballot - Manner of voting.

20A-7-310. Return and canvass - Conflicting measures - Law effective on proclamation.

20A-7-311. Effective date.

20A-7-312. Misconduct of electors and officers - Penalty.

20A-7-301. Referendum - Signature requirements - Submission to voters.

(1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast for all candidates for governor at the last regular general election at which a governor was elected; and

(ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes cast in that county for all candidates for governor at the last regular general election at which a governor was elected.

(b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:

(i) directs that the referendum be submitted to the voters at the next regular general election; or

(ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

(2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

(3) The lieutenant governor shall provide to any interested person from the official canvass of the last regular general election at which a governor was elected:

(a) the cumulative total of all votes cast for all candidates for governor; and

(b) for each county, the total of all votes cast in that county for all candidates for governor. 1995

20A-7-302. Referendum process - Application procedures.

(1) Persons wishing to circulate a referendum petition shall file an application with the lieutenant governor within five calendar days after the end of the legislative session at which the law passed.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;
(b) a certification indicating that each of the sponsors:

- (i) is a voter; and
- (ii) has voted in a regular general election in Utah within the last three years;
- (c) the signature of each of the sponsors, attested to by a notary public; and
- (d) a copy of the law. 1995

20A-7-303. Form of referendum petition and signature sheets.

(1) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION

To the Honorable _____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the _____ Session of the Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

- (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- (c) contain the title of the referendum printed below the horizontal line;
- (d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;
- (e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(g) be vertically divided into columns as follows:

- (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;
- (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
- (iii) the next column shall be three inches wide, headed "Signature of Registered Voter"; and

(iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

(3) The final page of each referendum packet shall contain the following printed or typed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am registered to vote in Utah;

All the names that appear in this packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(Name) (Residence Address) (Date)"

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors. 1995

20A-7-304. Circulation requirements -

Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

- (a) a copy of the referendum petition; and
- (b) a signature sheet.

(3) The sponsors of the petition shall:

- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
- (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the lieutenant governor.

(b) The lieutenant governor shall:

- (i) number each of the referendum packets and return them to the sponsors within five working days; and
- (ii) keep a record of the numbers assigned to each packet. 1995

20A-7-305. Obtaining signatures - Verification

- Removal of signature.

(1) Any Utah voter may sign a referendum petition if the voter is a legal voter.

(2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

- (a) is registered to vote in Utah;
- (b) meets the residency requirements of Section 20A-2-105; and

(c) verifies each signature sheet by completing the verification printed on the last page of each signature sheet.

(3) (a) (i) Any voter who has signed a referendum petition may have his signature removed from the petition by submitting a notarized statement to that effect to the county clerk.

(ii) In order for the signature to be removed, the statement must be received by the county clerk before he delivers the petition to the lieutenant governor.

(b) Upon receipt of the statement, the county clerk shall remove the signature of the person submitting the statement from the referendum petition.

(c) No one may remove signatures from a referendum petition after the petition is submitted to the lieutenant governor. 1995

20A-7-306. Submitting the referendum petition - Certification of signatures by the county clerks - Transfer to lieutenant governor.

(1) No later than 40 days after the end of the legislative session at which the law passed, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.

(2) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are registered to vote in Utah; and

(b) submit the name of each of those persons who is not registered to vote in Utah to the attorney general and county attorney.

(3) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:

(a) check all the names of the signers against the official registers to determine whether or not the signer is a voter;

(b) certify on the referendum petition whether or not each name is that of a voter; and

(c) deliver all of the referendum packets to the lieutenant governor. 1995

20A-7-307. Evaluation by the lieutenant governor.

(1) When each referendum packet is received from a county clerk, the lieutenant governor shall check off from his record the number of each referendum packet filed.

(2) (a) After all of the referendum packets have been received by the lieutenant governor, the lieutenant governor shall:

(i) count the number of the names certified by the county clerks that appear on each verified signature sheet; and

(ii) declare the petition to be sufficient or insufficient no later than 60 days after the end of the legislative session at which the law passed.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

(d) The lieutenant governor shall immediately notify any one of the sponsors of his finding.

(3) (a) If the lieutenant governor refuses to accept and file any referendum petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within ten days after the refusal.

(b) If the supreme court determines that the referendum petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election. 1995

20A-7-308. Ballot title - Duties of lieutenant governor and Office of Legislative Research and General Council.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Council.

(2) (a) The Office of Legislative Research and General Council shall:

(i) prepare a ballot title for the referendum; and

(ii) return the petition and the ballot title to the lieutenant governor within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not more than 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Council shall be printed on the official ballot.

(d) In preparing ballot titles, the Office of Legislative Research and General Council shall, to the best of its ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the Office of Legislative Research and General Council files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot title to any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the Office of Legislative Research and General Council is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the ballot title, appeal the wording of the ballot title prepared by the Office of Legislative Research and General Council to the supreme court.

(b) The supreme court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) within five days of its decision, certify to the lieutenant governor a ballot title for the measure that fulfills the intent of this section.

(c) The lieutenant governor shall certify the title verified to him by the supreme court to the county clerks to be printed on the official ballot. 1995

20A-7-309. Form of ballot - Manner of voting.

(1) The county clerks shall ensure that the number

and ballot title verified to them by the lieutenant governor are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.

(2) Voters desiring to vote in favor of enacting the law proposed by the referendum petition shall mark the square following the word "For," and those desiring to vote against enacting the law proposed by the referendum petition shall mark the square following the word "Against." 1994

20A-7-310. Return and canvass - Conflicting measures - Law effective on proclamation.

(1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the referendum petition.

(3) (a) The governor shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the state for and against each law proposed by a referendum petition; and

(ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of Utah.

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within ten days after the governor's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the Supreme Court to review the governor's decision.

(b) The Supreme Court shall:

(i) immediately consider the matter and decide whether or not the proposed laws are in conflict; and

(ii) within ten days after the matter is submitted to it for decision, certify its decision to the governor.

(5) Within 30 days after his previous proclamation, the governor shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities. 1994

20A-7-311. Effective date.

(1) (a) Any proposed law submitted to the people by referendum petition that is approved by the voters at any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.

(b) Any act or law submitted to the people by referendum that is approved by the voters at any election takes effect on the date specified in the referendum petition.

(c) If the referendum petition does not specify an

effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.

(2) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any laws approved by the people at any legislative session after the law has taken effect. 1994

20A-7-312. Misconduct of electors and officers - Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any referendum petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign a referendum knowing he is not a legal voter;

(d) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for a referendum packet knowing that:

(a) he is not registered to vote in Utah;

(b) he does not meet the residency requirements of Section 20A-2-105

(c) he has not witnessed the signatures of those persons whose names appear in the referendum packet; or

(d) one or more persons whose signatures appear in the referendum packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in Utah.

(3) Any person violating this section is guilty of a class A misdemeanor.

(4) The attorney general or the county clerk shall prosecute any violation of this section. 1995

Part 4. Local Initiatives and Referenda - General Provisions.

20A-7-401. Limitation - Budgets.

20A-7-402. Local voter information pamphlet -

Contents - Limitations - Preparation - Statement on front cover.

20A-7-401. Limitation - Budgets.

(1) The legal voters of any county, city, or town may not initiate budgets or changes in budgets.

(2) The legal voters of any county, city, or town may not require any budget adopted by the local legislative body to be submitted to the voters. 1994

20A-7-402. Local voter information pamphlet -

Contents - Limitations - Preparation -

Statement on front cover.

(1) The county or municipality that is the subject of an initiative or referenda shall prepare a local voter information pamphlet that meets the requirements of this part.

(2) (a) The arguments for and against initiatives and referenda shall conform to the requirements of this section.

(b) Persons wishing to prepare arguments for and against initiatives and referenda shall file a request with the local legislative body at least 45 days before the election at which the proposed measure is to be voted upon.

(c) If more than one person or group requests the opportunity to prepare arguments for or against any measure, the governing body shall make the final designation according to the following criteria:

(i) sponsors have priority in making the argument for a measure; and

(ii) members of the local legislative body have priority over others.

(d) The arguments in favor of the measure shall be prepared by the sponsors, whether of the local legislative body or of a voter or voter group, but not more than five names shall appear as sponsors.

(e) The arguments against the measure shall be prepared by opponents from among the local legislative body, if any, or from among voters requesting permission of the local legislative body to prepare these arguments.

(f) The arguments may not exceed 500 words in length.

(g) The arguments supporting and opposing any county or municipal measure shall be filed with the local clerk not less than 30 days before the election at which they are to be voted upon.

(3) (a) In preparing the local voter information pamphlet, the local legislative body shall:

(i) ensure that the arguments are printed on the same sheet of paper upon which the proposed measure is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed arguments:

"The arguments for or against the proposed measure(s) are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not less than eight days before the election at which the measures are to be voted upon.

(b) (i) If the proposed measure exceeds 500 words in length, the local legislative body may direct the local clerk to summarize the measure in 500 words or less.

(ii) The summary shall state where a complete copy of the measure is available for public review.

1994

Part 5. Local Initiatives - Procedures.

20A-7-501. Initiatives.

20A-7-502. Local initiative process - Application procedures.

20A-7-503. Form of initiative petitions and signature sheets.

20A-7-504. Circulation requirements - Lieutenant governor to provide sponsors with materials.

20A-7-505. Obtaining signatures - Verification - Removal of signature.

20A-7-506. Submitting the initiative petition - Certification of signatures by the county clerks - Transfer to local clerk.

20A-7-507. Evaluation by the local clerk.

20A-7-508. Ballot title - Duties of local clerk and local attorney.

20A-7-509. Form of ballot - Manner of voting.

20A-7-510. Return and canvass - Conflicting measures - Law effective on proclamation.

20A-7-511. Effective date.

20A-7-512. Misconduct of electors and officers - Penalty.

20A-7-501. Initiatives.

(1) (a) Except as provided in Subsection (b), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(i) 10% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes exceeds 25,000;

(ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(iii) 15% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(iv) 20% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 2,500 but is more than 500;

(v) 25% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 500 but is more than 250; and

(vi) 30% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 250.

(b) In addition to the signature requirements of Subsection (a), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection in a county, city, or town where the local legislative body is elected from council districts shall obtain, from each of a majority of council districts, legal signatures equal to the percentages established in Subsection (a).

(2) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at its next meeting.

(3) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days of receipt of the proposed law.

(b) The local legislative body may:

(i) adopt the proposed law and refer it to the people;

(ii) adopt the proposed law without referring it to the people; or

(iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer it to the people, it is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed county ordinance or amendment, or takes no action on it, the county clerk shall submit it to the voters of the county at the next regular general election.

(ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or takes no action on it, the municipal recorder or clerk shall submit it to the voters of the municipality at the next municipal general election.

(e) (i) If the local legislative body rejects the proposed ordinance or amendment, or takes no action on it, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30 days allowed for its action on the measure proposed by initiative petition.

(iii) If the local legislative body adopts a competing local law, the clerk or recorder shall submit it to the voters of the county or municipality at the

same election at which the initiative proposal is submitted.

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, then the measure that receives the greatest number of affirmative votes shall control all conflicts. 1994

20A-7-502. Local initiative process - Application procedures.

(1) Persons wishing to circulate an initiative petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors:

(i) is a registered voter; and

(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular municipal election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the proposed law. 1994

20A-7-503. Form of initiative petitions and signature sheets.

(1) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION

To the Honorable _____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the initiative;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be three inches wide, headed "Signature of Registered Voter"; and

(iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

(h) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am registered to vote in Utah;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors. 1994

20A-7-504. Circulation requirements -

Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) five copies of the initiative petition; and

(b) five signature sheets.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the initiative packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

1994

20A-7-505. Obtaining signatures - Verification

- Removal of signature.

(1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(a) is registered to vote in Utah; and

(b) meets the residency requirements of Section 20A-2-105; and

(c) verifies each signature sheet by completing the verification printed on the back of each signature sheet.

(3) (a) (i) Any voter who has signed an initiative petition may have his signature removed from the petition by submitting a notarized statement to that effect to the local clerk.

(ii) In order for the signature to be removed, the statement must be received by the local clerk before he delivers the petition to the county clerk to be certified.

(b) Upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the initiative petition.

(c) No one may remove signatures from an initiative petition after the petition is submitted to the county clerk to be certified. 1995

20A-7-506. Submitting the initiative petition -

Certification of signatures by the county clerks - Transfer to local clerk.

(1) No later than 120 days before any regular general election, for county initiatives, or municipal general election, for municipal initiatives, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated.

(2) No later than 90 days before any general election, the county clerk shall:

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are registered to vote in Utah; and

(b) submit the name of each of those persons who is not registered to vote in Utah to the attorney general and county attorney.

(3) No later than 60 days before any general election, the county clerk shall:

(a) check all the names of the signers against the official registers to determine whether or not the signer is a voter;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the packets to the local clerk. 1995

20A-7-507. Evaluation by the local clerk.

(1) When each initiative packet is received from a county clerk, the local clerk shall check off from his record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-501, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-501, the local clerk shall mark upon the

front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of his finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(4) (a) If the local clerk refuses to accept and file any initiative petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within ten days after the refusal.

(b) If the supreme court determines that the initiative petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election. 1995

20A-7-508. Ballot title - Duties of local clerk and local attorney.

(1) Whenever an initiative petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) prepare a ballot title for the initiative; and

(ii) return the petition and the ballot title to the local clerk within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the local attorney shall be printed on the official ballot.

(d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.

(b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot. 1994

20A-7-509. Form of ballot - Manner of voting.

(1) The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.

(2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square following the word "For," and

those desiring to vote against enacting the law proposed by the initiative petition shall mark the square following the word "Against." 1994

20A-7-510. Return and canvass - Conflicting measures - Law effective on proclamation.

(1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and

(ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(c) (i) Within ten days after the local legislative body's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the supreme court to review the decision.

(ii) The court shall:

(A) immediately consider the matter and decide whether or not the proposed laws are in conflict; and

(B) within ten days after the matter is submitted to it for decision, certify its decision to the local legislative body.

(4) Within 30 days after its previous proclamation, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the supreme court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the supreme court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities. 1994

20A-7-511. Effective date.

(1) (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election takes effect on the date specified in the initiative petition.

(b) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the county legislative body.

(2) The local legislative body may amend any laws approved by the people at any meeting after the law has taken effect. 1994

20A-7-512. Misconduct of electors and officers

- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any ini-

tiative petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign an initiative knowing he is not a legal voter;

(d) knowingly and willfully violate any provision of this part.

(2) Any person violating this part is guilty of a class A misdemeanor. 1995

Part 6. Local Referenda - Procedures.

20A-7-601. Referenda - Signature requirements - Time requirements.

20A-7-602. Local referendum process - Application procedures.

20A-7-603. Form of referendum petition and signature sheets.

20A-7-604. Circulation requirements - Local clerk to provide sponsors with materials.

20A-7-605. Obtaining signatures - Verification - Removal of signature.

20A-7-606. Submitting the referendum petition - Certification of signatures by the county clerks - Transfer to local clerk.

20A-7-607. Evaluation by the local clerk.

20A-7-608. Ballot title - Duties of local clerk and local attorney.

20A-7-609. Form of ballot - Manner of voting.

20A-7-610. Return and canvass - Conflicting measures - Law effective on proclamation.

20A-7-611. Effective date.

20A-7-612. Misconduct of electors and officers - Penalty.

20A-7-601. Referenda - Signature requirements - Time requirements.

(1) A person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes exceeds 25,000;

(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(c) 15% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(d) 20% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 2,500 but is more than 500;

(e) 25% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 500 but is more than 250; and

(f) 30% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 250.

(2) (a) Sponsors of any referendum petition challenging any local law passed by a local legislative body shall file the petition within 35 days after the passage of the local law.

(b) The local law remains in effect until repealed by the voters via referendum.

(3) If the referendum passes, the local law that

was challenged by the referendum is repealed as of the date of the election. 1994

20A-7-602. Local referendum process - Application procedures.

(1) Persons wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors:

(i) is a voter; and

(ii) (A) if the referendum challenges a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the referendum challenges a municipal ordinance, has voted in a regular municipal election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) five copies of the law. 1994

20A-7-603. Form of referendum petition and signature sheets.

(1) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION

To the Honorable _____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that Ordinance No. _____, entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the part or parts on which the referendum is sought), passed by the _____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on the _____ day of _____, 19____;

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the referendum printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch

apart under the "Warning" statement required by this section;

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be three inches wide, headed "Signature of Registered Voter"; and

(iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

(h) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am registered to vote in Utah;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors. 1994

20A-7-604. Circulation requirements - Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) five copies of the referendum petition; and

(b) five signature sheets.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the referendum packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet. 1994

20A-7-605. Obtaining signatures - Verification - Removal of signature.

(1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(a) is registered to vote in Utah; and

(b) meets the residency requirements of Section 20A-2-105; and

(c) verifies each signature sheet by completing the verification printed on the back of each signature sheet.

(3) (a) (i) Any voter who has signed a referendum petition may have his signature removed from the petition by submitting a notarized statement to that effect to the local clerk.

(ii) In order for the signature to be removed, the statement must be received by the local clerk before he delivers the petition to the county clerk to be certified.

(b) Upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the referendum petition.

(c) No one may remove signatures from a referendum petition after the petition is submitted to the county clerk to be certified. 1995

20A-7-606. Submitting the referendum petition - Certification of signatures by the county clerks - Transfer to local clerk.

(1) No later than 120 days before any regular general election for county referenda, or municipal general election for local referenda, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.

(2) No later than 90 days before any general election, the county clerk shall:

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are registered to vote in Utah; and

(b) submit the name of each of those persons who is not registered to vote in Utah to the attorney general and county attorney.

(3) No later than 60 days before any general election, the county clerk shall:

(a) check all the names of the signers against the official registers to determine whether or not the signer is a voter;

(b) certify on the referendum petition whether or not each name is that of a voter; and

(c) deliver all of the referendum packets to the local clerk. 1995

20A-7-607. Evaluation by the local clerk.

(1) When each referendum packet is received from a county clerk, the local clerk shall check off from his record the number of each referendum packet filed.

(2) (a) After all of the referendum packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerks that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or

exceed the number of names required by Section 20A-7-601, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of his finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.

(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to the Supreme Court for an extraordinary writ to compel him to do so within ten days after the refusal.

(b) If the Supreme Court determines that the referendum petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(c) If the Supreme Court determines that any petition filed is not legally sufficient, the Supreme Court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election. 1995

20A-7-608. Ballot title - Duties of local clerk and local attorney.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) prepare a ballot title for the referendum; and

(ii) return the petition and the ballot title to the local clerk within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the local attorney shall be printed on the official ballot.

(d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.

(b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot. 1994

20A-7-609. Form of ballot - Manner of voting.

(1) The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.

(2) (a) Unless the county legislative body calls a

special election, the county clerk shall ensure that referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(3) Voters desiring to vote in favor of enacting the law proposed by the referendum petition shall mark the square following the word "For," and those desiring to vote against enacting the law proposed by the referendum petition shall mark the square following the word "Against."
1995

20A-7-610. Return and canvass - Conflicting measures - Law effective on proclamation.

(1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the referendum petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by a referendum petition; and

(ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within ten days after the local legislative body's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the supreme court to review the decision.

(b) The supreme court shall:

(i) immediately consider the matter and decide whether or not the proposed laws are in conflict; and

(ii) within ten days after the matter is submitted to it for decision, certify its decision to the local legislative body.

(5) Within 30 days after its previous proclamation, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the supreme court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the supreme court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.
1994

20A-7-611. Effective date.

Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.
1994

20A-7-612. Misconduct of electors and officers

- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any referendum petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign a referendum knowing he is not a legal voter;

(d) knowingly and willfully violate any provision of this part.

(2) Any person violating this part is guilty of a class A misdemeanor.
1995

Part 7. Voter Information Pamphlet.

20A-7-701. Voter information pamphlet to be prepared.

20A-7-702 (Superseded 01/01/97). Voter information pamphlet - Form - Contents - Distribution.

20A-7-702 (Effective 01/01/97). Voter information pamphlet - Form - Contents - Distribution.

20A-7-703. Impartial analysis of measure - Determination of fiscal effects.

20A-7-704. Initiative measures - Arguments for and against - Voters' requests for argument - Ballot arguments.

20A-7-705. Measures to be submitted to voters and referendum measures - Preparation of argument of adoption.

20A-7-706. Copies of arguments to be sent to opposing authors - Rebuttal arguments.

20A-7-701. Voter information pamphlet to be prepared.

(1) The lieutenant governor shall cause to be printed a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by initiative or referendum petition.

(2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process as provided in Section 78-3-4

(3) The lieutenant governor shall cause to be printed as many voter information pamphlets as needed to comply with the provisions of this chapter.
1995

20A-7-702 (Superseded 01/01/97). Voter information pamphlet - Form - Contents - Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieu-

tenant governor's office before July 15 at 5 p.m.;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor;

(h) a description of the selection and retention process for judges of courts of record, including, in the following order:

(i) information pertaining to the judicial performance program;

(ii) a description of the judicial evaluation process;

(iii) a list of the criteria and minimum standards;

(iv) the names of the judges standing for retention election; and

(v) for each judge, the results of the judicial performance evaluation process provided by the Judicial Council, including:

(A) a statement identifying the number of hours of approved judicial education that the judge completed each year and whether or not the judge met the minimum number of hours required by the Judicial Council each year;

(B) a statement indicating whether or not the judge certified that he is physically and mentally competent to serve and is complying with the Codes of Judicial Conduct and Judicial Administration;

(C) a statement identifying the number of recommended formal sanctions from the Judicial Conduct Commission that the judge has received during his current term; and

(D) a statement identifying whether or not the judge received at least a 70% approval rating on the bar survey;

(i) an explanation of ballot marking procedures prepared by the Office of Legislative Research and General Counsel, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(j) voter registration information;

(k) a list of all county clerks' offices and phone numbers;

(l) an index of subjects in alphabetical order; and

(m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on _____ (date of election), and that this pamphlet

is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this _____ day of _____ (month), _____ (year)

(signed) _____

Lieutenant Governor"

(3) The lieutenant governor shall:

(a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the day fixed by law for the election;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election. 1996

20A-7-702 (Effective 01/01/97). Voter

information pamphlet - Form - Contents - Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before July 15 at 5 p.m.;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant

governor;

(h) a description provided by the Judicial Council of the selection and retention process for judges of courts of record, including, in the following order:

- (i) a description of the judicial selection process;
- (ii) a description of the judicial performance evaluation process;
- (iii) a description of the judicial retention election process;
- (iv) a list of the criteria and minimum standards of judicial performance evaluation;
- (v) the names of the judges standing for retention election; and
- (vi) for each judge:
 - (A) the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(D) a statement identifying the number of public sanctions ordered by the Supreme Court upon review of the order of the Judicial Conduct Commission that the judge has received during his current term;

(E) if the judge received two or more private sanctions during the two years immediately preceding certification, a statement identifying the number of private sanctions received; and

(F) a statement identifying whether or not the judge was certified by the Judicial Council;

(vii) (A) except as provided in Subsection (vi)(B), for each judge, in graphic format, the favorable response rating for each attorney, jury, and other survey question used by the Judicial Council for certification of judges, displayed in 5% increments and identifying the minimum standards of performance for each question;

(B) notwithstanding Subsection (vi)(A), if the sample size for the survey for a particular judge is too small to provide statistically reliable information in 5% increments, the survey results for that judge shall be reported as being above or below 70% and a statement by the surveyor explaining why the survey is statistically unreliable shall also be included;

(i) an explanation of ballot marking procedures prepared by the Office of Legislative Research and General Counsel, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(j) voter registration information;

(k) a list of all county clerks' offices and phone numbers;

(l) an index of subjects in alphabetical order; and

(m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on _____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this _____ day of _____ (month), _____ (year)

(signed) _____
Lieutenant Governor"

(3) The lieutenant governor shall:

(a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the day fixed by law for the election;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

1996

20A-7-703. Impartial analysis of measure - Determination of fiscal effects.

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and

(b) submit the impartial analysis to the lieutenant governor no later than August 20 of the year in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) is not more than 1,000 words long;

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) avoids the use of technical terms as much as possible;

(d) shows the effect of the measure on existing law;

(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects for the first full year of implementation and the first year when the last provisions to be implemented are fully effective; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

(3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

(4) (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.

(b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

(5) If the director requests the assistance of any state department, agency, or official in preparing his analysis, that department, agency, or official shall assist the director.

1995

20A-7-704. Initiative measures - Arguments for and against - Voters' requests for argument - Ballot arguments.

(1) (a) (i) (A) By August 20 of the regular general election year, the sponsors of any initiative petition

that has been declared sufficient by the lieutenant governor may deliver to the lieutenant governor an argument for the adoption of the measure.

(B) If two or more sponsors wish to submit arguments for the measure, the lieutenant governor shall designate one of them to submit the argument for his side of the measure.

(ii) (A) Any member of the Legislature may request permission to submit an argument against the adoption of the measure.

(B) If two or more legislators wish to submit an argument against the measure, the presiding officers of the Senate and House of Representatives shall jointly designate one of them to submit the argument to the lieutenant governor.

(b) The sponsors and the legislators submitting arguments shall ensure that each argument:

- (i) does not exceed 500 words in length; and
- (ii) is delivered by August 20.

(2) (a) (i) If an argument for or against a measure to be submitted to the voters by initiative petition has not been filed within the time required by Subsection (1), any voter may request the lieutenant governor for permission to prepare an argument for the side on which no argument has been prepared.

(ii) If two or more voters request permission to submit arguments on the same side of a measure, the lieutenant governor shall designate one of the voters to write the argument.

(b) Any argument prepared under this subsection shall be submitted to the lieutenant governor by August 30.

(3) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:

- (a) the name and address of the person submitting it, if it is submitted by an individual voter; or
- (b) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization. 1995

20A-7-705. Measures to be submitted to voters and referendum measures - Preparation of argument of adoption.

(1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

(b) (i) The argument may not exceed 500 words in length.

(ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words.

(2) (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.

(b) (i) The argument may not exceed 500 words.

(ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the

measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words.

(3) (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit them to the lieutenant governor not later than June 1.

(b) The authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(c) The lieutenant governor may not alter the arguments in any way.

(4) (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section, any voter may request the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been prepared by a member of the Legislature.

(b) (i) The presiding officer of the house of origin shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure.

(ii) If two or more voters request permission to submit arguments on the same side of a measure, the presiding officer shall designate one of the voters to write the argument.

(c) Any argument prepared under this subsection shall be submitted to the lieutenant governor not later than June 15.

(d) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:

- (i) the name and address of the person submitting it, if it is submitted by an individual voter; or
- (ii) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization. 1995

20A-7-706. Copies of arguments to be sent to opposing authors - Rebuttal arguments.

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, he shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.

(2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

(3) The rebuttal arguments must be filed with the lieutenant governor not later than June 30.

(4) The lieutenant governor shall ensure that:

- (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- (b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut. 1995

Chapter 8. Political Party Formation and Procedures.

Part 1. Formation of Political Parties Recognized by the State.

Part 2. [Repealed]

Part 3. [Repealed]

Part 4. Political Party Procedures.

Part 1. Formation of Political Parties Recognized by the State.

20A-8-101. Definitions.

20A-8-102. Organization of newly registered political parties - Rights.

20A-8-103. Petition procedures.

20A-8-106. Organization as a political party - Certification procedures.

20A-8-107. Naming registered political parties.

20A-8-101. Definitions.

As used in this chapter:

(1) "Continuing political party" means an organization of voters that participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives.

(2) "Newly registered political party" means an organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

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

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

(b) has complied with the petition and organizing procedures of this chapter. 1994

20A-8-102. Organization of newly registered political parties - Rights.

(1) Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all representatives in Congress for any of its candidates in the last regular general election shall comply with the requirements of this chapter to become a registered political party.

(2) (a) Unless an organization of registered voters is a registered political party under this chapter, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name.

(b) Nothing in this subsection prohibits an organization of voters from qualifying candidates as independent candidates or as write-in candidates. 1994

20A-8-103. Petition procedures.

(1) To become a registered political party, an organization of registered voters that is not a continuing political party shall file a petition with the lieutenant governor that is signed by at least 500 registered voters on or before March 1 of the year in which a regular general election will be held.

(2) The petition shall:

(a) state that the signers are or desire to become members of the designated party or group;

(b) state the name of the party or group;

(c) state the process that the organization will follow to organize and adopt a constitution and bylaws; and

(d) be signed by a filing officer, who agrees to receive communications on behalf of the organization.

(3) The lieutenant governor shall:

(a) determine whether or not the required number of voters appears on the petition; and

(b) certify his findings to the filing officer of the group within 30 days of the filing of the petition.

(4) If the lieutenant governor determines that the petition meets the requirements of this section, he shall authorize the filing officer to organize the prospective political party. 1996

20A-8-106. Organization as a political party -

Certification procedures.

(1) On or before March 1 of the regular general election year, the prospective political party's officers or governing board shall file the names of the party officers or governing board with the lieutenant governor.

(2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:

(a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and

(b) inform each county clerk that the organization is a registered political party in Utah.

(3) All election officers and state officials shall consider the organization to be and shall treat the organization as a registered political party.

(4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.

(5) (a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the lieutenant governor by August 15.

(b) If the party chooses to designate names, the governing board shall certify those names. 1996

20A-8-107. Naming registered political parties.

(1) As used in this section, the proposed name of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name and any name currently reserved by another registered political party.

(2) (a) A registered political party may reserve a name by filing an application to reserve a specified name with the lieutenant governor.

(b) If the lieutenant governor finds that the name is distinguishable, the lieutenant governor shall reserve the name for the applicant. 1994

Part 2. [Repealed]

Part 3. [Repealed]

Part 4. Political Party Procedures.

20A-8-401. Registered political parties - Bylaws.

20A-8-401. Registered political parties - Bylaws.

(1) (a) Each registered political party shall file a copy of its constitution and bylaws with the lieutenant governor by January 1, 1995.

(b) Each new or unregistered political party that seeks to become a registered political party under the authority of this chapter shall file a copy of its proposed constitution and bylaws at the time it files its registration information.

(c) Each registered political party shall file revised copies of its constitution or bylaws with the lieutenant governor within 15 days after the constitution

or bylaws are adopted or amended.

(2) Each registered political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that its constitution or bylaws contain:

(a) provisions establishing party organization, structure, and governance that include:

(i) a description of the position, selection process, qualifications, duties, and terms of each party officer;

(ii) a provision requiring a designated party officer to serve as liaison with the lieutenant governor on all matters relating to the political party's relationship with the state;

(iii) a description of the requirements for participation in party processes;

(iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and

(v) a mechanism for making the names of party officers, delegates, and candidates available to the public shortly after they are selected;

(b) a procedure for selecting party officers that allows active participation by party members;

(c) a procedure for selecting party candidates that allows active participation by party members;

(d) a procedure for selecting electors who are pledged to cast their votes in the electoral college for the party's candidates for president and vice president of the United States;

(e) a provision requiring the governor and lieutenant governor to run as a joint ticket;

(f) a procedure for replacing party candidates who die, become disabled, or are disqualified before a primary or regular general election;

(g) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

(h) provisions governing access to party records; and

(i) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives. 1996

Chapter 9. Candidate Qualifications and Nominating Procedures.

Part 1. General Requirements.

Part 2. Candidate Qualifications and Declarations of Candidacy.

Part 4. Primary Elections.

Part 5. Candidates Not Affiliated With A Party.

Part 6. Write-In Candidates.

Part 1. General Requirements.

20A-9-101. Definitions.

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons selected by a registered political party as party candidates to run in a regular general election.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or special district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or special district offices; and

(v) the office of United States Senator and United States Representative.

(4) "Federal office" means an elective office for United States Senator and United States Representative.

(5) "Filing officer" means:

(a) the lieutenant governor, for:

(i) offices whose political division contains territory in two or more counties; and

(ii) the office of United States Senator and United States Representative; and

(b) the county clerk, for county offices and local school district offices;

(c) the city or town clerk, for municipal offices; and

(d) the special district clerk, for special district offices.

(6) "Local government office" includes county offices, municipal offices, and special district offices and other elective offices selected by the voters from a political division entirely within one county.

(7) (a) "Multi-county office" means an elective office where the office holder is selected by the voters from more than one county.

(b) "Multi-county office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; and

(vi) any municipal or special district offices.

(8) "Municipal office" means an elective office in a municipality.

(9) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.

(b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.

(10) "Special district office" means an elected office in a special district. 1995

Part 2. Candidate Qualifications and Declarations of Candidacy.

20A-9-201. Declarations of candidacy - Candidacy for more than one office prohibited - General filing and form requirements.

20A-9-202. Declarations of candidacy for regular general elections - Requirements for candidates.

20A-9-203. Declarations of candidacy - Municipal general elections.

20A-9-204. Inducements not to become candidate.

20A-9-201. Declarations of candidacy -

Candidacy for more than one office prohibited - General filing and form requirements.

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

(2) A person may not file for, or be a candidate for, more than one elective office during any election year.

(3) If the final date established for filing a declaration of candidacy is a Saturday or Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

(4) (a) (i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:

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

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

(ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:

(A) a United States citizen;

(B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;

(C) a registered voter in the county in which he is seeking office; and

(D) a current resident of the county in which he is seeking office and has been a resident of that county for at least one year.

(b) If the prospective candidate states that he does not meet the qualification requirements for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate states that he meets the requirements of candidacy, the filing officer shall:

(i) accept the candidate's declaration of candidacy; and

(ii) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

(5) The form of the declaration of candidacy shall be substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ as a candidate for the _____ party. I do solemnly swear that: I can qualify to hold that office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; and I will qualify for the office if elected to it.

Subscribed and sworn before me this _____ day of _____, 19____. _____ Notary Public (or other officer qualified to administer oath.)"

(6) (a) The fee for filing a declaration of candidacy is:

(i) \$25 for candidates for the local school district board; and

(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office, but not less than \$5, for all other federal, state, and county offices.

(b) The filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

(ii) who the filing officer determines has filed improperly.

(c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

(d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer.

(ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name _____ Address _____ Phone Number _____

I, _____(name), do solemnly [swear] [affirm] that, owing to my poverty, I am unable to pay the filing fee required by law.

Date _____

Signature _____

Affiant

Subscribed and sworn to before me on _____(date)

_____ (signature)

Name and Title of Officer Authorized to Administer Oath:"

(7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office. 1996

20A-9-202. Declarations of candidacy for regular general elections - Requirements for candidates.

(1) (a) Each person seeking to become a candidate for elective office for any county office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the county clerk between March 7 and March 17 before the next regular general election; and

(ii) pay the filing fee.

(b) Each person intending to become a candidate for any multi-county office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence between March 7 and March 17 before the next regular general election; and

(ii) pay the filing fee.

(c) Each county clerk who receives a declaration of candidacy from a candidate for multi-county office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.

(d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the lieutenant governor between March 7 and March 17 before the next regular general election; and

(ii) pay the filing fee.

(e) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of President or Vice President of the United

States shall comply with the specific declaration of candidacy requirements established by this section.

(2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district between March 7 and March 17 before the next regular general election; and

(ii) pay the filing fee.

(b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.

(3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

(i) file a declaration of candidacy with the lieutenant governor; and

(ii) pay the filing fee.

(b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.

(ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.

(4) Candidates for the offices of President and Vice President of the United States shall file a declaration of candidacy with the lieutenant governor not later than the August 30 before the regular general election.

(5) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor within five days after the last day for filing.

(b) If an objection is made, the clerk or lieutenant governor shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

(ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk. 1996

20A-9-203. Declarations of candidacy -

Municipal general elections.

(1) A person may become a candidate for any municipal office if the person is a registered voter and:

(a) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(b) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality for 12 months.

(2) (a) Each person seeking to become a candidate for a municipal office shall file a declaration of

candidacy with the clerk not later than the sixth Tuesday before the primary election date and pay the fee, if one is required by municipal ordinance.

(b) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) filing a nomination petition with the clerk not later than the sixth Tuesday before the primary election date; and

(ii) paying the fee, if one is required by municipal ordinance.

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

"I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I request that my name be printed upon the applicable official ballots. (Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 19____.

(Signed) _____
(Clerk or Notary Public)"

(4) (a) Any registered voter may be nominated for municipal office by submitting a petition signed by:

(i) 25 residents of the municipality who are at least 18 years old; or

(ii) 20% of the residents of the municipality who are at least 18 years old.

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(c) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.

(5) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the municipality.

(6) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final

unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(7) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk. 1995

20A-9-204. Inducements not to become candidate.

(1) (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(2) Any person who violates this section is guilty of a class B misdemeanor. 1994

Part 4. Primary Elections.

20A-9-401. Primary elections.

20A-9-402. General requirements for all primary elections.

20A-9-403. Regular primary elections.

20A-9-404. Municipal primary elections.

20A-9-401. Primary elections.

(1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.

(2) This part may not be construed to govern or regulate the internal procedures of a registered political party. 1994

20A-9-402. General requirements for all primary elections.

(1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.

(2) If there is any conflict between any provision of this part and any other sections in Title 20A, this part takes precedence. 1996

20A-9-403. Regular primary elections.

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) (i) Each registered political party that wishes to participate in the primary election shall submit the names of its county candidates to the county clerks and the names of its statewide or multicounty candidates to the lieutenant governor by 5 p.m. on May 20 of each even-numbered year.

(ii) By 5 p.m. on May 14 of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide or multicounty candidates that must be printed on the primary ballot.

(b) If a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of its statewide or multicounty candidates to the lieutenant governor by 5 p.m. on August 15 of each even-numbered year.

(3) The county clerk shall:

(a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(c) conduct a lottery to determine the order of the candidates' names on the ballot.

(4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June _____, 19____, to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

(5) (a) Candidates receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.

(b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections. 1995

20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section, candidates for municipal office in all municipalities shall be nominated at a regular primary election.

(b) Regular primary elections shall be held:

(i) on the Tuesday following the first Monday in the October before the regular municipal election; and

(ii) whenever possible, at the same polling places as the regular municipal election.

(2) If the number of candidates for a particular municipal office does not exceed twice the number of persons needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.

(3) (a) For purposes of this subsection, "convention" means an organized assembly of

voters or delegates.

(b) (i) By ordinance adopted before the June 1 before a regular municipal election, any third class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a political party convention or committee.

(ii) Any primary election exemption ordinance adopted under the authority of this subsection remains in effect until repealed by ordinance.

(c) (i) A convention or committee may not nominate more than one group of candidates or have placed on the ballot more than one group of candidates for the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may nominate a person who has been nominated by a different convention or committee.

(iii) A political party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.

(d) (i) The convention or committee shall prepare a certificate of nomination for each person nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each person is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each person nominated;

(B) designate in not more than five words the political party that the convention or committee represents;

(C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;

(D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;

(E) be signed by the presiding officer and secretary of the convention or committee; and

(F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.

(iii) Certificates of nomination shall be filed with the clerk not later than the sixth Tuesday before the November municipal election.

(e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention.

(f) The election ballot shall substantially comply with the form prescribed in Title 20A, Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

(4) (a) Any third class city may adopt an ordinance before the July 1 before the regular municipal election that:

(i) exempts the city from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a partisan primary election method of nominating candidates as provided in this subsection.

(b) (i) Any party that was a registered political

party at the last regular general election or regular municipal election is a municipal political party under this section.

(ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:

(A) is signed by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;

(B) is filed with the city recorder by the seventh Tuesday before the date of the municipal primary election;

(C) is substantially similar to the form of the signature sheets described in Section 20A-7-303 ; and

(D) contains the name of the municipal political party using not more than five words.

(c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no partisan primary election for that office shall be held and the candidates are considered to be nominated.

(ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a partisan primary election.

(d) The clerk shall ensure that:

(i) the partisan municipal primary ballot is similar to the ballot forms required by Sections 20A-6-201 and 20A-6-202

(ii) the candidates for each municipal political party are listed in one or more columns under their party name and emblem;

(iii) the names of candidates of all parties are printed on the same ballot, but under their party designation;

(iv) every ballot is folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part of the ballot containing the names of the party of his choice from the remainder of the ballot; and

(v) the side edges of all ballots are perforated so that the outside sections of the ballots, when detached, are similar in appearance to inside sections when detached.

(e) After marking a municipal primary ballot, the voter shall:

(i) detach the part of the ballot containing the names of the candidates of the party he has voted from the rest of the ballot;

(ii) fold the detached part so that its face is concealed and deposit it in the ballot box; and

(iii) fold the remainder of the ballot containing the names of the candidates of the parties for whom the elector did not vote and deposit it in the blank ballot box.

(f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box. 1995

Part 5. Candidates Not Affiliated With A Party.

20A-9-501. Candidates not affiliated with a party - General requirements.

20A-9-502. Certificate of nomination - Contents - Circulation - Verification.

20A-9-503. Certificate of nomination - Filing.

20A-9-504. Unaffiliated candidates - Governor.

20A-9-501. Candidates not affiliated with a party - General requirements.

(1) (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.

(b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.

(2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.

(3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective. 1994

20A-9-502. Certificate of nomination - Contents - Circulation - Verification.

(1) The candidate shall:

(a) prepare a certificate of nomination in substantially the following form:

"State of Utah, County of _____

I, _____, declare my intention of becoming an unaffiliated candidate for the political group designated as _____ for the office of _____. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at _____ Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that I am providing, or have provided, the required number of signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law, and that I will qualify for the office if I am elected to it.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public (or other officer qualified to administer oaths)";

and

(b) attach signature sheets to the certificate that contain a place for the registered voter's signature, a place for the registered voter to print his name, and a place for the registered voter's address.

(2) (a) The candidate shall circulate the nomination petition and submit it to the county clerk for certification when the petition has been completed by:

(i) at least 300 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or

(ii) at least 100 registered voters residing within a political division when the nomination is for an office to be filled by the voters of any political division smaller than the state.

(b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition who:

(i) are registered voters within the political division that the candidate seeks to represent; and

(ii) did not sign any other certificate of nomination for that office.

(c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline. 1994

20A-9-503. Certificate of nomination - Filing.

(1) After the certificate of nomination has been certified, executed, and acknowledged by the county

clerk, the candidate shall:

(a) between March 7 and March 17 of the year in which the regular general election will be held, file the petition in person with:

(i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office; or

(ii) the county clerk, if the office the candidate seeks is a county office; and

(iii) pay the filing fee; or

(b) not later than the sixth Tuesday before the primary election date, file the petition in person with:

(i) the municipal clerk, if the candidate seeks an office in a city or town;

(ii) the special district clerk, if the candidate seeks an office in a special district; and

(iii) pay the filing fee.

(2) (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.

(b) If the candidate states that he does not meet the requirements, the filing officer may not accept the petition. 1995

20A-9-504. Unaffiliated candidates - Governor.

(1) Each unaffiliated candidate for governor shall, before July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.

(2) The unaffiliated lieutenant governor candidate shall, by July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part. 1996

Part 6. Write-In Candidates.

20A-9-601. Qualifying as a write-in candidate.

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Except as provided in Subsection (2), each person wishing to become a valid write-in candidate shall file a declaration of candidacy with the appropriate filing officer not later than 14 days before the regular general election or municipal general election in which the person intends to be a write-in candidate.

(b) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) A write-in candidate in second class cities, third class cities, towns, and special districts need not prequalify with the filing officer. 1995

Chapter 10. Term Limits Act.

Part 1. General Provisions.

Part 2. Term Limits on State Elected Officers.

Part 3. Term Limits on Federal Officers.

Part 1. General Provisions.

20A-10-101. Title.

20A-10-102. Definitions.

20A-10-101. Title.

This act shall be known and cited as the "Term

Limits Act."

1994

20A-10-102. Definitions.

As used in this chapter:

(1) "Congressional representative" means a person elected to represent Utah in the United States House of Representatives.

(2) "Prohibited office" means an office that a person may not seek, obtain, or serve in because of the term limits established by this chapter.

(3) "Seek reelection" means to file a declaration of candidacy for a prohibited office.

(4) "State executive officer" means the office of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(5) "State representative" means the office of representative in the House of Representatives of the Utah Legislature.

(6) "State senator" means the office of senator in the State of the Utah Legislature.

(7) "United States senator" means a person elected to represent Utah in the United States Senate.

1994

Part 2. Term Limits on State Elected Officers.**20A-10-201. Term limits - State officers.****20A-10-201. Term limits - State officers.**

(1) (a) A state executive officer may not seek reelection or be elected to an office if, by the end of the state officer's current term, the state officer will have served, or but for resignation would have served, 12 or more consecutive years.

(b) The lieutenant governor may not certify the name of any state officer for placement on the ballot if, by the end of the state officer's current term, the state officer will have served, or but for resignation would have served, 12 or more consecutive years.

(c) A county clerk may not allow the name of any state officer to be printed on a ballot if, by the end of the state officer's current term, the state officer will have served, or but for resignation would have served, 12 or more consecutive years.

(d) The state board of canvassers may not declare any state officer "elected" if, by the end of the state officer's current term, the state officer will have served, or but for resignation would have served, 12 or more consecutive years.

(2) (a) A state representative may not seek reelection or be elected to an office if, by the end of the state representative's current term, the state representative will have served, or but for resignation would have served, 12 or more consecutive years.

(b) The lieutenant governor may not certify the name of any state representative for placement on the ballot if, by the end of the state representative's current term, the state representative will have served, or but for resignation would have served, 12 or more consecutive years.

(c) A county clerk may not allow the name of any state representative to be printed on a ballot if, by the end of the state representative's current term, the state representative will have served, or but for resignation would have served, 12 or more consecutive years.

(d) The state board of canvassers may not declare any state representative "elected" if, by the end of the state representative's current term, the state representative will have served, or but for resignation would have served, 12 or more consecutive years.

(3) (a) A state senator may not seek reelection or be elected to an office if, by the end of the state senator's current term, the state senator will have served, or but for resignation would have served, 12 or more consecutive years.

(b) The lieutenant governor may not certify the name of any state senator for placement on the ballot if, by the end of the state senator's current term, the state senator will have served, or but for resignation would have served, 12 or more consecutive years.

(c) A county clerk may not allow the name of any state senator to be printed on a ballot if, by the end of the state senator's current term, the state senator will have served, or but for resignation would have served, 12 or more consecutive years.

(d) The state board of canvassers may not declare any state senator "elected" if, by the end of the state senator's current term, the state senator will have served, or but for resignation would have served, 12 or more consecutive years.

(4) For purposes of calculating the term limits established by this section, no person may count the time a state officer, state representative, or state senator served in a particular office before January 1, 1995.

1994

Part 3. Term Limits on Federal Officers.**20A-10-301. Term limits - Federal officers.****20A-10-301. Term limits - Federal officers.**

(1) (a) A congressional representative may not seek reelection or be elected to an office if, by the end of the congressional representative's current term, the congressional representative will have served, or but for resignation would have served, 12 or more consecutive years.

(b) The lieutenant governor may not certify the name of any congressional representative for placement on the ballot if, by the end of the congressional representative's current term, the congressional representative will have served, or but for resignation would have served, 12 or more consecutive years.

(c) A county clerk may not allow the name of any congressional representative to be printed on a ballot if, by the end of the congressional representative's current term, the congressional representative will have served, or but for resignation would have served, 12 or more consecutive years.

(d) The state board of canvassers may not declare any congressional representative "elected" if, by the end of the congressional representative's current term, the congressional representative will have served, or but for resignation would have served, 12 or more consecutive years.

(2) (a) A United States senator may not seek reelection or be elected to an office if, by the end of the United States senator's current term, the United States senator will have served, or but for resignation would have served, 12 or more consecutive years.

(b) The lieutenant governor may not certify the name of any United States senator for placement on the ballot if, by the end of the United States senator's current term, the United States senator will have served, or but for resignation would have served, 12 or more consecutive years.

(c) A county clerk may not allow the name of any United States senator to be printed on a ballot if, by the end of the United States senator's current term,

the United States senator will have served, or but for resignation would have served, 12 or more consecutive years.

(d) The state board of canvassers may not declare any United States senator "elected" if, by the end of the United States senator's current term, the United States senator will have served, or but for resignation would have served, 12 or more consecutive years.

(3) For purposes of calculating the term limits established by this section, no person may count the time a congressional representative or United States senator served in a particular office before January 1, 1995. 1994

Chapter 11. Campaigning and Financial Reporting Requirements.

Part 1. General Provisions.

Part 2. State Office Candidates - Campaign Organization and Financial Reporting Requirements.

Part 3. Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements.

Part 4. Office Holder Financial Reporting Requirements.

Part 5. Political Party Registration and Financial Reporting Requirements.

Part 6. Political Action Committee Registration and Financial Reporting Requirements.

Part 7. Campaign Financial Reporting by Corporations.

Part 8. Political Issues Committees - Registration and Financial Reporting.

Part 9. General Requirements Governing Campaign Expenditures.

Part 10. Administration of Campaign Finance Laws - Lieutenant Governor Responsibilities.

Part 11. Criminal Provisions, Procedures, and Remedies.

Part 12. Political Activities of Public Entities.

Part 1. General Provisions.

20A-11-101. Definitions.

20A-11-102. Candidates and committee members to file statement of ownership of publication.

20A-11-101. Definitions.

As used in this chapter:

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

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

(3) "Candidate" means any person who:

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

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

(4) "Continuing political party" means an organization of voters that participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives.

(5) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract,

promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity or a corporation to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from any organization or its directly affiliated organization that has a registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature is in session;

(vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the state, including school districts, for the period the Legislature is in session; and

(vii) goods or services provided to or for the benefit of the filing entity at less than fair market value.

(b) "Contribution" does not include:

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

(ii) money lent to the filing entity by a financial institution in the ordinary course of business.

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

(i) political purposes; or

(ii) the purpose of influencing the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

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

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

(7) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance;

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

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

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose for the expenditure; and

(iv) the date the expenditure was made.

(8) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(9) (a) "Expenditure" means:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a corporation or filing

entity for personal services rendered by a person without charge to a reporting entity;

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

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

(b) "Expenditure" does not include:

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

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

(iii) anything listed in Subsection (5)(a) that is given by a corporation or reporting entity to candidates for office or officeholders in states other than Utah.

(10) "Filing entity" means the reporting entity that is filing a report required by this chapter.

(11) "Financial statement" includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

(12) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

(13) "Individual" means a natural person.

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

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

(16) "Legislative office candidate" means a person who:

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

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

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

(17) "Media owner" means each candidate and each member of any personal campaign or party committee who, either in his own name or in the name of any other person, owns any financial interest in any newspaper or other periodical circulating in Utah.

(18) "Newly registered political party" means an organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

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

(20) "Party committee" means any committee of a registered political party and any committee organized by a registered political party.

(21) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

(22) "Personal campaign committee" means the

committee appointed by a candidate to act for the candidate as provided in this chapter.

(23) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity or makes expenditures for political purposes. A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

(b) "Political action committee" does not mean:

(i) a party committee;

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

(iii) an individual;

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

(v) a corporation; or

(vi) a personal campaign committee.

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

(25) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives donations from any other person, group, or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any ballot proposition.

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

(i) a registered political party;

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

(iii) an individual;

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

(v) a corporation, except a corporation whose apparent purpose is to act as a political issues committee.

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

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

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

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

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

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

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

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

(ii) money lent to a political issues committee by a financial institution in the ordinary course of busi-

ness.

(27) (a) "Political issues expenditure" means any of the following:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of a statewide ballot proposition;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the purpose of influencing the approval or the defeat of a statewide ballot proposition;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

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

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

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

(28) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(29) "Primary election" means any regular primary election held under the election laws.

(30) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

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

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

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

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

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

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

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

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

(32) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or

political issues committee upon whose financial report they are listed.

(33) "Receipts" means contributions and public service assistance.

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

(35) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

(36) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

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

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

(b) has complied with the petition and organizing procedures of this chapter.

(38) "Report" means a verified financial statement.

(39) "Reporting entity" means a candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.

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

(41) "State office candidate" means a person who:

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

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

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

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

1995

20A-11-102. Candidates and committee members to file statement of ownership of publication.

(1) Before any newspaper or periodical wholly or partially owned by a media owner may print any matter that is intended or tends to influence, directly or indirectly, any voting at any election, the media owner shall file a verified statement in the office of the county clerk of the county in which he resides.

(2) The statement shall:

(a) identify the newspaper or periodical in which or over which the media owner has financial interest or control; and

(b) the exact nature and extent of the interest or control.

(3) (a) It is unlawful for an editor, manager, or other person controlling the publication of any newspaper or other periodical circulating in Utah that is wholly or partially owned by a media owner to print or cause to be printed any matter that is intended or tends to influence, directly or indirectly, any voting at any election unless the media owner has filed the statement required by this section.

(b) Any editor, manager, or other person who violates this Subsection (3) is guilty of a class B misdemeanor.

1995

Part 2. State Office Candidates - Campaign Organization and Financial Reporting Requirements.

- 20A-11-201. State office candidate - Separate bank account for campaign funds.
 20A-11-202. State office candidate - Personal campaign committee required.
 20A-11-203. State office candidate - Financial reporting requirements - Year-end summary report.
 20A-11-204. State office candidate - Financial reporting requirements - Interim reports.
 20A-11-205. State office candidate - Financial reporting requirements - Termination of duty to report.
 20A-11-206. State office candidate - Failure to file statement - Name not printed on ballot - Filling vacancy.
 20A-11-207. State office candidate - Criminal penalties.

20A-11-201. State office candidate - Separate bank account for campaign funds.

(1) (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.

(b) The state office candidate or the candidate's personal campaign committee may use the monies in those accounts only for political purposes.

(2) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account. 1995

20A-11-202. State office candidate - Personal campaign committee required.

(1) (a) (i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

(ii) A state office candidate may serve as his own campaign committee.

(b) Except for travel expenses and mailings made by a registered political party, a state office candidate or other person may not receive any contributions or make any expenditures on behalf of a state office candidate other than through a personal campaign committee established under this section.

(2) (a) The state office candidate shall file a written statement signed by the committee's secretary with the lieutenant governor that:

(i) informs the lieutenant governor that the state office candidate's personal campaign committee has been selected; and

(ii) provides the name and address of each member and the secretary of the committee.

(b) A state office candidate or the candidate's personal campaign committee may not receive any contributions or make any expenditures on behalf of the candidate until the statement has been filed.

(c) A state office candidate may revoke the selection of any member of the campaign committee by:

(i) revoking that person's appointment or election in writing;

(ii) personally serving the written revocation on the member whose selection is revoked; and

(iii) filing a copy of the written revocation with the lieutenant governor.

(d) (i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.

(ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.

(3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.

(4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law. 1995

20A-11-203. State office candidate - Financial reporting requirements - Year-end summary report.

(1) Each state office candidate shall file a summary report by December 31 of each regular general election year.

(2) (a) Each summary report shall include the following information:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the calendar year in which the summary report is due;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(c) In preparing the report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(3) The summary report shall contain a paragraph signed by the secretary of the state office candidate's personal campaign committee or by the state office candidate certifying that all receipts and all expenditures have been reported as of three days before the required filing date and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) (a) The report shall be filed with the lieutenant governor's office by the date indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated.

(5) State office candidates reporting under this section need only report receipts received and expenditures made after April 29, 1991. 1995

20A-11-204. State office candidate - Financial reporting requirements - Interim reports.

(1) Each state office candidate shall file an interim report at the following times in any year in which

the candidate has filed a declaration of candidacy for a public office:

(a) (i) seven days before any political convention if more than one individual in the candidate's same party has filed a declaration of candidacy for the particular public office that the candidate seeks; or

(ii) the tenth day of July if no report is required under Subsection (i);

(b) seven days before the regular primary election date; and

(c) seven days before the regular general election date.

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution, the fair market value of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and

(i) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(3) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(5) (a) Each report shall be filed with the lieutenant governor's office by the dates indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated.

(6) State office candidates reporting under this section need only report contributions received and expenditures made after April 29, 1991. 1995

20A-11-205. State office candidate - Financial reporting requirements - Termination of duty to report.

(1) Each state office candidate and the candidate's personal campaign committee is active and subject to reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:

(a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and

(c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time. 1995

20A-11-206. State office candidate - Failure to file statement - Name not printed on ballot - Filling vacancy.

(1) The lieutenant governor and county clerk may not allow the name of a state office candidate to be printed on the official ballot for an election unless the candidate has filed the financial statements required by this part.

(2) Any state office candidate who fails to file a financial statement required by this part is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501 1995

20A-11-207. State office candidate - Criminal penalties.

(1) (a) Each state office candidate or state office candidate's personal campaign committee that violates this part is guilty of a class A misdemeanor.

(b) Each violation of this part is a separate offense.

(c) When it appears that an individual or group of individuals has violated this part, the person who directed the violation shall be charged with the violation.

(2) Any person who aids, abets, or advises a violation of any provision of this part is guilty of a class B misdemeanor.

(3) (a) It is unlawful to administer the oath of office, or to issue a certificate of nomination or of election to any state office candidate until the candidate's personal campaign committee has filed the statements required by this part.

(b) Any person who violates this subsection is guilty of a class A misdemeanor.

(4) (a) It is unlawful for a person elected to a state office to:

(i) enter upon the duties of the office until the personal campaign committee has filed the required financial statements; and

(ii) receive any salary or fees for the period before the filing of the statement.

(b) Any person who violates this section is guilty of a class A misdemeanor.

(5) (a) A person otherwise competent as a witness may not be excused from answering any question in any proceedings under this part on the ground that his answer will tend to incriminate him.

(b) A person may not be prosecuted for any offense about which he testified for the prosecution, except in an action for perjury in giving that testimony. 1995

Part 3. Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements.

20A-11-301. Legislative office candidate - Campaign requirements.

20A-11-302. Legislative office candidate - Financial reporting requirements - Year-end summary report.

20A-11-303. Legislative office candidate - Financial reporting requirements - Interim reports.

- 20A-11-304. Legislative office candidate - Financial reporting requirements - Termination of duty to report.
 20A-11-305. Legislative office candidate - Failure to file statement - Name not printed on ballot - Filling vacancy.
 20A-11-306. Legislative office candidate - Criminal penalties.

20A-11-301. Legislative office candidate - Campaign requirements.

(1) Each legislative office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(2) A legislative office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) A legislative office candidate may not make any political expenditures prohibited by law. 1995

20A-11-302. Legislative office candidate - Financial reporting requirements - Year-end summary report.

(1) Each legislative office candidate shall file a summary report by December 31 of each regular general election year.

(2) (a) Each summary report shall include the following information:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the calendar year in which the summary report is due;

(iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(c) In preparing the report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(3) The summary report shall contain a paragraph signed by the legislative office candidate certifying that all receipts and all expenditures have been reported as of three days before the required filing date and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) (a) The report shall be filed with the lieutenant governor's office by the date indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated.

(5) Legislative office candidates reporting under this section need only report receipts received and

expenditures made after April 29, 1991. 1995

20A-11-303. Legislative office candidate - Financial reporting requirements - Interim reports.

(1) Each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(a) seven days before any political convention if more than one individual in the candidate's same party has filed a declaration of candidacy for the particular public office that the candidate seeks;

(b) seven days before the regular primary election date, if the candidate is on the ballot in the primary election; and

(c) seven days before the regular general election date.

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution, the fair market value of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date.

(3) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(5) (a) Each report shall be filed with the lieutenant governor's office by the dates indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated.

(6) Legislative office candidates reporting under this section need only report contributions received and expenditures made after April 29, 1991. 1995

20A-11-304. Legislative office candidate - Financial reporting requirements - Termination

of duty to report.

(1) Each legislative office candidate is subject to reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:

(a) the legislative office candidate is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-301 is zero; and

(c) a final summary report in the form required by Section 20A-11-302 showing a zero balance is attached to the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time. 1995

20A-11-305. Legislative office candidate -

Failure to file statement - Name not printed on ballot - Filling vacancy.

(1) The lieutenant governor and county clerk may not allow the name of a legislative office candidate to be printed on the official ballot for a regular primary or regular general election unless the candidate has filed the financial statements required by this part.

(2) Any legislative office candidate who fails to file a financial statement required by this part is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501 1995

20A-11-306. Legislative office candidate -

Criminal penalties.

(1) (a) Each legislative office candidate that violates this part is guilty of a class A misdemeanor.

(b) Each violation of this part is a separate offense.

(c) When it appears that an individual or group of individuals has violated this part, the person who directed the violation shall be charged with the violation.

(2) Any person who aids, abets, or advises a violation of any provision of this part is guilty of a class B misdemeanor.

(3) (a) A person otherwise competent as a witness may not be excused from answering any question in any proceedings under this part on the grounds that his answer will tend to incriminate him.

(b) A person may not be prosecuted for any offense about which he testified for the prosecution, except in an action for perjury in giving that testimony. 1995

Part 4. Office Holder Financial Reporting Requirements.

20A-11-401. Officeholder financial reporting requirements - Year-end summary report.

20A-11-402. Officeholder financial reporting requirements - Termination of duty to report.

20A-11-403. Officeholder financial reporting requirements - Criminal penalties.

20A-11-401. Officeholder financial reporting requirements - Year-end summary report.

(1) Each officeholder shall file a summary report by December 31 of each regular general election year.

(2) (a) Each summary report shall include the following information:

- (i) the net balance of the last summary report, if any;
- (ii) a detailed listing of each contribution and

public service assistance received since the last summary report;

(iii) for each nonmonetary contribution, the fair market value of the contribution;

(iv) a detailed listing of each expenditure made since the last summary report;

(v) for each nonmonetary expenditure, the fair market value of the expenditure; and

(vi) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures.

(b) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(c) In preparing the report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(3) The summary report shall contain a paragraph signed by the officeholder certifying that all receipts and all expenditures have been reported as of three days before the required filing date and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) (a) Each report shall be filed with the lieutenant governor's office by the dates indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated. 1995

20A-11-402. Officeholder financial reporting

requirements - Termination of duty to report.

(1) An officeholder is active and subject to reporting requirements until the officeholder has filed a statement of dissolution with the lieutenant governor stating that:

(a) the officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required by Sections 20A-11-201 and 20A-11-301 is zero; and

(c) a final summary report in the form required by Section 20A-11-401 showing a zero balance is attached to the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time. 1995

20A-11-403. Officeholder financial reporting requirements - Criminal penalties.

(1) (a) Each officeholder that violates this part is guilty of a class A misdemeanor.

(b) Each violation of this part is a separate offense.

(c) When it appears that an individual or group of individuals has violated this part, the person who directed the violation shall be charged with the violation.

(2) Any person who aids, abets, or advises a violation of any provision of this part is guilty of a class B misdemeanor.

(3) (a) A person otherwise competent as a witness may not be excused from answering any question in any proceedings under this part on the ground that his answer will tend to incriminate him.

(b) A person may not be prosecuted for any offense about which he testified for the prosecution, except in an action for perjury in giving that testimony. 1995

Part 5. Political Party Registration and Financial Reporting Requirements.

20A-11-501. Political party registration requirements - Rights of registered political parties.

20A-11-502. Political party registration requirements - Petition procedures.

20A-11-503. Political party registration requirements - Certification procedures.

20A-11-504. Political party registration requirements - Naming registered political parties.

20A-11-505. Political party registration requirements - Bylaws.

20A-11-506. Political party financial reporting requirements - Year-end summary report.

20A-11-507. Political party financial reporting requirements - Interim reports.

20A-11-508. Political party registration requirements - Criminal penalties.

20A-11-501. Political party registration requirements - Rights of registered political parties.

(1) Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all representatives in Congress for any of its candidates in the last regular general election shall comply with the requirements of this chapter to become a registered political party.

(2) (a) Unless an organization of registered voters is a registered political party under this chapter, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name.

(b) Nothing in this subsection prohibits an organization of voters from qualifying candidates as unaffiliated candidates or as write-in candidates. 1995

20A-11-502. Political party registration requirements - Petition procedures.

(1) To become a registered political party, an organization of registered voters that is not a continuing political party shall file a petition with the lieutenant governor that is signed by at least 500 voters on or before March 1 of the year in which a regular general election will be held.

(2) The petition shall:

(a) state that the signers are or desire to become members of the designated party or group;

(b) state the name of the party or group;

(c) state the process that the organization will follow to organize and adopt a constitution and bylaws; and

(d) be signed by a filing officer, who agrees to receive communications on behalf of the organization.

(3) The lieutenant governor shall:

(a) determine whether or not the required number of voters appears on the petition; and

(b) certify his findings to the filing officer of the group within 30 days of the filing of the petition.

(4) If the lieutenant governor determines that the petition meets the requirements of this section, he shall authorize the filing officer to organize the prospective political party. 1995

20A-11-503. Political party registration requirements - Certification procedures.

(1) On or before March 3 of the regular general election year, the prospective political party's officers or governing board shall file the names of the

party officers and a certificate indicating compliance with this part with the lieutenant governor.

(2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:

(a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and

(b) inform each county clerk that the organization is a registered political party in Utah.

(3) Each election officer and state official shall consider the organization to be and shall treat the organization as a registered political party.

(4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.

(5) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States by following the certification procedures in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party. 1995

20A-11-504. Political party registration requirements - Naming registered political parties.

(1) As used in this section, the proposed name of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name and any name currently reserved by another registered political party.

(2) (a) A registered political party may reserve a name by filing an application to reserve a specified name with the lieutenant governor.

(b) If the lieutenant governor finds that the name is distinguishable, the lieutenant governor shall reserve the name for the applicant. 1995

20A-11-505. Political party registration requirements - Bylaws.

(1) (a) Each registered political party shall file a copy of its constitution and bylaws with the lieutenant governor by January 1, 1996.

(b) Each new or unregistered political party that seeks to become a registered political party under the authority of this chapter shall file a copy of its proposed constitution and bylaws at the time it files its registration information.

(c) Each registered political party shall file revised copies of its constitution or bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted or amended.

(2) Each registered political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that its bylaws contain:

(a) provisions establishing party organization, structure, and governance that include:

(i) a description of the position, selection process, qualifications, duties, and terms of each party officer;

(ii) a provision requiring a designated party officer to serve as liaison with the lieutenant governor on all matters relating to the political party's relationship with the state;

(iii) a description of the requirements for participation in party processes;

(iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and

(v) a mechanism for making the names of party

officers, delegates, and candidates available to the public shortly after they are selected;

(b) a procedure for selecting party officers that allows active participation by party members;

(c) a procedure for selecting party candidates that allows active participation by party members;

(d) a provision requiring the governor and lieutenant governor to run as a joint ticket;

(e) a procedure for replacing party candidates who resign, die, or become disabled before a primary or regular general election;

(f) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

(g) provisions governing access to party records; and

(h) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives. 1995

20A-11-506. Political party financial reporting requirements - Year-end summary report.

(1) Each party committee shall file a summary report by December 31 of each regular general election year.

(2) (a) Each summary report shall include the following information:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the calendar year in which the summary report is due;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(c) In preparing the report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(3) The summary report shall contain a paragraph signed by the secretary of the party committee certifying that all receipts and all expenditures have been reported as of three days before the required filing date and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) (a) Each report shall be filed with the lieutenant governor's office by the dates indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated. 1995

20A-11-507. Political party financial reporting requirements - Interim reports.

(1) Each party committee shall file an interim report at the following times in any year in which there is a regular general election:

(a) the tenth day of July;

(b) seven days before the primary election; and

(c) seven days before the general election.

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution, the fair market value of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and

(i) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(3) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of three days before the required filing date of the report.

(5) (a) Each report shall be filed with the lieutenant governor's office by the dates indicated.

(b) A report is considered filed if it is placed in the United States mail, properly addressed with proper postage affixed, and postmarked by the dates indicated. 1995

20A-11-508. Political party registration requirements - Criminal penalties.

(1) (a) Each registered political party that violates Section 20A-11-506 or 20A-11-507 is guilty of a class A misdemeanor.

(b) Each violation of those sections is a separate offense.

(c) When it appears that an individual or group of individuals has violated those sections, the person who directed the violation shall be charged with the violation.

(2) Any person who aids, abets, or advises a violation of Section 20A-11-506 or 20A-11-507 is guilty of a class B misdemeanor.

(3) (a) A person otherwise competent as a witness

may not be excused from answering any question in any proceedings under this part on the ground that his answer will tend to incriminate him.

(b) A person may not be prosecuted for any offense about which he testified for the prosecution, except in an action for perjury in giving that testimony. 1995

Part 6. Political Action Committee Registration and Financial Reporting Requirements.

20A-11-601. Political action committees - Registration.

20A-11-602. Political action committees - Financial reporting.

20A-11-601. Political action committees - Registration.

(1) Each political action committee shall file a statement of organization with the lieutenant governor's office no later than seven days after:

(a) receiving contributions totaling at least \$750 in any calendar year; or

(b) distributing expenditures for political purposes totaling at least \$750 in any calendar year.

(2) The statement of organization shall include:

(a) the name and address of the political action committee;

(b) the name, address, occupation, and title of each officer;

(c) the name and address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;

(d) the name and address of all affiliated or connected organizations and their relationships to the political action committee;

(e) the name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

(f) the name, address, and occupation of each member of the governing board, if any.

(3) (a) Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political action committee does not exempt that political action committee from complying with the financial reporting requirements of this chapter. 1995

20A-11-602. Political action committees - Financial reporting.

(1) (a) Each registered political action committee that has made expenditures that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office on:

(i) December 31 of each year;

(ii) seven days before the regular primary election; and

(iii) seven days before the regular general election.

(b) All contributions and expenditures shall be reported as of three days before the required filing date of the verified financial statement.

(2) (a) The verified financial statement shall include:

(i) the name, address, and occupation of any individual that makes a contribution to the reporting political action committee, and the amount of the contribution;

(ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iii) the name and address of any political action committee, group, or entity that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iv) for each nonmonetary contribution, the fair market value of the contribution;

(v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;

(vi) for each nonmonetary expenditure, the fair market value of the expenditure;

(vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

(viii) a paragraph signed by the political action committee's treasurer or chief financial officer verifying the accuracy of the financial report; and

(ix) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Contributions received by a political action committee that have a value of \$150 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$150 may not be reported in the aggregate, but shall be reported separately. 1995

Part 7. Campaign Financial Reporting by Corporations.

20A-11-701. Campaign financial reporting of candidate campaign contributions by corporations - Filing requirements - Statement contents.

20A-11-702. Campaign financial reporting of issues campaign contributions by corporations - Financial reporting.

20A-11-701. Campaign financial reporting of candidate campaign contributions by corporations - Filing requirements - Statement contents.

(1) (a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office on:

(i) December 31 of each year;

(ii) seven days before the primary election; and

(iii) seven days before the general election.

(b) All contributions and expenditures shall be reported as of three days before the required filing date of the verified financial statement.

(2) That statement shall include:

(a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;

(b) the total amount of expenditures disbursed by the corporation; and

(c) a paragraph signed by the corporation's or the political action committee's treasurer or chief financial officer verifying the accuracy of the financial report. 1995

20A-11-702. Campaign financial reporting of issues campaign contributions by corporations - Financial reporting.

(1) (a) Each corporation that has made political

issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office on:

- (i) December 31 of each year;
- (ii) seven days before the primary election; and
- (iii) seven days before the general election.

(b) Each political issues expenditure shall be reported as of three days before the required filing date of the verified financial statement.

(2) That statement shall include:

(a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the corporation, and the amount of each political issues expenditure;

(b) the total amount of political issues expenditures disbursed by the corporation; and

(c) a paragraph signed by the corporation's treasurer or chief financial officer verifying the accuracy of the verified financial statement. 1995

Part 8. Political Issues Committees - Registration and Financial Reporting.

20A-11-801. Political issues committees - Registration.

20A-11-802. Political issues committees - Financial reporting.

20A-11-801. Political issues committees - Registration.

(1) Each political issues committee shall file a statement of organization with the lieutenant governor's office no later than seven days after receiving political issues contributions totaling at least \$750 or disbursing political issues expenditures totaling at least \$750 in any calendar year.

(2) The statement of organization shall include:

(a) the name and address of the political issues committee;

(b) the name, address, occupation, and title of each officer;

(c) the name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;

(d) the name and address of all affiliated or connected organizations and their relationships to the political issues committee;

(e) the name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

(f) the name, address, and occupation of each member of the supervisory board, if any.

(3) Any registered political issues committee that intends to permanently cease operations during a calendar year shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter. 1995

20A-11-802. Political issues committees - Financial reporting.

(1) (a) Each registered political issues committee that has made political issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year, shall file a verified financial statement with the lieutenant governor's office on:

- (i) December 31 of each year;
- (ii) seven days before the primary election; and

(iii) seven days before the general election.

(b) All political issues contributions and political issues expenditures shall be reported as of three days before the required filing date of the verified financial statement.

(2) (a) That statement shall include:

(i) the name, address, and occupation of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iii) the name and address of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;

(ix) a paragraph signed by the political issues committee's treasurer or chief financial officer verifying the accuracy of the verified financial statement; and

(x) a summary page in the form required by the lieutenant governor that identifies:

- (A) beginning balance;
- (B) total contributions during the period since the last statement;
- (C) total contributions to date;
- (D) total expenditures during the period since the last statement; and
- (E) total expenditures to date.

(b) (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately. 1995

Part 9. General Requirements Governing Campaign Expenditures.

20A-11-901. Political advertisements - Requirement that ads designate responsibility and authorization - Unauthorized use of endorsements.

20A-11-902. Restrictions on newspaper and other publications.

20A-11-903. Rate of charge.

20A-11-901. Political advertisements - Requirement that ads designate responsibility and authorization - Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

(i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

(ii) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

(iii) if not authorized by a candidate or his campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

(b) The requirements of Subsection (1)(a) do not apply to:

(i) lawn signs with dimensions of four by eight feet or smaller;

(ii) bumper stickers;

(iii) campaign pins, buttons, and pens; and

(iv) similar small items upon which the disclaimer cannot be conveniently printed.

(2) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.

(3) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election.

(b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose editorially any candidate for nomination or election. 1995

20A-11-902. Restrictions on newspaper and other publications.

(1) A publisher of any newspaper or other periodical published within Utah may not insert, either in its advertising or reading columns, any matter of a political nature, or any political editorial relative to a candidate for any public office, unless the publisher has filed in the office of the lieutenant governor, within three months before the holding of any political convention, regular primary election, or regular general election, or within ten days after the calling of and before the holding of any special election, a sworn statement that contains the names of the owners of the publication.

(2) If the publisher is a corporation, the statement shall:

(a) be executed by some responsible officer of the corporation who is in a position to know the facts; and

(b) contain the names and addresses of the owners of the shares of stock and the bonds of the corporation. 1995

20A-11-903. Rate of charge.

Any person or persons accepting expenditures

from a candidate or a personal campaign committee shall provide services and furnish goods, materials, or things of value at a rate that does not exceed the charges made for comparable use to any other person considering amount of use, frequency of use, and applicable discounts. 1995

Part 10. Administration of Campaign Finance Laws - Lieutenant Governor Responsibilities.

20A-11-1001. Blanks for statements prepared and furnished by lieutenant governor. The lieutenant governor shall:

20A-11-1002. Retention and public inspection of financial statements - Written complaint if statement is false or unlawful.

20A-11-1003. Inspection of statements - Notice to responsible committee or person of failure to file or noncompliance.

20A-11-1004. Summary of financial reports of political action committees and corporations.

20A-11-1001. Blanks for statements prepared and furnished by lieutenant governor. The lieutenant governor shall:

(1) develop and prepare forms for all statements required by this chapter; and

(2) provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request them. 1995

20A-11-1002. Retention and public inspection of financial statements - Written complaint if statement is false or unlawful.

(1) The lieutenant governor shall:

(a) make each financial statement required by this chapter open to public inspection in the office of the lieutenant governor;

(b) preserve those statements for at least five years; and

(c) provide certified copies of the financial statements in the same manner as for other public records.

(2) Any candidate or voter may file a written complaint with the lieutenant governor alleging that a filed financial statement does not conform to law or to the truth. 1995

20A-11-1003. Inspection of statements - Notice to responsible committee or person of failure to file or noncompliance.

(1) Within 30 days after a deadline for the filing of a financial statement, the lieutenant governor shall review each filed financial statement to ensure that:

(a) each reporting entity that is required to file a financial statement has filed one; and

(b) each financial statement contains the information required by this chapter.

(2) If it appears that any reporting entity has failed to file a statement as required by law, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the filing entity or corporation of the violation or written complaint and direct the filing entity or corporation to comply with this section.

(3) (a) It is unlawful for any filing entity or corporation to fail to file or amend a statement within 14 days after receiving notice from the lieutenant governor under this section.

(b) Any person who violates this subsection is

guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of this subsection to the attorney general. 1995

20A-11-1004. Summary of financial reports of political action committees and corporations.

(1) The lieutenant governor's office shall prepare a summary of each financial report submitted by each corporation, political action committee, and political issues committee.

(2) Each summary shall include the following information:

(a) for each candidate:

(i) the name of each political action committee and corporation that made expenditures to the candidate; and

(ii) the aggregate total of expenditures made by each political action committee and corporation to the candidate;

(b) for each political action committee:

(i) the name of each individual or organization listed on the financial report that made contributions to the political action committee and the aggregate total of contributions made by each individual or organization listed on the financial report to the political action committee; and

(ii) the name of each candidate, personal campaign committee, and political action committee that received expenditures from a political action committee and the aggregate total of expenditures made to each candidate, personal campaign committee, and political action committee;

(c) for each corporation:

(i) the name of each candidate, personal campaign committee, and political action committee that received expenditures from the corporation, and the aggregate total of expenditures made by the corporation to each candidate, personal campaign committee, and political action committee; and

(ii) the name of each individual, entity, or group of individuals or entities that received disbursements from the corporation, and the aggregate total of disbursements made by the corporation to each individual, entity, or group of individuals or entities;

(d) for each political issues committee:

(i) the name of each individual or organization listed on the financial report that made political issues contributions to the political issues committee and the aggregate total of political issues contributions made by each individual or organization listed on the financial report to the political issues committee; and

(ii) the name of each individual, entity, or group of individuals or entities that received political issues expenditures from a political issues committee and the aggregate total of political issues expenditures made to each individual, entity, or group of individuals or entities. 1995

Part 11. Criminal Provisions, Procedures, and Remedies.

20A-11-1101. Illegal to publish political materials in certain publications under certain conditions.

20A-11-1102. Paid advertisements permitted.

20A-11-1103. False statements in relation to candidates forbidden.

20A-11-1101. Illegal to publish political materials in certain publications under certain conditions.

(1) It is unlawful for an editor, manager, or other person controlling the publication of any newspaper

or other periodical circulating in Utah that is wholly or partially owned by a media owner to print or cause to be printed any matter that is intended or tends to influence, directly or indirectly, any voting at any primary or election in this state unless the media owner has filed the statement required by Section 20A-11-102

(2) Any editor, manager, or other person who violates this section is guilty of a class B misdemeanor. 1995

20A-11-1102. Paid advertisements permitted.

(1) Except as provided in Subsection (3), an owner, publisher, editor, reporter, agent, or employee of any newspaper or other periodical may not, directly or indirectly, solicit, receive, or accept any payment, promise, or compensation for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.

(2) Except as provided in Subsection (3), a person may not pay, promise to pay, or in any manner compensate any owner, publisher, editor, reporter, agent, or employee of a newspaper or other periodical, directly or indirectly, for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.

(3) The prohibitions contained in this section do not apply if:

(a) the matter is inserted in the newspaper or periodical as a paid advertisement;

(b) the matter is designated as a "paid advertisement" in the copy of the advertisement; and

(c) the compensation paid to the newspaper or periodical for inserting the paid advertisement is not more than the regular rate charged by the newspaper or periodical for that service. 1995

20A-11-1103. False statements in relation to candidates forbidden.

A person may not knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, proposed constitutional amendment, or other measure, that is intended or tends to affect any voting at any primary, convention, or election. 1995

Part 12. Political Activities of Public Entities.

20A-11-1201. Title.

20A-11-1202. Definitions.

20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.

20A-11-1201. Title.

This chapter is known as the "Political Activities of Public Entities Act." 1995

20A-11-1202. Definitions.

As used in this chapter:

(1) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.

(2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.

(b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:

(i) government appropriations;
 (ii) taxes;
 (iii) government fees imposed for regulatory or revenue raising purposes; or
 (iv) interest earned on public funds or other returns on investment of public funds.

(3) "Expenditure" means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

(d) a transfer of funds between a public entity and a political issues committee; or

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.

(4) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:

(a) government appropriations;

(b) taxes;

(c) government fees imposed for regulatory or revenue raising purposes; or

(d) interest earned on public funds or other returns on investment of public funds.

(5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.

(b) "Influence" does not mean providing a brief statement about a public entity's position on a ballot proposition and the reason for that position.

(6) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

(7) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity and makes expenditures from these contributions to influence, or to intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any ballot proposition.

(b) "Political issues committee" does not mean an entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public.

(8) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(9) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, special district, and governmental interlocal cooperation agency.

(b) "Public entity" does not include a commercial interlocal cooperation agency.

(10) (a) "Public funds" means any monies received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include monies donated to a public entity by a person or entity.

(11) "Public official" means an elected or appointed member of government with authority to make or determine public policy.

(12) "Special district" means each entity created under the authority of Title 17A, Special Districts.

(13) (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(b) "State agency" includes the legislative branch, the Board of Regents, the institutional councils of each higher education institution, and each higher education institution.

1996

20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.

(1) Unless specifically required by law, a public entity may not make expenditures from public funds for political purposes or to influence a ballot proposition.

(2) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal monies, or otherwise exercising the public official's individual First Amendment rights for political purposes.

(3) Nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.

(4) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.

(5) Nothing in this chapter prohibits a public entity from preparing information analyzing the pros and cons of a ballot proposition when requested to do so by the public entity's governing body.

(6) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.

(7) A violation of this section does not invalidate an otherwise valid election.

1995

Chapter 12. Selection and Election of Judges.

Part 1. Nomination and Appointment of Judges.

Part 2. Judicial Retention Elections.

Part 1. Nomination and Appointment of Judges.

20A-12-101. Nomination, appointment, and confirmation of judges.

20A-12-102. Appellate Court Nominating Commission.

20A-12-103. Trial court nominating commission.

20A-12-104. Procedures governing meetings of judicial nominating commissions.

20A-12-105. Convening of judicial nominating commissions - Certification to governor of nominees - Meetings to investigate prospective candidates.

20A-12-101. Nomination, appointment, and confirmation of judges.

Judges for courts of record in Utah shall be nominated, appointed, and confirmed as provided in Utah Constitution Article VIII, Section 8, and this part.

1995

20A-12-102. Appellate Court Nominating Commission.

(1) (a) There is created an Appellate Court Nominating Commission.

(b) The Appellate Court Nominating Commission shall nominate justices of the Supreme Court and judges of the Court of Appeals.

(2) (a) The Appellate Court Nominating Commission shall consist of seven commissioners, each appointed by the governor to serve a single four-year term.

(b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) Each commissioner shall:

(i) be a United States citizen and a resident of Utah; and

(ii) serve until the commissioner's successor is appointed.

(d) The governor may not appoint:

(i) a commissioner to serve successive terms;

(ii) a member of the Legislature to serve as a member of the Appellate Court Nominating Commission; or

(iii) more than four commissioners from the same political party to the Appellate Court Nominating Commission.

(e) (i) The Utah State Bar shall submit to the governor a list of six nominees to serve as Appellate Court Nominating Commissioners.

(ii) The governor shall appoint two commissioners from the list of nominees provided by the Utah State Bar.

(iii) The governor may reject the list submitted by the Utah State Bar and request a new list of nominees.

(f) The governor may not appoint more than four persons who are members of the Utah State Bar to the Appellate Court Nominating Commission.

(g) (i) The chief justice of the Supreme Court is an ex officio, nonvoting member of the Appellate Court Nominating Commission.

(ii) If the chief justice cannot serve on the commission, he shall appoint another justice of the Supreme Court to serve in his absence.

(h) The governor shall appoint the chair of the Appellate Court Nominating Commission from among the membership.

(3) (a) Except for the chief justice of the Supreme Court, each commissioner is a voting member of the Appellate Court Nominating Commission.

(b) A majority of commissioners who have not recused themselves or been disqualified from acting is a quorum.

(c) The state court administrator shall serve as secretary to the Appellate Court Nominating Commission.

(d) The chief justice of the Supreme Court shall:

(i) ensure that the commission follows the rules promulgated by the Judicial Council; and

(ii) resolve any questions regarding those rules.

(e) A member of the commission who is also a member of the Utah State Bar may recuse himself if there is a conflict of interest that makes the member unable to serve.

(4) If an appellate court nominating commissioner is disqualified or is otherwise unable to serve, the governor shall appoint a new commissioner of the same political party as the unavailable commissi-

oner.

(5) (a) The governor shall fill any vacancy in the office of Appellate Court Nominating Commission.

(b) If the vacancy occurs among commission members who are also members of the Utah State Bar, the governor shall replace that commissioner with a person from a list of nominees submitted by the Utah State Bar as provided in Subsection (2).

(c) The governor shall ensure that each person who is appointed to fill any vacancy in the Appellate Court Nominating Commission other than a vacancy caused by expiration of term is a member of the same political party as the commissioner whom he replaces.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term and may not be reappointed.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107

(ii) State government officer and employee members may decline to receive per diem and expenses for their service. 1996

20A-12-103. Trial court nominating commission.

(1) (a) There is created a trial court nominating commission for each geographical division of the trial courts of record.

(b) The trial court nominating commission shall nominate judges of the district court and the juvenile court within its geographical division.

(2) (a) The trial court nominating commission shall consist of seven commissioners, each appointed by the governor to serve a single four-year term.

(b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) Each commissioner shall:

(i) be a United States citizen, a resident of Utah, and a resident of the geographic division to be served by the commission to which he is appointed; and

(ii) serve until the commissioner's successor is appointed.

(d) The governor may not appoint:

(i) a commissioner to serve successive terms;

(ii) a member of the Legislature to serve as a member of a trial court nominating commission; or

(iii) more than four commissioners from the same political party to a trial court nominating commission.

(e) (i) The governor shall appoint two commissioners from a list of nominees provided by the Utah State Bar.

(ii) The Utah State Bar shall submit:

(A) six nominees from Districts 2, 3, and 4; and

(B) four nominees from Districts 1, 5, 6, 7, and 8.

(iii) The governor may reject any list and request a new list of nominees.

(f) The governor may not appoint more than four persons who are members of the Utah State Bar to a trial court nominating commission.

(g) (i) The chief justice of the Supreme Court is an ex officio, nonvoting member of each trial court nominating commission.

(ii) If the chief justice cannot serve on the commission, he shall appoint another justice of the Supreme Court to serve in his absence.

(h) The governor shall appoint the chair of each trial court nominating commission from among its membership.

(3) (a) Except for the chief justice of the Supreme Court, each trial court nominating commissioner is a voting member of the commission.

(b) A majority of commissioners who have not recused themselves or been disqualified from acting is a quorum.

(c) The state court administrator shall serve as secretary to each trial court nominating commission.

(d) The chief justice of the Supreme Court shall:

(i) ensure that each trial court nominating commission follows the rules promulgated by the Judicial Council; and

(ii) resolve any questions regarding those rules.

(e) A member of a trial court nominating commission who is also a member of the Utah State Bar may recuse himself if there is a conflict of interest that makes the member unable to serve.

(4) If a commissioner is disqualified or otherwise unable to serve, the governor shall appoint a new commissioner of the same political party as the unavailable commissioner.

(5) (a) The governor shall fill any vacancy in the office of trial court nominating commissioner.

(b) If the vacancy occurs among commission members who are also members of the Utah State Bar, the governor shall replace that commissioner with a person from a list of nominees submitted by the Utah State Bar as provided in Subsection (2).

(c) The governor shall ensure that each person who is appointed to fill any vacancy in the office of commissioner other than a vacancy caused by expiration of term is a member of the same political party as the commissioner whom he replaces.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term under Subsection (5) and may not be reappointed.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107

(ii) Local government members may decline to receive per diem and expenses for their service. 1996

20A-12-104. Procedures governing meetings of judicial nominating commissions.

(1) The Judicial Council shall:

(a) enact rules establishing procedures governing the meetings of the judicial nominating commissions; and

(b) ensure that those procedures include:

(i) a minimum recruitment period of 30 days and a procedure to extend that period for an additional 30 days if fewer than nine applications are received for a judicial vacancy;

(ii) standards for maintaining the confidentiality of the applications and related documents;

(iii) standards governing the release of applicant names before nomination;

(iv) standards for destroying the records of the names of applicants, applications, and related documents upon completion of the nominating process;

(v) an opportunity for public comment concerning the nominating process, qualifications for judicial office, and individual applicants;

(vi) evaluation criteria for the selection of judicial nominees;

(vii) a voting procedure for screening applicants and selecting nominees;

(viii) procedures for taking summary minutes at nominating commission meetings;

(ix) procedures for simultaneously forwarding the names of nominees to the governor, the president of the Senate, and the Office of Legislative Research and General Counsel; and

(x) standards governing a nominating commissioner's disqualification and inability to serve.

(2) A judicial nominating commission may not nominate a justice or judge who was not retained by the voters for the office for which the justice or judge was defeated until after the expiration of that term of office.

(3) Judicial nominating commissions are exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings, and Title 63, Chapter 46a, Utah Administrative Rulemaking Act. 1995

20A-12-105. Convening of judicial nominating commissions - Certification to governor of nominees - Meetings to investigate prospective candidates.

(1) When a vacancy occurs or is about to occur in the office of a justice or judge of any court of record, the chair of the judicial nominating commission for the office to be filled shall convene the commission as soon as practicable.

(2) The nominating commission may:

(a) meet as necessary to perform its function; and

(b) investigate prospective candidates.

(3) (a) Not later than 45 days after convening, the commission shall certify to the governor a list of nominees who a majority of the members of the commission have determined:

(i) have the qualifications required by law to fill the office;

(ii) are willing to serve; and

(iii) possess the ability, temperament, training,

and experience that fits them for the office.

(b) (i) The appellate court nominating commission shall certify a list of at least five appellate nominees to the governor.

(ii) If there is a tie vote, the commission may certify both nominees to the governor.

(iii) The commission may not certify more than seven nominees to the governor.

(c) (i) The trial court nominating commission shall certify a list of at least three nominees to the governor.

(ii) If there is a tie vote, the commission may certify both nominees to the governor.

(iii) The commission may not certify more than five nominees to the governor.

(4) A nominating commission may not, during a commissioner's term of office, nominate a person who has served as a replacement for that commission member within six months of the date that the commission was last convened. 1996

Part 2. Judicial Retention Elections.

20A-12-201 (Superseded 01/01/97). Judicial appointees - Retention elections.

20A-12-201 (Effective 01/01/97). Judicial appointees - Retention elections.

20A-12-201 (Superseded 01/01/97). Judicial appointees - Retention elections.

(1) (a) Each appointee to a court of record is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts of record shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Except as provided in Subsection (2)(b), each justice or judge who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor according to the time requirements of Section 20A-9-202; and

(ii) pay a filing fee of \$50.

(b) Each county justice judge who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the clerk of the county in which they are a justice judge; and

(ii) pay a filing fee of \$25.

(3) (a) The lieutenant governor shall:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts of record declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) At the general election, the ballots shall contain, as to each justice or judge of any court of record to be voted on in the county, the following question:

"Shall _____(name of justice or judge) be

retained in the office of _____?" (name of office, such as "Justice of the Supreme Court of Utah;" "Judge of the Court of Appeals of Utah;" "Judge of the District Court of the Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District;" "County Justice Judge of (name of county) County")

Yes ()

No ()."

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge receives more no votes than yes votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office. 1996

20A-12-201 (Effective 01/01/97). Judicial appointees - Retention elections.

(1) (a) Each appointee to a court of record is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts of record shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy as if a candidate for multi-county office in accordance with Section 20A-9-202; and

(ii) pay a filing fee of \$50.

(b) Each county justice judge who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy as if a candidate for county office in accordance with Section 20A-9-202; and

(ii) pay a filing fee of \$25.

(3) (a) The lieutenant governor shall:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts of record declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) At the general election, the ballots shall contain, as to each justice or judge of any court of record to be voted on in the county, the following question:

"Shall _____(name of justice or judge) be retained in the office of _____?" (name of office, such as "Justice of the Supreme Court of Utah;" "Judge of the Court of Appeals of Utah;" "Judge of the District Court of the Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District;" "County Justice

Judge of (name of county) County")

Yes 0

No 0."

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge receives more no votes than yes votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office. 1996

Chapter 13. Elections to Federal Offices.

Part 1. Selection of U.S. Congressional Representatives.

Part 2. Selection of U.S. Senators.

Part 3. Presidential Electors.

Part 1. Selection of U.S. Congressional Representatives.

20A-13-101. Three representative districts.

20A-13-102. Congressional districts - Definitions -

Procedure if area of Salt Lake County omitted.

20A-13-103. Representatives to Congress - When elected.

20A-13-101. Three representative districts.

(1) The state of Utah is divided into three districts for the election of representatives to the Congress of the United States.

(2) Each district may elect one representative. 1995

20A-13-102. Congressional districts -

Definitions - Procedure if area of Salt Lake County omitted.

(1) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce that the Department developed in connection with its taking of the 1990 national decennial census as the official data for the districting plan for congressional districts.

(2) As used in this section:

(a) "Block" means the smallest geographical unit for which the population was ascertained by the Bureau of Census and shown on its official maps.

(b) "Census tract" means a combination of blocks which are shown and numbered on the official census bureau maps.

(3) (a) If any area of Salt Lake County is omitted from the plan established in this section, inadvertently or by virtue of the complexities of the census bureau information supplied to the Legislature, the county clerk, upon discovery of the omission, shall attach the area to the appropriate congressional district according to Subsections (b) and (c).

(b) If the area is surrounded by a congressional district, the area shall be attached to that district.

(c) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(4) The county clerk making any attachment under Subsection (3) shall certify the attachment in writing and file it with the lieutenant governor.

(5) (a) Following enactment of the congressional districting plan established in this section, the Legislature shall file official maps that accurately show the boundaries of the congressional districts with the

lieutenant governor's office.

(b) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office.

(c) Before all elections and pursuant to Section 20A-5-303, each county clerk shall establish the voting precincts within each of the congressional districts.

(6) In questions of interpretation of the district boundaries described in this section, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the congressional district boundaries.

(7) The First Congressional District consists of Rich, Cache, Weber, Davis, Box Elder, Tooele, Juab, Millard, Beaver, Iron, and Washington Counties and the following Salt Lake County Census Districts: Census Tract 100303; Census Tract 100304, Blocks 408, 409, 410, 411, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513; and Census Tract 113901, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117A, 117B, 117C, 117D, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127A, 127B, 128A, 128B, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 137C, 137D, 137E, 137F, 137G, 137H, 138A, 138B, 138C, 138D, 139, 140A, 140B, 141, 142, 143, 144A, 144B, 145A, 145B, 146, 147A, 147B, 148, 152, 153, 154, 155, 156, 157, 190A, 190B, 190C, 191, 192, 193, 194, 195, 196, and 197.

(8) The Second Congressional District consists of the following Salt Lake County Census Districts: Census Tracts 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 110102, 110103, 110104, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 111001, 111002, 111101, 111102, 111103, 1112, 111302, 111303, 111304, 1114, 1115, 1116, 1117, 1118, 111901, 111902, 1120, 1121, 112201, 112202, 112301, 112302, 112401, 112402, 112501, 112502, 112503, 112602, 112604, 112605, 112606, 112607, 112608, 112609, 112610, 112611, 112612, 1127, 112801, 112802, 112804, 112805, 112806, 112904, 112905, 112906, 112907, 112908, 112909, 112910, 112911, 113003, 113004, 113512, 113513, 113514, 113515, 113518, 113521, 113522, 113523, 113524, 1136, 1137, 113801, and 113803; Census Tract 1028, Blocks 517A, 522B, 523, 524B, and 526; Census Tract 113005, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 407A, 408, 409, 410, 411, 412, and 413; Census Tract 113006, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 407A, 407B, 408, 409, 410, 501, 502, 503, 504A, 510, 511, 512, 513, 514, and 515; Census Tract 1131, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212A, 212B, 213, 214A, 214B, 214C, 215A, 215B, 216, 217, 218, 219, 220, 221, 301A, 301B, 301C, 301D, 302A, 302B,

302C, 302D, 303A, 303B, 303C, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313, 314, 315, 316, 317, 318A, 318B, 319A, 319B, 320, 321A, 321B, 322A, 322B, 323, 324, 325A, 325B, 325C, 325D, 325E, 325F, 325G, 326A, 326B, 326C, 326D, 326E, 326F, 326G, 326H, 327, 328, 329, 330, 331A, 331B, 332A, 332B, 332C, 332D, 333A, 333B, 333C, 333E, 338A, 338C, 339A, 339B, 339C, 339D, 339E, 339F, 339H, 340A, 340B, 340D, 345, 346, 401A, 402A, 404B, 405A, 406A, 519A, 532, 533, 534, 535, 536, 537, 538, 539A, 539B, 539E, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, and 555; Census Tract 113305, Block 201A; Census Tract 113511, Blocks 106, 107, 108, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, and 218; Census Tract 113516, Blocks 201, 202, 203, 204A, 204B, 204D, 205C, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, and 218; Census Tract 113802, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301A, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311; and Census Tract 113901, Blocks 175B, 175C, 175F, and 175G.

(9) The Third Congressional District consists of Morgan, Summit, Daggett, Utah, Wasatch, Duchesne, Uintah, Sanpete, Sevier, Carbon, Emery, Grand, Piute, Wayne, Garfield, Kane, and San Juan Counties and the following Salt Lake County Census Districts: Census Tracts 100302, 1004, 1005, 1006, 1026, 1027, 113304, 113306, 113307, 113308, 113402, 113403, 113405, 113406, 113407, 113408, 113409, 113505, 113509, 113510, 113517, 113519, 113520, 113903, 113904, and 113905; Census Tract 100304, Blocks 101, 102, 103, 108, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 401, 402, 403, 404, 405, 406, and 407; Census Tract 1028, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517B, 518, 519, 520, 521, 522A, 524A, and 525; Census Tract 113005, Blocks 404, 405, 406, 407B, 414, and 415; Census Tract 113006, Blocks 504B, 505, 506, 507, 508, and 509; Census Tract 1131, Blocks 333D, 334, 335, 336, 337, 338B, 339G, 340C, 341, 342, 343, 344, 347, 348, 349, 350, 351, 352, 353, 354, 355A, 355B, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 401B, 402B, 403, 404A, 404C, 405B, 406B, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427A, 427B, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 488B, 489,

490, 491, 492, 493, 494, 495, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511A, 511B, 512A, 512B, 512C, 513, 514, 515, 516, 517, 518, 519B, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 539C, 539D, 539F, 556, 557, and 558; Census Tract 113305, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; Census Tract 113511, Blocks 101, 102, 103, 104, 105, 109, 110, and 111; Census Tract 113516, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 204C, 205A, 205B, 207, 208A, and 208B; Census Tract 113802, Block 301B; and Census Tract 113901, Blocks 149A, 149B, 149C, 149D, 150A, 150B, 151A, 151B, 158, 159, 160, 161, 162, 163A, 163B, 164A, 164B, 165, 166, 167, 168, 169A, 169B, 170, 171, 172, 173, 174, 175A, 175D, 175E, 176, 177, 178A, 178B, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 1996

20A-13-103. Representatives to Congress - When elected.

At the general election to be held in the year 1932, and biennially thereafter, one representative from each congressional district shall be elected to serve in the Congress of the United States. 1995

Part 2. Selection of U.S. Senators.

20A-13-201. Senators - When elected.

20A-13-201. Senators - When elected.

At the general election in November, 1932, and at each general election immediately preceding the expiration of the term of office of a United States senator from Utah, there shall be elected one United States senator to serve for a period of six years. 1995

Part 3. Presidential Electors.

20A-13-301. Presidential elections - Effect of vote.

20A-13-302. Certificate of election - Notice of meeting.

20A-13-303. Filling vacancies.

20A-13-304. Meeting to ballot - Casting ballot for person not nominated by elector's party.

20A-13-301. Presidential elections - Effect of vote.

(1) (a) Each registered political party shall choose persons to act as presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws.

(b) The person designated as liaison with the lieutenant governor's office shall transmit to the lieutenant governor the names and addresses of the

persons selected by the political party as the party's presidential electors.

(2) The highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party.

1995

20A-13-302. Certificate of election - Notice of meeting.

(1) The lieutenant governor shall:

(a) transmit certificates of election to each of the electors selected by the political party whose candidates for president and vice president received the highest number of votes in Utah; and

(b) invite each elector to appear at the office of the lieutenant governor at the state capitol at noon on the day before the day upon which the electors are required by law to meet and vote for president and vice president of the United States.

(2) Presidential electors may not receive compensation for their services.

1995

20A-13-303. Filling vacancies.

(1) (a) If there is a vacancy in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause, the qualified electors present shall fill the vacancy by ballot and plurality of votes.

(b) The electors shall immediately issue a certificate of election, signed by those present, or a majority of them, to the person chosen.

(2) If the electors fail to elect a new elector by noon of the day upon which they are required by law to meet and vote for president and vice president of the United States of America, the governor shall appoint a person to fill the vacancy from the political party represented by the elector who caused the vacancy.

1995

20A-13-304. Meeting to ballot - Casting ballot for person not nominated by elector's party.

(1) The electors shall meet at the office of the lieutenant governor at the state capitol at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America.

(2) After convening, the electors shall perform their duties in conformity with the United States Constitution and laws.

(3) Any elector who casts an electoral ballot for a person not nominated by the party of which he is an elector, except in the cases of death or felony conviction of a candidate, is considered to have resigned from the office of elector, his vote may not be recorded, and the remaining electors shall appoint another person to fill the vacancy.

1995

Chapter 14. Nomination and Election of State and Local School Boards.

Part 1. State School Board - Nomination and Election.

Part 2. Nomination and Election of Members of Local Boards of Education.

Part 1. State School Board - Nomination and Election.

20A-14-101. State Board of Education districts.

20A-14-102. State Board of Education districts -

Definitions - Procedure if parts of the state are omitted.

20A-14-103. State Board of Education members - When elected - Qualifications.

20A-14-104. Becoming a candidate for membership on the State Board of Education - Nominating committees

- Membership - Procedure - Duties.

20A-14-105. Becoming a candidate for membership on the State Board of Education - Selection of candidates by the governor - Ballot placement.

20A-14-106. Vacancies on the State Board of Education.

20A-14-107. Student member of state board.

20A-14-101. State Board of Education districts.

(1) The state is divided into 15 districts for the election of members of the State Board of Education.

(2) Each district may elect one member to the State Board of Education.

1995

20A-14-102. State Board of Education districts - Definitions - Procedure if parts of the state are omitted.

(1) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 1990 national decennial census as the official data for the districting plan established for the State Board of Education.

(2) As used in this section:

(a) "Block" means the smallest geographical unit for which the population was ascertained by the Bureau of Census and shown on its official maps.

(b) "Census tract" means a combination of blocks which are shown and numbered on the official census bureau maps.

(3) (a) (i) If any area of the state is omitted from the plan established in this section, inadvertently or because of the complexity of the census bureau information supplied to the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate board district according to Subsections (ii) and (iii).

(ii) If the area is surrounded by a board district, the area shall be attached to that district.

(iii) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(b) Any attachment made under this section shall be certified in writing and filed with the lieutenant governor.

(4) In questions of interpretation of district boundaries described in this section, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the board district boundaries.

(5) Following enactment of the State Board of Education districting plan under this section, the Legislature shall file with the lieutenant governor's office official maps which accurately show the boundaries of the board districts as established in this section.

(6) Each county clerk shall:

(a) obtain copies of the official maps for the clerk's county from the lieutenant governor's office; and

(b) establish the voting districts within each of the board districts as required by Section 17-5-212

(7) The First State Board of Education District consists of Beaver, Garfield, Iron, Kane, Millard, Piute, Washington, Sevier, and Wayne Counties.

(8) The Second State Board of Education District consists of Morgan, Carbon, Daggett, Duchesne, Grand, San Juan, Summit, Uintah, and Wasatch Counties and the following Utah County Census Districts: Census Tract 0027, Blocks 201A, 201B, 201C, 202A, 202B, 203, 204, 205C, and 216B; Census Tract 0034, Blocks 101B, 301B, 301C, and

304; Census Tract 010298, Blocks 294E, 294N, 294P, 296, and 297; Census Tract 010302, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114A, 114B, 114C, 114D, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125A, 125C, 126, 127, 128, 129, 130, 131, 132A, 132B, 133, 134, 135, 136, 137, 138F, 140B, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238B, 239, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, and 601; Census Tract 0104, Blocks 137A, 137B, 156B, 157, 158, 159, 160, 161A, 161B, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 201A, 201B, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 218C, 219A, 219B, 219C, 220, 221, 222A, 222B, 222C, 223, 224A, 224B, 224C, 225, 226A, 226B, 227A, 227B, 228, 229, 230, 231A, 231B, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319A, 319B, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329A, 329B, 330A, 330B, 330C, 331, 332, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341A, 341B, 342, 343, 344, 345, 351, 352, 353, 354, 402B, 403B, 403D, 403E, 406, 407, 408, 409, 410, 411, 412, 413B, 414, 415K, 426B, 427, 428B, 444A, 444C, 445, 446, 448, 472A, 472B, 473, 474, 475A, 475B, 475C, 475D, 475E, 475F, 476, 477, 478, 479, 480, 481A, 481B, 482, 483, 484, 485, 486, 487, 488, 489, 490A, 490B, 491, 492, 493, 494, 495A, 495B, 496, and 497; Census Tract 0105, Blocks 275, 276, 277, 279, 280, 281, 282, 283, 284, 285, 286, 288, 289, 290, 291, 292, 293, 301, 302, 303, 304, 305, 306A, 306B, 307A, 307B, 308, 309A, 309B, 309C, 309D, 310, 311A, 311B, 311C, 312, 313A, 313B, 313C, 313D, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 401, 402, 403, 404, 405, 406, 407, 408A, 408B, 409A, 409B, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 420B, 421A, 421B, 422, 423, 424, 425A, 425B, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435A, 435B, 436, 437, 438, 439, 440, 441, 442, 443A, 443B, 444, 445, 446A, 446B, and 447; and Census Tract 0106, Blocks 121B, 131D, 132, and 133.

(9) The Third State Board of Education District consists of Emery, Juab, Sanpete, and Tooele Counties, and the following Utah County Census Districts: Census Tracts 0029, 0030, 0031, 0032, 0033, and 010301; Census Tract 0022, Blocks 203, 207, 213, 214A, 214B, 301A, 301B, 301C, 302, 303, 304, 305; 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 420B, and 421; Census Tract 0023, Blocks 222 and 228; Census Tract 0027, Blocks 106, 109, 113, 115, 116, 117, 205A, 205B, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 301, 302, 310, 311, 312, 313, 314, 315, 316, and 317; Census

Tract 0028, Blocks 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201A, 201B, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306A, 306B, 307A, 307B, 308A, 308B, 309A, 309B, 310, 311A, 311B, 311C, 312, 313, 314, 315A, 315B, 315C, 315D, 316A, 316B, 317, 318, 319A, 319B, 320, 321, 322A, 322B, 323A, 323B, 324, 325A, 325B, 325C, 326, 327, 328, 329, 330A, 330B, 330C, 331A, 331B, 332, 333, 334, 335A, 335B, 336, 337, 338, 339, 340, 341, and 342; Census Tract 0034, Blocks 101A, 102A, 102B, 103, 104A, 104B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 301A, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 401A, 401B, 401C, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445A, 445B, 445C, 446A, 446B, 447A, 447B, 448, 449A, 449B, 450, 451, 452, 453A, 453B, 454, 455, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521A, 521B, 522A, 522B, 523, 524, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629A, 629B, 630A, 630B, 630C, 631, 632, 633, 634, 635, 636, 637A, and 637B; Census Tract 0101, Blocks 217A, 220A, 221, 223, 224, 225A, 225B, 226, 227, 228, 229, 230A, 230B, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251A, 251B, 251C, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, and 297; Census Tract 010302, Blocks 125B, 138A, 138B, 138C, 138D, 138E, 139, 140A, 238A, and 240; Census Tract 0104, Blocks 101, 102A, 102B, 103A, 103B, 104, 105A, 105B, 106, 107, 108A, 108B, 109A, 109B, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141A, 141B, 141C, 141D, 142A, 142B, 142C, 143A, 143B, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154A, 154B, 154C, 155, 156A, 177, 178, 179, 346, 347A, 347B, 348, 349, 350, 355, 356, 401A, 401B, 402A, 402C, 403A, 403C, 404, 405, 413A, 415A, 415B, 415C, 415D, 415E, 415F, 415G, 415H, 415J, 415L, 415M, 416, 417, 418, 419, 420, 421, 422A, 422B, 423A, 423B, 423C, 423D, 424A, 424B, 424C, 425, 426A, 426C, 428A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444B, 447A, 447B, 449, 450, 451A, 451B, 452, 453A, 453B, 454A, 454B, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, and 471; Census Tract 0105, Blocks 101A, 101B, 101C, 101D, 101E, 102A, 102B, 103, 104, 105, 106, 107, 108, 109A, 109B, 109C, 11

(10) The Fourth State Board of Education District consists of Box Elder, Cache, and Rich Counties, and the following Weber County Census Districts: Census Tract 2101, Blocks 101, 102, 103, 104, 105,

106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128A, 128B, 129, 130, 131, 132, 133A, 133B, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 219, 220, 221, 222, 223, 224, 225A, 225B, 226, 227, 228A, 228B, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241A, 241B, 241C, 242, 243, 244, 245, 246A, 246B, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257A, 257B, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269A, 269B, 270A, 270B, 271, 272, 273, 274, 275, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334A, 334B, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360A, 360B, 361, 362, 363A, 363B, 364B, 364C, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379A, 381A, 381B, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, and 397.

(11) The Fifth State Board of Education District consists of the following Weber County Census Districts: Census Tracts 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2017, 2018, 210201, 210202, 210301, 210302, 2104, 210503, 210504, 210505, 210701, and 210702; Census Tract 2015, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 221, 222, and 223; Census Tract 2016, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, and 209; Census Tract 2019, Blocks 101A, 101B, 101C, 102A, 102B, 103, 104A, 104B, 104C, 105, 106, 107A, 107B, 107C, 108, 109A, 109B, 109C, 109D, 109E, 109F, 109G, 109H, 109J, 110, 111A, 111B, 112A, 112B, 113, 114A, 114B, 115, 116, 117, 118, 119A, 120, 121A, 122, 201A, 201B, 202A, 202B, 202C, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, and 243; Census Tract 2101, Blocks 364A, 379B, 380A, and 380B; Census Tract 210501, Blocks 101A, 101C, 102A, 103A, 104A, 109A, 113A, 113B, 113D, 401A, 401C, 401D, 402, 403B, 404B, 412, 413, 414, 415, 416, 417, and 601A; Census Tract 2106, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 301B, 302, 303, 304, 305, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 601, 602, 603A, 603B, 604, 605, 606, 607, 608, and 609.

(12) The Sixth State Board of Education District consists of the following Davis County Census Districts: Census Tracts 1252, 125301, 125302, 125401, 125402, 1255, 1256, 1257, 125801, 125802, 125804, and 125904; Census Tract 125903, Blocks 101, 102B, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311,

312, 313, 314, and 402; Census Tract 1260, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 121, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302A, 302B, 302C, 302D, 302E, 302F, 302G, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404A, 404B, 405, 406, 407, 412, 413, 414, 501A, and 501B; and the following Weber County Census Districts: Census Tracts 2020, 2108, 2109, 2110, 2111, 211201, and 211202; Census Tract 2015, Blocks 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 321, 323, 324, and 325; Census Tract 2016, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, 409A, 409B, 410, and 411; Census Tract 2019, Blocks 119B and 121B; Census Tract 210501, Blocks 101B, 102B, 103B, 103C, 104B, 104C, 105A, 105B, 105C, 105D, 106, 107A, 107B, 108, 109B, 110, 111, 112, 113C, 201, 202A, 202B, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 221, 235, 238, 301, 302, 303, 304A, 304B, 305A, 305B, 305C, 306A, 306B, 307, 308, 309, 310, 311, 401B, 403A, 404A, 405, 406, 407, 408, 409, 410, 411, 501, 502, 503, 504, 505, 506, 507, 508, 601B, 602, 603, 604A, 604B, 605, 606, 607, 608, 609, 610, 611, 612, 613, 901A, 901B, 902, 903A, and 903B; and Census Tract 2106, Block 301A.

(13) The Seventh State Board of Education District consists of the following Davis County Census Districts: Census Tracts 125101, 125102, 126101, 126102, 126103, 126104, 126201, 126202, 1263, 126301, 126302, 126401, 126402, 1265, 1266, 1267, 126801, 126802, 126901, 126902, 127001, and 127002; Census Tract 125903, Blocks 102A, 102C, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118A, 118B, 118C, 119, 120, 121A, 121B, 401, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411A, 411B, 412A, 412B, 412C, 412D, 412E, 413, 414, 415, 416, 417A, 417B, 418A, 418B, 418C, 418D, 418E, 418F, 418G, 418H, 419A, 419B, 420, 501, 502, 503, 504, 505, 506, 507, 508A, 508B, 508C, 509, 510, 511, 512, 513, 514A, 514B, 514C, 515A, 515B, 516A, 516B, 517A, 517B, 518, 519, 520, 521, 522, 523A, 523B, 523C, and 523D; and Census Tract 1260, Blocks 109, 110, 111, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 408, 409A, 409B, 410, 411, 415, 416, 502A, 502B, 502C, 503A, 503B, 503C, 504, 505A, 505B, 506, 507A, 507B, 508, 509A, 509B, 510, 511A, and 511B.

(14) The Eighth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, and 1041; Census Tract 1004, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, and 120; Census Tract 1005, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 214, 215, and 216; Census Tract 1006, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 501, 502, 503, 504, 505, 506, 507, 508, and 509; Census Tract 1028, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112,

113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517A, 517B, 518, 519, 520, 521, 522A, 524A, and 525; Census Tract 1042, Blocks 101A, 101B, 102A, 102B, 102C, 102D, 102F, 102G, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 501, 502, 503, 504, and 505; Census Tract 1043, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113; Census Tract 110103, Blocks 101, 102A, 102B, 102C, 103, 104A, 104B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 240, 241, 242, and 243; and Census Tract 110104, Blocks 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, and 517.

(15) The Ninth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 100302, 100303, 100304, 1027, 113304, 113306, 113307, 113308, 113402, 113403, 113405, 113406, 113407, 113408, 113409, 113509, 113516, 113901, 113903, 113904, and 113905; Census Tract 1004, Blocks 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, and 230; Census Tract 1005, Blocks 114, 115, 116, 208, 209, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; Census Tract 1006, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 401, 402, and 403; Census Tract 1028, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, and 436; Census Tract 1131, Blocks 302A, 302B, 302C, 302D, 303A, 303B, 303C, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313, 314, 315, 316, 317, 318A, 318B, 321A, 321B, 322A, 322B, 323, 324, 325C, 325D, 325F, 325G, 326C, 326D, 326F, 327, 328, 329, 330, 331A, 331B, 332B, 333C, 333D, 333E, 334, 335, 336, 337, 338B, 339E, 339G, 340B, 340C, 341, 342, 401A, 401B, 402A, 402B, 403, 404A, 404B, 404C, 405A, 405B, 406A, 406B, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427A, 427B, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 489, 490, 491, 492, 493, 494, 495, and 511A; Census Tract 113305, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201B, 202, 203, 204, 205, 206,

207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 113518, Blocks 105D, 105E, 106, 107, 108, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123C, 134C, 134D, 135B, 135C, 135D, 136, 137A, 137B, and 138.

(16) The Tenth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 112904, 112905, 113505, 113510, 113511, 113512, 113513, 113514, 113517, 113519, 113520, 113521, 113522, 113523, 1136, 1137, 113801, 113802, and 113803; Census Tract 112907, Blocks 101A, 101B, 102, 103, 104, 105A, 105B, 105C, 105D, 105E, 105F, 106, 107, 108, 201A, 201B, 201C, 201D, 201E, 202A, 202B, 202C, 203, 204, and 205; Census Tract 112908, Blocks 101, 102, 103, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105A, 105B, 105C, 105D, 105E, 106, 201A, 201B, 201C, 201D, 201E, 201F, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301A, 303A, and 303B; Census Tract 113515, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 303B, 304, 305, 308, 309, and 310; Census Tract 113518, Blocks 101A, 101B, 102A, 102B, 102C, 103, 104, 105A, 105B, 105C, 123A, 123B, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 135A, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 113524, Blocks 102, 103, 104, 105, 106, 201, 202, 203, 204, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520.

(17) The Eleventh State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 112602, 112604, 112605, 112608, 112609, 112802, 112804, 112805, 112806, 112906, and 112909; Census Tract 110102, Blocks 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 312A, 312B, 313A, 313B, 314A, 314B, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332A, 332B, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344A, 344B, 344C, 344D, 344E, 345A, 345B, 346, 347, 348, 349, 350, 351, 352, 353, 354, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 488B, 489, 490, 491, 492, 493, 494, 495, 496, and 497; Census Tract 111304, Block 115B; Census Tract 112502, Block 508A; Census Tract 112606, Blocks 201A, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301A, 301B, 302, 303, 304A, 304B, 305, 306A, 306B, 307A, 308, 309, 310, 311, 312A, 312B, 313A, 313B, 314A, 315A, 316A,

317, 401A, 401B, 402, 403, 404A, 404B, 405, 406A, 406B, 406C, 406D, 407, 408, 409, 410A, 410B, 411A, 411B, and 412; Census Tract 112607, Blocks 201A, 205, 207A, 208A, 210, 301A, 301B, 302, 303, 304A, 305A, 306A, 307, 308A, 401A, 401D, 402, 403, 404, 405, 406A, 406B, 406C, 406D, 406E, 406F, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416; Census Tract 112611, Blocks 101, 107, 108, 109A, 109B, 110, 111A, 111B, 111C, 112A, 112B, 113A, 113B, 114A, 114B, 115, and 116B; Census Tract 112612, Blocks 101A, 101B, 102A, 102B, 102C, 102D, 102E, 102F, 103, 104A, 104B, 105, 106, 107, 108, 109A, 109B, 110, 201B, 206, 207, and 208; Census Tract 1127, Blocks 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512; Census Tract 112801, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 401A, 401B, 401C, 402, 403, 404, 405, 406, 407A, 407B, 408, 409A, 409B, 410A, 410B, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454B, 455, 456B, 457B, 458, 459, 460, 463, 464, 465, 466, 467, 474B, 475, 476, 477, 478, 479, 480, 481, 484, and 487; Census Tract 112907, Blocks 301, 302, 303, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410A, 410B, 411, 412A, 412B, 413A, 413B, and 413C; Census Tract 112908, Blocks 301B, 302, 303C, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 501, 502, 503, and 504; Census Tract 112910, Blocks 101A, 101B, 101C, 102, 103, 104, 105A, 105B, 106B, 106C, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, and 303; Census Tract 112911, Blocks 101A, 101B, 102, 103A, 103B, 104, 105, 106A, 106B, 107A, 107B, 108, 109, 110, 111A, 111B, 111C, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 209C, 210, 211A, 211B, 211C, 212A, 212C, 212D, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307A, 307B, 308, 309, 310, 311, 312, 313, and 314; Census Tract 113006, Blocks 105, 106, 107, 109, 110, 111, 113, 115, and 117; and Census Tract 1131, Blocks 101A, 101B, 102, 103, 104, 105

(18) The Twelfth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 1044, 1045, 1046, 1047, 1048, 1049, 1102, 1103, 1104, 1105, 1106, 1107, 1114, 1115, 1116, 1117, 1118, 111901, 1121, and 112301; Census Tract 1028, Blocks 522B, 523, 524B, and 526; Census Tract 1042, Blocks 102E, 103, 111, 112, 113, 114, 115, and 116; Census Tract 1043, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210; Census Tract 110103, Blocks 224A, 224B, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312; Census Tract 110104, Blocks 102, 104, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420; Census Tract

1109, Block 102; Census Tract 111101, Blocks 301A and 302; Census Tract 111902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 217, 218, 301, 302, 303, 304, 306, 307, 501A, 501B, 501C, 501D, 502, and 503; Census Tract 1120, Blocks 101, 102, 103A, 103B, 104, 105, 107, 109, 115, 122A, 122B, 123A, 123B, 123C, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 401, 402, 403, 404, 405, 406, 407, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 601, 602, 701, 702, 703, 704, 705, 801A, 801C, 802A, 802B, 803, and 804; Census Tract 112201, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 118; Census Tract 112202, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125A, 125B, 126, 127, and 128; Census Tract 113305, Block 201A; and Census Tract 113515, Blocks 301, 302, and 303A.

(19) The Thirteenth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 1108, 111001, 111002, 111102, 111103, 1112, 111302, 111303, 112302, 112401, 112402, 112501, 112503, and 112610; Census Tract 110102, Blocks 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 206, and 207; Census Tract 110104, Blocks 101A, 101B, 103, 105, 106, 107, 108, 109, 110, 111, 112A, 112B, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 214, 215, 216, 518, 519, and 520; Census Tract 1109, Blocks 101, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 226, 227, 228, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, and 409; Census Tract 111101, Blocks 101, 102, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301B, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 404, 405, 407, 408, 409, 410, 411, 412, 414, 416, 417, 421, 422, 429, 430, 431, 440, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, and 514; Census Tract 111304, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115C, 115D, 116, 117, 118, 119, 120, 121, 122, 123, 124, and 125; Census Tract 111902, Blocks 401, 402, 403, 404, and 405; Census Tract 1120, Block 801B; Census Tract 112201, Blocks 117, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322; Census Tract 112202, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317; Census Tract 112502, Blocks 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 501, 502A, 502B, 503, 504, 505, 506, 507, 508B, and 509; Census Tract 112606, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201B, 202, 301C, 307B, 314B, 315B, and 316B; Census Tract 112607, Blocks 101, 102, 103, 104, 105, 106, 107, 201B, 202, 203, 204, 206, 207B, 208B, 209, 211, 212, 301C, 304B, 305B, 306B, 308B, 401B, 401C, and 406G; Census Tract 112611, Blocks 102A, 102B, 102C, 102D, 103, 104A, 104B, 105, 106, 116A, 117, 118, 119A, 119B, 119C, 119D,

201A, 201B, 201C, 202, 203A, 203B, 204, 205, 206A, 206B, 206C, 206D, 206E, 206F, 206G, 207, 208, 209, 210A, 210B, 210C, 211A, and 211B; Census Tract 112612, Blocks 201A, 201C, 201D, 202, 203, 204, and 205; Census Tract 1127, Blocks 101, 135, 136, 137, 138, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304A, 304B, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319A, 319B, 320, 321, 322, 323, 324, 325, 326, 327A, 327B, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342A, 342B, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, and 363; Census Tract 113515, Blocks 306 and 307; and Census Tract 113524, Block 101.

(20) The Fourteenth State Board of Education District consists of the following Salt Lake County Census Districts: Census Tracts 113003, 113004, and 113005; Census Tract 112801, Blocks 454A, 456A, 457A, 461, 462, 468, 469, 470, 471, 472, 473, 474A, 482, 483, 485, 486, 488, 489, 490, 491, 492, 493, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, and 548; Census Tract 112910, Block 106A; Census Tract 112911, Block 212B; Census Tract 113006, Blocks 101, 102, 103, 104, 108, 112, 114, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 407A, 407B, 408, 409, 410, 501, 502, 503, 504A, 504B, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, and 515; Census Tract 1131, Blocks 212B, 325A, 325B, 325E, 326A, 326B, 326E, 326G, 326H, 332A, 332C, 332D, 333A, 333B, 338A, 338C, 339A, 339B, 339C, 339D, 339F, 339H, 340A, 340D, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355A, 355B, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 488B, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511B, 512A, 512B, 512C, 513, 514, 515, 516, 517, 518, 519A, 519B, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539A, 539B, 539C, 539D, 539E, 539F, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, and 558; and the following Utah County Census Districts: Census Tracts 0001, 0002, 0003, 0004, 0005, 0006, 000701, and 010201; Census Tract 000702, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202, 203, 204, 205, 206, 207, 208, 214, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 301A, 301B, 301C, 301D, 301E, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 319A, 319B, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, and 415; Census Tract 0008, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 118, 119, 120, 121, 123, 124, 125, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, and 326; Census Tract 000901, Blocks 101, 102, 103, 107, 108, 109, 110, 111, 113, 114, 121, 122, 123, 124, 125, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310; Census Tract 000902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 213,

218, and 219; Census Tract 0014, Blocks 103A, 104A, and 105A; Census Tract 001501, Blocks 108E, 108F, 202A, 202F, 203A, 204B, 207B, and 224C; Census Tract 001502, Block 401C; Census Tract 0022, Blocks 101, 103, 104, 105A, 106A, and 106B; Census Tract 0101, Blocks 101A, 101B, 101C, 101D, 102, 103A, 103B, 103C, 103D, 103E, 103F, 104A, 104B, 104C, 104D, 104E, 105, 106, 107, 108, 109, 110A, 110B, 111, 112, 113, 114A, 114B, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124, 125A, 125B, 125C, 126, 127A, 127B, 128, 129, 130, 131, 132A, 132B, 133A, 133B, 134, 135A, 135B, 136, 137A, 138, 201A, 201B, 201C, 201D, 202A, 202B, 202C, 202D, 203, 204, 205, 206A, 206B, 207, 208A, 208B, 208C, 209A, 209B, 209C, 209D, 209E, 210A, 210B, 210C, 211A, 211B, 212A, 212B, 212C, 213, 214, 215, 216, 217B, 218, 219, 220B, 220C, 222, 286, 287, 288A, 288B, 289, 290, 291, 292, 293, 294, 295, and 296; Census Tract 010298, Blocks 201, 202A, 202B, 202C, 202D, 202E, 202F, 202G, 203, 204, 205, 206, 207, 208, 209, 210, 211A, 211B, 211C, 212, 213A, 213B, 214, 215, 216A, 216B, 216C, 217A, 217B, 217C, 218A, 218B, 219, 220A, 220B, 220C, 221, 222A, 222B, 222C, 222D, 222E, 223, 224A, 224B, 225A, 225B, 226A, 226B, 227A,

(21) The Fifteenth State Board of Education District consists of the following Utah County Census Districts: Census Tracts 0010, 001101, 001102, 0012, 0013, 0016, 0017, 0018, 0019, 0020, 0021, 0024, 0025, and 0026; Census Tract 000702, Blocks 318B and 319C; Census Tract 0008, Blocks 201, 202, 203, 204, 205, 206, 207, 215, 216, 220, 221, 222, 223, 224, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418; Census Tract 000901, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 216; Census Tract 000902, Blocks 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 220, and 221; Census Tract 0014, Blocks 101, 102, 103B, 103C, 104B, 105B, 105C, 105D, 106, 107, 108, 109, 110, 111, 112, 113A, 113B, 113C, 113D, 113E, 114A, 114B, 114C, 114D, 115, 116, 117A, 117B, 117C, 118, 119, 120A, 120B, 120C, 120D, 121, 122, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, and 317; Census Tract 001501, Blocks 101A, 101B, 101C, 102, 103, 104A, 104B, 105A, 105B, 106A, 106B, 107A, 107B, 108A, 108B, 108C, 108D, 109, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202B, 202C, 202D, 202E, 203B, 203C, 204A, 205, 206, 207A, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224A, 224B, and 225; Census Tract 001502, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201A, 201B, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 401A, 401B, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426; Census Tract 0022, Blocks 102, 105B, 106C, 107, 108A, 108B, 109A, 109B, 109C, 110, 111, 112A, 112B, 113A, 113B, 114A, 114B, 115A, 115B, 115C, 115D, 115E, 115F, 115G, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 138A, 138B, 139, 140, 141, 142, 143A, 143B,

144, 145, 146, 147, 148, 149, 150, 151, 201, 202A, 202B, 202C, 202D, 204, 205, 206, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, and 220; Census Tract 0023, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 224, 225, 226, and 227; Census Tract 0027, Blocks 101, 102, 103, 104, 105, 107, 108, 110, 111, 112, 114, 303, 304, 305, 306, 307, 308, 309, and 318; Census Tract 0028, Blocks 105, 106, 117, 118, 206, and 207; Census Tract 0101, Block 137B; and Census Tract 010298, Blocks 294A, 294B, and 294C. 1995

20A-14-103. State Board of Education members

- When elected - Qualifications.

(1) (a) In 1994 and every four years thereafter, one member each shall be elected from Districts 1, 3, 5, 7, 9, 10, and 13 to serve a four-year term.

(b) In 1992 and every four years thereafter, one member each shall be elected from Districts 2, 4, 6, 8, 11, 12, 14, and 15 to serve a four-year term.

(2) A member shall:

(a) be and remain a registered voter in the board district from which the member was elected or appointed; and

(b) maintain his primary residence within the board district from which the member was elected or appointed. 1995

20A-14-104. Becoming a candidate for membership on the State Board of Education - Nominating committees - Membership - Procedure - Duties.

(1) Each individual who wishes to become a candidate for the State Board of Education shall submit a written request for consideration to the nominating committee of the State Board District in which he resides by June 15 of the year in which that district will elect a member of the State Board of Education.

(2) By May 1 of the year in which a State Board of Education member's term expires, the governor shall:

(a) appoint a nominating committee consisting of seven members, each to serve a one-year term, for the state board district that member represents;

(b) ensure that each member of the nominating committee resides within the state board district; and

(c) ensure that:

(i) one member of the nominating committee serves on a local school board within the state board district;

(ii) one member of the nominating committee is employed as a school district or public school administrator;

(iii) one member of the nominating committee is employed as a public school teacher;

(iv) one member of the nominating committee belongs to a parent association that provides direct and ongoing support to public schools within the district; and

(v) three members of the nominating committee represent economic interests and the public at large; and

(d) designate one member to serve as chair for the committee.

(3) (a) The chair, or another member of the committee designated by the chair, shall schedule and convene all committee meetings.

(b) Any formal action by the committee requires

the approval of at least four committee members.

(c) Members of the nominating committee shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of their official duties as established by the Division of Finance.

(4) Each nominating committee shall:

(a) prepare a list of candidates for membership on the State Board of Education from its district;

(b) submit a list of up to five but no fewer than three candidates for the state board position to the governor by August 1; and

(c) ensure that the list includes appropriate background information on each candidate. 1995

20A-14-105. Becoming a candidate for membership on the State Board of Education - Selection of candidates by the governor - Ballot placement.

(1) By September 1 of each regular general election year, the governor shall:

(a) for each state board district subject to election in that year, select two candidates for the State Board of Education from the lists submitted by the state board district nominating committees; and

(b) certify the names of the two candidates from each school board district to the lieutenant governor.

(2) If the governor fails to select two candidates for a state board district by September 1, the nominating committee from that district shall:

(a) select the two candidates; and

(b) notify the lieutenant governor of its selections by September 15.

(3) The lieutenant governor shall:

(a) conduct a lottery to determine the order of the candidates' names on the ballot;

(b) certify the names and order of the names to the county clerks for placement on the nonpartisan section of the ballot. 1995

20A-14-106. Vacancies on the State Board of Education.

Vacancies on the State Board of Education shall be filled as provided in Section 20A-1-507 1995

20A-14-107. Student member of state board.

(1) The State Board of Education shall:

(a) establish rules under which student members of local school boards may meet each year to nominate a student for appointment by the state board as a nonvoting member of that board;

(b) ensure that the rules provide that a nominee:

(i) must be enrolled in a high school of the state; and

(ii) may be less than 18 years old.

(2) Upon receipt of the nomination, the board may appoint the nominee to serve a one-year term.

(3) The student member may participate in all board meetings, except executive sessions, and is not liable for any acts of the board.

(4) The student member is not entitled to compensation for services, but is entitled to the same mileage allowance for attendance at board meetings granted other board members under Section 53A-1-202 1995

Part 2. Nomination and Election of Members of Local Boards of Education.

20A-14-201. Local boards of education - Local school board districts - Creation - Reapportionment.

20A-14-202. Local Boards of Education - Membership - When elected - Qualifications.

20A-14-203. Becoming a member of a local board of education - Declaration of candidacy - Election.

- 20A-14-204. Effect of transfer of a district on composition of local school board.
 20A-14-205. Vacancies on local school boards.
 20A-14-206. Student petition for student member on local school board.

20A-14-201. Local boards of education - Local school board districts - Creation - Reapportionment.

(1) (a) (i) Except as provided in Subsection (ii), the county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into five local school board districts.

(ii) Salt Lake City's municipal legislative body shall divide the Salt Lake City School District into seven local school board districts.

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

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

- (i) at least once every ten years;
- (ii) whenever a new district is created;
- (iii) whenever districts are consolidated;
- (iv) whenever a district loses more than 20% of the population of the entire school district to another district;
- (v) whenever a district loses more than 50% of the population of a local school board district to another district; and
- (vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district.

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

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

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

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

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

(B) The other members shall serve at-large for the remainder of their terms.

(C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.

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

(4) (a) If, before an election affected by reappor-

tionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members must be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned local school board districts will elect members to two-year terms and which will elect members to four-year terms.

(b) All subsequent elections are for four-year terms. 1995

20A-14-202. Local Boards of Education - Membership - When elected - Qualifications.

(1) (a) Unless otherwise required by this part, the Salt Lake City Board of Education shall consist of seven members and the boards of education of all other local school districts shall consist of five members.

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

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

(iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy.

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

(2) A member of a local school board shall:

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

(b) maintain his primary residence within the local school board district from which the member is elected or appointed. 1995

20A-14-203. Becoming a member of a local board of education - Declaration of candidacy - Election.

(1) An individual may become a candidate for a local school board by filing a declaration of candidacy with the county clerk and paying the fee as required by Section 20A-9-202

(2) (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.

(b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.

(c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office. 1995

20A-14-204. Effect of transfer of a district on composition of local school board.

If a portion of one school district becomes part of another school district, any member of the board of education residing within the transferred portion becomes a member of the board of the transferee district and shall serve the remainder of the term to which the member was elected. 1995

20A-14-205. Vacancies on local school boards.

Vacancies on local school boards shall be filled as provided in Section 20A-1-511 1995

20A-14-206. Student petition for student member on local school board.

(1) A student petition requesting that a local school board appoint a nonvoting student member

to the board may be submitted to the board under this section.

(2) The petition shall have the signatures of at least 500 students regularly enrolled in high school in the district or at least 10% of the number of students regularly enrolled in high school in the district, whichever is less.

(3) (a) Upon receipt of the petition, the board may appoint a nonvoting student member to serve a one-year term on the local school board as an addition to the number of regular members authorized by law.

(b) A student member's term begins July 1 and ends on June 30 of the following year.

(4) A student board member shall be enrolled in a high school in the district and may be less than 18 years old.

(5) A student member may participate in all board meetings, except executive sessions.

(6) (a) A student board member shall receive the same expense allowance granted other board members under Section 53A-3-202

(b) A student member is not liable for any acts of the governing board. 1995

Chapter 15. Convention to Ratify Amendments to the Constitution of the United States.

Part 1. Selection of Delegates to the Convention.

Part 2. Ratification Convention Procedures.

Part 1. Selection of Delegates to the Convention.

20A-15-101. Scope and application of chapter.

20A-15-102. Election to elect convention delegates.

20A-15-103. Delegates - Candidacy - Qualifications - Nominating procedures.

20A-15-104. Ballot - Form - Manner of marking and voting.

20A-15-105. Poll watchers.

20A-15-101. Scope and application of chapter.

(1) The procedures contained in this section govern when the Congress of the United States:

(a) proposes an amendment to the Constitution of the United States; and

(b) directs that the amendment be ratified by conventions in each state.

(2) If Congress prescribes the manner in which the conventions shall be constituted and does not except those states that have established procedures for constituting ratification conventions:

(a) this chapter is inoperative;

(b) the convention shall be constituted and shall operate as the congressional resolution or Act of Congress directs; and

(c) all state officers who are authorized or directed to take any action to constitute a ratification convention in Utah shall do so. 1995

20A-15-102. Election to elect convention delegates.

(1) The governor shall:

(a) issue a proclamation establishing the date of an election to elect 21 delegates to Utah's ratification convention from the state at large;

(b) ensure that the election is held at least as soon as the next regular general election occurring more than three months after the amendment has been proposed by Congress; and

(c) either call a special election or schedule the election to be held at the same time as a regular or municipal general election.

(2) Unless otherwise provided in this chapter, the election shall be conducted according to the procedures for a regular general election contained in this title. 1995

20A-15-103. Delegates - Candidacy -

Qualifications - Nominating procedures.

(1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.

(2) Persons wishing to be delegates to the ratification convention shall:

(a) circulate a nominating petition meeting the requirements of this section; and

(b) obtain the signature of at least 100 registered voters.

(3) (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.

(b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.

(c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:

(i) vote for ratification of the proposed amendment; or

(ii) vote against ratification of the proposed amendment.

(d) A nominating petition containing the names of more than one nominee may not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.

(4) (a) Candidates shall file their nominating petitions with the lieutenant governor at least 40 days before the proclaimed date of the election.

(b) Within ten days after the last day for filing the petitions, the lieutenant governor shall:

(i) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

(ii) decide any ties by lot drawn by the lieutenant governor; and

(iii) certify the nominated candidates of each group to the county clerk of each county within the state. 1995

20A-15-104. Ballot - Form - Manner of marking and voting.

(1) The requirements of this section govern the form of the ballot and the specific procedures for electing delegates to the ratification convention.

(2) Each county clerk shall ensure that the ballot to select delegates to the ratification convention:

(a) is separate from and printed on different color stock than any other ballot to be used at the same election;

(b) contains the following information in this order:

(i) the text of the proposed amendment;

(ii) instructions to the voter;

(iii) three perpendicular columns of equal width;

(iv) at the head of the first perpendicular column, in plain type, the words "For Ratification of Proposed Change in Constitution of the United States;"

(v) at the head of the second perpendicular column, in plain type, the words "Against Ratification of Proposed Change in Constitution of the

United States;”

(vi) no heading or names at the head of the third perpendicular column;

(vii) in the column headed "For Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as in favor of ratification;

(viii) in the column headed "Against Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as against ratification; and

(ix) in the column without heading, spaces permitting the voter to write in other names; and

(c) is arranged so that the voter may, by making a single mark, vote for the entire group of nominees whose names are contained in any column.

(3) Each county clerk shall ensure that the ballot to select delegates to the ratification convention is in substantially the following form:

"OFFICIAL BALLOT for delegates to convention to ratify or reject proposed amendment to the Constitution of the United States. The Congress has proposed an amendment to the Constitution of the United States that provides: (insert here the text of the proposed amendment). The Congress has also directed that the proposed amendment be ratified by conventions in the states.

INSTRUCTIONS TO VOTERS

Do not vote for more than 21.

To vote for all candidates in favor of ratification, or for all candidates against ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate, make a cross-mark in the SQUARE at the right of the name.

To vote for a person other than candidates listed on the ballot, write in the person's name in blank column.

For ratification of proposed change in Constitution of the United States.

(Name of Candidate)

Against ratification of proposed change in Constitution of the United States.

(Name of Candidate)

()

(4) If the election of delegates to the ratification convention is held at the same time as the regular general election, the county clerk shall:

(a) give the same ballot number to a regular general election ballot and a ballot to elect delegates to a ratification convention;

(b) direct the election judges to:

(i) hand to each voter the general election ballot and the ratification convention ballot with identical ballot numbers;

(ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

(iii) mark any ballot "void" that the voter declines to use and return it to the county clerk.

(5) Each voter shall indicate his choice by making one or more cross-marks in the appropriate spaces provided on the ballot. 1995

20A-15-105. Poll watchers.

(1) If one or more of the candidates listed upon the official ballot under the heading "For Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county.

(2) If one or more of the candidates listed upon

the official ballot under the heading "Against Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county. 1995

Part 2. Ratification Convention Procedures.

20A-15-201. Convening - Vacancies - Election of officers - Journal of proceedings.

20A-15-202. Certificate of ratification.

20A-15-201. Convening - Vacancies - Election of officers - Journal of proceedings.

(1) The delegates to the convention shall convene at the state capitol at noon on the 28th day after their election to pass upon the question of whether or not the proposed amendment shall be ratified.

(2) (a) If, at the time the convention convenes, there is a vacancy in the convention, the delegates from the group from which the delegate creating the vacancy was elected shall, by majority vote, appoint a person to fill the vacancy.

(b) If the convention contains no other delegates from the group from which the delegate creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.

(3) The convention may:

(a) elect a president, secretary, and other officers; and

(b) adopt its own rules.

(4) The convention shall:

(a) keep a journal of its proceedings;

(b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and

(c) file the journal with the lieutenant governor after the convention adjourns.

(5) (a) Delegates to the ratification convention shall:

(i) serve without pay;

(ii) receive a per diem of \$4 per day while the convention is in session; and

(iii) receive mileage at the rate of ten cents per mile for the distance necessarily traveled in going to and returning from the place of meeting by the most usual route.

(b) The lieutenant governor shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury. 1995

20A-15-202. Certificate of ratification.

(1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify the proposed amendment, the president and secretary of the convention shall:

(a) prepare and sign a certificate to that effect; and

(b) transmit it to the lieutenant governor.

(2) Upon receipt of a ratification certificate, the lieutenant governor shall transmit the certificate under the great seal of the state to the Secretary of State of the United States. 1995

Title 32A. Alcoholic Beverages.

Chapter 2. State Stores.

Chapter 3. Package Agencies.

Chapter 4. Public Liquor Licenses.

Chapter 5. Private Club Liquor Licenses.

Chapter 7. Single Event Permits.

Chapter 2. State Stores.

32A-2-103. Operational restrictions.

32A-2-103. Operational restrictions.

(1) Liquor may not be sold from a state store except in a sealed package. The package may not be opened on the premises of any state store.

(2) (a) An officer, agent, clerk, or employee of a state store may not consume or allow to be consumed by any person any alcoholic beverage on the premises of a state store.

(b) Violation of Subsection (2) is a class B misdemeanor.

(3) All liquor sold shall be in packages that are properly marked and labeled in accordance with the rules adopted under this title.

(4) Liquor may not be sold except at prices fixed by the commission.

(5) Liquor may not be sold, delivered, or furnished to any:

(a) minor;
(b) person actually, apparently, or obviously drunk;

(c) known habitual drunkard; or

(d) known interdicted person.

(6) Sale or delivery of liquor may not be made on or from the premises of any state store, nor may any state store be kept open for the sale of liquor:

(a) on Sunday;

(b) on any state or federal legal holiday;

(c) on any day on which any regular general election, regular primary election, or statewide special election is held;

(d) on any day on which any municipal, special district, or school election is held, but only within the boundaries of the municipality, special district, or school district holding the election and only if the municipality, special district, or school district in which the election is being held notifies the department at least 30 days prior to the date of the election; or

(e) except on days and during hours as the commission may direct by rule or order.

(7) Each state store shall display in a prominent place in the store a sign in large letters stating: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others." 1995

Chapter 3. Package Agencies.

32A-3-106. Operational restrictions.

32A-3-106. Operational restrictions.

(1) (a) A package agency may not be operated until a package agency agreement has been entered into by the package agent and the department.

(b) The agreement shall state the conditions of operation by which the package agent and the department are bound.

(c) If the package agent violates the conditions, terms, or covenants contained in the agreement, or violates any provisions of this title, the department may take whatever action against the agent that is allowed by the package agency agreement.

(d) Actions against the package agent are governed solely by the agreement and may include sus-

pension or revocation of the agency.

(2) The department shall provide all liquor sold by package agencies.

(3) The department may pay or otherwise remunerate a package agent on any basis other than sales or volume of business done by the agency.

(4) Liquor may not be sold from any package agency except in a sealed package. The package may not be opened on the premises of a package agency.

(5) All liquor sold shall be in packages that are properly marked and labeled in accordance with the rules adopted under this title.

(6) A package agency may not display liquor or price lists in windows or showcases visible to passersby.

(7) (a) An officer, agent, clerk, or employee of a package agency may not consume or allow to be consumed by any person any alcoholic beverage on the premises of a package agency.

(b) Violation of this subsection is a class B misdemeanor.

(8) Liquor may not be sold except at prices fixed by the commission.

(9) Liquor may not be sold, delivered, or furnished to any:

(a) minor;

(b) person actually, apparently, or obviously drunk;

(c) known habitual drunkard; or

(d) known interdicted person.

(10) Sale or delivery of liquor may not be made on or from the premises of any package agency nor may any package agency be kept open for the sale of liquor:

(a) on Sunday;

(b) on any state or federal legal holiday;

(c) on any day on which any regular general election, regular primary election, or statewide special election is held until after the polls are closed;

(d) on any day on which any municipal, special district, or school election is held until after the polls are closed, but only within the boundaries of the municipality, special district, or school district holding the election and only if the municipality, special district, or school district in which the election is being held notifies the department at least 30 days prior to the date of the election; or

(e) except on days and during hours as the commission may direct by rule or order.

(11) The package agency certificate issued by the commission shall be permanently posted in a conspicuous place in the package agency.

(12) Each package agent shall display in a prominent place in the package agency a sign in large letters stating: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others."

(13) (a) A package agency may not close or cease operation for a period longer than 72 hours, unless written notice is given to the department at least seven days before the closing, and the closure or cessation of operation is first approved by the department.

(b) In the case of emergency closure, immediate notice of closure shall be made to the department by telephone.

(c) The department may authorize a closure or cessation of operation for a period not to exceed 60 days. The department may extend the initial period an additional 30 days upon written request of the package agency and upon a showing of good cause.

A closure or cessation of operation may not exceed a total of 90 days without commission approval.

(d) Each notice shall include the dates of closure or cessation of operation, the reason for the closure or cessation of operation, and the date on which the agency will reopen or resume operation.

(e) Failure of the agency to provide notice and to obtain department authorization prior to closure or cessation of operation shall result in an automatic termination of the package agency contract effective immediately.

(f) Failure of the agency to reopen or resume operation by the approved date shall result in an automatic termination of the package agency contract effective on that date.

(14) (a) All liquor shall be stored and sold from the location designated in the package agent's application as approved by the commission.

(b) A package agency may not transfer its operations from one location to another without prior written approval of the commission.

(15) (a) A person, having been granted a package agency, may not sell, exchange, barter, give, or attempt in any way to dispose of the agency, whether for monetary gain or not.

(b) A package agency has no monetary value for the purpose of any type of disposition. 1993

Chapter 4. Public Liquor Licenses.

Part 1. Restaurant Liquor Licenses.

Part 2. Airport Lounge Liquor Licenses.

Part 1. Restaurant Liquor Licenses.

32A-4-106. Operational restrictions.

32A-4-106. Operational restrictions.

Each person granted a restaurant liquor license and the employees and management personnel of the restaurant shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) Liquor may not be purchased by a restaurant liquor licensee except from state stores or package agencies. Liquor purchased may be transported by the licensee from the place of purchase to the licensed premises. Payment for liquor shall be made in accordance with rules established by the commission.

(2) Beginning July 1, 1991, a restaurant liquor licensee may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title, except that:

(a) liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(i) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary liquor;

(ii) the secondary ingredient is not the only liquor in the beverage;

(iii) the licensee shall designate a location where flavorings are stored on the floor plan provided to the department; and

(iv) all flavoring containers shall be plainly and

conspicuously labeled "flavorings";

(b) liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on desserts and in the preparation of flaming food dishes, drinks, and desserts;

(c) wine may be served by the glass in quantities not exceeding five ounces per glass; and

(d) heavy beer may be served in original containers not exceeding one liter.

(3) (a) Restaurants licensed to sell liquor may sell beer in any size container not exceeding two liters, and on draft for on-premise consumption without obtaining a separate on-premise beer retailer license from the commission.

(b) Restaurants licensed under this chapter that sell beer pursuant to Subsection (3)(a) shall comply with all appropriate operational restrictions under Chapter 10 that apply to on-premise beer retailers except when those restrictions are inconsistent with or less restrictive than the operational restrictions under this chapter.

(c) Failure to comply with the operational restrictions under Chapter 10 as set forth in Subsection (3)(b) may result in a suspension or revocation of the restaurant's state liquor license and its alcoholic beverage license issued by the local authority.

(4) Wine may be served in accordance with commission rule in containers not exceeding 750 ml.

(5) (a) Liquor may not be stored or sold in any place other than as designated in the licensee's application, unless the licensee first applies for and receives approval from the department for a change of location within the restaurant.

(b) A patron or guest may only make purchases in the restaurant from a server designated and trained by the licensee.

(c) Any alcoholic beverage may only be consumed at the patron's or guest's table.

(d) Liquor may not be stored where it is visible to patrons of the restaurant.

(6) Alcoholic beverages may not be dispensed directly to a patron or guest from the storage area but shall be delivered by a server to the patron.

(7) The liquor storage area shall remain locked at all times other than those hours and days when liquor sales are authorized by law.

(8) (a) Liquor may not be sold or offered for sale at a restaurant during the following days or hours:

(i) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed;

(ii) on the day of any municipal, special district, or school election, but only within the boundaries of the municipality, special district, or school district, and only if closure is required by local ordinance;

(iii) on any other day after 12 midnight and before 12 noon.

(b) The hours of beer sales are those specified in Chapter 10 for on-premise beer licensees.

(9) Alcoholic beverages may not be sold except in connection with an order for food prepared, sold, and served at the restaurant.

(10) Alcoholic beverages may not be sold, delivered, or furnished to any:

(a) minor;

(b) person actually, apparently, or obviously drunk;

(c) known habitual drunkard; or

(d) known interdicted person.

(11) Liquor may not be sold except at prices fixed by the commission. Mixed drinks and wine may not be sold at discount prices on any date or at any

time.

(12) A restaurant patron or guest may have only one alcoholic beverage at a time before him on his table.

(13) Beginning July 1, 1991, no more than one ounce of primary liquor may be served to a patron or guest at a time, except wine as provided in Subsection (2)(c) and heavy beer as provided in Subsection (2)(d).

(14) Alcoholic beverages may not be purchased by the licensee, or any employee or agent of the licensee, for patrons or guests of the restaurant.

(15) Alcoholic beverages purchased in a restaurant may not be served or consumed at any location where they are stored or dispensed.

(16) A wine service may be performed and a service charge assessed by the restaurant as authorized by commission rule for wine purchased at the restaurant or carried in by a patron. If wine is carried in by a patron, the patron shall deliver the wine to a server or other representative of the licensee upon entering the licensee premises.

(17) (a) Beginning January 1, 1991, a person may not bring onto the premises of a restaurant liquor licensee any alcoholic beverage for on-premise consumption, except a person may bring, subject to the discretion of the licensee, cork-finished wine onto the premises of any restaurant liquor licensee and consume wine pursuant to Subsection (16).

(b) Beginning January 1, 1991, a restaurant, licensed or unlicensed under this title, or its officers, managers, employees, or agents may not allow a person to bring onto the restaurant premises any alcoholic beverage for on-premise consumption or allow consumption of any such alcoholic beverage on its premises, except cork-finished wine under Subsection (a).

(c) Beginning January 1, 1991, if any restaurant licensee, or any of its officers, managers, employees, or agents violates Subsection (17):

(i) the commission may immediately suspend or revoke the restaurant's liquor license and the restaurant licensee is subject to possible criminal prosecution under Chapter 12; and

(ii) the local authority may immediately suspend or revoke the restaurant's local liquor license, local consent under Subsection 32A-4-102 (1)(c), or local business license.

(18) Alcoholic beverages purchased from the restaurant may not be removed from the restaurant premises.

(19) Minors may not be employed by a restaurant licensee to sell or dispense alcoholic beverages.

(20) An employee of a restaurant liquor licensee, while on duty, may not consume an alcoholic beverage or be under the influence of alcoholic beverages.

(21) (a) Advertising or other reference to the sale of liquor and wine is not allowed on a food menu except that a statement of availability of a liquor and wine menu on request, the content and form of which is approved by the department, may be attached to or carried on a food menu. The context of both food and liquor and wine menus may not in any manner attempt to promote or increase the sale of alcoholic beverages.

(b) A server, employee, or agent of a licensee may not draw attention to the availability of alcoholic beverages for sale, unless a patron or guest first inquires about it.

(c) Any set-up charge, service charge, chilling fee, or any other charge or fee made in connection

with the sale, service, or consumption of liquor may be stated in food or alcoholic beverage menus.

(22) Each restaurant liquor licensee shall display in a prominent place in the restaurant:

(a) the liquor license that is issued by the department;

(b) a list of the types and brand names of liquor being served through its calibrated metered dispensing system; and

(c) a sign in large letters stating: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others."

(23) The following acts or conduct in a restaurant licensed under this chapter are considered contrary to the public welfare and morals, and are prohibited upon the premises:

(a) employing or using any person in the sale or service of alcoholic beverages while the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(b) employing or using the services of any person to mingle with the patrons while the person is unclothed or in attire, costume, or clothing described in Subsection (23)(a);

(c) encouraging or permitting any person to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person;

(d) permitting any employee or person to wear or use any device or covering, exposed to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

(e) permitting any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection;

(f) permitting any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus; or

(g) showing films, still pictures, electronic reproductions, or other visual reproductions depicting:

(i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by Utah law;

(ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;

(iii) scenes wherein artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the prohibited activities described in this subsection; or

(iv) scenes wherein a person displays the vulva or the anus or the genitals.

(24) Nothing in Subsection (23) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (23).

(25) (a) Although live entertainment is permitted on the premises of a restaurant liquor licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a stage or at a designated area approved by the commission.

(b) Nothing in Subsection (25)(a) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (25)(a).

(26) A restaurant liquor licensee may not engage in or permit any form of gambling, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling, on the premises of the restaurant liquor licensee.

(27) (a) Each restaurant liquor licensee shall maintain an expense ledger or record showing in detail:

(i) quarterly expenditures made separately for malt or brewed beverages, set-ups, liquor, food, and all other items required by the department; and

(ii) sales made separately for malt or brewed beverages, set-ups, food, and all other items required by the department.

(b) This record shall be kept in a form approved by the department and shall be kept current for each three-month period. Each expenditure shall be supported by delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers, or other sustaining data or memoranda.

(28) Each restaurant liquor licensee shall maintain accounting and other records and documents as the department may require. Any restaurant or person acting for the restaurant, who knowingly forges, falsifies, alters, cancels, destroys, conceals, or removes the entries in any of the books of account or other documents of the restaurant required to be made, maintained, or preserved by this title or the rules of the commission for the purpose of deceiving the commission, council, or department, or any of their officials or employees, is subject to the immediate suspension or revocation of the restaurant's liquor license and possible criminal prosecution under Chapter 12.

(29) (a) A restaurant liquor licensee may not close or cease operation for a period longer than 240 hours, unless written notice is given to the department at least seven days before the closing, and the closure or cessation of operation is first approved by the department.

(b) In the case of emergency closure, immediate notice of closure shall be made to the department by telephone.

(c) The department may authorize a closure or cessation of operation for a period not to exceed 60 days. The department may extend the initial period an additional 30 days upon written request of the restaurant licensee and upon a showing of good cause. A closure or cessation of operation may not exceed a total of 90 days without commission approval.

(d) Any notice shall include the dates of closure or cessation of operation, the reason for the closure or cessation of operation, and the date on which the licensee will reopen or resume operation.

(e) Failure of the licensee to provide notice and to obtain department authorization prior to closure or cessation of operation shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the license fee for the remainder of the license year effective immediately.

(f) Failure of the licensee to reopen or resume operation by the approved date shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the license fee for the remainder of the license year.

(30) Each restaurant liquor licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include mix for alcoholic beverages or service charges.

(31) There shall be no transfer of a restaurant liquor license from one location to another, without prior written approval of the commission.

(32) (a) A person, having been granted a restaurant liquor license may not sell, exchange, barter, give, or attempt in any way to dispose of the license whether for monetary gain or not.

(b) A restaurant liquor license has no monetary value for the purpose of any type of disposition.

(33) Each server of alcoholic beverages in a licensee's establishment shall keep a written beverage tab for each table or group that orders or consumes alcoholic beverages on the premises. The beverage tab shall list the type and amount of alcoholic beverages ordered or consumed.

(34) A person's willingness to serve alcoholic beverages may not be made a condition of employment as a server with a restaurant that has a restaurant liquor license. 1994

Part 2. Airport Lounge Liquor Licenses.

32A-4-206. Operational restrictions.

32A-4-206. Operational restrictions.

Each person granted an airport lounge liquor license and the employees and management personnel of the airport lounge shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) Liquor may not be purchased by an airport lounge liquor licensee except from state stores or package agencies. Liquor purchased may be transported by the licensee from the place of purchase to the licensed premises. Payment for liquor shall be made in accordance with the rules established by the commission.

(2) An airport lounge liquor licensee may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title, except that:

(a) liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(i) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary liquor;

(ii) the secondary ingredient is not the only liquor in the beverage;

(iii) the licensee shall designate a location where flavorings are stored on the floor plan provided to the department; and

(iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

(b) wine may be served by the glass in quantities not exceeding five ounces per glass; and

(c) heavy beer may be served in original containers not exceeding one liter.

(3) (a) Airport lounges may sell beer in any size container not exceeding two liters, and on draft without obtaining a separate on-premise beer retailer license from the commission.

(b) Airport lounges that sell beer pursuant to Subsection (3)(a) shall comply with all appropriate operational restrictions under Chapter 10 that apply to on-premise beer retailers except when those restrictions are inconsistent with or less restrictive than the operational restrictions under this chapter that apply to airport lounges.

(c) Failure to comply with the operational restri-

ctions under Chapter 10 as set forth in Subsection (3)(b) may result in a suspension or revocation of the airport lounge's state liquor license and its alcoholic beverage license issued by the local authority.

(4) Wine may be served in accordance with commission rule in containers not exceeding 750 ml.

(5) (a) Liquor may not be stored or sold in any place other than as designated in the licensee's application, unless the licensee first applies for and receives approval from the department for a change of location within the airport lounge.

(b) A patron or guest may only make purchases in the airport lounge from a server designated and trained by the licensee.

(c) Alcoholic beverages may not be stored where they are visible to persons outside the airport lounge.

(6) The liquor storage area shall remain locked at all times other than those hours and days when liquor sales are authorized by law.

(7) Alcoholic beverages may not be sold or offered for sale at an airport lounge during the following days or hours:

(a) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed; and

(b) on any other day after 12 midnight and before 8 a.m.

(8) Alcoholic beverages may not be sold, delivered, or furnished to any:

(a) minor;

(b) person actually, apparently, or obviously drunk;

(c) known habitual drunkard; or

(d) known interdicted person.

(9) Liquor may not be sold except at prices fixed by the commission. Mixed drinks and wine may not be sold at discount prices on any day or at any time.

(10) An airport lounge patron or guest may have only one alcoholic beverage at a time before him.

(11) No more than one ounce of primary liquor may be served to a patron or guest at a time, except wine as provided in Subsection (2)(b) and heavy beer as provided in Subsection (2)(c).

(12) Alcoholic beverages may not be purchased by the licensee, or any employee or agent of the licensee, for patrons or guests of the airport lounge.

(13) (a) Beginning January 1, 1991, a person may not bring onto the premises of an airport lounge licensee any alcoholic beverage for on-premise consumption.

(b) Beginning January 1, 1991, an airport lounge or its officers, managers, employees, or agents may not allow a person to bring onto the airport lounge premises any alcoholic beverage for on-premise consumption or allow consumption of any such alcoholic beverage on its premises.

(c) Beginning January 1, 1991, if any airport lounge liquor licensee or any of its officers, managers, employees, or agents violates Subsection (13):

(i) the commission may immediately suspend or revoke the airport lounge's liquor license and the airport lounge liquor licensee is subject to criminal prosecution under Chapter 12; and

(ii) the local authority may immediately suspend or revoke the airport lounge's local liquor license, local consent under Subsection 32A-4-202 (1)(c), or local business license.

(14) Alcoholic beverages purchased from the airport lounge may not be removed from the airport lounge premises.

(15) Minors may not be employed by an airport

lounge licensee to sell or dispense alcoholic beverages.

(16) An employee of a licensee, while on duty, may not consume an alcoholic beverage or be under the influence of alcoholic beverages.

(17) Each airport lounge liquor licensee shall display in a prominent place in the airport lounge:

(a) the liquor license that is issued by the department;

(b) a list of the types and brand names of liquor being served through its calibrated metered dispensing system; and

(c) a sign in large letters stating: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others."

(18) (a) Each airport lounge liquor licensee shall maintain an expense ledger or record showing in detail:

(i) quarterly expenditures made separately for malt or brewed beverages, liquor, and all other items required by the department; and

(ii) sales made separately for malt or brewed beverages, food, and all other items required by the department.

(b) This record shall be kept in a form approved by the department and shall be kept current for each three-month period. Each expenditure shall be supported by delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers, or other sustaining data or memoranda.

(19) Each airport lounge liquor licensee shall maintain accounting and other records and documents as the department may require. Any airport lounge or person acting for the airport lounge, who knowingly forges, falsifies, alters, cancels, destroys, conceals, or removes the entries in any of the books of account or other documents of the airport lounge required to be made, maintained, or preserved by this title or the rules of the commission for the purpose of deceiving the commission, council, or department, or any of their officials or employees, is subject to the immediate suspension or revocation of the airport lounge's liquor license and possible criminal prosecution under Chapter 12.

(20) There shall be no transfer of an airport lounge liquor license from one location to another, without prior written approval of the commission.

(21) (a) A person, having been granted an airport lounge liquor license, may not sell, exchange, barter, give, or attempt in any way to dispose of the license whether for monetary gain or not.

(b) An airport lounge liquor license has no monetary value for the purpose of any type of disposition.

(22) Each server of alcoholic beverages in a licensee's establishment shall keep a written beverage tab for each table or group that orders or consumes alcoholic beverages on the premises. The beverage tab shall list the type and amount of alcoholic beverages ordered or consumed.

(23) An airport lounge liquor licensee's premises may not be leased for private functions.

(24) An airport lounge liquor licensee may not engage in or permit any form of gambling, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling, on the premises of the airport lounge liquor licensee.

1994

Chapter 5. Private Club Liquor Licenses.

32A-5-107. Operational restrictions.

32A-5-107. Operational restrictions.

Each corporation or association granted a private club liquor license and its employees, officers, managing agent, and members shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) Each private club shall hold regular meetings as required by its articles or bylaws and conduct its business through regularly elected officers. Within ten days following the election of any officer, the department shall be notified in writing of the officer's name, address, and office to which the officer has been elected, and the term of that office.

(2) Each private club may admit members only on written application signed by the applicant, following investigation and approval of the governing body. Admissions shall be recorded in the official minutes of a regular meeting of the governing body and the application, whether approved or disapproved, shall be filed as a part of the official records of the licensee. An applicant may not be accorded the privileges of a member until a quorum of the governing body has formally voted upon and approved the applicant as a member. An applicant may not be admitted to membership until seven days after the application is submitted.

(3) Each private club shall maintain a current and complete membership record showing the date of application of each proposed member, the member's address, the date of admission following application, and the date initiation fees and dues were assessed and paid. The record shall also show the serial number of the membership card issued to each member. A current record shall also be kept indicating when members were dropped or resigned.

(4) Each private club shall establish in the club bylaws initial fees and monthly dues, as established by commission rules, which are collected from all members.

(5) Each private club may allow guests or visitors to use the premises only when previously authorized by a member. A member is responsible for all services extended to guests and visitors. If the guest or visitor is a member of the same fraternal organization as the private club liquor licensee, no previous authorization is required.

(6) Each private club shall limit the issuance of visitor cards for a period not to exceed two weeks and assess and collect a fee from each visitor of not less than \$5 for each two-week period the visitor card is issued. One dollar of every visitor card fee shall be remitted quarterly to the department for the administration of this title. A current record of the issuance of each card shall be maintained and shall contain the name of the member sponsoring the visitor.

(7) A private club may not sell alcoholic beverages to any person other than a member, guest, or visitor who holds a valid visitor card issued under Subsection (6).

(8) A person who is under 21 years of age may not be a member, officer, director, or trustee of a private club.

(9) An employee of a club, while on duty, may

not consume an alcoholic beverage, be under the influence of alcoholic beverages, sponsor a person for visitor privileges, or act as a host for a guest.

(10) A visitor to a club may not host more than five guests at one time.

(11) Each private club shall maintain an expense ledger or record showing in detail all expenditures separated by payments for malt or brewed beverages, liquor, food, detailed payroll, entertainment, rent, utilities, supplies, and all other expenditures. This record shall be kept in a form approved by the department and balanced each month. Each expenditure shall be supported by delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers, or other sustaining data or memoranda. All invoices and receipted bills for the current calendar or fiscal year documenting purchases made by officers of the club for the benefit of the club shall also be maintained.

(12) Each private club shall maintain a bank account that shows all income and expenditures as a control on the income and disbursements records. This account shall be balanced each month under the direction of the treasurer or other officer of the licensee.

(13) Each private club shall maintain a minute book that is posted currently by the secretary. This record shall contain the minutes of all regular and special meetings of the governing body and all committee meetings held to conduct club business. Membership lists shall also be maintained.

(14) Each private club shall maintain current copies of the club's articles of incorporation, current bylaws, and current house rules. Changes in the bylaws are not effective unless submitted to the department within ten days after adoption, and become effective 15 days after received by the department unless rejected by the department before the expiration of the 15-day period.

(15) Each private club shall maintain accounting and other records and documents as the department may require.

(16) Any club or person acting for the club, who knowingly forges, falsifies, alters, cancels, destroys, conceals, or removes the entries in any of the books of account or other documents of the club required to be made, maintained, or preserved by this title or the rules of the commission for the purpose of deceiving the commission, council, or department, or any of their officials or employees, is subject to the immediate suspension or revocation of the club's license and possible criminal prosecution under Chapter 12.

(17) Each private club shall maintain and keep all the records required by this section and all other books, records, receipts, and disbursements maintained or utilized by the licensee, as the department requires, for a minimum period of three years. All records, books, receipts, and disbursements are subject to inspection by authorized representatives of the commission, department, and council. The club shall allow the department, through its auditors or examiners, to audit all records of the club at times the department considers advisable. The department shall audit the records of the licensee at least once annually.

(18) Each private club shall make available to the department, upon request, verified copies of any returns filed with the United States Treasury Department; Internal Revenue Service, under the federal Internal Revenue Code. Failure to provide any returns and supporting documents upon reasonable

request by the department or, alternatively, to provide evidence of an extension granted by the Internal Revenue Service, constitutes sufficient grounds for the commission to suspend or revoke a license. Any return or copy of a return so filed with the department is confidential and may not be used in any manner not directly connected with the enforcement of this title, nor may it be disclosed to any person or any department or agency of government, whether federal, state, or local.

(19) Each private club shall own or lease premises suitable for its activities in its own name. A copy of the lease shall be filed with the department.

(20) Each private club shall operate the club under the supervision of a manager or house committee, appointed by the governing body of the club.

(21) A private club may not maintain facilities in any manner that barricades or conceals the club operation. Any member of the commission, authorized department personnel, member of the council, or any peace officer shall, upon presentation of credentials, be admitted immediately to the club and permitted without hindrance or delay to inspect completely the entire club premises and all books and records of the licensee, at any time during which the same are open for the transaction of business to its members.

(22) A private club may not pay any person or entity any fee, salary, rent, or other payment of any kind in excess of the fair market value for the service rendered, goods furnished, or facilities or equipment rented. It is the intention of this subsection to insure that no officer, managing agent, employee, or other person derives a principal economic benefit from the operation of a club.

(23) A private club may not engage in any public solicitation or public advertising calculated to increase its membership.

(24) Each private club shall comply with the following operational restrictions:

(a) The liquor storage and sales area shall remain locked at all times when it is not open for business.

(b) Liquor may not be purchased by a private club liquor licensee except from state stores or package agencies. Liquor so purchased may be transported by the licensee from the place of purchase to the licensed premises. Payment for liquor shall be made in accordance with rules established by the commission.

(c) Beginning July 1, 1991, a private club liquor licensee may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title, except that:

(i) liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(A) the beverage shall contain liquor from a lawfully purchased container;

(B) the secondary ingredient is not the only liquor in the beverage;

(C) the licensee shall designate a location where flavorings are stored on the floor plan provided to the department; and

(D) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

(ii) liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on desserts and in the preparation of flaming food dishes, drinks, and desserts;

(iii) wine may be served by the glass in quantities not exceeding five ounces per glass; and

(iv) heavy beer may be served in standard containers not exceeding one liter.

(d) (i) Private clubs licensed to sell liquor may sell beer in any size container not exceeding two liters, and on draft without obtaining a separate on-premise beer retailer license from the commission.

(ii) Private clubs licensed under this chapter that sell beer pursuant to Subsection (24)(d)(i) shall comply with all appropriate operational restrictions under Title 32A, Chapter 10, Beer Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are inconsistent with or less restrictive than the operational restrictions under this chapter.

(iii) Failure to comply with the operational restrictions under Title 32A, Chapter 10, as set forth in Subsection (24)(d)(ii) may result in a suspension or revocation of the private club's state liquor license and its alcoholic beverage license issued by the local authority.

(e) Wine may be served in accordance with commission rule in containers not exceeding 750 ml.

(f) A private club may not charge for the service or supply of glasses, ice, or mixers unless the charges are fixed in the house rules of the club and a copy of the rules is kept on the club premises and available at all times for examination by the members, guests, and visitors to the club.

(g) Minors may not be employed by any club to sell, dispense, or handle any alcoholic beverage.

(h) An officer, director, managing agent, employee, and any other person employed by or acting for or in behalf of any licensee, may not sell, deliver, or furnish, or cause or permit to be sold, delivered, or furnished any liquor to any:

(i) minor;

(ii) person actually, apparently, or obviously drunk;

(iii) known habitual drunkard; or

(iv) known interdicted person.

(i) (i) Liquor may not be sold or offered for sale at any private club during the following days or hours:

(A) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed;

(B) on the day of any municipal, special district, or school election, but only within the boundaries of the municipality, special district, or school district, and only if closure is required by local ordinance; and

(C) on Sunday and any state or federal legal holiday after 12 midnight and before 12 noon.

(ii) The hours of beer sales are those specified in Chapter 10 for on-premise beer licensees.

(j) On all other days the liquor storage and sales area in the club shall be closed from 1 a.m. until 10 a.m.

(k) Liquor may not be sold except at prices fixed by the commission. Mixed drinks and wine may not be sold at discount prices on any date or at any time.

(l) Beginning July 1, 1991, no more than one ounce of primary liquor may be served to a member, guest, or visitor at a time, except wine as provided in Subsection (24)(c)(iii) and heavy beer as provided in Subsection (24)(c)(iv).

(m) (i) Beginning January 1, 1991, a person may not bring onto the premises of a private club liquor licensee any alcoholic beverage for on-premise

consumption, except a person may bring, subject to the discretion of the licensee, cork-finished wine onto the premises of any private club liquor licensee and consume wine pursuant to Subsection (24)(n).

(ii) Beginning January 1, 1991, a private club or its officers, managers, employees, or agents may not allow a person to bring onto the private club premises any alcoholic beverage for on-premise consumption, except cork-finished wine under Subsection (24)(m)(i).

(iii) Beginning January 1, 1991, if any private club licensee or any of its officers, managers, employees, or agents violates this subsection:

(A) the commission may immediately suspend or revoke the private club's liquor license and the private club licensee is subject to criminal prosecution under Chapter 12; and

(B) the local authority may immediately suspend or revoke the private club's local liquor license, local consent under Subsection 32A-5-102 (1)(c), or local business license.

(n) A wine service may be performed and a service charge assessed by the private club as authorized by commission rule for wine purchased at the private club or carried in by a member, guest, or visitor. If wine is carried in by a member, guest, or visitor, the member, guest, or visitor shall deliver the wine to a server or other representative of the licensee upon entering the licensee premises.

(o) A member, guest, or visitor to a club may not carry from a club premises an open container used primarily for drinking purposes containing any alcoholic beverage.

(p) Each private club liquor licensee shall display in a prominent place in the private club:

(i) the private club liquor license that is issued by the department;

(ii) a list of the types and brand names of liquor being served through its calibrated metered dispensing system; and

(iii) a sign in large letters stating: "Warning: The consumption of alcoholic beverages purchased in this establishment may be hazardous to your health and the safety of others."

(q) The following acts or conduct in a private club licensed under this chapter are considered contrary to the public welfare and morals, and are prohibited upon the premises:

(i) employing or using any person in the sale or service of alcoholic beverages while the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(ii) employing or using the services of any person to mingle with the patrons while the person is unclothed or in attire, costume, or clothing described in Subsection (24)(q)(i);

(iii) encouraging or permitting any person to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person;

(iv) permitting any employee or person to wear or use any device or covering, exposed to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

(v) permitting any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection;

(vi) permitting any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus; or

(vii) showing films, still pictures, electronic reproductions, or other visual reproductions depicting:

(A) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by Utah law;

(B) any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;

(C) scenes wherein artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the prohibited activities described in this subsection; or

(D) scenes wherein a person displays the vulva or the anus or the genitals.

(r) Nothing in Subsection (24)(q) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (24)(q).

(s) (i) Although live entertainment is permitted on the premises of a club liquor licensee, a licensee may not allow any person to perform or simulate sexual acts prohibited by Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a stage or at a designated area approved by the commission.

(ii) Nothing in Subsection (24)(s)(i) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (24)(s)(i).

(25) A private club may not engage in or permit any form of gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on the premises of the private club.

(26) (a) A private club may not close or cease operation for a period longer than 240 hours, unless written notice is given to the department at least seven days before the closing, and the closure or cessation of operation is first approved by the department.

(b) In the case of emergency closure, immediate notice of closure shall be made to the department by telephone.

(c) The department may authorize a closure or cessation of operation for a period not to exceed 60 days. The department may extend the initial period an additional 30 days upon written request of the private club and upon a showing of good cause. A closure or cessation of operation may not exceed a total of 90 days without commission approval.

(d) Any notice shall include the dates of closure or cessation of operation, the reason for the closure or cessation of operation, and the date on which the licensee will reopen or resume operation.

(e) Failure of the licensee to provide notice and to obtain department authorization prior to closure or cessation of operation shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the license fee for the remainder of the license year effective immediately.

(f) Failure of the licensee to reopen or resume operation by the approved date shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the club's license fee for the remainder of the license year.

(27) Each private club shall conduct its affairs so that it is not operated for a pecuniary profit.

(28) A private club may not transfer a private club liquor license from one location to another, without prior written approval of the commission.

(29) A person, having been granted a private club liquor license, may not sell, exchange, barter, give, or attempt in any way to dispose of the license, whether for monetary gain or not. A private club liquor license has no monetary value for the purpose of any type of disposition. 1994

Chapter 7. Single Event Permits.

32A-7-106. Operational restrictions.

32A-7-106. Operational restrictions.

(1) Any organization granted a single event permit and any person involved in the storage, sale, or service of liquor at the event for which the permit is issued, shall abide by this title, the rules of the commission, and the special conditions and requirements provided in this section. Failure to do so may result in an immediate revocation of the permit, forfeiture of the surety bond, immediate seizure of all liquor present at the event, and disqualifies the organization from applying for a single event permit for a period of three years from the date of revocation of the permit. Any liquor seized under this subsection shall be returned to the organization after the event if forfeiture proceedings are not instituted under Section 32A-13-103

(2) Special conditions and requirements for single event permittees include, but are not limited to, the following:

(a) All persons involved in the storage, sale, or service of liquor at the event do so under the supervision and direction of the permittee.

(b) All liquor stored, sold, served, and consumed at the event shall be purchased by the permittee from a state store or package agency, and is considered under the control of the permittee during the event. Attendees of the event may not bring any liquor other than that furnished by the permittee onto the premises of the event.

(c) A permittee may not charge more than the maximum amount set forth in the permit for any alcoholic beverage.

(d) Each permittee shall post in a prominent place in the area in which liquor is being sold, served, and consumed, a copy of the permit, together with a list of the operational restrictions and requirements of single event permittees set forth in this section.

(e) Liquor purchased for the event may not be stored in any place other than that described in the application and designated on the permit.

(f) Liquor purchased for the event may not be sold or served in any place other than the site described in the application and designated on the permit.

(g) Liquor purchased for the event may not be consumed in any area other than that described in the application and designated on the permit.

(h) (i) A single event permittee may not provide any primary liquor except in one ounce quantities, except that:

(A) additional liquor may be used in a beverage if used as a secondary flavoring ingredient, but only in conjunction with the primary liquor and only if the secondary ingredient is not the only liquor in the beverage;

(B) wine may be served by the glass in quantities not exceeding five ounces per glass; and

(C) heavy beer may be served in original containers not exceeding one liter.

(ii) Liquor otherwise need not be dispensed

through a calibrated metered dispensing system.

(i) Hours of sale, service, and consumption shall be in accordance with any local ordinance restrictions.

(j) Liquor may not be sold, served, or otherwise furnished on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed.

(k) Liquor may not be sold, served, delivered, or furnished to any:

(i) minor;

(ii) person actually, apparently, or obviously drunk;

(iii) known habitual drunkard; or

(iv) known interdicted person.

(l) Minors may not sell, serve, dispense, or handle any alcoholic beverage at the event.

(m) Public advertising of the event may not include reference to the availability of any alcoholic beverage at the event. However, the permittee may use signs or similar displays at the site of the event to inform attendees of the locations where alcoholic beverages are being dispensed.

(3) The following acts or conduct at an event for which a permit is issued under this chapter are considered contrary to the public welfare and morals, and are prohibited upon the premises:

(a) employing or using any person in the sale or service of alcoholic beverages while the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

(b) employing or using the services of any person to mingle with the patrons while the person is unclothed or in attire, costume, or clothing described in Subsection (a);

(c) encouraging or permitting any person to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person;

(d) permitting any employee or person to wear or use any device or covering, exposed to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

(e) permitting any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection;

(f) permitting any person to remain in or upon the premises who exposes to public view any portion of his or her genitals or anus;

(g) showing films, still pictures, electronic reproductions, or other visual reproductions depicting:

(i) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by Utah law;

(ii) any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;

(iii) scenes wherein artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the prohibited activities described in this subsection; or

(iv) scenes wherein a person displays the vulva or the anus or the genitals.

(4) Nothing in Subsection (3) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (3).

(5) (a) Although live entertainment is permitted at the event for which a permit has been issued under this chapter, a permittee may not allow any person to perform or simulate sexual acts prohibited by

Utah law, including sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, the touching, caressing, or fondling of the breast, buttocks, anus, or genitals, or the displaying of the pubic hair, anus, vulva, or genitals. Entertainers shall perform only upon a stage or at a designated area approved by the commission.

(b) Nothing in Subsection (a) precludes a local authority from being more restrictive of acts or conduct of the type prohibited in Subsection (a).

(6) The permittee shall maintain an expense and revenue ledger or record showing:

(a) expenditures made for liquor, set-ups, and other ingredients and components of alcoholic beverages; and

(b) the revenue from sale of alcoholic beverages.

(7) Single event permits are not transferable. 1993

Title 36. Legislature.

Chapter 1. Legislative Districts.

Chapter 11. Lobbyist Disclosure and Regulation Act.

Chapter 1. Legislative Districts.

36-1-1. Senatorial districts - Definitions - Numbers and boundaries of districts.

36-1-2. Election of senators.

36-1-3. Official maps of Senate districts.

36-1-4. House districts - Definitions - Numbers and boundaries of districts.

36-1-5. Official maps of House districts.

36-1-1. Senatorial districts - Definitions - Numbers and boundaries of districts.

(1) The Legislature adopts as the official data for the districting plan for Utah Senate Districts official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 1990 national decennial census.

(2) As used in this chapter:

(a) "Block" means the smallest geographical unit the population of which was ascertained by the Bureau of Census and shown on its official maps.

(b) "Census Tract" means a combination of blocks which are shown and numbered on the official census bureau maps.

(3) The Senate shall consist of 29 members with one member to be elected from each Senate district. The numbers and boundaries of the Senate districts are designated and established as follows:

Senate District 1 shall consist of the following Salt Lake County Census Districts: Census Tracts 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1033, 1034, 1035, and 1036; Census Tracts 1002, Blocks 101, 102, 103, 104, 105, 107A, 107B, 110, 111, 112A, 112B, 113, 114, 115, 116, 120, and 121; Census Tract 1011, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 203, 204, 205, 206, 212, 213, 301A, 309A, 401A, 401B, 402A, 402B, 403A, 403B, 404, 405A, 405B, 406, 407, 408, 409, 410, and 411; Census Tract 1020, Blocks 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 301, 304, 305, 307, 308, 309, and 310; Census Tract 1023, Blocks 301, 305, and 306; Census Tract 1030, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118;

Census Tract 1031, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 204, 205, and 206; Census Tract 1032, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117; Census Tract 1041, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, and 222; and Census Tract 110103, Blocks 102A, 104A, and 105.

Senate District 2 shall consist of the following Salt Lake County Census Districts: Census Tracts 1001, 100304, 1004, 1005, 1006, 1007, 1008, 1021, 1022, 1024, 1025, 1026, 1027, and 1029; Census Tract 1002, Blocks 106, 108, 109, 117, and 118; Census Tract 1011, Blocks 201, 202, 207, 208, 209, 210, 211, 301B, 302, 303, 304A, 304B, 305, 306, 307, 308, and 309B; Census Tract 1020, Blocks 108, 109, 110, 111, 112, 113, 302, 303, and 306; Census Tract 1023, Blocks 101, 102, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 107, 302, 303, and 304; Census Tract 1028, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517A, 517B, 518, 519, 520, 521, 522A, 524A, and 525; and Census Tract 1030, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217.

Senate District 3 shall consist of the following Salt Lake County Census Districts: Census Tracts 1046, 1049, 1114, 1117, 111901, and 112301; Census Tract 1031, Blocks 202, 203, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, and 308; Census Tract 1032, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317; Census Tract 1047, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, and 318; Census Tract 1048, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313A, 313B, 314, 315, 316A, 316B, 401, 402, 403, 404A, 404B, 404C, 405, 406, 407, 408, and 409; Census Tract 111101, Blocks 301A and 302; Census Tract 1116, Blocks 306A, 601A, 602A, 602B, and 603A; Census Tract 1118, Blocks 101A, 101B, 102A, 102B, 102C, 102D, 102E, 103A, 103B, 103C, 104, 105A, 105B, 106A, 106B, 106C, 106D, 107, 108, 109A, 109B, 110A, 110B, 111A, 111B, 112A, 112B, 112C, 113A, 113B, 114A, 114B, 201, 202, 203, 204, 205, 206, 207A, 207B, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312; Census Tract 111902, Blocks 301, 302, 303, 304, 306, 307, 501A, 501B, 501C, 501D, 502, and 503; Census Tract 1120, Blocks 101, 102, 103A, 103B, 104, 105, 107, 109, 115, 122A, 122B, 123A, 123B, 123C, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 401, 402, 403, 404, 405, 406, 407, 501, 502, 503, 504, 505,

506, 507, 508, 509, 510, 601, 602, 701, 702, 703, 704, 705, 801A, 801C, 802A, 802B, 803, and 804; Census Tract 1121, Blocks 101A, 102, 103A, 104A, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 312A, 312B, 327, 328, 333, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611; Census Tract 112201, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 118; Census Tract 112202, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125A, 125B, 126, 127, and 128; and Census Tract 113515, Blocks 301, 302, and 303A.

Senate District 4 shall consist of the following Salt Lake County Census Districts: Census Tracts 112802, 112804, and 112805; Census Tract 112401, Blocks 401, 402, 403A, 403B, 404A, 404B, 405, 415, 418, 433, 435, 436, 437, 442, 444, 445, 446, 447, 501, 502, 503A, 503B, 504, 505A, 505B, 506, 507, and 508; Census Tract 112402, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310A, 310B, 311, 312, 313A, 313B, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401A, 401B, 402A, 402B, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416; Census Tract 112604, Block 411A; Census Tract 112605, Blocks 102, 105A, 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401A, 401B, 402, 403A, 403B, 404A, 404B, 404C, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416A, 417, 418, 419A, 420A, 422, 423, 424A, 424B, 425, 426, 427, 428A, 428B, 428C, and 429; Census Tract 112610, Blocks 104A, 106A, 107, 302A, 302D, 303, and 305A; Census Tract 1127, Blocks 301, 304A, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319A, 320, 321, 322, 323, 324, 325, 326, 327A, 342A, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512; Census Tract 112801, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 401A, 401B, 401C, 407A, 410A, 410B, 411, 412, 413, 417, 418, 420, 421, 422, 423, 424, 425, 426, 427, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454B, 455, 456B, 457B, 458, 459, 460, 463, 464, 465, 466, 467, 474B, 475, 476, 477, 478, 479, 480, 481, 484, and 487; Census Tract 112806, Blocks 601A, 601B, 602A, 602B, 603A, 603B, 604, 605, 606, 607, 608A, 608B, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, and 619; and Census Tract 113006, Blocks 105, 106, 107, 109, 110, 111, 113, 115, and 117; and the following Utah County Census Districts: Census Tract 0001; Census Tract 0002, Blocks 207B, 219B,

219C, 230C, 230D, 230E, 231A, 231B, 231C, 232, 601, 602B, 603B, 604B, 605B, 901B, 901C, 901D, 902A, 902B, 904A, 904B, 906B, and 906C; Census Tract 0101, Blocks 101B, 101D, 102, 105, 106, 107, 108, 109, 110A, 110B, 111, 112, 113, 201A, 201B, 201C, 201D, 202A, 202B, 202C, 202D, 203, 204, 205, 206A, 206B, 207, 208A, 208B, 208C, 209A, 209B, 209C, 209D, 209E, 210A, 210B, 210C, 211A, 211B, 212A, 212B, 212C, 213, 214, 215, 216, 217B, 218, 219, 220B, 220C, 222, 286, 287, 288A, 288B, 289, 290, 291, 292, 293, 294, 295, and 296; Census Tract 010201, Blocks 101, 102, 103, 104, 105A, 105B, 106, 107A, 107B, 108A, 108B, 108C, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115, 116, 117A, 117B, 117C, 118A, 118B, 118C, 118D, 119A, 119B, 119C, 120, 121, 122A, 122B, 123A, 123B, 123C, 124A, 124B, 124C, 125, 126, 127, 201, 202, 203A, 203C, 203D, 203E, 204, 205A, 205B, 205C, 205D, 206, 207, 208A, 208B, 208C, 208D, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 219A, 219B, 219C, 220A, 220B, 220C, 220D, 220E, 220F, 221, 222A, 222B, 222C, 222D, 222E, 223, 224, 225, 226, 227A, 227B, 228A, 228B, 229A, 229B, 230, 231A, 231B, 232, 233A, 233B, 234, 235A, 235B, 236, 237, 238, 239A, 239B, 240, 241, 301A, 301C, 301D, 302B, 306, 307, and 901; and Census Tract 010298, Blocks 202A, 202B, 202C, 202D, 202E, 202G, 208, 211A, 211B, 211C, 212, 213A, 213B, 214, 215, 216A, 216B, 216C, 217A, 217B, 217C, 218A, 2

Senate District 5 shall consist of the following Salt Lake County Census Districts: Census Tracts 112906, 112909, 112910, 112911, 113003, 113004, 113005, and 1131; Census Tract 112605, Blocks 416B, 419B, 420B, and 421; Census Tract 112801, Blocks 402, 403, 404, 405, 406, 407B, 408, 409A, 409B, 414, 415, 416, 419, 428, 429, 430, 431, 432, 433, 454A, 456A, 457A, 461, 462, 468, 469, 470, 471, 472, 473, 474A, 482, 483, 485, 486, 488, 489, 490, 491, 492, 493, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, and 548; Census Tract 112907, Blocks 301, 302, 303, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410A, 410B, 411, 412A, 412B, 413A, 413B, and 413C; Census Tract 112908, Blocks 301B, 302, 303C, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 501, 502, 503, and 504; Census Tract 113006, Blocks 101, 102, 103, 104, 108, 112, 114, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 407A, 407B, 408, 409, 410, 501, 502, 503, 504A, 504B, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, and 515; Census Tract 113518, Blocks 134C, 135B, 136, 137A, and 138; and Census Tract 113901, Blocks 175B, 175C, 175F, and 175G.

Senate District 6 shall consist of the following Salt Lake County Census Districts: Census Tracts 112904, 112905, 113522, 113523, 1137, and 113803; Census Tract 112907, Blocks 101A, 101B, 102, 103, 104, 105A, 105B, 105C, 105D, 105E, 105F, 106, 107, 108, 201A, 201B, 201C, 201D, 201E, 202A, 202B, 202C, 203, 204, and 205; Census Tract 112908, Blocks 101, 102, 103, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105A, 105B, 105C, 105D, 105E, 106, 201A, 201B, 201C, 201D, 201E, 201F, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,

301A, 303A, and 303B; Census Tract 113513, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 203, 204, 205, 206, 207, 301, 302, 401, 402, 403, 404, 405, 406, 407, 408, and 409; Census Tract 113515, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 303B, 304, 305, 308, 309, and 310; Census Tract 113518, Blocks 101A, 101B, 102A, 102B, 102C, 103, 104, 105A, 105B, 105C, 123A, 123B, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 135A, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 113524, Blocks 102, 103, 104, 105, 106, 201, 202, 203, 204, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520.

Senate District 7 shall consist of the following Salt Lake County Census Districts: Census Tracts 1037, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1102, 1103, and 1105; Census Tract 1041, Blocks 114 and 117; Census Tract 1047, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, and 221; Census Tract 1048, Blocks 101, 102, 105, 106, 107, 109A, 109B, 109C, 110A, 110B, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, and 229; Census Tract 110103, Blocks 101, 102B, 102C, 103, 104B, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224A, 224B, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312; Census Tract 110104, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 112B, 115, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, and 517; and Census Tract 1104, Blocks 101, 102, 103, 104, 105, 110, 111, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 212, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, and 419.

Senate District 8 shall consist of the following Salt Lake County Census Districts: Census Tracts 111302, 111303, 112302, and 112501; Census Tract 110102, Blocks 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305,

306, 307, 308, 309, 310, 311A, 311B, 312A, 312B, 313A, 313B, 314A, 314B, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332A, 332B, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344B, 344C, 344D, 344E, 345A, 345B, 346, 347, 348, 349, 350, 351, 352, 353, 354, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 488B, 489, 490, 491, 492, 493, 494, 495, 496, and 497; Census Tract 111101, Blocks 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, and 514; Census Tract 1112, Blocks 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 501A, 501B, 501C, 502, 503, 504, 505, 506, and 507; Census Tract 111304, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115C, 115D, 116, 117, 118, 119, 120, 121, 122, 123, 124, and 125; Census Tract 112201, Blocks 117, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322; Census Tract 112202, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322; Census Tract 112401, Blocks 101A, 101B, 101C, 101D, 101E, 101F, 101G, 101H, 101J, 102A, 102B, 125, 126, 201A, 201B, 201C, 201D, 201E, 201F, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223A, 223B, 224A, 224B, 224C, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, and 331; Census Tract 112502, Blocks 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 501, 502B, 503, 504, 505, 506, 507, 508B, and 509; Census Tract 112503, Blocks 101, 102, 103, 104, 105, 106, 107, 201, 202A, 202B, 202C, 202D, 202E, 203, 204, 205, 206, 207, 208A, 208B, 209, 210, 211, 212, 301B, 401, 402, 403, 404, and 405; Census Tract 112602, Blocks 601E and 602B; Census Tract 112606, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201B, 202, 301A, 301B, 301C, 302, 303, 304A, 304B, 305, 306A, 306B, 307A, 307B, 308, 309, 310, 311, 312A, 312B, 313A, 313B, 314A, 314B, 315A, 315B, 316A, 316B, and 317; Census Tract 112607, Blocks 101, 102, 103, 104, 105, 106, 107, 201B, 202, 203, 204, 206, 207B, 208B, 209, 211, 212, 301C, 304B, 305B, 306B, 308B, 401B, 401C, and 406G; Census Tract 112609, Block 101E; Census Tract 112611, Block 201C; Census Tract 112806, Block 103; Census Tract 113515, Blocks 306 and 307; and Census Tract 113524, Block 101.

Senate District 9 shall consist of the following Salt Lake County Census Districts: Census Tracts 1106, 1107, 1108, 1109, 111001, 111002, 111102, and 111103; Census Tract, 110102, Blocks 101, 102, 103, 104, and 105; Census Tract 110104, Blocks 113, 114, 116, 117, 118, 119, 518, 519, and 520; Census Tract 1104, Blocks 501, 502, 503, 504, 505, 506, 507, 508,

601, 602, 603, 604, 605, 606, and 607; Census Tract 111101, Blocks 101, 102, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301B, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 404, 405, 407, 408, 409, 410, 411, 412, 414, 416, 417, 421, 422, 429, 430, 431, and 440; Census Tract 1112, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 209, 210, 211, 212, 213, 214, 215, and 216; Census Tract 1118, Blocks 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 414, 417, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516; Census Tract 111902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 217, 218, 401, 402, 403, 404, and 405; and Census Tract 1120, Block 801B.

Senate District 10 shall consist of the following Salt Lake County Census Districts: Census Tracts 112608 and 112612; Census Tract 110102, Block 344A; Census Tract 111304, Block 115B; Census Tract 112402, Block 209B; Census Tract 112502, Blocks 502A and 508A; Census Tract 112503, Blocks 301A, 302, and 303; Census Tract 112602, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201A, 201B, 201C, 201D, 202A, 202B, 203A, 203B, 203C, 203D, 204, 205, 206, 207, 208, 209, 210A, 210B, 211, 212A, 212B, 213, 214A, 214B, 215, 216, 217, 218, 219, 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502A, 502B, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 601A, 601B, 601C, 601D, 601F, 601G, 602A, 602C, 603, 604A, 604B, 604C, 605, 606A, 606B, 606C, 606D, 606E, 607A, 607B, 608, 618, 619A, 619B, 619C, 620, 621, 622, and 623; Census Tract 112604, Blocks 101, 102, 103, 104, 105, 106A, 106B, 107, 108, 109A, 109B, 110A, 110B, 111, 112A, 112B, 113A, 113B, 113C, 114, 201, 202, 203A, 203B, 203C, 204, 205, 206, 207, 208A, 208B, 209, 210, 211, 212, 301, 302A, 302B, 302C, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411B, and 412; Census Tract 112605, Blocks 101, 103, 104, 105B, 106, 107, and 108; Census Tract 112606, Blocks 201A, 203, 204, 205, 206, 207, 208, 209, 210, 211, 401A, 401B, 402, 403, 404A, 404B, 405, 406A, 406B, 406C, 406D, 407, 408, 409, 410A, 410B, 411A, 411B, and 412; Census Tract 112607, Blocks 201A, 205, 207A, 208A, 210, 301A, 301B, 302, 303, 304A, 305A, 306A, 307, 308A, 401A, 401D, 402, 403, 404, 405, 406A, 406B, 406C, 406D, 406E, 406F, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416; Census Tract 112609, Blocks 101A, 101B, 101C, 101D, 102, 103, 104A, 104B, 104C, 104D, 104E, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210A, 210B, 211, 212, 213, 214, 215, 216, 217, 218, 219, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316; Census Tract 112610, Blocks 101, 102, 103, 104B, 104C, 105, 106B, 201, 202A, 202B, 203, 204A, 204B, 205, 206, 207A, 207B, 301A, 301B, 301C, 302B, 302C, 302E, 302F, 302G, 302H, 304, and 305B; Census Tract 112611, Blocks 101, 102A, 102B, 102C, 102D, 103, 104A, 104B, 105, 106, 107, 108, 109A, 109B, 110, 111A, 111B, 111C, 112A, 112B, 113A, 113B, 114A, 114B, 115, 116A, 116B, 117, 118, 119A, 119B, 119C, 119D, 201A, 201B, 202, 203A, 203B, 204, 205,

206A, 206B, 206C, 206D, 206E, 206F, 206G, 207, 208, 209, 210A, 210B, 210C, 211A, and 211B; Census Tract 1127, Blocks 101, 135, 136, 137, 138, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 302, 303, 304B, 305, 317, 318, 319B, 327B, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342B, 343, 344, 345, 346, 347, 348, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 112806, Blocks 101A, 101B, 101C, 101D, 101E, 101F, 101G, 101H, 101J, 101K, 102, 104A, 104B, 104C, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124A, 124B, 125, 201, 202, 203, 204, 205, 206, 207A, 207B, 208A, 208B, 209A, 209B, 210, 211, 212A, 212B, 213, 214A, 214B, 215, 216, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401A, 401B, 401C, 402A, 402B, 403, 404, 405, 406A, 406B, 407A, 407B, 407C, 407D, 407E, 408A, 408B, 409, 410, 501, 502, 503, 504, 505, 506, 507A, 507B, 507C, 508A, 508B, 508C, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519A, 519B, 519C, 520, 521, 522, and 523.

Senate District 11 shall consist of the following Salt Lake County Census Districts: Census Tracts 113505, 113510, 113511, 113512, 113514, 113517, 113519, 113520, 113521, 1136, 113801, and 113802; and Census Tract 113513, Blocks 101, 201, and 202.

Senate District 12 shall consist of the following Salt Lake County Census Districts: Census Tracts 1115, 113304, 113305, 113306, 113308, 113402, 113406, and 113509; Census Tract 1028, Blocks 522B, 523, 524B, and 526; Census Tract 1116, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306B, 306C, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 601B, 601C, 602C, and 603B; Census Tract 1121, Blocks 101B, 103B, and 104B; Census Tract 113307, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, 405, 423, 424, 425, 426, 427, 428, 429, 430, 431, and 432; Census Tract 113403, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 315, 317, 318, 319, 320, 321, 322, 401, 402, 403, 405, 406, 407, 408, 416, 418, and 419; Census Tract 113405, Blocks 106C, 113, 114, 115, 116, 117, 118, 119, 120, 121, 136, 137, 138, and 139; Census Tract 113408, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314; and Census Tract 113409, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 201, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310.

Senate District 13 shall consist of Tooele County and the following Salt Lake County Census Districts: Census Tracts 100302, 100303, 113407, 113516, 113903, 113904, and 113905; Census Tract 113307, Blocks 307, 308, 309, 310, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, and 422; Census Tract 113403, Blocks 101, 102, 103, 104, and 105; Census Tract 113405, Blocks 101, 102, 103, 104, 105, 106A, 106B, 107, 108, 109, 110, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 140, 141, and 142;

Census Tract 113408, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115; Census Tract 113409, Blocks 202, 203, 204, 205, 206, 207, and 208; Census Tract 113518, Blocks 105D, 105E, 106, 107, 108, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123C, 134D, 135C, 135D, and 137B; and Census Tract 113901, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117A, 117B, 117C, 117D, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127A, 127B, 128A, 128B, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 137C, 137D, 137E, 137F, 137G, 137H, 138A, 138B, 138C, 138D, 139, 140A, 140B, 141, 142, 143, 144A, 144B, 145A, 145B, 146, 147A, 147B, 148, 149A, 149B, 149C, 149D, 150A, 150B, 151A, 151B, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163A, 163B, 164A, 164B, 165, 166, 167, 168, 169A, 169B, 170, 171, 172, 173, 174, 175A, 175D, 175E, 176, 177, 178A, 178B, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190A, 190B, 190C, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417.

Senate District 14 shall consist of the following Utah County Census Districts: Census Tracts 0003, 0004, 0006, and 000701; Census Tract 0002, Blocks 101, 102, 103, 104A, 104B, 105, 106, 107, 108, 109, 110, 119, 120, 122, 123, 124, 125, 126, 127, 132, 133, 201, 202, 203, 204, 205, 206, 207A, 207C, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 219D, 219E, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230A, 230B, 230F, 230G, 233, 234, 235, 295, 296, 297, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 422, 423, 426, 501A, 501B, 501C, 501D, 501E, 502A, 502B, 502C, 503, 504, 505, 506, 507, 508, 509, 510A, 510B, 510C, 510D, 511A, 511B, 602A, 603A, 604A, 605A, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616A, 616B, 616C, 617A, 617B, 617C, 617D, 617E, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 901A, 903A, 903B, 905A, 905B, 905C, 906A, 907A, 907B, 907C, and 907D; Census Tract 0005, Blocks 101A, 101B, 101D, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 121, 122, 123, 125, 128, 129, 130, 131, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 517, 518, 519, 520, 521, 522, 523, 524, 525, 536, 537, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 901, 902, 903A, 903B, 903C, 904, 905A, 905B, and 906; Census Tract 000702, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201,

202, 203, 204, 205, 206, 207, 208, 214, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 301A, 301B, 301C, 301D, 301E, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 319A, 319B, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, and 415; Census Tract 000901, Blocks 101, 102, 103, 107, 108, 109, 110, 111, 113, 114, 121, 122, 123, 124, 125, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310; Census Tract 000902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 213, 218, and 219; Census Tract 0014, Blocks 103A, 104A, and 105A; Census Tract 001501, Blocks 202A and 203A; Census Tract 0022, Blocks 101, 103, 104, 105A, 106A, and 106B; Census Tract 0101, Blocks 101A, 101C, 103A, 103B, 103C, 103D, 103E, 103F, 104A, 104B, 104C, 104D, 104E, 114A, 114B, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124, 125A, 125B, 125C, 126, 127A, 127B, 128, 129, 130, 131, 132A, 132B, 133A, 133B, 134, 135A, 135B, 136, 137A, and 138; Census Tract 010201, Blocks 301B, 302A, 303, 304, 305, 308A, 308B, 309, 310, 311, 312, 313, 314, 315A, 315B, 316, 317, and 318; and Census Tract 010298, Blocks 275B, 275D, 275G, 275H, and 280.

Senate District 15 shall consist of the following Utah County Census Districts: Census Tracts 0008, 0010, 001101, 001102, 0012, 0020, and 0021; Census Tract 000901, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 216; Census Tract 000902, Blocks 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 220, and 221; Census Tract 0013, Blocks 101, 102, 103, 104A, 105, 106, 107A, 107B, 108A, 108B, 108C, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, and 313; Census Tract 0014, Blocks 102, 113A, 113B, 113C, 114C, 117A, 117B, 120A, 120B, 120D, 121, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 315, 316, and 317; Census Tract 0022, Blocks 102, 105B, 106C, 107, 108A, 108B, 109A, 109B, 109C, 110, 111, 112A, 112B, 113A, 113B, 114A, 114B, 115A, 115B, 115C, 115D, 115E, 115F, 115G, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 138A, 138B, 139, 140, 141, 142, 143A, 143B, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202A, 202B, 202C, 202D, 204, 205, 206, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, and 220; Census Tract 0023, Blocks 101, 102, 103, 104, 107, 108, 109, 110, and 111; Census Tract 0024, Blocks 104, 114, and 115; and Census Tract 0101, Block 137B.

Senate District 16 shall consist of the following Utah County Census Districts: Census Tracts 001502, 0016, 0017, 0018, 0019, 0025, 0026, 010793, 010794, 010795, 010796, and 010797; Census Tract 0005, Block 101C; Census Tract 000702, Blocks 318B and 319C; Census Tract 0013, Blocks 104B, 104C, 104D, and 104E; Census Tract 0014, Blocks 101, 103B, 103C, 104B, 105B, 105C, 105D, 106, 107, 108, 109, 110, 111, 112, 113D, 113E, 114A, 114B, 114D, 115, 116, 117C, 118, 119, 120C, 122, 309B, 310, 311, 312, 313, and 314; Census Tract 001501, Blocks 101A, 101B, 101C, 102, 103, 104A, 104B, 105A, 105B, 106A, 106B, 107A, 107B, 108A, 108B, 108C, 108D, 108E, 108F, 109, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202B, 202C, 202D, 202E, 202F, 203B, 203C, 204A, 204B, 205, 206, 207A, 207B,

208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224A, 224B, 224C, and 225; Census Tract 0023, Blocks 222 and 228; Census Tract 0024, Blocks 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; Census Tract 0027, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 205A, 205B, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, and 318; Census Tract 0028, Blocks 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201A, 201B, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306A, 306B, 307A, 307B, 308A, 308B, 309A, 309B, 310, 311A, 311B, 311C, 312, 313, 314, 315A, 315C, 315D, 316A, 316B, 317, 318, 319A, 319B, 320, 321, 322A, 322B, 323A, 323B, 324, 325A, 325B, 325C, 326, 327, 328, 329, 330A, 330B, 330C, 331A, 331B, 332, 333, 334, 335A, 335B, 336, 337, 338, 339, 340, 341, and 342; Census Tract 010201, Blocks 203B and 203F; and Census Tract 010298, Blocks 201, 202F, 203, 204, 205, 206, 207, 209, 210, 263C, 275C, 275E, 275F, 275J, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294A, 294B, 294C, 294D, 294M, and 295.

Senate District 17 shall consist of the following Utah County Census Districts: Census Tracts 0029, 0030, 0031, 0032, 0033, 0034, 010301, 010302, 0104, 0105, and 0106; Census Tract 0022, Blocks 203, 207, 213, 214A, 214B, 301A, 301B, 301C, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 420B, and 421; Census Tract 0023, Blocks 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 224, 225, 226, and 227; Census Tract 0027, Blocks 201A, 201B, 201C, 202A, 202B, 203, 204, 205C, and 216B; Census Tract 0028, Blocks 105, 106, 117, 118, 206, 207, and 315B; Census Tract 0101, Blocks 217A, 220A, 221, 223, 224, 225A, 225B, 226, 227, 228, 229, 230A, 230B, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251A, 251B, 251C, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, and 297; and Census Tract 010298, Blocks 294E, 294N, 294P, 296, and 297.

Senate District 18 shall consist of the following Weber County Census Districts: Census Tracts 2003, 2004, 2009, 2012, 2018, 2020, 2108, 2109, and 211202; Census Tract 2002, Block 403; Census Tract 2005, Blocks 303, 304, 305, 306, 307, 308, 309, 310, 311, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513; Census Tract 2008, Blocks 101, 102, 103, 104, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, and 407; Census Tract 2011, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403,

404, 405, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 704, 705, and 706; Census Tract 2013, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513; Census Tract 2015, Blocks 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 321, 323, 324, and 325; Census Tract 2016, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, 409A, 409B, 410, and 411; Census Tract 2017, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 110, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315; Census Tract 2019, Blocks 101A, 102A, 103, 104A, 105, 106, 107A, 107B, 109A, 109C, 109D, 111A, 113, 114A, 115, 116, 117, 118, 119A, 120, 121A, 122, 201A, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, and 243; Census Tract 2104, Blocks 329A, 330A, 332, 333, 334, 335, 336, 337, 338, 341, 342, 343, 344, and 345; Census Tract 210501, Blocks 101A, 101C, 102A, 103A, 104A, 109A, 113A, 113B, 113D, 401A, 402, 403B, 404B, and 601A; Census Tract 210505, Block 311A; Census Tract 2110, Blocks 101A, 101B, 102A, 102B, 102C, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113A, 113B, 113C, 113D, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 205, 206, 222, 223, 224, 225, 226, and 227; Census Tract 2111, Blocks 301C, 305, and 306; Census Tract 211201, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107A, 107B, 108, 109, 110, 111A, 111B, 112A, 112B, 201A, 201B, 202A, 202B, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211A, 211B, 211C, 212, 213, 214, 215A, 215B, 216, 217, 218, 219, and 220; and the following Davis County Census Districts: Census Tract 125301; Census Tract 125101, Blocks 105, 106, 107, 108, 109, 113, 114, 115, 206E, 206G, and 207; Census Tract 1252, Blocks 901C, 901D, 901E, 901F, and 902; and Census Tract 125802, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, and 302B.

Senate District 19 shall consist of Morgan County and the following Weber County Census Districts: Census Tracts 2001, 2006, 2007, 2014, 2101, 210201, and 210202; all of Census Tract 2002, except Block 403; Census Tract 2005, Blocks 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 301, 302, 312, 313, 314, 315, 325, and 326; Census Tract 2008, Blocks 408, 409, 410, 411, 412, 413, 414, and 415; Census Tract 2013, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, and 411; Census Tract 2015, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 221, 222, and 223; Census Tract 2016, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, and 209; Census Tract 2017, Blocks 111, 201, 202, and 203; Census Tract 210301, Blocks 101A, 101B, 101C, 102A, 102B, 103A, 103B, 104, 105, 106, 107, 108, 109, 110, 111, 201A, 201B, 201C, 201D, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212,

213, 214, 215, 216, 217A, 217B, 217C, 218, 219, 220, 221, 222, 223, 224A, 224B, 225A, 225B, 225C, 225D, 226A, 226B, 227, 228, 229, 230, 231, 301A, 301B, 302, 303A, 303B, 303C, 303D, 304, 305, 306, 307A, 307B, 308A, 308B, 308C, 308D, 309A, 309B, 310A, 310B, 311, 401, 402, 403B, 404, 405, 406, 407, 408, 409, 410, 411, 412B, 413, 414, 415, 416, 417, and 418; Census Tract 210302, Blocks 101, 102B, 102C, 103, 104, 105, 201C, 201D, 201E, 201F, 201G, 209C, 209D, 209E, 212B, and 213B; and Census Tract 211201, Blocks 101C, 113, 114, and 115.

Senate District 20 shall consist of the following Weber County Census Districts: Census Tracts 210503, 210504, 2106, 210701, and 210702; Census Tract 2011, Block 109; Census Tract 2019, Blocks 101B, 101C, 102B, 104B, 104C, 107C, 108, 109B, 109E, 109F, 109G, 109H, 109J, 110, 111B, 112A, 112B, 114B, 119B, 121B, 201B, and 202C; Census Tract 210301, Blocks 403A and 412A; Census Tract 210302, Blocks 102A, 106, 107, 108, 109, 110, 111, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212A, 213A, 214, 215, 216, 217, 218, 219, 220, 221, and 222; Census Tract 2104, Blocks 101, 102, 103, 104A, 104B, 104C, 105A, 105B, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142A, 142B, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172A, 172B, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203A, 203B, 204A, 204B, 204C, 205, 206, 207, 208, 209A, 209B, 209C, 209D, 210A, 210B, 211, 212, 213A, 213B, 213C, 214, 215A, 215B, 215C, 216, 217A, 217B, 218, 219, 220, 301, 302, 303, 304A, 304B, 305, 306, 307A, 307B, 308A, 308B, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329B, 330B, 330C, 331, 339, 340, 346, 347A, 347B, 348, 349A, 349B, 350A, 350B, 401, 402, 403, 404, 405, 406A, 406B, 406C, 407A, 407B, 407C, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 420B, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436A, 436B, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 601A, 601B, 602A, 602B, 602C, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625A, 625B, 626A, 626B, 626C, 626D, 627A, 627B, 627C, 627D, 628, 629, 630, 631, 632A, 632B, 633, 634, 635, 636A, 636B, 636C, 637A, 637B, 638A, 638B, 639, 640, 641, 642A, 642B, and 642C; Census Tract 210501, Blocks 101B, 102B, 103B, 103C, 104B, 104C, 105A, 105B, 105C, 105D, 106, 107A, 107B, 108, 109B, 110, 111, 112, 113C, 201, 202A, 202B, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 221, 235, 238, 301, 302, 303, 304A, 304B, 305A, 305B, 305C, 306A, 306B, 307, 308, 309, 310, 311, 401B, 401C, 401D, 403A, 404A, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, 601B, 602, 603, 604A, 604B, 605, 606, 607, 608, 609, 610, 611, 612, 613, 901A, 901B, 902,

903A, and 903B; Census Tract 210505, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311B, 312, 313, 314, 315, 316, 317, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; Census Tract 2110, Blocks 114, 115, 201, 202, 203, 204, 207, 208, 209, 210, 211, 212, 213, 214, 215A, 215B, 216, 217, 218, 219, 220, and 221; and Census Tract 2111, Blocks 101, 104, 105, 106, 108, 109A, 109B, 142, 143, 201, 202, 203, 204, 205, 301A, 301B, 302A, 302B, 303, 304, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 501A, 501B, 502A, 502B, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515A, 515B, 516, and 517.

Senate District 21 shall consist of the following Davis County Census Districts: Census Tracts 125302, 125401, 125402, 1255, 1256, 1257, and 125801; Census Tract 125101, Blocks 101A, 101B, 102, 103, 104, 110, 111, 112, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 201, 202, 203A, 203B, 204, 205, 206A, 206B, 206C, 206D, 206F, 208, 209, 210, 211, 212, 213, 214A, 214B, 214C, 215, 216, 217, 218, and 219; Census Tract 1252, Blocks 901A and 901B; Census Tract 125802, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 212, 213, 214, 215, 126, 217, 218, 219, 220, 221, 302A, 303, 304, 305, 306, 307, 308A, 308B, 309, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, and 508; Census Tract 125804, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 111C, 111D, 112A, 112B, 112C, 113A, 113B, 113C, 114, 115, 116, 117, 118, and 119; Census Tract 125904, Blocks 117, 118, 119, 120, 121, 122, 123, 124, and 125; and Census Tract 1260, Blocks 302A, 302B, 302C, 302D, 302E, 302F, 302G, 303, 304, 305, 306, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404A, 404B, 405, 406, 407, 412, 413, 414, 501A, and 501B.

Senate District 22 shall consist of the following Davis County Census Districts: Census Tracts 125102, 125903, 126101, 126102, 126103, 126104, 126201, and 126202; Census Tract 125804, Blocks 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, and 226; Census Tract 125904, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 126, 127, 128, 129, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; Census Tract 1260, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 121, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; Census Tract 1260, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 121, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; Census Tract 1260, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 121, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; Census Tract 1263, Block 201A; Census Tract 126301, Blocks 101A, 101B, 101C, 101D, 101E, 102A, 102B, 102C, 103, 104A, 104B, 105A, 105B, 106, 107, 108, 109, 110, 111, 201A, 201B, 202A, 202B, 203A, 203B, 204A, 205A,

206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402A, 402B, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420; Census Tract 126302, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 202A, 202B, 202C, 202D, 203, 204, 205A, 205B, 205C, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226A, 226B, 227, 228, 229, 230, 231, 232, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 327; Census Tract 126402, Block 111B; and Census Tract 1265, Blocks 101C and 201C.

Senate District 23 shall consist of the following Davis County Census Districts: Census Tracts 126401, 1266, 1267, 126801, 126802, 126901, 126902, 127001, and 127002; Census Tract 1263, Block 201B; Census Tract 126301, Blocks 203C, 204B, 205B, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217A, 217B, 218A, 218B, 219, 220, 221A, 221B, 222A, 222B, and 223; Census Tract 126302, Blocks 322, 323, 324, 325, 326, 328, 329, 330, 401, 402, 403, 404A, 404B, 405A, 405B, and 406; Census Tract 126402, Blocks 101A, 101B, 102, 103, 104A, 104B, 104C, 105, 106, 107, 108, 109, 110, 111A, 111C, 112, 113A, 113B, 113C, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212A, 212B, 213, 214, 215A, 215B, 216A, 216B, 217, 218, 219, 220A, and 220B; and Census Tract 1265, Blocks 101A, 101B, 101D, 101E, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201A, 201B, 201D, 202A, 202B, 203, 301, 302, 303, 304, 305, 306, 307, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404, 405A, 405B, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516A, 516B, 517, and 518.

Senate District 24 shall consist of Box Elder County and the following Cache County Census Districts: Census Tracts 0012 and 0014; Census Tract 0003, Blocks 318A, 318B, 318C, 318E, 324, 325, 326, 327, 328, 329, 330A, 330B, 330C, 330D, 331A, 331B, 332A, 334, 335, 336, 337, 338, 339, 340A, 340C, 341B, 342B, 343A, 343C, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378A, 378B, 379A, 379B, 380A, 380B, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, and 397; Census Tract 0005, Blocks 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417; Census Tract 0010, Blocks 201, 202, 203, 510, 511, 512, 513, 514, 515, 516, 517A, and 517B; Census Tract 0011, Blocks 101A, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114A, 114B, 114C, 114D, 114E, 115, 116, 117, 118, 119, 201A, 201B, 201C, 202B, 203A, 203B, 203C, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212, 213, 214, 215, 216, 301, 302A, 302B, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 311C, 312A, 312B, 312C, 312D, 313, 314, 315, 316A, 316B, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334A, 334B, 335, 336A, 336B, 337, 338, 339A, 339B, 339C, 340, 341, 342, 343, 344, 345A, 345B, 345C, 346A, 346B, 347A, 347B, 348, 349, 350A, 350B, 351A, and 351B; Census Tract 0013, Blocks, 202A, 202C, 207, 208, 209A, 209B, 209C, 209D, 210, 211A, 211B, 212A, 212B, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233A, 233B, 234, 235,

236A, 236B, 237A, 237B, 237C, 238A, 238B, 238C, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269A, 269B, 269C, 270A, 270B, 270C, 270D, 271, 272A, 272B, 273, 274A, 274B, 275, 276, 277, 278, 279, 280, 281, 282, 283A, 283B, 284A, 284B, 285, 286A, 286B, 287, 288, 289, 290, 291, 292, 293A, 293B, and 294; Census Tract 0015, Blocks 101, 102A, 102B, 103, 104, 105, 106, 107A, 107B, 107C, 107D, 108, 109, 110, 111A, 111B, 112, 113, 114, 115A, 115B, 116A, 116B, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 151, 152, 201A, 201B, 202, 203, 204, 205, 206, 207, 208A, 208B, 209, 210A, 210B, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246A, 246B, 247A, 247B, 248, 249, and 250; and Census Tract 0016, Blocks 171A, 171B, 171C, and 175A.

Senate District 25 shall consist of Rich County, that portion of Summit County not included in Senate District 26, and the following Cache County Census Districts: Census Tracts 0001, 0002, 0004, 0006, 0007, 0008, and 0009; Census Tract 0003, Blocks 101A, 101B, 101C, 101D, 101E, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 112B, 113, 114A, 114B, 114C, 115, 116, 117, 118, 119A, 119B, 120A, 120B, 121A, 121B, 122, 123, 124, 125, 126, 127A, 127B, 128A, 128B, 129, 130, 131, 132A, 132B, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153A, 153B, 201A, 201B, 202A, 202B, 203, 204A, 204B, 204C, 204D, 204E, 205A, 205B, 205C, 206, 207, 208A, 208B, 208C, 209, 210A, 210B, 211A, 211B, 212A, 212B, 213A, 213B, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225A, 225B, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256A, 256B, 257, 258, 259, 260, 261, 262, 263, 264A, 264B, 264C, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314A, 314B, 314C, 315A, 315B, 316, 317, 318D, 319, 320, 321, 322, 323, 332B, 332C, 333, 340B, 341A, 342A, 342C, 342D, 343B, 392, 393, 394, 395, and 396; Census Tract 0005, Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104A, 104B, 105A, 105B, 105C, 106A, 106B, 106C, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 401; Census Tract 0010, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, and 509; Census Tract 0011, Blocks 101B, 112, 202A, and 202C; Census Tract 0013, Blocks 101, 102, 103, 104, 105, 106A, 106B, 106C, 107, 108, 109, 110, 111, 112, 113, 114A,

114B, 115, 116A, 116B, 117A, 117B, 118, 119, 120A, 120B, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144A, 144B, 145, 146A, 146B, 147, 148A, 148B, 149A, 149B, 150, 151, 201, 202B, 203, 204, 205, 206, 295, 296, and 297; Census Tract 0015, Block 146; Census Tract 0016, Blocks 101, 102, 103, 104, 105, 106, 107, 108A, 108B, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171D, 172, 173, 174, 175B, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, and 297; and Census Tracts 001796, 001797, and 001798.

Senate District 26 shall consist of Daggett, Duchesne, Uintah and Wasatch Counties and the following Carbon County Census Districts: Census Tract 9711; Census Tract 9712, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124D, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174A, 201B, 201C, 202B, 301C, 306B, 401, 402, 410B, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, and 574; Census Tract 9713, Block 201; Census Tract 9715, Block 203; and the following Summit County Census Districts: Census Tracts 9943 and 9944; Census Tract 9941, Blocks 175D, 179, 180, 181, 182, 183, 184, 185, 186A, 186B, 187, 188, 189, 190, 191, 192, 193, 194, 195, 368, 369, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384; and Census Tract 9942, Blocks 306A, 306B, 307, 308, 309, 311, 312, 332B, 334, 335, 336, 337, 338, 339, 340, 341, 343B, 346B, 356B, 357, 358, 359, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 474, 475, 476, 477, 478, 479, and 516B.

Senate District 27 shall consist of Emery, Grand, Kane, and San Juan Counties and the following Carbon County Census Districts: Census Tracts 9714 and 9716; Census Tract 9712, Blocks 124A, 124B, 124C, 174B, 175, 176A, 176B, 177A, 177B, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201A, 202A, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 301A, 301B, 302, 303, 304, 305, 306A, 307, 308A, 308B, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323A, 323B, 324, 325, 403A, 403B, 404A, 404B, 405, 406, 407,

408, 409, 410A, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421A, 421B, 421C, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440A, 440B, 441, 442A, 442B, 442C, 443, 444A, 444B, 444C, 445A, 445B, 446, 447, 448, 449A, 449B, 450, 451, 452A, 452B, 453A, 453B, 454, 455A, 455B, 456, 457A, 457B, 458, 459, 460, 461A, 461B, 462, 463, 464, 465, 466, 467, 468, 469, 470, 513, 532A, 532B, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551A, 551B, 552, 553, 554, 555, 556, 557, 558, 559, 560, 575A, 575B, 576A, 576B, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634A, 634B, 635A, 635B, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650A, 650B, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662A, 662B, 663A, 663B, 663C, 663D, 664, 665, 666, 667A, 667B, 668A, 668B, 669, 670, 671, 672, 673A, 673B, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, and 696; Census Tract 9713, Blocks 101A, 101B, 101C, 102, 103, 104A, 104B, 105, 106, 107A, 107B, 108, 109A, 109B, 110A, 110B, 111, 112, 113A, 113B, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 202, 203, 204A, 204B, 205, 206, 207A, 207B, 207C, 208, 209, 210A, 210B, 211A, 211B, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, and 432; and Census Tract 9715, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113A, 113B, 114A, 114B, 115A, 115B, 116, 117, 118A, 118B, 118C, 119A, 119B, 119C, 119D, 119E, 119F, 119G, 120A, 120B, 120C, 120D, 121A, 121B, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133A, 133B, 134, 135, 136, 137A, 137B, 138A, 138B, 138C, 139A, 139B, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156A, 156B, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184A, 184B, 185, 186, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230A, 230B, 230C, 230D, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246A, 246B, 247, 248A, 248B, 249A, 249B, 250, 251A, 251B, 251C, 251D, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261A, 261B, 261C, 262A, 262B, 262C, 263, 264A, 264B, 265A, 265B, 266A, 266B, 267, 268, 269, 270A, 270B, 271A, 271B, 272A, 272B, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319A, 319B, 320A, 320B, 321, 322A, 322B, 323A, 323B, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338A, 338B, 338C, 338D, 339, 340A, 340B, 341, 342, 343A, 343B, 344, 345, 346, 347A, 347B, 348A, 348B, 349, 350, 351, 352, 353, 354, 355, 356, 357, 35

Senate District 28 shall consist of Beaver, Garfield, Juab, Millard, Piute, Sanpete, Sevier and Wayne Counties.

Senate District 29 shall consist of Iron County

and the following Census Districts of Washington County: Census Tracts 9853, 9854, 9855, 9857, 9858, 9859, and 9860; Census Tract 9851, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130B, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 153, 183B, 183C, 184, 185, 186, 187A, 187B, 188A, 188B, 189, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212A, 212B, 213A, 213B, 214, 215, 216A, 216B, 217A, 217B, 218, 219, 220, 221A, 221C, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242A, 242B, 242C, 243A, 243B, 244, 245, 246, 247A, 247B, 248A, 248B, 249A, 249B, 250A, 250B, 251A, 251B, 252, 253, 254, 255, 256A, 256B, 257A, 257B, 258, 259A, 259B, 259C, 260D, 260E, 260F, 261, 262, 263, 264, 265, 266A, 266B, 266D, 266E, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277C, 278, 279A, 279B, 280B, 281A, 281B, 282, 283, 284, 285, 286, 287, 288A, 288B, 289A, 289B, 289C, 290B, 290D, 292, 295, 296, 297, 301C, 301D, 316B, and 316C; Census Tract 9852, Blocks 112, 113A, 113B, 113C, 114, 118, 201C, 201D, 204, 205C, 206B, 209B, 210, 253D, 292A, 294A, 295A, 295C, 303D, 303E, 303F, 303G, 304B, 305E, 305F, 305G, and 305H; and Census Tract 9856, Blocks 101, 102A, 102B, 102C, 102D, 102E, 103, 104A, 104B, 104C, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114A, 114B, 114C, 114D, 115, 116A, 116B, 116C, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146A, 146B, 146C, 147A, 147B, 201, 202, 203, 204, 205, 206A, 206B, 207A, 207B, 207C, 208, 209, 210, 211, 212, 213, 214B, 214C, 214D, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246A, 246B, 247A, 247B, 247C, 247D, 248A, 248B, 249A, 249B, 250, 251, 252A, 252B, 253A, 253B, 256, 257, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334A, 334B, 334C, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357A, 357B, 358 and 359.

(4) If any area of the state is omitted from the plan established in this section, inadvertently or by virtue of the complexities of the census bureau information supplied to the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Senate district according to Subsections (a) and (b).

(a) If the area is surrounded by a Senate district, the area shall be attached to that district.

(b) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(5) Any attachment made under Subsection (4) shall be certified in writing and filed with the lieutenant governor. 1992

36-1-2. Election of senators.

(1) Each senator elected from Senate Districts 7, 9, 10, 11, 12, 13, 15, 18, 21, 22, 24, and 26 at the 1990 general election shall serve out the term of office for which he or she was elected and shall represent the realigned district if he or she resides in that district. Because of the combination of certain

districts in this redistricting plan, the senators elected from the current Senate Districts 1 and 3 who will reside in realigned Senate District 1, and the senator elected in 1990 from the current Senate District 4 who will reside in realigned Senate District 8, shall not serve out the term of office for which they were elected, but shall stand for election in 1992 for a term of office of four years from the realigned district in which each resides. The senator elected in 1988 from current Senate District 8, who will reside in realigned Senate District 8, may serve out the term of office to which he was elected. If one of the incumbent senators from the realigned Senate District 1 indicates in writing to the Salt Lake County Clerk before March 15, 1992, that the senator will not seek re-election, that incumbent may serve until January 1, 1993, and the other incumbent senator shall serve out the term of office for which that senator was elected.

(2) At the general election to be held in 1992 senators shall be elected from Senate Districts 2, 5, 6, 14, 16, 17, 19, 20, 23, 25, 27, 28, and 29 for an initial term of office of four years. Also, at the general election to be held in 1992, senators shall be elected from senatorial Districts 3 and 4 for an initial term of office of two years. Terms of office of each senator after the initial term of office shall be for four years. 1991

36-1-3. Official maps of Senate districts.

(1) Following enactment of the Utah Senate districting plan established in Section 36-1-1, the Legislature shall file with the lieutenant governor's office official maps which accurately show the boundaries of the Senate districts as established in Section 36-1-1.

(2) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office. Before all elections and pursuant to Section 17-5-212, each county clerk shall establish the voting districts within each of the Senate districts.

(3) In questions of interpretation of district boundaries described in Section 36-1-1, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the Senate district boundaries. 1994

36-1-4. House districts - Definitions -

Numbers and boundaries of districts.

(1) The Legislature adopts as the official data for the districting plan for Utah House of Representatives Districts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 1990 national decennial census.

(2) As used in this chapter:

(a) "Block" means the smallest geographical unit the population of which was ascertained by the Bureau of Census and shown on its official maps.

(b) "Census Tract" means a combination of blocks which are shown and numbered on the official census bureau maps.

(3) The House of Representatives shall consist of 75 members with one member to be elected from each House district. The numbers and boundaries of the House districts are designated and established as follows:

House District 1 shall consist of the following Box Elder County Census Districts: Census Tract 9603; Census Tract 9601, Blocks 101, 102, 103, 104, 105A, 105B, 106, 107A, 107B, 108A, 108B, 108C, 109,

110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125A, 125B, 126, 127, 128, 129, 130, 131, 132A, 132B, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144A, 144B, 145A, 145B, 146A, 146B, 147, 148, 149, 150, 151, 152A, 152B, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163A, 163B, 164, 165A, 165B, 166A, 166B, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180A, 180B, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194A, 194B, 194C, 195A, 195B, 196, 197, 201A, 201B, 201C, 201D, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225A, 225B, 226, 227, 228, 229, 230, 231, 232A, 232B, 233A, 233B, 234, 235, 236, 237, 238, 239, 240, 241, 242A, 242B, 243, 244, 245, 246A, 246B, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285F, 285G, 285H, 285J, 285K, 285L, 285M, 285N, 286, 295, 296, 297, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, and 397; Census Tract 9602, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107A, 107B, 107C, 108, 109, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A, 117B, 118, 119, 120, 121, 122A, 122B, 123, 124, 125, 126, 127, 128, 129A, 129B, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159A, 159B, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173A, 173B, 174A, 174B, 175, 176A, 176B, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195A, 195B, 196, 197, 201A, 201B, 202A, 202B, 203A, 203B, 204, 205A, 205B, 205C, 206A, 206B, 206C, 207A, 207B, 207C, 208, 209, 210A, 210B, 211, 212, 213, 214, 215A, 215B, 215C, 215D, 216A, 216B, 216C, 216D, 217, 218, 219, 220A, 220B, 220C, 220D, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316A, 316B, 316C, 316D, 316E, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327A, 327B, 328A, 328B, 329, 330, 331A, 331B, 331C, 332, 333, 334A, 334B, 334D, 335, 336A, 336B, 336D, 337A, 337C, 337D, 360B, 360C, 383, 384, 385, 386, 387A, and 401A; and Census Tract 9604, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116A, 116B, 117, 118, 119, 120A, 120B, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 170, 171B, 174, 175, 176, 177, 178, 179, 180E, 180F, 180G, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202A, 202B, 203, 204, 205, 206A, 206B, 207, 208A, 208B, 209, 210, 211, 212, 213A, 213B, 213C, 213D, 213E, 214A, 214B, 214C, 214D, 215A, 215B, 215C, 215D, 216, 217,

218, 219, 220, 221A, 221B, 222A, 222B, 223, 224A, 224B, 225A, 225B, 226A, 226B, 226C, 227A, 227B, 228A, 228B, 228C, 229, 232B, 233A, 233B, 234, 235, 236, 237; 238, 239, 240, 241, 242, 243A, 243B, 244A, 244B, 245, 246, 247, 248, 249

House District 2 shall consist of the following Box Elder County Census Districts: Census Tracts 9605, 9606, 9607, and 9608; Census Tract 9601, Blocks 285A, 285B, 285C, 285D, 285E, 287, 288, 289, 290, 291, 292, 293, and 294; Census Tract 9602, Blocks 334C, 336C, 337B, 338, 339, 340, 341, 342, 343, 344, 345, 346A, 346B, 347A, 347B, 348A, 348B, 349A, 349B, 350A, 350B, 351, 352A, 352B, 353, 354, 355, 356, 357, 358, 359, 360A, 361, 362, 363, 364, 365, 366, 367, 368, 369A, 369B, 370A, 370B, 371, 372, 373, 374A, 374B, 375, 376, 377A, 377B, 378A, 378B, 378C, 379, 380, 381, 382, 387B, 401B, 401C, 401D, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, and 431; and Census Tract 9604, Blocks 165, 169, 171A, 172, 173, 180A, 180B, 180C, 180D, 214, 230, 231, 232A, 284A, 285A, 286A, 286B, 286C, 301A, 301B, 302, 303, 304, 314A, 317A, 317B, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340A, 340B, 341, 342, 343A, 345, 346, 347, 348A, 348B, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373A, 373B, 373C, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, and 397.

House District 3 shall consist of the following Cache County Census Districts: Census Tract 0005; Census Tract 0001, Blocks 101, 102, 103, 104, 105, 106, 107A, 107B, 108A, 108B, 109A, 109B, 110, 111A, 111B, 112A, 112B, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136A, 136B, 137A, 137B, 138A, 138B, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167A, 167B, 168A, 168B, 169A, 169B, 170A, 170B, 171, 172, 173, 174A, 174B, 175A, 175B, 176, 177, 178, 179, 180, 181, 182A, 182B, 182C, 183, 184, 185, 186, 187, 188, 189A, 189B, 190, 191A, 191B, 192, 193, 194, 195A, 195B, 196, 197, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213A, 213B, 214A, 214B, 215A, 215B, 216, 217A, 217B, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246A, 246B, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256A, 256B, 257, 258, 259A, 259B, 260A, 260B, 261, 262, 263A, 263B, 264, 265, 266, 267, 268, 269, 270, 271, 301, 302A, 302B, 302C, 303A, 303B, 303C, 304, 305, 306, 307A, 307B, 308, 309, 310, 311A, 311B, 311C, 312, 313, 314A, 314B, 315A, 315B, 316, 317, 318, 319A, 319B, 319C, 319D, 319E, 319F, 319G, 319H, 320A, 320B, 321A, 321B, 322, 323A, 323B, 323C, 323D, 324, 325, 326, 327, 328A, 328B, 328C, 328D, 328E, 329, 330, 331, 332A, 332B, 333A, 333B, 334, 335, 336A, 336B, 337, 338, 339A, 339B, 339C, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351A, 352A, 353, 354, 355A, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 370, 371, 372, 377, 401, 402, 403, 428, 429, 430, and 431; Census Tract 0002, Blocks 101A, 101B, 102, 103A, 103B, 104, 105A, 105B, 106, 107A, 107B, 108, 109, 110A, 110B, 110C, 110D, 111A, 111B, 111C, 112A, 112B,

113, 114A, 114B, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150A, 150B, 151, 152, 153, 154, 155, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228A, 228B, 229A, 229B, 229C, 230A, 230B, 231A, 231B, 232A, 232B, 233, 234A, 234B, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338A, 343A, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355A, 355B, and 356A; Census Tract 0003, Blocks 101C, 101E, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 113, 114B, 144, 145, 146, 147, 148, 201A, 202A, 204D, 314B, 315B, 318A, 318B, 318C, 330A, 331A, 332A, 332B, 334, 335, 336, 337, 338, and 339; Census Tract 0004, Blocks 101A, 101B, 102A, 102B, 103A, 103B, 104A, 104B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 201, 202, 203, 204A, 204B, 205, 206A, 206B, 206C, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217C, 218, 220A, 220B, 221A, 221B, 222, 223A, 223B, 224A, 224B, 301A, 307A, 308A, 308B, 315, 316A, 316B, 316C, 317, 318, 319, 320, 321A, 321B, 321C, 321D, 321E, 322A, 322B, 323A, 323B, 323C, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339B, 340B, 341B, 342, 343B, 344B, and 345B; Census Tract 0010, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 401, 402, and 403; and Census Tract 0016, Block 112.

House District 4 shall consist of the following Cache County Census Districts: Census Tracts 0006, 0007, and 0008; Census Tract 0004, Blocks 217A, 217B, 217D, 219, 339A, 339C, 340A, 341A, 343A, 344A, and 345A; Census Tract 0009, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, and 304; Census Tract 0011, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114A, 114C, 115, 116, 118, 119, 202A, and 202C; and Census Tract 0016, Blocks 101, 102, 103, 104, 105, 106, 107, 108A, 108B, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171A, 171B, 171C, 171D, 172, 173, 174, 175A, 175B, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 203, 204, and 206; and the following Rich County Census Districts: Census Tract 9501, Blocks 105, 106, 107, 108, 109A, 109B, 110, 111, 112, 113, 114, 115, 116, 134, 135, 153A, 153B, 154A, 154B, 155, 156, 157, 158, 159, 160A, 160B, 161, 162A, 162B, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 181, 182, 183, 184, 196, 197, 201A, 201B, 201C, 201D, 201E, 202, 203A, 203B, 203C, 204, 205A, 205B, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233A, 233B, 234, 235, 236, 237,

238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 301, 302A, 302B, 302C, 302D, 302E, 303, 304, 305, 306A, 306B, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321A, 321B, 322, 323A, 323B, 323C, 323D, 323E, 324A, 324B, 325A, 325B, 326, 327, 328A, 328B, 329, 330, 331, 332, 333, and 334.

House District 5 shall consist of the following Cache County Census Districts: Census Tracts 0012, 0014, and 0015; Census Tract 0003, Blocks 318E, 324, 325, 326, 327, 328, 329, 330B, 330C, 330D, 331B, 340A, 340B, 340C, 341A, 341B, 342A, 342B, 342C, 342D, 343A, 343B, 343C, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378A, 378B, 379A, 379B, 380A, 380B, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, and 397; Census Tract 0009, Blocks 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316; Census Tract 0010, Blocks 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517A, and 517B; Census Tract 0011, Blocks 114B, 114D, 114E, 117, 201A, 201B, 201C, 202B, 203A, 203B, 203C, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212, 213, 214, 215, 216, 301, 302A, 302B, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 311C, 312A, 312B, 312C, 312D, 313, 314, 315, 316A, 316B, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334A, 334B, 335, 336A, 336B, 337, 338, 339A, 339B, 339C, 340, 341, 342, 343, 344, 345A, 345B, 345C, 346A, 346B, 347A, 347B, 348, 349, 350A, 350B, 351A, and 351B; Census Tract 0013, Blocks 202A, 202C, 207, 208, 209A, 209B, 209C, 209D, 210, 211A, 211B, 212A, 212B, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233A, 233B, 234, 235, 236A, 236B, 237A, 237B, 237C, 238A, 238B, 238C, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269A, 269B, 269C, 270A, 270B, 270C, 270D, 271, 272A, 272B, 273, 274A, 274B, 275, 276, 277, 278, 279, 280, 281, 282, 283A, 283B, 284A, 284B, 285, 286A, 286B, 287, 288, 289, 290, 291, 292, 293A, 293B, and 294; Census Tract 0016, Blocks 201, 202, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, and 297; and Census Tracts 001796, 001797, and 001798.

House District 6 shall consist of the following Weber County Census Districts: Census Tract 2011, Block 109; Census Tract 2019, Blocks 101B, 101C, 102B, 104B, 104C, 107C, 108, 109E, 109F, 109G, 109H, 109J, 110, 111B, 112A, 112B, 114B, 201B, and 202C; Census Tract 210301, Blocks 101A, 101B, 101C, 102A, 102B, 103A, 103B, 104, 105, 106, 107,

108, 109, 110, 111, 201B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217B, 225C, 301B, 302, 303C, 303D, 304, 305, 306, 307B, 308C, 401, 402, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411, 412A, 412B, 413, 414, 415, 416, 417, and 418; Census Tract 210302, Blocks 101, 102A, 102B, 102C, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212A, 213A, 214, 215, 216, 217, 218, 219, 220, 221, and 222; Census Tract 2104, Blocks 101, 102, 103, 104A, 104B, 104C, 105A, 105B, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142A, 142B, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172A, 172B, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203A, 203B, 204A, 204B, 204C, 205, 206, 207, 208, 209A, 209B, 209C, 209D, 210A, 210B, 211, 212, 213A, 213B, 213C, 214, 215A, 215B, 215C, 216, 217A, 217B, 218, 219, 220, 301, 302, 303, 304A, 304B, 305, 306, 307A, 307B, 308A, 308B, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329B, 330B, 330C, 331, 339, 340, 346, 347A, 347B, 348, 349A, 349B, 350A, 350B, 401, 402, 403, 404, 405, 406A, 406B, 406C, 407A, 407B, 407C, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 420B, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436A, 436B, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 601A, 601B, 602A, 602B, 602C, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625A, 625B, 626A, 626B, 626C, 626D, 627A, 627B, 627C, 627D, 628, 629, 630, 631, 632A, 632B, 633, 634, 635, 636A, 636B, 636C, 637A, 637B, 638A, 638B, 639, 640, 641, 642A, 642B, and 642C; Census Tract 210503, Blocks 101C, 101D, 101E, 101F, 102, 103, 104, 105C, 105D, 201C, 201D, 202A, 202C, 208, 209, 210, 211B, 212C, 212D, 212E, 214C, 215B, 216B, 308B, 308C, 309C, 412, 413, 414B, and 414C; Census Tract 210504, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 301B, 302, 303, 304, 305, 306, 307, 308B, 309, 310, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, and 441; Census Tract 210505, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311B, 312, 313, 314, 315, 316, 317, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 2106, Block 603B.

House District 7 shall consist of the following Weber County Census Districts: Census Tracts

210201 and 210202; Census Tract 2001, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, and 313; Census Tract 2002, Blocks 101A, 101B, 101C, 101D, 101E, 102, 103, 104A, 104B, 105A, 105B, 105C, 106, 107, 108, 109, 110, 117, 118, 125, 126, 127, 129, 130, 201A, 201B, 201C, 201D, 201E, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 219B, 219C, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315A, 315B, 315C, 315D, 315E, 316, 401, 402A, 402B, 402C, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, and 501; Census Tract 2006, Blocks 201, 208, 304, 305, 306, 307, 308, and 309; Census Tract 210301, Blocks 201A, 201C, 201D, 202, 203, 217A, 217C, 218, 219, 220, 221, 222, 223, 224A, 224B, 225A, 225B, 225D, 226A, 226B, 227, 228, 229, 230, 231, 301A, 303A, 303B, 307A, 308A, 308B, 308D, 309A, 309B, 310A, 310B, and 311; and Census Tract 210302, Blocks 201C, 201D, 201E, 201F, 201G, 209C, 209D, 209E, 212B, and 213B.

House District 8 shall consist of the following Weber County Census Districts: Census Tracts 2003, 2007, 2014, and 2101; Census Tract 2001, Blocks 304, 314, and 315; Census Tract 2002, Blocks 403, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, and 526; Census Tract 2004, Blocks 201, 202, 203, 204, 205, 206, and 207; Census Tract 2005, Blocks 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, and 406; Census Tract 2006, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 202, 203, 204, 205, 206, 207, 209, 220, 221, 222, 301, 302, 303, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417; Census Tract 2015, Blocks 101 and 202; and Census Tract 2104, Blocks 329A and 330A.

House District 9 shall consist of the following Weber County Census Districts: Census Tracts 2008, 2009, 2012, and 2018; Census Tract 2004, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, and 320; Census Tract 2005, Blocks 401, 402, 403, 404, 405, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513; Census Tract 2011, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 704, 705, and 706; Census Tract 2013, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513; Census Tract 2017, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 110, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 308,

309, 310, 311, 312, 313, 314, and 315; Census Tract 2019, Blocks 101A, 102A, 103, 104A, 105, 106, 107A, 107B, 109A, 109B, 109C, 109D, 111A, 113, 114A, 115, 116, 117, 118, 119A, 120, 121A, 122, 201A, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, and 243; Census Tract 2104, Blocks 332, 333, 334, 335, 336, 337, 338, 341, 342, 343, 344, and 345; Census Tract 210501, Blocks 101A, 101C, 102A, 103A, 104A, 109A, 113A, 113B, 113D, 401A, 402, 403B, 404B, and 601A; and Census Tract 210505, Block 311A.

House District 10 shall consist of the following Weber County Census Districts: Census Tracts 2016, 2020, 2108, and 2109; Census Tract 2013, Blocks 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, and 411; Census Tract 2015, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 321, 323, 324, and 325; Census Tract 2017, Blocks 111, 201, 202, and 203; Census Tract 2110, Blocks 101A, 101B, 102A, 102B, 102C, 113A, 113B, and 113D; Census Tract 211201, Blocks 101A, 102, 103, 201A, 202A, 203A, 204, 205, 206, 207, 208, 209, 210, 211A, 211C, and 212; and Census Tract 211202, Blocks 101A, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202A, 202B, 203, 204, 205, 206, 208, 209, 210, 211, 212, and 213.

House District 11 shall consist of the following Weber County Census Districts: Census Tract 2111; Census Tract 2019, Blocks 119B and 121B; Census Tract 210501, Blocks 101B, 102B, 103B, 103C, 104B, 104C, 105A, 105B, 105C, 105D, 106, 107A, 107B, 108, 109B, 110, 111, 112, 113C, 201, 202A, 202B, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 221, 235, 238, 301, 302, 303, 304A, 304B, 305A, 305B, 305C, 306A, 306B, 307, 308, 309, 310, 311, 401B, 401C, 401D, 403A, 404A, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, 601B, 602, 603, 604A, 604B, 605, 606, 607, 608, 609, 610, 611, 612, 613, 901A, 901B, 902, 903A, and 903B; Census Tract 2106, Blocks 111, 112, 113, 117, 118, 119, 120, 121, 122, 201, 202, 301A, 301B, 302, 303, 304, 305, and 308; Census Tract 210701, Blocks 101, 120, 121, 122, 123, 201, 202, 203, and 204; Census Tract 210702, Blocks 301, 302, 303, 304, 317, 318, 320, 321, 410, 901, 902A, and 902B; Census Tract 2110, Blocks 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113C, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215A, 215B, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227; Census Tract 211201, Blocks 101B, 101C, 104, 105, 106, 107A, 107B, 108, 109, 110, 111A, 111B, 112A, 112B, 113, 114, 115, 201B, 202B, 203B, 211B, 213, 214, 215A, 215B, 216, 217, 218, 219, and 220; Census Tract 211202, Blocks 101B, 101C, 102A, 102B, 202C, 202D, 207, 301, 302A, 302B, 302C, 303, 304, 305, 306A, 306B, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 318B, 318C, 318D, 318E, 319, 320, 321, 322A, and 322B; and the following Davis County Census District: Census Tract 1252, Blocks 901C, 901D, 901E,

and 901F; and Census Tract 125802, Block 301.

House District 12 shall consist of the following Weber County Census Districts: Census Tract 210503, Blocks 101A, 101B, 105A, 105B, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201A, 201B, 202B, 203, 204, 205, 206, 207, 211A, 212A, 212B, 213, 214A, 214B, 215A, 216A, 217, 301A, 301B, 302A, 302B, 303, 304, 305, 306A, 306B, 307, 308A, 309A, 309B, 310, 311A, 311B, 312A, 312B, 312C, 313, 314, 315, 401A, 401B, 401C, 402A, 402B, 402C, 403, 404A, 404B, 405A, 405B, 405C, 406, 407, 408, 409, 410, 411, 414A, 415, 416, 417, 418, 419, 420, and 421; Census Tract 210504, Blocks 301A and 308A; Census Tract 2106, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 114, 115, 116, 123, 124, 203, 204, 205, 206, 207, 401, 402, 403, 404, 405, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 601, 602, 603A, 604, 605, 606, 607, 608, and 609; Census Tract 210701, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 326, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, and 421; and Census Tract 210702, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 219, 228, 229, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702A, 702B, 702C, 703, 704, and 705.

House District 13 shall consist of the following Davis County Census Districts: Census Tracts 125301 and 125401; Census Tract 125302, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211A, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501A, 501B, 502, 503, 504, 505, 506, 507, 508, 509, 510A, 510B, 510C, 511, 512A, 512B, 513, 514, 515A, 515B, 516, 517, 518A, 518B, 519A, 519B, 520, 521, 522, 523, 524, 525, and 526; Census Tract 125402, Blocks 101, 102, 103, 104, 105, 106, 202B, 202C, 202D, 210B, 210C, 210D, 210E, 217B, 218A, 218B, 219A, 219B, 301A, 301B, 301C, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, and 329; Census Tract 1255, Blocks 301B, 301C, 403B, 406B, 406C, 503B, 504B, 504C, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, and 517; Census Tract 125801, Block 312; and Census Tract 1260, Blocks 303, 401, 402, 403, 407, 501A, and 501B.

House District 14 shall consist of the following Davis County Census Districts: Census Tracts 1256 and 1257; Census Tract 1252, Blocks 901A and 901B; Census Tract 125302, Block 211B; Census Tract 125402, Blocks 201, 202A, 203, 204, 205, 206, 207, 208, 209, 210A, 211, 212, 213, 214, 215, 216, and 217A; Census Tract 1255, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216,

217, 218, 301A, 302, 303, 304, 305, 306, 307, 401, 402, 403A, 404, 405, 406A, 407, 408, 409, 410, 411, 412, 413, 414, 501, 502, 503A, 504A, 505, and 506; Census Tract 125801, Blocks 101A, 102A, 201, 202, 203, 204, 205, 206, 207, 215, 216, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 309B; 310, 311A, 311B, 313, 314, and 323; and Census Tract 125802, Blocks 302A, 303, 304, 305, 306, 307, 308A, 308B, and 309A.

House District 15 shall consist of the following Davis County Census Districts: Census Tract 1252, Block 902; Census Tract 125801, Blocks 101B, 102B, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 315, 316, 317, 318, 319, 320, 321, and 322; Census Tract 125802, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 302B, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, and 508; Census Tract 125804, Blocks 112A, 112B, 113A, 113B, 113C, and 114; Census Tract 125903, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411A, 411B, 412A, 412B, 413, and 416; Census Tract 125904, Blocks 119, 120, 121, 122, 124, and 125; Census Tract 1260, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 121, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302A, 302B, 302C, 302D, 302E, 302F, 302G, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 404A, 404B, 405, 406, 408, 409A, 409B, 410, 411, 412, 413, 414, 415, 416, 502A, 502B, 502C, 503A, 503B, 503C, 504, 505A, 505B, 506, 507A, 507B, 508, 509A, 509B, 510, 511A, and 511B; Census Tract 126101, Block 103B; Census Tract 126104, Blocks 101A, 101B, 102A, 102B, 102C, 103A, 103B, 103C, 103D, 104, 105A, 105B, 105C, 106A, 106B, 106C, 107A, 107B, 107C, 107D, 108A, 108B, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128A, 128B, 129, 130, 131A, 131B, 132, 133, 134, 135, 136B, and 137; and Census Tract 126202, Blocks 114B, 115B, 115C, 116B, 116D, 117A, 118A, and 119.

House District 16 shall consist of the following Davis County Census Districts: Census Tract 125101; Census Tract 125102, Blocks 101A, 101B, 101C, 101D, 102, 103A, 103B, 103C, 104, 105, 106, 107, 108, 109A, 109B, 110A, 110B, 111A, 111B, 112, 113, 114, 201B, 201D, and 202; Census Tract 125804, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 111C, 111D, 112C, 115, 116, 117, 118, 119, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, and 226; Census Tract 125903, Blocks 101, 102A, 102B, 102C, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118A, 118B, 118C, 119, 120, 121A, 121B, 412C, 412D, 412E, 414, 415, 417A, 417B, 418A, 418B, 418C, 418D, 418E, 418F, 418G, 418H, 419A, 419B, 420, 501, 502, 503, 504, 505, 506, 507, 508A, 508B, 508C, 509, 510, 511, 512, 513, 514A, 514B, 514C, 515A, 515B, 516A, 516B, 517A, 517B, 518, 519, 520, 521, 522, 523A, 523B, 523C, and 523D; Census Tract

125904, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 126, 127, 128, 129, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, and 223; and Census Tract 126101, Blocks 101A, 101B, 102, 103C, 103D, 105, 106, 107, 108, 109, 110, 111, 201A, 201B, 201C, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 218C, 218D, 219, 220A, 220B, 220C, 221, 222A, 222B, 223, 224, 225, 226, 227, 233, 234, 301E, 301F, 301G, and 301H.

House District 17 shall consist of the following Davis County Census Districts: Census Tracts 126102, 126103, and 126201; Census Tract 125102, Blocks 201A, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 219B, 220, 221, 222A, 222B, 222C, 222D, 222E, 223A, 223B, 224, 225, and 226; Census Tract 126101, Blocks 103A, 104, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 228, 229, 230, 231, 232, 301A, 301B, 301C, 301D, 302, 303, 304, 305, 306, 307, 308, 309A, 309B, 309C, 310, 311, 312, and 313; Census Tract 126104, Block 136A; Census Tract 126202, Blocks 101A, 101B, 101C, 102, 103, 104, 105, 106A, 106B, 106C, 106D, 106E, 106F, 107, 108, 109, 110, 111A, 111B, 112A, 112B, 113A, 113B, 114A, 115A, 116A, 116C, 117B, 118B, 120, 121, 122A, 122B, 123A, 123B, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134A, 134B, 135, 136A, 136B, 136C, 137A, 137B, 137C, 138, 139, 140, 141, and 142; and Census Tract 126301, Blocks 101D, 101E, 102A, 102B, 102C, 103, 104A, 104B, 105A, 105B, 106, 201B, 202B, 203B, and 402B.

House District 18 shall consist of the following Davis County Census Districts: Census Tract 126302; Census Tract 126202, Block 132; Census Tract 1263, Block 201A; Census Tract 126301, Blocks 101A, 101B, 101C, 107, 108, 109, 110, 111, 201A, 202A, 203A, 203C, 204A, 204B, 205A, 205B, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217A, 217B, 218A, 218B, 219, 220, 221A, 221B, 222A, 222B, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402A, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420; Census Tract 126402, Block 111B; Census Tract 1265, Blocks 101C and 201C; Census Tract 1266, Blocks 102, 103, 104, 105, 106, 107, 108, 203C, 203E, 305, and 306; Census Tract 1267, Blocks 106C and 209C; Census Tract 126901, Blocks 528, 530, 531, 601B, 602, 603, 604, 605, 606, 607, 608, and 609; Census Tract 126902, Block 303; and Census Tract 127001, Blocks 101A, 101B, 102A, 102B, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 301A, 301B, 302, 303A, 303B, 303C, 304A, 304B, 305A, 305B, 305C, 306A, 306B, 307A, 307B, 307C, 308B, 308C, 308D, 309B, 309C, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501A, 501B, 502A, 502B, 503B, 504, 506, 507, 508, 509, 510, 601B, 602A, 602B, 603, 604, 605, 606, 607, 608, 701, 702, 703, 704, 705, 706, 707, 708, 709, and 710.

House District 19 shall consist of the following Davis County Census Districts: Census Tract 126801; Census Tract 1263, Block 201B; Census Tract 126402, Blocks 101A, 101B, 102, 103, 104A, 104B, 104C, 105, 106, 107, 108, 109, 110, 111A, 111C, 112, 113A, 113B, 113C, 201A, 201B, 202, 203, 215A, 215B, 216A, 216B, 217, 218, 219, 220A, and 220B; Census Tract 1265, Blocks 101A, 101B, 101D, 101E, 102, 103, 104, 105, 106, 107, 108, 109,

110, 111, 112, 113, 201A, 201B, 201D, 202A, 202B, 203, 301, 302, 303, 304, 305, 306, 307, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404, 405A, 405B, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516A, 516B, 517, and 518; Census Tract 1266, Blocks 101, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203A, 203B, 203D, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 307, and 308; Census Tract 1267, Blocks 101, 102, 103, 104, 105, 106A, 106B, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 301, 302, 303, 304A, 304B, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315A, 315B, 316, 317, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, and 421; Census Tract 126901, Blocks 101A, 101B, 102, 103, 104, 106, 108A, 108B, 109, 126, 201, 202, 203, 204, 205, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 401, 402, 403, 404, 405, 501, 502, 506, 508, 509, and 601A; Census Tract 127001, Block 601A.

House District 20 shall consist of the following Davis County Census Districts: Census Tracts 126401, 126802, and 127002; Census Tract 126402, Blocks 204, 205, 206, 207, 208, 209, 210, 211, 212A, 212B, 213, and 214; Census Tract 126902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115B, 201, 202, 203, 204, 205, 206, 207, 208, 217, 219, 220, 222, 301, 302, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313A, 313B, 313C, 313D, 314, 315, 316, 317, 318, 401, 402A, 402B, 403, 404, 405, 406A, 406B, 407, 408, 409, 410, 411, 412, 413A, 413B, 414, and 415; and Census Tract 127001, Blocks 308A, 309A, 503A, and 505.

House District 21 shall consist of the following Tooele County Census Districts: Census Tracts 1308, 1309, 1310, 1311, and 1312; and Census Tract 1306, Blocks 132, 134, 135, 136, and 197; Census Tract 1307, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 112B, 113, 114, 115, 116, 117, 118, 119, 120, 121A, 121B, 121C, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131A, 131B, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143, 144A, 144B, 145A, 145B, 145C, 145D, 145E, 146, 147A, 147B, 148, 149, 150, 151, 152, 153, 154, 155, 159, 160, 161, 162A, 162B, 162C, 163, 164, 165A, 165B, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180A, 180B, 181A, 181B, 182, 183A, 183B, 183C, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330A, 330B, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417A, 417B, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431A, 431B, 432, 433, 434, 435, 436, 437, 438A, 438B, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467A, 467B, 468, 469, 470A, 470B, 471, 472, 473, 474, 475A, 475B, 475C, 476, 477A,

477B, 478, 501, 502, 503, 504, 505, 506A, 506B, 507A, 507B, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518A, 518B, 519, 520, 521, 522, 523A, 523B, 524A, 524B, 525, 526, 527, 528, 529, 601, 602, 603A, 603B, 603C, 603D, 604, 605A, 605B, 606A, 606B, 607A, 607B, 608, 609, 610, 611, 612, 613, 614, 701A, 701B, 701C, 703, 704, 705, 706, 707, 708A, 708B, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722A, 722B, 723, 724, 725, 726, 727, 728, 729, 730, 731A, 731B, 732, 733A, 733B, 734A, 734B, 735, 736, 737, 738, 739, 740, 741, 742A, 742B, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752A, 752B, 753A, 753B, 753C, 754A, 754B, 755, 756, 757, 758, 759, 760A, 760B, 761, 762, 763, 764, 765, 766, 767, 768, 769, 808, 809, and 810.

House District 22 shall consist of the following Salt Lake County Census Districts: Census Tracts 113903, 113904, and 113905; Census Tract 113408, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314; Census Tract 113516, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 202, 203, 204B, 204C, 205A, 205B, 207, 208A, 208B, and 209; Census Tract 113517, Blocks 401, 402, 403, 404, and 405; and Census Tract 113901, Blocks 117D, 144B, 145B, 146, 147B, 148, 149A, 149D, 150B, 151B, 163B, 164B, 165, 166, 167, 168, 169B, 171, 172, 173, 174, 175A, 175D, 175E, 176, 177, 178A, 178B, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417.

House District 23 shall consist of the following Salt Lake County Census Districts: Census Tracts 100302, 100303, 100304, 1005, and 1006; Census Tract 1004, Blocks 104, 105, 106, 107, 110, 111, 112, 115, 116, 117, 118, 119, 120, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, and 230; Census Tract 1026, Blocks 102, 104, 105, 106, 107, 108, 113, 114, 117, 118, 119, 120, 121, and 122; Census Tract 1027, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, and 129; and Census Tract 113901, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117A, 117B, 117C, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127A, 127B, 128A, 128B, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 137C, 137D, 137E, 137F, 137G, 137H, 138A, 138B, 138C, 138D, 139, 140A, 140B, 141, 142, 143, 144A, 145A, 147A, 149B, 149C, 150A, 151A, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163A, 164A, 169A, 170, 190A, 190B, 190C, 191, 192, 193, and 194.

House District 24 shall consist of the following Salt Lake County Census Districts: Census Tracts 1001, 1007, 1008, 1011, 1021, 1022, 1024, and 1025; Census Tract 1002, Blocks 102, 103, 104, 105, 106, 107A, 107B, 108, 109, 110, 111, 112A, 112B, 113, 114, 115, 116, 117, 118, 120, and 121; Census Tract

1004, Blocks 101, 102, 103, 108, 109, 113, and 114; Census Tract 1010, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314; Census Tract 1012, Blocks 205B, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 402A, 402B, 403, 404, 405, 406, 407, 412A, 412B, 413A, 413B, 414A, 414B, 415A, and 415B; Census Tract 1019, Blocks 102, 103, and 104; Census Tract 1026, Blocks 101, 103, 109, 110, 111, 112, 115, 116, 123, 124, 125, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 311, 312, 313, and 314A; Census Tract 1029, Blocks 105, 107, 108, 109, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146, 147, and 229A; and Census Tract 110103, Block 105.

House District 25 shall consist of the following Salt Lake County Census Districts: Census Tracts 1009, 1013, 1015, and 1017; Census Tract 1002, Block 101; Census Tract 1010, Block 101; Census Tract 1012, Blocks 101, 102A, 102B, 103A, 103B, 104A, 104B, 105A, 105B, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205A, 206A, 206B, 207A, 207B, 208A, 208B, 209, 210, and 211; Census Tract 1014, Blocks 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, and 205; Census Tract 1016, Blocks 101, 102, 103, 104, 106, 107, 108, 201, 202, 203, 204B, 205, 206, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317; Census Tract 1018, Blocks 301, 302, 303, 304, 306, 307, and 308; Census Tract 1019, Blocks 101, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211; Census Tract 1035, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, and 302; Census Tract 1036, Blocks 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, and 214; Census Tract 1037, Blocks 103, 104, 105, 109, 110, 111, 201, 204, 205, 216, and 217; Census Tract 1042, Blocks 101B, 102F, 102G, and 106; Census Tract 110103, Blocks 101, 102A, 102B, 102C, 103, 104A, 104B, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 240, 241, 242, and 243; and Census Tract 110104, Blocks 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, and 517.

House District 26 shall consist of the following Salt Lake County Census Districts: Census Tracts 1028 and 113305; Census Tract 1026, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 314B, 315, 316, 317, 318, 319, 320, 321, 322, 323, and 324; Census Tract 1027, Blocks 130, 131, 132, 133, 134, 135, 136, 137, 138, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225,

226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 341; Census Tract 1029, Blocks 220, 221, 222, 223, 224, 225, 226, 227, 228, 229B, 230, 231, 232, 233, 234, 235, 236, 237, 242, 243, 302, 303, 304, 311, 312, 313, 314, and 315; Census Tract 1032, Blocks 301, 303, 305, 316, and 317; Census Tract 1115, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 191, 192, 193, and 194; Census Tract 1116, Blocks 201, 202, 203, 204, 205, 206, 207, 213, 214, 215, 216, and 217; Census Tract 113307, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201A, 203, 204, 205, 206, 301, 302, 401, 402, 403, 404, 405, 423, 424, 425, 426, 427, 428, 429, 430, 431, and 432; and Census Tract 113308, Blocks 101, 102, 103, 104, 105, 106, 107, 108, and 109.

House District 27 shall consist of the following Salt Lake County Census Districts: Census Tracts 1020, 1023, and 1030; Census Tract 1016, Block 204A; Census Tract 1018, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 305, and 309; Census Tract 1029, Blocks 101, 102, 103, 104, 106, 110, 111, 112, 113, 114, 115, 128, 129, 130, 131, 132, 143, 144, 145, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 238, 239, 240, 241, 244, 245, 301, 305, 306, 307, 308, 309, and 310; Census Tract 1031, Blocks 202, 203, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, and 308; Census Tract 1032, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 302, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315; Census Tract 1035, Blocks 307 and 309; Census Tract 1114, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 204, 206, 207, 208, 211, 213A, 213B, 214B, 214C, 215C, 215D, 215E, 301, 302, 303, 304, 305, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 409, 410, 412, 413, 414, 415, 417, 418, 419, 420, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, and 615; Census Tract 1115, Blocks 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 195, 196, and 197; and Census Tract 1116, Blocks 208, 209, 210, 211, 212, 218, 219, and 220.

House District 28 shall consist of the following Salt Lake County Census Districts: Census Tracts 1040 and 1041; Census Tract 1014, Blocks 103, 104, 142, 143, 144, 201, 202, 203, 204, 206, 207, 208, 209, 210, and 211; Census Tract 1036, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 201; Census Tract 1037, Blocks 101, 102, 106, 107, 108, 112, 113, 114, 115, 116, 117, 118, 206, 207, 208, 209, 210, 211, 212, and 213; Census Tract 1038, Blocks 101, 102, 103, 104, 105, 109, 110, and 111; Census Tract 1039, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 209, 301, 302, 303, 304, and 305; Census Tract 1042, Blocks

101A, 102A, 102B, 102C, 102D, 102E, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 501, 502, 503, 504, and 505; and Census Tract 1043, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113.

House District 29 shall consist of the following Salt Lake County Census Districts: Census Tracts 113405, 113407, and 113409; Census Tract 113307, Blocks 201B, 202, 207, 208, 209, 210, 303, 304, 305, 306, 307, 308, 309, 310, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, and 422; Census Tract 113308, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 201, 302, 303, 304, 305, 306, and 307; Census Tract 113403, Blocks 101, 102, 103, 104, 105, 406, 407, 408, and 416; Census Tract 113406, Blocks 101, 102, 103, 104, 105, 106, 107, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314; and Census Tract 113408, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 215.

House District 30 shall consist of the following Salt Lake County Census Districts: Census Tracts 1033, 1034, 1046, and 1049; Census Tract 1031, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 204, 205, and 206; Census Tract 1032, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117; Census Tract 1035, Blocks 303, 304, 305, 306, 308, 310, 311, 312, 313, 314, 315, 316, 317, and 318; Census Tract 1037, Blocks 202, 203, 214, 215, and 218; Census Tract 1038, Blocks 201, 202, 203, 204, 210, 211, 212, 213, and 214; Census Tract 1048, Blocks 404A, 404B, 404C, 405, 406, 407, 408, and 409; Census Tract 1114, Blocks 214A, 215A, and 215B; Census Tract 1117, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 501, 502, 503, 601, 602, 603, 604, 605, and 606; and Census Tract 1118, Blocks 102C, 103C, 109B, 110B, 111B, 112A, 112B, 112C, 113B, 201, 202, 203, 204, 205, 206, 207A, 207B, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, and 304.

House District 31 shall consist of the following Salt Lake County Census Districts: Census Tracts 1044, 1045, and 1047; Census Tract 1038, Blocks 106, 107, 108, 112, 113, 114, 115, 116, 205, 206, 207, 208, 209, 215, and 216; Census Tract 1039, Blocks 206, 207, 208, 210, 211, 212, 213, 214, 306, 307, 308, 309, 310, 311, and 312; Census Tract 1043, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210; Census Tract 1048, Blocks 101, 102, 105, 106, 107, 109A, 109B, 109C, 110A, 110B, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313A, 313B, 314, 315, 316A, 316B, 401, 402, and 403; Census Tract 1102, Blocks 101A, 101B, 103, 104, 105, 109, 301, 302, 401A, 401B, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, and 501; Census Tract 1103, Blocks 101, 102, 108, 111A, 111B, 111C, 301A, 301B, 301C, 302A, 302B, 302C, 303A, 303B, 303C, 303D, 303E, 404, 305, 306, 307, 308, 401A, 401B, 401C, 401D, 402, 403, 501, 502,

503, 506, 507, 508, 509, 510, 601A, 601B, 602, 603, 604, 605, 606, 607, and 608; and Census Tract 1118, Blocks 101A, 101B, 102A, 102B, 102D, 102E, 103A, 103B, 104, 105A, 105B, 106A, 106B, 106C, 106D, 107, 108, 109A, 110A, 111A, 113A, 114A, and 114B.

House District 32 shall consist of the following Salt Lake County Census Districts: Census Tract 113505; Census Tract 113402, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 401, 402, 403, 404, 405, 406, 407, 408, 409, 501, 502, 503, 504, 505, 506, and 507; Census Tract 113403, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 315, 317, 318, 319, 320, 321, 322, 401, 402, 403, 405, 418, and 419; Census Tract 113406, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, and 224; Census Tract 113517, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 406, 407, and 408; and Census Tract 113802, Block 301B.

House District 33 shall consist of the following Salt Lake County Census Districts: Census Tracts 113304, 113306, 113509, and 113512; Census Tract 113402, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115; Census Tract 113511, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 122, 123, 124, 201, 202, 214, 215, 216A, 217, and 218; and Census Tract 113514, Blocks 201, 202A, 202B, 202C, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, and 226.

House District 34 shall consist of the following Salt Lake County Census Districts: Census Tracts 113510, 113519, 113520, and 113521; Census Tract 113511, Blocks 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, and 216B; Census Tract 113514, Blocks 101 and 102; and Census Tract 113513, Block 201.

House District 35 shall consist of the following Salt Lake County Census Districts: Census Tract 111901; Census Tract 1116, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 301, 302, 303, 304, 305, 306A, 306B, 306C, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 601A, 601B, 601C, 602A, 602B, 602C, 603A, and 603B; Census Tract 1117, Blocks 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 504, 505, 506, 507, 508, 607, 608, 609, 610, and 611; Census Tract 1118, Blocks 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 417, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516; Census Tract 111902, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 217, 218, 301, 302, 303, 304, 306, 307, 501A, 501B, 501C, 501D, 502, and 503; Census Tract 1120, Blocks 101, 102, 103A, 103B, 104, 105, 107, 109, 115, 122A, 122B, 123A, 123B, 123C, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 216; and Census Tract 1121, Blocks 101A, 101B, 102, 103A, 103B, 104A, 104B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 301, 302, 303, 304, 305, 306, 312A, and 333.

House District 36 shall consist of the following Salt Lake County Census Districts: Census Tract 1105; Census Tract 110103, Blocks 224A, 224B, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312; Census Tract 110104, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 112B, 115, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420; Census Tract 1102, Blocks 102, 106, 107, 108, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 303, 304, 305, 306, 308, 502, 503, 504, 505, 506, and 507; Census Tract 1103, Blocks 201, 202, 203, 204, and 205; Census Tract 1104, Blocks 101, 102, 103, 104, 110, 111, 114, 115, 201, 206, 207, 208, 215, and 216; and Census Tract 1106, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, and 218.

House District 37 shall consist of the following Salt Lake County Census Districts: Census Tract 1107; Census Tract 110104, Block 113; Census Tract 1103, Blocks 404, 405, 406, 504, 505, 511, 512, 513, 514, 609, 610, 611, 612, 613, and 614; Census Tract 1104, Blocks 105, 202, 203, 204, 205, 209, 212, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 601, 602, 603, 604, 605, 606, and 607; Census Tract 1106, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 406, 407, 408, 409, 410, 411, 414, 415, 416, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, and 515; Census Tract 1108, Blocks 101, 102, 103, 104, 105, 106, 107, 113, 114, 301, 308, 313, and 315; Census Tract 1109, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 226, 227, 228, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311; and Census Tract 111902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111.

House District 38 shall consist of the following Salt Lake County Census Districts: Census Tracts 1136, 1137 and 113801; Census Tract 113802, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301A, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311; and Census Tract 113803, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 203, 204.

House District 39 shall consist of the following Salt Lake County Census Districts: Census Tracts 113522 and 113523; Census Tract 113513, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 202, 203, 204, 205, 206, 207, 301, 302, 401, 402, 403, 404, 405, 406, 407, 408, and 409; Census Tract 113515, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, and 212; and Census Tract 113524, Blocks 201, 202, 203, 204, 301, 302, 303,

304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520.

House District 40 shall consist of the following Salt Lake County Census Districts: Census Tract 111101; Census Tract 1108, Blocks 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 314, 401, 402, 403, 404, 405, and 406; Census Tract 111102, Blocks 201, 202, 204, 205, 206, and 207; Census Tract 1112, Blocks 201, 202, 203, 204, 209, 210, 211, 212, 213, 214, 215, and 216; Census Tract 111902, Blocks 401, 402, 403, 404, and 405; Census Tract 1120, Blocks 301, 302, 303, 304, 401, 402, 403, 404, 405, 406, 407, 510, 601, 602, 701, 702, 703, 704, 705, 801A, 801B, 801C, 802A, 802B, 803, and 804; Census Tract 112301, Blocks 101, 102, 103, 104, 204, and 205; Census Tract 112302, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 111C, 112A, 112B, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 202, 203, 204, 301A, 301B, 302, and 303; Census Tract 112501, Block 101; and Census Tract 112502, Blocks 101, 102, 103, 104, 105, 201, 202, 203, 204, 205, 206, and 207.

House District 41 shall consist of the following Salt Lake County Census Districts: Census Tracts 111001, 111002, and 111103; Census Tract 110102, Blocks 101, 102, 103, 104, and 105; Census Tract 110104, Blocks 114, 116, 117, 118, 119, 518, 519, and 520; Census Tract 1108, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 407; Census Tract 1109, Blocks 401, 402, 403, 404, 405, 406, 407, 408, and 409; Census Tract 111102, Blocks 101, 102, 107, 108, 109, 110, 113, 114, 119, 125, 126, 127, 128, 203, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 501, 502, and 503; and Census Tract 1112, Blocks 104, 105, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117.

House District 42 shall consist of the following Salt Lake County Census Districts: Census Tract 112904, Block 207C; Census Tract 112906, Blocks 207B, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 309B, 309C, 309D, 310, and 311; Census Tract 112909, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301A, 301B, 302A, 302B, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313; Census Tract 1131, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 123, 124, 301A, 301B, 301C, 301D, 319A, and 320; Census Tract 113516, Blocks 201, 204A, 204D, 205C, 206, 210, 211, 212, 213, 214, 215, 216, 217, and 218; Census Tract 113518, Blocks 102C, 103, 104, 105A, 105B, 105C, 105D, 105E, 106, 107, 108, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 123C, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 134D, 135A, 135C, 135D, 137B, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403A, 403B, 404, 405, 406, 407, 408, 409, 410, 411, and 412; and Census Tract 113803, Block 202.

House District 43 shall consist of the following Salt Lake County Census Districts: Census Tract 112905; Census Tract 112904, Blocks 101, 102, 103A, 103B, 104A, 104B, 105A, 105B, 201, 202,

203, 204, 205, 206A, 206B, 207A, 207B, 208A, 208B, 208C, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315; Census Tract 112906, Blocks 101, 102, 103, 201, 202, 203, 204, 205, 206, and 207A; Census Tract 112907, Blocks 101A, 101B, 102, 103, 104, 105A, 105B, 105C, 105D, 105E, 105F, 106, 107, 108, 201A, 201B, 201C, 201D, 201E, 202A, 202B, 202C, 203, 204, 205, 301, 401, 402, 403, 404, 405, 406, 407, 408, and 409; Census Tract 112908, Blocks 101, 102, 103, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105A, 105B, 105C, 105D, 105E, 106, 201A, 201B, 201C, 201D, 201E, 201F, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301A, 303A, 303B, 303C, 304, 305, 306, 307, 401, 402, 403, and 404; Census Tract 113515, Blocks 303B, 304, 305, 308, 309, and 310; Census Tract 113518, Blocks 101A, 101B, 102A, and 102B; and Census Tract 113524, Blocks 102, 103, 104, 105, and 106.

House District 44 shall consist of the following Salt Lake County Census Districts: Census Tracts 112201 and 112202; Census Tract 1120, Blocks 501, 502, 503, 504, 505, 506, 507, 508, and 509; Census Tract 1121, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 307, 308, 312B, 327, 328, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611; Census Tract 112301, Blocks 201, 202, 203, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, and 304; Census Tract 112302, Blocks 205, 206, 207, 208, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 318A, 318B, and 319; Census Tract 112401, Blocks 101A, 101B, 101C, 101D, 101E, 101F, 101G, 101H, 101J, 102A, 102B, 125, 126, 201A, 201B, 201C, 201D, 201E, 201F, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223A, 223B, 224A, 224B, 224C, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, and 331; Census Tract 112501, Blocks 301A, 301B, 301C, 302, 303, 304, 305A, 312A, and 316; Census Tract 112503, Block 208A; Census Tract 113515, Blocks 301, 302, 303A, 306, and 307; and Census Tract 113524, Block 101.

House District 45 shall consist of the following Salt Lake County Census Districts: Census Tract 1112, Blocks 101, 102, 103, 106, 107, 118, 119, 120, 121, 205, 206, 207, 208, 301, 302, 303, 326, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405, 406, 407, 501A, 501B, 501C, 502, 503, 504, 505, 506, and 507; Census Tract 112302, Block 317; Census Tract 112501, Blocks 201, 202, 203, 204, 205, 206, 305B, 306, 307, 308, 309, 310, 311, 312B, 313A, 313B, 313C, 313D, 313E, 313F, 313G, 313H, 313J, 313K, 314, and 315; Census Tract 112502, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 501, 502A, 502B, 503, 504, 505, 506, 507, 508A, 508B, and 509; Census Tract 112503, Blocks 101, 102, 103, 104, 105, 106, 107, 201, 202A, 202B, 202C, 202D, 202E, 203, 204, 205, 206, 207, 208B, 209, 210, 211, 212, 301A, 301B, 302, 303, 401, 402, 403, 404, and 405; Census Tract 112606, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201B, 202, 301C, 307B, 314B, 315B, and 316B; Census Tract 112610, Blocks 101, 102, 103, 104B, 201, 202A, 202B, 203, 204A, 204B, 205, 206, 207B, 301A, 301C, 302B, and 302C;

and Census Tract 112611, Blocks 101, 102A, 102B, 102C, 102D, 103, 104A, 104B, 105, 106, 107, 108, 109A, 109B, 110, 111A, 111B, 111C, 112A, 112B, 113A, 113B, 114B, 115, 116A, 116B, 117, 118, 119A, 119B, 119C, 119D, 201A, 201B, 201C, 202, 203A, 203B, 204, 205, 206A, 206B, 206C, 206D, 206E, 206F, 206G, 207, 208, 209, 210A, 210B, 210C, 211A, and 211B.

House District 46 shall consist of the following Salt Lake County Census Districts: Census Tracts 111302 and 111303; Census Tract 110102, Blocks 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 312A, 312B, 313A, 313B, 314A, 314B, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332A, 332B, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344B, 344C, 344D, 344E, 345A, 345B, 346, 347, 348, 349, 350, 351, 352, 353, 354, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 488B, 489, 490, 491, 492, 493, 494, 495, 496, and 497; Census Tract 111304, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115C, 115D, 116, 117, 118, 119, 120, 121, 122, 123, 124, and 125; Census Tract 112602, Blocks 601A, 601B, 601C, 601D, 601E, 601F, 601G, 602B, 603, 604B, 604C, 606A, 606B, 606C, 606D, 606E, 618, 619A, 619B, 619C, 620, 621, 622, and 623; Census Tract 112607, Blocks 101, 102, 103, 104, 105, 106, and 107; Census Tract 112609, Block 101E; and Census Tract 112806, Block 103.

House District 47 shall consist of the following Salt Lake County Census Districts: Census Tract 112402; Census Tract 112401, Blocks 401, 402, 403A, 403B, 404A, 404B, 405, 415, 418, 433, 435, 436, 437, 442, 444, 445, 446, 447, 501, 502, 503A, 503B, 504, 505A, 505B, 506, 507, and 508; Census Tract 112610, Blocks 104A, 104C, 105, 106A, 106B, 107, 207A, 301B, 302A, 302D, 302E, 302F, 302G, 302H, 303, 304, 305A, and 305B; Census Tract 1127, Blocks 101, 135, 136, 137, 138, 139, 301, 302, 303, 304A, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319A, 320, 321, 322, 323, 324, 325, 326, 327A, 342A, 342B, 343, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, and 363; Census Tract 112906, Blocks 104A, 104B, 105A, 105B, 105C, 105D, 105E, 106A, 106B, 107, 108, 109, 110, 111A, 111B, 112, 113, and 114; Census Tract 112907, Blocks 302, 303, 410A, 410B, 411, 412A, 412B, 413A, 413B, and 413C; Census Tract 112908, Blocks 301B, 302, 308, 309, 310, 501, 502, 503, and 504; Census Tract 112909, Blocks 101A, 101B, 102A, 102B, 103A, 103B, 104A, 104B, 104C, 105, 106, 107A, 107B, 108, 109, 110A, 110B, and 111; Census Tract 112910, Blocks 101A, 101B, 101C, 102, 103, 104, 105A, 105B, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 301; Census Tract 112911, Blocks 101A, 101B, 102, 103A, 103B, 104, 105, 106A, 106B, 107A, 107B, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307A, 307B, 308, 309, 310, 311, 312, 313, and 314; and Census Tract 1131, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209,

210, 211, 212A, 213, 214A, 214B, 214C, 215A, 215B, 216, 217, 218, 219, 220, 221, and 319B.

House District 48 shall consist of the following Salt Lake County Census Districts: Census Tract 112612; Census Tract 112602, Blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201A, 201B, 201C, 201D, 202A, 202B, 203A, 203B, 203C, 203D, 204, 205, 206, 207, 208, 209, 210A, 210B, 211, 212A, 212B, 213, 214A, 214B, 215, 216, 217, 218, 219, 301A, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 502A, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 604A, 605, 607A, and 608; Census Tract 112604, Blocks 101, 102, 103, 104, 105, 106A, 106B, 107, 108, 109A, 109B, 110A, 110B, 111, 112A, 112B, 113A, 113B, 113C, 114, 201, 202, 203A, 203B, 203C, 204, 205, 206, 207, 208A, 208B, 209, 210, 211, 212, 301, 302A, 302B, 302C, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411B, and 412; Census Tract 112605, Blocks 101, 103, 104, 105B, 106, 107, 108, 202, and 203; Census Tract 112611, Block 114A; and Census Tract 1127, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 304B, 305, 317, 318, 319B, 327B, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 344, 345, 346, 347, 348, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412.

House District 49 shall consist of the following Salt Lake County Census Districts: Census Tract 112608; Census Tract 111304, Block 115B; Census Tract 112606, Blocks 201A, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301A, 301B, 302, 303, 304A, 304B, 305, 306A, 306B, 307A, 308, 309, 310, 311, 312A, 312B, 313A, 313B, 314A, 315A, 316A, 317, 401A, 401B, 402, 403, 404A, 404B, 405, 406A, 406B, 406C, 406D, 407, 408, 409, 410A, 410B, 411A, 411B, and 412; Census Tract 112607, Blocks 201A, 201B, 202, 203, 204, 205, 206, 207A, 207B, 208A, 208B, 209, 210, 211, 212, 301A, 301B, 301C, 302, 303, 304A, 304B, 305A, 305B, 306A, 306B, 307, 308A, 308B, 401A, 401B, 401C, 401D, 402, 403, 404, 405, 406A, 406B, 406C, 406D, 406E, 406F, 406G, 407, 408, 409, 410, 411, 412, 413, 414, 415, and 416; and Census Tract 112609, Blocks 101A, 101B, 101C, 101D, 102, 103, 104A, 104B, 104C, 104D, 104E, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 209B, 210A, 210B, 211, 212, 213, 214, 215, 216, 217, 218, 219, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316.

House District 50 shall consist of the following Salt Lake County Census Districts: Census Tract 113004; Census Tract 112604, Block 411A; Census Tract 112605, Blocks 102, 105A, 201, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401A, 401B, 402, 403A, 403B, 403A, 404B, 404C, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416A, 416B, 417, 418, 419A, 419B, 420A, 420B, 421, 422, 423, 424A, 424B, 425, 426, 427, 428A, 428B, 428C, and 429; Census Tract 1127, Blocks 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512; Census Tract 112801, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 114, 401A, 401B, 401C, 402, 403, 404, 405, 406, 407A, 407B, 408, 409A, 409B, 410A, 410B, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 466, and

467; Census Tract 112802, Blocks 206A, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 417, 418, 419, and 420; Census Tract 112910, Blocks 106A, 106B, 106C, 107, 302, and 303; Census Tract 112911, Blocks 110, 111A, 111B, 111C, 112, 209A, 209B, 209C, 210, 211A, 211B, 211C, 212A, 212B, 212C, 212D, 213, 214, and 215; Census Tract 113003, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313; and Census Tract 1131, Blocks 212B, 302A, 302B, 302C, 302D, 303A, 303B, 303C, 312B, 315, 316, 317, 318A, 318B, 321A, 321B, 323, 324, 325A, 325B, 325C, 325D, 325E, 325F, 325G, 326A, 326B, 326C, 326D, 326E, 326F, 326G, 326H, 331A, 331B, 332A, 332B, 332C, 332D, 333A, 333B, 333E, 338A, 338C, 339A, 339B, 339C, 339D, 339E, 339F, 339H, 340A, 340B, 340D, 345, and 346.

House District 51 shall consist of the following Salt Lake County Census Districts: Census Tract 112804; Census Tract 110102, Block 344A; Census Tract 112602, Blocks 301B, 501, 502B, 602A, 602C, and 607B; Census Tract 112801, Block 101; Census Tract 112802, Blocks 101, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 201, 202, 203, 204, 205, 206B, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 415, and 416; Census Tract 112805, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124B, 126, 127, 201, 202, 203B, 204, 205, 206, 207, 208, 209, 210B, 211, and 212B; and Census Tract 112806, Blocks 101A, 101B, 101C, 101D, 101E, 101F, 101G, 101H, 101J, 101K, 102, 104A, 104B, 104C, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124A, 124B, 125, 201, 202, 203, 204, 205, 206, 207A, 207B, 208A, 208B, 209A, 209B, 210, 211, 212A, 212B, 213, 214A, 214B, 215, 216, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401A, 401B, 401C, 402A, 402B, 403, 404, 405, 406A, 406B, 407A, 407B, 407C, 407D, 407E, 408A, 408B, 409, 410, 501, 502, 503, 504, 505, 506, 507A, 507B, 507C, 508A, 508B, 508C, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519A, 519B, 519C, 520, 521, 522, 523, 601A, 601B, 602A, 602B, 603A, 603B, 604, 605, 606, 607, 608B, 610, 611, 612, 613, 614, 615, 616, 617, 618, and 619.

House District 52 shall consist of the following Salt Lake County Census Districts: Census Tracts 113005 and 113006; Census Tract 112801, Blocks 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 423, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454A, 454B, 455, 456A, 456B, 457A, 457B, 458, 459, 460, 461, 462, 463, 464, 465, 466, 469, 470, 471, 472, 473, 474A, 474B, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,

515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, and 548; Census Tract 112805, Blocks 124A, 125, 203A, 210A, and 212A; Census Tract 112806, Blocks 608A and 609; Census Tract 113003, Block 314; Census Tract 1131, Blocks 304, 305, 306, 307, 308, 309, 310, 311, 312A, 313, 314, 322A, 322B, 327, 328, 329, 330, 333C, 333D, 334, 335, 336, 337, 338B, 339C, 340C, 341, 342, 343, 344, 347, 348, 349, 350, 351, 352, 353, 354, 355A, 355B, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 401A, 401B, 402A, 402B, 403, 404A, 404B, 404C, 405A, 405B, 406A, 406B, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427A, 427B, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488A, 488B, 489, 490, 491, 492, 493, 494, 495, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511A, 511B, 512A, 512B, 512C, 513, 514, 515, 516, 517, 518, 519A, 519B, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539A, 539B, 539C, 539D, 539E, 539F, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, and 558; Census Tract 113518, Blocks 134C, 135B, 136, 137A, and 138; and Census Tract 113901, Blocks 175B, 175C, 175F, and 175G.

House District 53 shall consist of Morgan and Summit Counties, and the following Rich County Census Districts: Census Tract 950298; Census Tract 9501, Blocks 101, 102, 103, 104, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153C, 153D, 179, 180, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, and 195.

House District 54 shall consist of Duchesne and Wasatch Counties.

House District 55 shall consist of Daggett and Uintah Counties.

House District 56 shall consist of the following Utah County Census Districts: Census Tract 0001; Census Tract 0002, Blocks 101, 102, 103, 104A, 104B, 105, 106, 107, 108, 109, 110, 119, 120, 122, 123, 124, 125, 126, 127, 132, 133, 201, 202, 203, 204, 205, 206, 207A, 207C, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 219D, 219E, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230A, 230B, 230F, 230G, 231B, 231C, 232, 233, 234, 235, 295, 296, 297, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401, 402, 405, 406, 407, 409, 410, 411, 415, 416, 417, 501A, 501B, 501C, 501D, 501E, 502A, 502B, 502C, 503, 504, 505, 506, 507, 508, 509, 602A, 603A, 604A, 605A, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616A, 616B, 616C, 617A, 617B, 617C, 617D, 617E, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 901A, 901B, 901C, 901D, 902A, 902B, 903A, 903B, 904A, 904B, 905A, 905B, 905C, 906A, 906B, 906C, 907A, 907B, 907C, and 907D; Census Tract 0003; Census Tract 0022, Block 301C; Census Tract 0101, Blocks 101B, 101D, 102, 105, 106, 107, 108, 109, 110A, 110B, 111, 112, 113, 201A, 201B, 201C, 201D, 202A, 202B, 202C, 202D, 203, 204, 205, 206A, 206B, 207, 208A, 208B, 208C, 209A, 209B,

209C, 209D, 209E, 210A, 210B, 210C, 211A, 211B, 212A, 212B, 212C, 213, 214, 215, 216, 217A, 217B, 218, 219, 220A, 220B, 220C, 221, 222, 223, 224, 225A, 225B, 226, 227, 228, 229, 230A, 230B, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251A, 251B, 251C, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 286, 287, 288A, 288B, 289, 290, 291, 292, 294, 295, 296, and 297; Census Tract 010201, Blocks 123B, 315A, and 316; Census Tract 010298, Blocks 212, 213A, 216A, 216B, 216C, 217A, 217B, 217C, 218A, 218B, 219, 220A, 220B, 220C, 221, 222A, 222B, 222C, 222D, 222E, 223, 224A, 224B, 225A, 225B, 226A, 226B, 227A, 227B, 227C, 228, 229A, 229B, 230A, 230B, 230C, 231, 232A, 232B, 232C, 233A, 233B, 233C, 234, 235, and 239; Census Tract 0105, Block 197; and Census Tract 0106, Block 197.

House District 57 shall consist of the following Utah County Census Districts: Census Tract 0004; Census Tract 0002, Blocks 207B, 219B, 219C, 230C, 230D, 230E, 231A, 403, 404, 408, 412, 413, 414, 418, 419, 421, 422, 423, 426, 510A, 510B, 510C, 510D, 511A, 511B, 601, 602B, 603B, 604B, and 605B; Census Tract 0005, Blocks 101A, 101B, 101D, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 121, 122, 123, 125, 128, 129, 130, 131, 201, 202, 203, 204, 205, 206, 210, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 321, 322, 323, 324, 325, 326, 327, 328, 332, 335, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 901, 902, and 904; Census Tract 0101, Blocks 101A, 101C, 103A, 103B, 103C, 103D, 103E, 103F, 104A, 104B, 104C, 104D, 104E, 114A, 114B, 115A, 115B, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124, 125A, 125B, 125C, 126, 127A, 127B, 128, 129, 130, 131, 132A, 132B, 133B, 134, 135B, 136, and 293; Census Tract 010201, Blocks 101, 102, 103, 104, 105A, 105B, 106, 107A, 107B, 108A, 108B, 108C, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115, 116, 117A, 117B, 117C, 118A, 118B, 118C, 118D, 119A, 119B, 119C, 120, 121, 122A, 122B, 123A, 123C, 124A, 124B, 124C, 125, 126, 127, 201, 202, 203A, 203C, 203D, 203E, 204, 205A, 205B, 205C, 205D, 206, 207, 208A, 208B, 208C, 208D, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 219A, 219B, 219C, 220A, 220B, 220C, 220D, 220E, 220F, 221, 222A, 222B, 222C, 222D, 222E, 223, 224, 225, 226, 227A, 227B, 228A, 228B, 229A, 229B, 230, 231A, 231B, 232, 233A, 233B, 234, 235A, 235B, 236, 237, 238, 239A, 239B, 240, 241, 301A, 301B, 301C, 301D, 302A, 302B, 303, 304, 305, 306, 307, 308A, 308B, 309, 310, 311, 312, 313, 314, 315B, 317, 318, and 901; and Census Tract 010298, Blocks 201, 202A, 202B, 202C, 202D, 202E, 202F, 202G, 203, 204, 205, 206, 207, 208, 209, 210, 211A, 211B, 211C, 213B, 214, 215, 236, 237, 238, 240A, 240B, 240C, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263A, 263B, 263C, 264, 265, 266A, 266B, 267, 268, 269, 270, 271, 272, 273A, 273B, 273C, 273D, 273E, 274A, 274B, 274C, 274D, 275A, 275G, 275H, and 280.

House District 58 shall consist of the following Utah County Census Districts: Census Tract 0006; Census Tract 0005, Blocks 207, 208, 209, 211, 217, 218, 219, 220, 318, 319, 320, 329, 330, 331, 333, 334, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419,

420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 517; 518, 519, 520, 521, 522, 523, 524, 525, 536, 537, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 903A, 903B, 903C, 905A, 905B, and 906; Census Tract 000702, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 301A, 301B, 301C, 301D, 301E, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 319A, 319B, 320, 321, 322, 401, 402, 403, 407, 411, 412, 413, 414, and 415; Census Tract 000902, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 213, 218, and 219; Census Tract 0014, Blocks 103A, 104A, and 105A; Census Tract 001501, Blocks 202A and 203A; Census Tract 0022, Blocks 101, 103, 104, 105A, 106A, and 106B; Census Tract 0101, Blocks 133A, 135A, 137A, and 138; and Census Tract 010298, Blocks 275B and 275D.

House District 59 shall consist of the following Utah County Census Districts: Census Tracts 000701 and 000901; Census Tract 000702, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 214, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 404, 405, 406, 408, 409, and 410; Census Tract 0008, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 118, 119, 120, 121, 123, 124, 125, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418; and Census Tract 000902, Blocks 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 220, and 221.

House District 60 shall consist of the following Utah County Census Districts: Census Tracts 0010, 001101, and 001102; Census Tract 0008, Blocks 201, 202, 203, 204, 205, 206, 207, 215, 216, 220, 221, 222, 223, and 224; Census Tract 0013, Blocks 101, 102, 103, 104A, 105, 106, 107A, 107B, 108A, 108B, 108C, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, and 214; and Census Tract 0014, Blocks 113A, 113B, 113C, 114C, 120A, 120B, and 120D.

House District 61 shall consist of the following Utah County Census Districts: Census Tracts 0012 and 0021; Census Tract 0013, Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, and 313; Census Tract 0014, Blocks 201, 203, 204, 205, 206, 207, 208, and 210; Census Tract 0020, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118; Census Tract 0022, Blocks 102, 105B, 106C, 107, 108A, 108B, 109A, 109B, 109C, 110, 111, 112A, 112B, 113A, 113B, 114A, 114B, 115A, 115B, 115C, 115D, 115E, 115F, 115G, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 138A, 138B, 139, 140, 141, 142, 143A, 143B, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202A, 202B, 202C, 202D, 204, 205, 206, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, and 220; and Census Tract 0101, Block 137B.

House District 62 shall consist of the following Utah County Census Districts: Census Tract 001502; Census Tract 0005, Block 101C; Census Tract 000702, Blocks 318B and 319C; Census Tract 0013, Blocks 104B, 104C, 104D, and 104E; Census Tract 0014, Blocks 101, 102, 103B, 103C, 104B, 105B,

105C, 105D, 106, 107, 108, 109, 110, 111, 112, 113D, 113E, 114A, 114B, 114D, 115, 116, 117A, 117B, 117C, 118, 119, 120C, 121, 122, 202, 209, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, and 317; Census Tract 001501, Blocks 101A, 101B, 101C, 102, 103, 104A, 104B, 105A, 105B, 106A, 106B, 107A, 107B, 108A, 108B, 108C, 108D, 108E, 108F, 109, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202B, 202C, 202D, 202E, 202F, 203B, 203C, 204A, 204B, 205, 206, 207A, 207B, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224A, 224B, 224C, and 225; Census Tract 0016, Blocks 108, 109, 127, 128, 129, 130, 131, 132, 133, and 134; Census Tract 0019, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121; Census Tract 010201, Blocks 203B and 203F; Census Tract 010298, Blocks 275C, 275E, 275F, 275J, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294A, 294B, 294C, 294D, 294M, and 295; and Census Tracts 010793, 010794, 010795, 010796, 010797.

House District 63 shall consist of the following Utah County Census Districts: Census Tract 0016, Blocks 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 135, 136, 137, 138, 139, and 140; Census Tract 0017, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 320; Census Tract 0018, Blocks 101, 102, 103, 104, 105, 106, 110, 111, 113, 115, 116, 117, 118, 124, 125, 201, 202, 203, 214, 215, 216, 217, 218, 219, 220, 303, 304, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412; Census Tract 0027, Blocks 201A and 202A; Census Tract 010298, Blocks 294E and 296; and Census Tract 010302, Blocks 114A, 114B, and 114C.

House District 64 shall consist of the following Utah County Census Districts: Census Tracts 0024, 0025, and 0026; Census Tract 0017, Blocks 315, 316, 317, 318, and 319; Census Tract 0018, Blocks 301, 302, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, and 515; Census Tract 0019, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 213; Census Tract 0020, Blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 215, 216, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321; Census Tract 0023, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 224, 225, and 226; Census Tract 0027, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201B, 201C, 202B, 203, 204, 205A, 205B, 205C, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, and 318; Census Tract 0028, Blocks 101, 116, 301, 302, 303, 309A, 309B, 315A, 315C, 315D, 316A, 316B, 317, 318, 338, 339, 340, 341, and 342; and Census Tract 010298, Block 297.

House District 65 shall consist of the following Utah County Census Districts: Census Tracts 0029, 0030, and 0031; Census Tract 0022, Blocks 409, 410, 411, 412, 413, 414, 415, 417, 418, and 419; Census Tract 0023, Blocks 222, 227, and 228; Census Tract 0028, Blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 304, 305, 306A, 306B, 307A, 307B, 308A, 308B, 310, 311A, 311B, 311C, 312, 313, 314, 315B, 319A, 319B, 320, 321, 322A, 322B, 323A, 323B, 324, 325A, 325B, 325C, 326, 327, 328, 329, 330A, 330B, 330C, 331A, 331B, 332, 333, 334, 335A, 335B, 336, and 337; Census Tract 010298, Blocks 294N and 294P; Census Tract 010301, Blocks 101A, 101B, 101C, 102A, 102B, 102C, 103, 104A, 104B, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120A, 120B, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132A, 133A, 133B, 145A, 146, 162, 201, 202, 203, 204, 205, 206, 207, 208, 209A, 210, 211, 212A, 213A, 218A, 219, 220, 221A, 223A, 224, 225A, 225B, and 226; Census Tract 010302, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114D, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125A, 125C, 126, 127, 128, 129, 130, 131, 132A, 132B, 133, 134, 135, 136, 137, 138A, 138B, 138C, 138D, 138E, 138F, 139, 140A, 140B, 141, 142, 143, 144, 145, 146, 147, 148, 149, 157, and 601; and Census Tract 0104, Block 403E.

House District 66 shall consist of the following Utah County Census Districts: Census Tracts 0032 and 0033; Census Tract 0022, Blocks 203, 207, 213, 214A, 214B, 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, 401, 402, 403, 404, 405, 406, 407, 408, 416, 420A, 420B, and 421; Census Tract 0034, Blocks 101A, 101B, 107, 108, 109, 110, 111, 112, 113, 301A, 301B, 301C, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 347, 348, 401A, 401B, 401C, 402, 403, 404, 405, 406, 407, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 429, 430, 431, 432, 433, 434, 438, 439, 440, 441, 442, 443, 444, 446A, 447A, 448, 449A, 449B, 450, 451, 452, and 453A; Census Tract 010301, Blocks 132B, 134, 135, 136, 137A, 137B, 137C, 137D, 138, 139, 140A, 140B, 141, 142, 143, 144, 145B, 147, 148, 149, 150, 151, 152, 153A, 153B, 154A, 154B, 155, 156A, 156B, 156C, 157, 158, 159A, 159B, 160A, 160B, 161, 209B, 212B, 213B, 214, 215, 216, 217, 218B, 221B, 222, 223B, 227, 228, 229, 230A, 230B, 230C, 231A, 231B, 232, 233, 234, 235, 236A, 236B, 237, 238, 239A, 239B, 240A, 240B, 240C, 241, 242, 243A, 243B, 244A, 244B, 245, 246A, 246B, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258; Census Tract 010302, Blocks 125B and 238B; Census Tract 0104, Blocks 101, 102A, 102B, 103A, 103B, 104, 105A, 105B, 106, 107, 108A, 108B, 109A, 109B, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137A, 137B, 138, 139, 140, 141A, 141B, 141C, 141D, 142A, 142B, 142C, 143A, 143B, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154A, 154B, 154C, 155, 156A, 156B, 157, 158, 159, 160, 161A, 161B, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 201A, 201B, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218A, 218B, 218C, 219A, 219B, 219C, 220, 221, 222A, 222B, 222C, 223, 224A, 224B, 224C, 225,

226A, 226B, 227A, 227B, 228, 229, 230, 231A, 231B, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319A, 319B, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329A, 329B, 330A, 330B, 330C, 331, 332, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341A, 341B, 342, 343, 344, 345, 346, 347A, 347B, 348, 349, 350, 351, 352, 353, 354, 355, 356, 401A, 401B, 402A, 402B, 402C, 403A, 403B, 403C, 403D, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413B, 414, 415K, 426B, 427, 428B, 495A, and 496; and Census Tract 0105, Blocks 101A, 101B, 101C, 101D, 101E, 102A, 102B, 103, 105, 106, 107, 108, 109A, 109B, 109C, 110A, 110B, 110C, 111A, 111B, 111C, 112A, 112B, 113, 114A, 114B, 115A, 115B, 115C, 115D, 116A, 116B, 117, 118, 119, 120, 121, 122A, 122B, 123A, 123B, 124, 125, 126, 127, 128, 129, 130, 135, 136, 137, 138, 139, 140, 141, 142, 160, 161, 162, 163A, 163B, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, and 175.

House District 67 shall consist of Juab County, the following Sanpete County Census Districts: Census Tract 9721, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121A, 121B, 121C, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 145C, 147A, 149, 150, 151, 152, 153, 154, 155A, 155B, 156, 157, 158, 159, 160A, 160B, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183A, 183B, 201, 202, 203, 204, 205, 206, 215, 223A, 301, 302, and 303; and Census Tract 9722, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 173; and the following Utah County Census Districts: Census Tract 0034, Blocks 102A, 102B, 103, 104A, 104B, 105, 106, 114, 115, 116, 117, 201A, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 349, 350, 351, 408, 409, 410, 411, 412, 426, 427, 428, 435, 436, 437, 445A, 445B, 445C, 446B, 447B, 453B, 454, 455, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521A, 521B, 522A, 522B, 523, 524, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629A, 629B, 630A, 630B, 630C, 631, 632, 633, 634, 635, 636, 637A, and 637B; Census Tract 0101, Blocks 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, and 285; Census Tract 010302, Blocks 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, and 297; Census Tract 0104, Blocks 413A, 415A, 415B, 415C, 415D, 415E, 415F, 415G, 415H, 415J, 415L, 415M, 416, 417, 418, 419, 420, 421,

422A, 422B, 423A, 423B, 423C, 423D, 424A, 424B, 424C, 425, 426A, 426C, 428A, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444A, 444B, 444C, 445, 446, 447A, 447B, 448, 449, 450, 451A, 451B, 452, 453A, 453B, 454A, 454B, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472A, 472B, 473, 474, 475A, 475B, 475C, 475D, 475E, 475F, 476, 477, 478, 479, 480, 481A, 481B, 482, 483, 484, 485, 486, 487, 488, 489, 490A, 490B, 491, 492, 493, 494, 495B, and 497; Census Tract 0105, Blocks 104, 131, 132, 133, 134, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243A, 243B, 244A, 244B, 245, 246A, 246B, 247A, 247B, 248, 249A, 249B, 249C, 250, 251, 252A, 252B, 253A, 253B, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263A, 263B, 264, 265, 266, 267A, 267B, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 301, 302, 303, 304, 305, 306A, 306B, 307A, 307B, 308, 309A, 309B, 309C, 309D,

House District 68 shall consist of Millard County and the following Sanpete County Census Districts: Census Tract 9724; Census Tract 9721, Blocks 141, 143, 144, 145A, 145B, 145D, 146, 147B, 148A, 148B, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223B, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239A, 239B, 240A, 240B, 241A, 241B, 242A, 242B, 243, 244, 245, 246, 247, 248, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313A, 313B, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330A, 330B, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378A, 378B, 379A, 379B, 380A, 380B, 381, 382, 383, 384, 385, 386, 387, 388A, 388B, 389A, 389B, 390, 391, 392, 393, 394, 395, 396, 397, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437A, 437B, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447A, 447B, 448A, 448B, 449A, 449B, 450A, 450B, 451, 452, 453A, 453B, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479A, 479B, 480, 481, 482, 483A, 483B, 484, 485, 486, 487, 488, 489, 490, 491, 492A, 492B, 493, 494, 495, 496, 497, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 601, 602, 603A, 603B, 604, 605A, 605B, 606, 607A, 607B, 608, 609A, 609B, 610, 611, 612A, 612B, 613A, 613B, 614A, 614B, 615A, 615B, 616A, 616B, 616C, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637A, 637B, 638, 639, 640, 641, 642, 643, 644, 645A, 645B, 646A, 646B,

647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677A, 677B, 678A, 678B, 679, 680, 681, 682, 683, 684, 685, 686A, 686B, 687, 688, 689, 690, 691, 692, 693A, 693B, 694A, 694B, 695, 696, and 697; Census Tract 9722, Blocks 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168A, 168B, 169A, 169B, 170, 171, 172, 174, 175, 176, 177, 178A, 178B, 179, 180, 181, 182, 183, 184A, 184B, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214A, 214B, 215, 216A, 216B, 217, 218, 219, 220A, 220B, 221, 222, 223A, 223B, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263A, 263B, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275A, 275B, 276A, 276B, 277A, 277B, 278A, 278B, 278C, 279, 280A, 280B, 281A, 281B, 282, 283A, 283B, 284, 285A, 285B, 286A, 286B, 287, 288, 289, 290A, 290B, 291A, 291B, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310A, 310B, 311, 312, 313, 314, 315, 316, 317A, 317B, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357A, 357B, 358, 359, 360A, 360B, 361A, 361B, 362A, 362B, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376,

House District 69 shall consist of Carbon County and the following Emery County Census Districts: Census Tract 9762, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150A, 150B, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166A, 166B, 166C, 167, 168, 169, 170A, 170B, 171A, 171B, 171C, 172, 173, 174A, 174B, 175, 176, 177, 178, 179, 180A, 180B, 181, 182A, 182B, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 203, 219, 220, 221A, 221B, 222, 223A, 223B, 224A, 224B, 225, 226, 230A, 230B, 231A, 231B, 232, 233, 234, 235, 236A, 236B, 237, 238, 239, 240, 241, 242, 243A, 243B, 244A, 244B, 247, 282, 283, 284, 285, 286, 287, 288, 301A, 302, 303A, 303B, 304, 305, 309A, 310A, 310B, 401, 402A, 402B, 403, 404, 405, 406, 407, 408B, 409B, 412A, 412B, 413, 414A, 414B, 415A, 415B, 418B, 420B, 421, 422, 423, 424, 425B, 426, 458, and 459; and Census Tract 9763, Blocks 130A, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 147, 148, 160, 161, 162, and 163.

House District 70 shall consist of the following Emery County Census Districts: Census Tract 9761, Blocks 127, 128, 230, 231, 232, and 233; Census Tract 9763, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130B, 144A, 144B, 149, 150, 151, 152A, 152B, 153A, 153B, 154, 155A, 155B, 156, 157, 165, 166, 167, 168, 169, 170, 171, 172A, 172B, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182,

183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201A, 201B, 202A, 202B, 202C, 203A, 203B, 204, 205, 206, 207, 208A, 208B, 208C, 209A, 209B, 210, 211A, 211B, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 301A, 301B, 302, 303, 304, 305A, 305B, 305C, 305D, 306A, 306B, 306C, 306D, 307A, 307B, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 401, 402A, 402B, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414A, 414B, 414C, 415A, 415B, 416, 417, 418, 419, 420A, 420B, 421, 422A, 422B, 423, 424, 425, 426, 427, 428, 429, 430A, 430B, 430C, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442A, 442B, 443, 444, 445, 446, 447, and 448; and Census Tract 9764, Blocks 102, 103, 104A, 104B, 105, 106, 107A, 107B, 107C, 108, 109A, 109B, 110, 111, 112, 113, 115, 116, 117, 118A, 118B, 118C, 119, 120, 121, 124, 125, 126, 129, 131A, 131B, 132A, 132B, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170A, 170B, 171A, 171B, 172, 173, 174, 175, 176, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210A, 210B, 211A, 211B, 212A, 212B, 213, 214, 215, 216, 217, 218, 219A, 219B, 220, 221, 222, 223, 224, 225A, 225B, 226, 227A, 227B, 227C, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250A, 250B, 251A, 251B, 252, 253A, 253B, 254, 255A, 255B, 256A, 256B, 256C, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266A, 266B, 267A, 267B, 268, 269, 270, 271, 272, 273, 274, 275A, 275B, 276A, 276B, 277, 278A, 278B, 279A, 279B, 280A, 280B, 281, 282, 283, 284, 285, 286, 287, 288, 289, 301, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323A, 323B, 324, 325A, 325B, 326A, 326B, 326C, 326D, 327A, 327B, 327C, 327D, 327E, 328A, 328B, 329, 330A, 330B, 330C, 330D, 331, 332A, 332B, 332C, 333, 334A, 334B, 335, 336A, 336B, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355A, 355B, 355C, 356, 357, 358, 359, 360A, 360B, 360C, 360D, 360E, 360F, 360G, 361A, 361B, 362A, 362B, 362C, 362D, 363A, 363B, 363C, 363D, 364A, 364B, 364C, 365A, 365B, 366, 367, 368A, 368B, 369, 370A, 370B, 371, 372, 373, and 374; the following Sanpete County Census Districts: Census Tract 9723, Blocks 134, 135, 136B, 136D, 137, 138, 139A, 139B, 140, 141, 142, 156, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180A, 180B, 181, 182, 183, 184A, 184B, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203A, 203B, 204, 205, 206A, 206B, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242A, 242B, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257A, 257B, 258, 259, 260, 261, 301, 302, 303, 304, 305, 306A, 306B, 307A, 307B, 308A, 308B, 309, 310, 311A, 311B, 311C, 312A, 312B, 312C, 313, 314, 315A, 315B, 315C, 316A, 316B, 317, 318, 319, 320, 321, 322, 323A, 323B, 324A, 324B, 325, 326, 327, 328, 329A, 329B, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339A, 339B, 340A, 340B, 341A, 341B, 342, 343, 34

House District 71 shall consist of Grand and San

Juan Counties and the following Emery County Census Districts: Census Tract 9761, Blocks 101, 102A, 102B, 103, 104A, 104B, 105, 106A, 106B, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117A, 117B, 118, 119, 120, 121A, 121B, 122, 123, 124, 125, 126, 127, 128, 129A, 129B, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142A, 142B, 143, 144, 145, 146, 147, 148, 149, 150, 151, 188, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248A, 248B, 249A, 249B, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, and 297; Census Tract 9762, Blocks 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 227, 228, 229, 245, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 292, 293, 294, 295, 296, 297, 301B, 301C, 306, 307, 308, 309B, 311, 312A, 312B, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332A, 332B, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 408A, 409A, 410, 411, 416, 417, 418A, 419, 420A, 425A, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, and 457; Census Tract 9763, Blocks 158, 159, and 164; and Census Tract 9764, Blocks 101, 118D, 122, 123, 130, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 196, and 197.

House District 72 shall consist of Iron County and the following Beaver County Census Districts: Census Tract 9812, Blocks 105A, 105B, 105C, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158A, 158B, 159A, 159B, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171A, 172, 175A, 176, 177A, 178A, 178B, 179, 180, 181, 182, 183, 190A, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211A, 211B, 212A, 212B, 213A, 213B, 214A, 214B, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337A, 337B, 337C, 338A, 338B, 339A, 339B, 340, 341A, 341B, and 342.

House District 73 shall consist of Piute, Wayne, Garfield, and Kane Counties and the following Beaver County Census Districts: Census Tract 9811; Census Tract 9812, Blocks 101, 102, 103, 104, 169, 171B, 173, 174A, 174B, 175B, 177B, 178C, 184, 185, 186, 187, 188, 189A, 189B, 189C, 190B, 191, 192, 193, 194, 401A, 401B, 401C, 401D, 402A, 402B, 402C, 403, 404A, 404B, 405, 406, 407A, 407B, 408, 409, 410, 411, 412A, 412B, 413, 414A,

414B, 414C, 414D, 415A, 415B, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442A, 442B, 443A, 443B, 444, 445, 446, 447A, 447B, 447C, 448A, 448B, 449A, 449B, 450, 451A, 451B, 451C, and 452; the following Sevier County Census Districts: Census Tract 9752, Blocks 243, 244A, 244B, 244C, 245, 246, 247, 248, 249, 251, 253, 255, 257, 258, 262A, 262B, 263A, 263B, 264A, 264B, 265, 266, 267, 268, 269A, 269B, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280A, 280B, 281, 282, 283, 284A, 284B, 285A, and 285B; Census Tract 9754, Blocks 327, 328, 329, 330, 331, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, and 371; and Census Tract 9755, Blocks 101A, 101B, 101C, 102, 103, 104, 105, 106, 107A, 107B, 107C, 108A, 108B, 109, 110, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151A, 151B, 152A, 152B, 153A, 153B, 154, 155A, 155B, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165A, 165B, 166, 167A, 167B, 168A, 168B, 169A, 169B, 170, 171, 172A, 172B, 212A, 212B, 213A, 213B, 214, 215, 216A, 216B, 217A, 217B, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227A, 227B, 227C, 227D, 228, 229, 230, 231A, 231B, 231C, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 275, 276, 277, 278, 279, 280, 281, 282, 287, 288, 289, 290, 297, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 329, 330, 331, and 337; and the following Washington County Census Districts: Census Tract 9851, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130A, 130B, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155A, 155B, 155C, 155D, 155E, 156, 157, 158A, 158B, 158C, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168A, 168B, 169, 170, 171, 172, 173A, 173B, 174, 175, 176A, 176B, 177, 178A, 178B, 179, 180A, 180B, 180C, 180D, 181, 182, 183A, 183B, 183C, 184, 185, 186, 187A, 187B, 188A, 188B, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 221B, 285, 286, 287, 288A, 288B, 289A, 289B, 289C, 290A, 290B, 290C, 290D, 291, 292, 293, 294, 295, 296, 297, 301A, 302, 303, 304, 305A, 305B, 306, 307, 308, 309, 310, 311, 312, 313, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 348, and 349; and Census Tract 9852, Blocks 101A, 101B, 101C, 102, 103A, 103B, 104A, 104B, 104C, 104D, 105, 106, 107, 108, 109, 110, 111A, 111B, 112, 113A, 113B, 113C, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150A, 150B, 151, 152, 153, 154, 155, 156, 157, 158, 159A, 159B, 159C, 159D, 159E, 159F, 159G, 160, 161, 162, 163, 164, 165, 166, 167A, 167B, 168, 169, 170, 171, 172, 173, 174, 175A, 175B, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202A, 202C, 202D, 203, 204A, 204B, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258A, 258B, 259, 260, 261A, 261B, 261C, 262, 263, 264A, 264B, 265A, 265B, 265C, 266, 267, 268A, 268B, 269, 272B, 301, 302A, 302B, 302C, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329B, 329C, 330, 331, and 332; Census Tract 9855, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111D, 112, 113A, 113B, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, and 144; Census Tract 9858, Blocks 101A, 101B, 101C, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 201A, 201B, 201C, 202, 203, 204, 205, 206, 207A, 207B, 208, 209, 210, 211, 212, 213A, 213B, 214, and 301; and Census Tract 9860, Blocks 102B, 103B, 104B, 301B, 301C, 301D, 301E, 302, 303, 304B, 304C, 305B, 305C, 305D, 306B, 307, 308C, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330B, 331, 332, 333, 334,

House District 74 shall consist of the following Washington County Census Districts: Census Tracts 9853, 9856, and 9857; Census Tract 9851, Blocks 207, 208, 209A, 209B, 210, 211, 212A, 212B, 213A, 213B, 214, 215, 216A, 216B, 217A, 217B, 218, 219, 220, 221A, 221C, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242A, 242B, 242C, 243A, 243B, 244, 245, 246, 247A, 247B, 248A, 248B, 249A, 249B, 250A, 250B, 251A, 251B, 252, 253, 254, 255, 256A, 256B, 257A, 257B, 258, 259A, 259B, 259C, 260A, 260B, 260C, 260D, 260E, 260F, 261, 262, 263, 264, 265, 266A, 266B, 266C, 266D, 266E, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277A, 277B, 277C, 278, 279A, 279B, 280A, 280B, 281A, 281B, 282, 283, 284, 301B, 301C, 301D, 314, 315, 316A, 316B, 316C, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 346, and 347; Census Tract 9852, Blocks 118, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 236, 237, 240, 241A, 242, 243, 244, 245, 246, 247, 248A, 248B, 248C, 249, 250, 251A, 251B, 251C, 252, 253A, 253B, 253C, 253D, 254A, 254B, 255A, 255B, 255C, 255D, 256A, 256B, 256C, 257, 258A, 258B, 259A, 259B, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270A, 270C, 271, 272, 273, 274, 275, 276, 277, 278A, 278B, 278C, 285, 286, 287, 288, 289, 290, 291, 292A, 292B, 293, 294A, 294B, 295A, 295B, 295C, 296, 297, 301B, 301D, 302, 303A, 303B, 303C, 303D, 303E, 303F, 303G, 304A, 304B, 305A, 305B, 305C, 305D, 305E, 305F, 305G, 305H, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 318, 319, 320, 321, 322, 331, 332, 333, 334, 335, 336, 337, 338, and 339; Census Tract 9854, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131A, 131B, 132A, 132B, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150A, 150B, 151, 152, 153, 154, 155, 156, 157, 158, 159A, 159B, 159C, 159D, 159E, 159F, 159G, 160, 161, 162, 163, 164, 165, 166, 167A, 167B, 168, 169, 170, 171, 172, 173, 174, 175A, 175B, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202A, 202C, 202D, 203, 204A, 204B, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258A, 258B, 259, 260, 261A, 261B, 261C, 262, 263, 264A, 264B, 265A, 265B, 265C, 266, 267, 268A, 268B, 269, 272B, 301, 302A, 302B, 302C, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329B, 329C, 330, 331, and 332; Census Tract 9855, Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111D, 112, 113A, 113B, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, and 144; Census Tract 9858, Blocks 101A, 101B, 101C, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 201A, 201B, 201C, 202, 203, 204, 205, 206, 207A, 207B, 208, 209, 210, 211, 212, 213A, 213B, 214, and 301; and Census Tract 9860, Blocks 102B, 103B, 104B, 301B, 301C, 301D, 301E, 302, 303, 304B, 304C, 305B, 305C, 305D, 306B, 307, 308C, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330B, 331, 332, 333, 334,

335A, 336B, 340, 341, 342, 343, 344, 345, 346, 430B, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523A, 524, and 525A.

House District 75 shall consist of the following Washington County Census Districts: Census Tract 9859; Census Tract 9854, Blocks 202B, 270, 271, 272A, and 329A; Census Tract 9855, Blocks 111A, 111B, 111C, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123A, 123B, 123C, 124, 125, 126, 127, 128, 129, 130, 131, 143, 145, 146, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301A, 301B, 301C, 302, 303A, 303B, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317A, 317B, 318A, 318B, 319, 320, 321, 322, 323, 324, 325, 326A, 326B, 326C, 327, 328, 329, 330, and 331; Census Tract 9858, Blocks 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322; and Census Tract 9860, Blocks 101, 102A, 103A, 104A, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 201, 202, 203, 204A, 204B, 205A, 205B, 206, 207, 208, 209, 210A, 210B, 211A, 211B, 211C, 211D, 211E, 212A, 212B, 213, 214A, 214B, 214C, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231A, 231B, 232, 233, 234, 301A, 304A, 305A, 306A, 308A, 308B, 308D, 309A, 309B, 310A, 310B, 330A, 335B, 335C, 336A, 337, 338, 339, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430A, 431, 432, 433, 434, 435, 436, 523B, 523C, and 525B.

(4) If any area of the state is omitted from the plan established in this section, inadvertently or by virtue of the complexities of the census bureau information supplied to the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate House district according to Subsections (a) and (b).

(a) If the area is surrounded by a House district, the area shall be attached to that district.

(b) If the area is contiguous to two districts, the area shall be attached to the district that has the least population.

(5) Any attachment made under Subsection (4) shall be certified in writing and filed with the lieutenant governor.

1992

36-1-5. Official maps of House districts.

(1) Following enactment of the Utah House of Representatives districting plan established in Section 36-1-4, the Legislature shall file with the lieutenant governor's office official maps which accurately show the boundaries of the house districts as established in Section 36-1-4

(2) Each county clerk shall obtain copies of the official maps for the clerk's county from the lieutenant governor's office. Before all elections and pursuant to Section 17-5-212, each county clerk shall establish the voting districts within each of the House districts.

(3) In questions of interpretation of district boundaries described in Section 36-1-4, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in

drawing the House district boundaries.

1994

Chapter 11. Lobbyist Disclosure and Regulation Act.

Part 1. General Provisions and Registration.

Part 2. Disclosure of Expenditures.

Part 3. Regulation of Lobbyists' Activities.

Part 4. Penalties and Statutory Construction.

Part 1. General Provisions and Registration.

36-11-101. Short title.

36-11-102. Definitions.

36-11-103. Registration.

36-11-104. Certification to the truth of reports and registrations.

36-11-105. Application for a license - Fee - Expiration - Standards for disapproving an application.

36-11-106. Reports are public documents.

36-11-101. Short title.

This chapter is known as the "Lobbyist Disclosure and Regulation Act."

1991

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means the total expenditures made within a 24-hour period.

(2) "Executive action" means:

(a) nominations and appointments by the governor;

(b) the proposal, drafting, amendment, enactment, or defeat by a state agency of any rule made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; and

(c) agency ratemaking proceedings.

(3) (a) "Expenditure" means any of the items listed in this subsection when given to or for the benefit of a public official or his immediate family:

(i) a purchase, payment, distribution, loan, gift, advance, deposit, subscription, forbearance, services, or goods, unless consideration of equal or greater value is received; and

(ii) a contract, promise, or agreement, whether or not legally enforceable, to provide any of the items listed in Subsection (3)(a)(i).

(b) "Expenditure" does not mean:

(i) a commercially reasonable loan made in the ordinary course of business;

(ii) a campaign contribution reported in accordance with Title 20, Chapter 14, Corrupt Practices in Elections;

(iii) printed informational material;

(iv) a devise or inheritance;

(v) any item listed in Subsection (3)(a) if given by a relative;

(vi) a modest item of food or refreshment such as a beverage or pastry offered other than as part of a meal;

(vii) a greeting card or other item of little intrinsic value that is intended solely for presentation;

(viii) plaques, commendations, or awards; or

(ix) reimbursement of reasonable expenses for or providing travel, lodging, or meals to a public official when:

(A) those expenses are directly related to the public official's attendance and participation in a regularly scheduled meeting of an organization, association, or group; and

(B) that organization, association, or group pays or provides those expenses.

(4) (a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting within his official capacity; or

(ii) an individual appointed to or employed in a full-time position by state or local government, when acting within the scope of his employment.

(b) "Government officer" does not mean a member of the legislative branch of state government.

(5) "Immediate family" means a spouse, a child residing in the household, or an individual claimed as a dependent for tax purposes.

(6) "Interested person" means an individual defined in Subsections (9)(b)(ii) and (viii).

(7) "Legislative action" means:

(a) bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature or its committees or requested by a legislator; and

(b) the action of the governor in approving or vetoing legislation.

(8) "Lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(9) (a) "Lobbyist" means an individual who is employed by a principal or who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

(b) "Lobbyist" does not include:

(i) a public official while acting in his official capacity on matters pertaining to his office or a state employee while acting within the scope of his employment;

(ii) any person appearing at, or providing written comments to, a hearing conducted in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act or Title 63, Chapter 46b, Administrative Procedures Act;

(iii) any person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature or any agency or department of state government, except legislative standing, appropriation, or interim committees;

(iv) a representative of a political party;

(v) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church unless the individual or church makes an expenditure that confers a benefit on a public official;

(vi) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action;

(vii) an elected official of a local government while acting within the scope of his official capacity on matters pertaining to his office or an employee of a local government while acting within the scope of his employment; or

(viii) an individual who appears on his own behalf before a committee of the Legislature or an executive branch agency solely for the purpose of testifying in support of or in opposition to legislative or executive action.

(10) "Person" includes individuals, bodies politic and corporate, partnerships, associations, and companies.

(11) "Principal" means a person who employs a

lobbyist either as an employee or as an independent contractor.

(12) "Public official" means:

(a) a member of the Legislature;

(b) an individual elected to a position in the executive branch; or

(c) an individual appointed to or employed in the executive or legislative branch if that individual:

(i) occupies a policymaking position or makes purchasing or contracting decisions;

(ii) drafts legislation or makes rules;

(iii) determines rates or fees; or

(iv) makes adjudicative decisions.

(13) "Related person" means any person, or agent or employee of a person, who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

(14) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse of any of these individuals. 1995

36-11-103. Registration.

(1) Before engaging in any lobbying activities, a lobbyist shall register with the lieutenant governor by filing a written statement that provides:

(a) his name and business address;

(b) the name and business address of each principal for which he works or is hired as an independent contractor;

(c) the name and address of the person who paid or will pay his registration fee, if the fee is not paid by the registrant himself;

(d) any elected or appointed position that he holds in state or local government, if any; and

(e) the types of expenditures for which the lobbyist will be reimbursed.

(2) Each person who has registered in Subsection (1) shall update his registration when he accepts employment for lobbying by a new client.

(3) A principal is not required to register under Subsection (1), but if he makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, he shall disclose those expenditures in accordance with Sections 36-11-201 and 36-11-202

(4) Government officers need not register under Subsection (1), but shall disclose expenditures made to benefit public officials in accordance with Sections 36-11-201 and 36-11-202 1992

36-11-104. Certification to the truth of reports and registrations.

Each person who registers under Section 36-11-103 or files a disclosure report under Section 36-11-201 or 36-11-202 shall certify in writing that the information provided in the application or report is true, accurate, and complete. 1991

36-11-105. Application for a license - Fee -

Expiration - Standards for disapproving an application.

(1) (a) The lieutenant governor shall grant a lobbying license to an applicant who:

(i) files an application with the lieutenant governor that contains the information required by Section 36-11-103; and

(ii) pays a \$25 filing fee.

(b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 of even-numbered years.

(2) (a) The lieutenant governor shall disapprove an application for a lobbying license if:

(i) the applicant has been convicted of violating Section 76-8-103 76-8-104 76-8-107 76-8-108 76-8-303, or 76-8-304; or

(ii) the applicant has had a civil penalty imposed upon him under this chapter for:

(A) violating Section 36-11-103 36-11-201, or 36-11-202; or

(B) intentionally filing a document required by this chapter that contains materially false information or omits material information.

(b) An applicant may appeal the disapproval in accordance with the procedures established by the lieutenant governor under this chapter and Title 63, Chapter 46b, Administrative Procedures Act.

(3) The lieutenant governor shall deposit license fees in the General Fund. 1991

36-11-106. Reports are public documents.

Any person may:

(1) without charge, inspect a report filed with the lieutenant governor in accordance with this chapter; and

(2) make a copy of a report after paying for the actual costs of the copy. 1991

Part 2. Disclosure of Expenditures.

36-11-201. Disclosure requirements - Prohibition for related person to make expenditures.

36-11-202. Filing of supplemental reports.

36-11-201. Disclosure requirements -

Prohibition for related person to make expenditures.

(1) Each lobbyist, principal, and government officer who makes expenditures totaling \$50 or more to benefit public officials or members of their immediate families in any calendar quarter of the last calendar year shall file a report with the lieutenant governor by January 10 of each year or on the next succeeding business day if January 10 falls on a Saturday, Sunday, or legal holiday. The report shall be considered timely filed if postmarked on its due date. Any report required shall contain:

(a) the total amount of expenditures made to benefit public officials during the last calendar year;

(b) (i) total travel expenditures that the lobbyist, principal, or government officer made to benefit public officials and their immediate families during the last calendar year; and

(ii) a travel expenditure statement that:

(A) describes the destination of each trip and its purpose;

(B) identifies the total amount of expenditures made to benefit each public official and his immediate family for each trip;

(C) names all individuals that took each trip;

(D) provides the name and address of the organization that sponsored each trip; and

(E) identifies specific expenditures for food, lodging, gifts, and sidetrips;

(c) for aggregate daily expenditures made to benefit public officials or their immediate families that are not reportable under Subsection (b):

(i) when the amount does not exceed \$50 per person:

(A) the date of the expenditure;

(B) the purpose of the expenditure; and

(C) the total monetary worth of the benefit conferred on the public officials or members of their immediate families;

(ii) when the amount exceeds \$50 per person:

(A) the date, location, and purpose of the event,

activity, or expenditure;

(B) the name of the public official or member of his immediate family who attended the event or activity or received the benefit of the expenditure; and

(C) the total monetary worth of the benefit conferred on the public official or member of his immediate family;

(d) a list of each public official that was employed by the lobbyist, principal, or government officer or who performed work as an independent contractor for the lobbyist, principal, or government officer during the last year that details the nature of the employment or contract;

(e) each bill or resolution by number and short title on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section;

(f) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section; and

(g) the general purposes, interests, and nature of the organization or organizations that the lobbyist, principal, or government officer filing the report represents.

(2) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official or member of his immediate family under circumstances which would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer. 1995

36-11-202. Filing of supplemental reports.

(1) Each lobbyist who makes additional expenditures during a subsequent reporting period shall file a supplemental report with the lieutenant governor containing the same information required in Section 36-11-201

(a) ten days after the last day of each annual general session, listing all expenditures that were made from January 1 to the last day of the annual general session;

(b) seven days before a general election, listing all expenditures as of five days before that were made since the last day of an annual general session; and

(c) seven days after the end of a special session or veto override session, listing all expenditures that were made during the special session or veto override session.

(2) A supplemental report shall be filed on the next succeeding business day if the date specified in Subsection (1) falls on a Saturday, Sunday, or legal holiday. Any supplemental report shall be considered timely filed if postmarked on its due date. 1995

Part 3. Regulation of Lobbyists' Activities.

36-11-301. Contingent compensation prohibited.

36-11-302. Improper influence - Communication with a legislator's employer prohibited.

36-11-303. Prohibition on communicating false information to a public officer.

36-11-304. Offering gift or loan - When prohibited.

36-11-305. Campaign contribution during session prohibited.

36-11-301. Contingent compensation prohibited.

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in

whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action. 1991

36-11-302. Improper influence - Communication with a legislator's employer prohibited.

A person may not seek to influence the vote of any legislator through communication with the legislator's employer. 1991

36-11-303. Prohibition on communicating false information to a public officer.

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official. 1991

36-11-304. Offering gift or loan - When prohibited.

(1) A lobbyist, principal, or government officer may not offer to or give any public official or member of his immediate family any gift or loan if the public official has been, or is now, or in the near future may be involved in any governmental action directly affecting the donor or lender.

(2) Subsection (1) does not apply to the following:

- (a) an occasional nonpecuniary gift, having a value of not in excess of \$50 per individual;
- (b) an award publicly presented in recognition of public services;
- (c) any bona fide loan made in the ordinary course of business; or
- (d) gifts to a relative.

(3) For the purposes of this section:

(a) "Gift" means a transfer of real or tangible personal property for less than fair and adequate consideration. It does not include plaques, commendations, or awards.

(b) "Tangible personal property" does not include the admission price for events, meals, recreation, outings, or functions, and is intended to be interpreted consistent with the meaning of tangible personal property found in the Utah Constitution Article XIII. 1995

36-11-305. Campaign contribution during session prohibited.

(1) It is unlawful for a lobbyist or principal to make a campaign contribution or contract, promise, or agree to make a campaign contribution to a legislator or a legislator's personal campaign committee during the time the Legislature is convened in annual general or veto override session, or in a special session convened before July 1 of a general election year.

(2) Any person who violates this section is guilty of a class A misdemeanor. 1995

Part 4. Penalties and Statutory Construction.

36-11-401. Penalties.

36-11-402. Reinstatement of a license.

36-11-403. Lobbying without a license.

36-11-404. Lieutenant governor's procedures.

36-11-405. Construction and interpretation - Freedom of expression, participation, and press.

36-11-401. Penalties.

(1) Any person who willfully and knowingly violates Section 36-11-103 36-11-201 36-11-202 36-11-302 , or 36-11-303 is subject to any or all of the following penalties:

- (a) suspension of his lobbying license for a period of one year; and
- (b) an administrative penalty of not more than \$1,000 for each violation.

(2) If a lobbyist has been convicted of violating Section 76-8-103 76-8-104 76-8-107 76-8-108 76-8-303 , or 76-8-304 or has had a penalty imposed under Subsection (1) more than once, the lieutenant governor shall:

- (a) permanently revoke a lobbyist's license; or
- (b) suspend a lobbyist's license for a period of up to three years; and
- (c) impose a penalty of not less than \$1,000 nor more than \$25,000.

(3) (a) Any person who willfully and knowingly violates Section 36-11-301 36-11-302 , or 36-11-303 is guilty of a class B misdemeanor.

(b) The lieutenant governor shall revoke the lobbyist license of any person convicted under this section for one year. 1991

36-11-402. Reinstatement of a license.

(1) If a lobbyist's license has been suspended, he may apply for reinstatement after the expiration of the period of suspension by:

- (a) filing an application for licensure in accordance with Section 36-11-103
- (b) obtaining the approval of the lieutenant governor; and
- (c) paying a \$500 reinstatement fee.

(2) If the lieutenant governor has permanently revoked a lobbyist's license, the lobbyist may apply for licensure only:

- (a) after a review and hearing by the lieutenant governor or upon an order of a court of competent jurisdiction; and
- (b) upon paying a \$1,000 reinstatement fee. 1991

36-11-403. Lobbying without a license.

(1) No person may engage in any lobbying activities:

- (a) without the license required by this chapter;
- (b) during the period of any bar from obtaining a license; or
- (c) when the license has been suspended or revoked.

(2) The attorney general may seek injunctive relief against any person violating this section. 1991

36-11-404. Lieutenant governor's procedures.

(1) The lieutenant governor shall make rules that provide:

(a) for the appointment of an administrative law judge to adjudicate alleged violations of this section and to impose penalties under this section;

(b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act.

(2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions of this chapter. 1991

36-11-405. Construction and interpretation -

Freedom of expression, participation, and press.

No provision of this chapter may be construed, interpreted, or enforced so as to limit, impair, abridge, or destroy any person's right of freedom of expression and participation in government processes or freedom of the press. 1991

Title 52. Public Officers.

Chapter 3. Prohibiting Employment of Relatives.

Chapter 3. Prohibiting Employment of Relatives.

52-3-1. Employment of relatives prohibited - Exceptions.

52-3-1. Employment of relatives prohibited - Exceptions.

(1) For purposes of this section:

(a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds.

(b) "Chief administrative officer" means the person who has ultimate responsibility for the operation of the department or agency of the state or a political subdivision.

(c) "Public officer" means a person who holds a position that is compensated by public funds.

(d) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

(2) (a) No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as follows:

(i) the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;

(ii) the appointee will be compensated from funds designated for vocational training;

(iii) the appointee will be employed for a period of 12 weeks or less;

(iv) the appointee is a volunteer as defined by the employing entity;

(v) the appointee is the only person available, qualified, or eligible for the position; or

(vi) the chief administrative officer determines that the public officer is the only person available or best qualified to perform supervisory functions for the appointee.

(b) No public officer may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as follows:

(i) the relative was appointed or employed before the public officer assumed his position, if the relative's appointment did not violate the provisions of this chapter in effect at the time of his appointment;

(ii) the appointee is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;

(iii) the appointee will be compensated from funds designated for vocational training;

(iv) the appointee will be employed for a period of 12 weeks or less;

(v) the appointee is a volunteer as defined by the employing entity;

(vi) the appointee is the only person available, qualified, or eligible for the position; or

(vii) the chief administrative officer determines that the public officer is the only person available or

best qualified to perform supervisory functions for the appointee.

(c) When a public officer supervises a relative under Subsection (b):

(i) the public officer shall make a complete written disclosure of the relationship to the chief administrative officer of the agency or institution; and

(ii) the public officer who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.

(3) No appointee may accept or retain employment if he is paid from public funds, and he is under the direct supervision of a relative, except as follows:

(a) the relative was appointed or employed before the public officer assumed his position, if the relative's appointment did not violate the provisions of this chapter in effect at the time of his appointment;

(b) the appointee was or is eligible or qualified to be employed by a department or agency of the state or a political subdivision of the state as a result of his compliance with civil service laws or regulations, or merit system laws or regulations;

(c) the appointee is the only person available, qualified, or eligible for the position;

(d) the appointee is compensated from funds designated for vocational training;

(e) the appointee is employed for a period of 12 weeks or less;

(f) the appointee is a volunteer as defined by the employing entity; or

(g) the chief administrative officer has determined that the appointee's relative is the only person available or qualified to supervise the appointee. 1988

Title 53A. State System of Public Education.

Chapter 1. Administration of Public Education at the State Level

Chapter 2. School Districts.

Chapter 16. State Financing of Public Education.

Chapter 17. Minimum School Finance. [Renumbered]

Chapter 17a. Minimum School Program Act.

Chapter 18. School District Indebtedness.

Chapter 1. Administration of Public Education at the State Level

Part 1. State Board of Education.

Part 2. Officers; Compensation; Meetings.

Part 1. State Board of Education.

53A-1-101. Selection and election of members to State Board of Education.

53A-1-101. Selection and election of members to State Board of Education.

Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

1992

Part 2. Officers; Compensation; Meetings.

- 53A-1-201. Election and appointment of officers - Removal from office.
- 53A-1-202. Compensation for services - Additional per diem - Insurance - Certified statements of expenses.
- 53A-1-203. State board meetings - Quorum requirements.
- 53A-1-204. Gross neglect of duty - Nonpayment of salary or expenses.

53A-1-201. Election and appointment of officers - Removal from office.

(1) The State Board of Education shall elect from its members a chair and vice chair each year at a meeting held any time between November 15 and January 15.

(2) (a) If the election of officers is held subsequent to the election of a new member of the board, but prior to the time that the new member takes office, the new member shall assume the position of the outgoing member for purposes of the election of officers.

(b) In all other matters the outgoing member shall retain the full authority of the office until replaced as provided by law.

(3) The duties of these officers shall be determined by the board.

(4) The board shall appoint a secretary who serves at the pleasure of the board.

(5) An officer appointed or elected by the board under this section may be removed from office for cause by a vote of two-thirds of the board. 1995

53A-1-202. Compensation for services - Additional per diem - Insurance - Certified statements of expenses.

(1) Each member of the State Board of Education shall receive \$1,500 per year, payable monthly, as compensation for services, in addition to necessary travel expenses.

(2) Each member may receive additional per diem compensation as established by the director of the Division of Finance for attendance at meetings or activities related to any business of the board, not to exceed 12 per year.

(3) Board members may participate in any group insurance plan provided to employees of the State Office of Education as part of their compensation on the same basis as required for employee participation.

(4) The state superintendent shall certify statements of actual and necessary travel expenses incurred by board members in attending board meetings or performing duties authorized by the board. 1992

53A-1-203. State board meetings - Quorum requirements.

(1) The State Board of Education shall meet at the call of the chairman and at least 11 times each year.

(2) A majority of all members is required to validate an act of the board. 1988

53A-1-204. Gross neglect of duty - Nonpayment of salary or expenses.

(1) Failure of a member of the State Board of Education or of a governing board of a branch or division of the public school system to carry out responsibilities assigned by law or to comply with rules of the State Board of Education is gross neglect of duty.

(2) Salary or expenses shall not be paid for work which violates rules of the board. 1988

Chapter 2. School Districts.

Part 1. General Provisions.

Part 1. General Provisions.

- 53A-2-101. School districts.
- 53A-2-102. Consolidation of school districts - Resolution by school board members - Petition by electors - Election.
- 53A-2-103. Transfer of property to new school district - Rights and obligations of new school board - Outstanding indebtedness - Special tax.
- 53A-2-104. Transfer of a portion of a school district - Board resolution - Board petition - Elector petition - Transfer election.
- 53A-2-105. Transfer of school property - Indebtedness on transferred property.
- 53A-2-108. School districts independent of municipal and county governments - Control of property.
- 53A-2-109. Annexation of territory of school district by city - Attendance options of students - Adoption of optional form of county government not to affect school districts.
- 53A-2-111. Legislative findings.
- 53A-2-112. Definitions.
- 53A-2-113. School district consolidation - State funding of consolidated districts.
- 53A-2-114. Additional levies - School board options to abolish or continue after consolidation.
- 53A-2-115. Additional levies in transferred territory - Transferee board option to abolish or continue.
- 53A-2-116. Rights of transferred employees - Salary during first year - Leave and tenure benefits.

53A-2-101. School districts.

School districts may be created, merged, dissolved, or their boundaries changed only as provided in this chapter. 1988

53A-2-102. Consolidation of school districts - Resolution by school board members - Petition by electors - Election.

(1) Two or more school districts may unite and form a single school district in one of the following ways:

(a) a majority of the members of each of the boards of education of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or

(b) a majority of the members of the board of education of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.

(2) The elections required under Subsection (1) (b) shall be conducted and the returns canvassed as provided by election laws. 1993

53A-2-103. Transfer of property to new school district - Rights and obligations of new school board - Outstanding indebtedness - Special tax.

(1) On July 1 following the approval of the creation of a new school district under Section 53A-2-102, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in

the new board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property vest at once in the new board.

(2) The new board may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools and to enforce contracts.

(3) The new board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.

(4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new board as needed. The tax shall be levied upon the property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section 53A-18-102, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.

(5) Bonded indebtedness of a former district which has been refunded shall be paid in the same manner as that which the new district assumes under Section 53A-18-101

(6) State funds received by the new district under Section 53A-20-103 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined. 1988

53A-2-104. Transfer of a portion of a school district - Board resolution - Board petition - Elector petition - Transfer election.

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the board of education of each affected district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.

(2) The electors of each affected district shall vote on the transfer requested under Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election. The election shall be conducted and the returns canvassed as provided by election law. A transfer is effected only if a majority of votes cast by the electors in both the proposed transferor district and in the proposed transferee district are in favor of the transfer. 1993

53A-2-105. Transfer of school property - Indebtedness on transferred property.

(1) If a transfer of a portion of one school district to another school district is approved under Section 53A-2-104, or occurs because of annexation under Section 53A-2-109, the state superinten-

dent and the superintendents and presidents of the boards of education of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.

(2) Title to property transferred vests in the transferee board of education. The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year. The transfer of all other school property shall be made five days after approval of the transfer of territory under Section 53A-2-104

(3) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor board. This is done by:

(a) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor board of education;

(b) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and

(c) calculating the portion of the indebtedness of the transferor board for which the transferred portion retains liability.

(4) The agreement reflecting these determinations takes effect upon being filed with the State Board of Education. The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor school board. The transferee school board may assume the obligation to pay the proportionate share of the transferor school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, the Utah Municipal Bond Act.

(5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor school board's indebtedness, the transferee school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor board.

(6) If the transferee school board does not assume this obligation, the transferee school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor board. 1988

53A-2-108. School districts independent of municipal and county governments - Control of property.

(1) Each school district shall be controlled by its board of education and shall be independent of municipal and county governments.

(2) The local school board shall have direction and control of all school property in the district. 1988

53A-2-109. Annexation of territory of school district by city - Attendance options of students - Adoption of optional form of county government not to affect school districts.

(1) (a) If part of the territory of an unincorporated area of a school district is annexed to a city

that includes a city school district, the city school district boundaries shall be expanded to include the annexed territory.

(b) The city school district shall complete the transition of the unincorporated area into the city school district no later than 18 months from the date of the annexation.

(c) Notwithstanding the requirements of Subsection (a), any student actually attending school in a school district in an unincorporated area at the time of annexation may, at the option of the student's parent or guardian, attend school either in the city school district or in the school district in the unincorporated area.

(2) Adoption of a plan for an optional form of county government under Section 17-35a-15 is not an extension of the boundaries of a city under this chapter, and the adoption may not alter or affect the boundaries, organization, powers, duties, or functions of any school district. 1995

53A-2-111. Legislative findings.

The Legislature finds that restructuring and consolidation of school districts may provide long-term educational and financial benefits, but that short-term costs and other problems may make it difficult for school officials to move forward with such plans. The Legislature therefore adopts Sections 53A-2-111 through 53A-2-116 to assist the public school system to create more efficient and effective administrative units. 1988

53A-2-112. Definitions.

As used in Sections 53A-2-113 through 53A-2-116

(1) "Consolidation" means the merger of two or more school districts into a single administrative unit.

(2) "Restructuring" means the transfer of territory from one school district to another school district. 1988

53A-2-113. School district consolidation - State funding of consolidated districts.

When districts consolidate, payments made by the state under Title 53A, Chapter 17a, Minimum School Program Act, shall continue for a period of five years from the date of consolidation on the same basis as if no consolidation had occurred. At the end of the five-year period, the consolidated district shall receive funding as a single district. 1993

53A-2-114. Additional levies - School board options to abolish or continue after consolidation.

(1) If a school district which has approved an additional levy under Section 53A-16-110 53A-17a-133 53A-17a-134 53A-17a-145 , or 53A-21-103 is consolidated with a district which does not have such a levy, the board of education of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.

(2) If the board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section 53A-16-110 1996

53A-2-115. Additional levies in transferred territory - Transferee board option to abolish or continue.

If two or more districts undergo restructuring that results in a district receiving territory that increases the population of the district by at least 25%, and if the transferred territory was, at the time of transfer,

subject to an additional levy under Section 53A-16-110 53A-17a-133 53A-17a-134 53A-17a-145 , or 53A-21-103 , the board of education of the transferee district may abolish the levy or apply the levy in whole or in part to the entire restructured district. Any such levy made applicable to the entire district may continue in force for no more than five years, unless approved by the electors of the restructured district in the manner set forth in Section 53A-16-110 1996

53A-2-116. Rights of transferred employees - Salary during first year - Leave and tenure benefits.

(1) If a school employee is transferred from one district to another because of district consolidation or restructuring, the employee's salary may not be less, during the first year after the transfer, than it would have been had the transfer not taken place.

(2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.

(3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired. 1988

Chapter 16. State Financing of Public Education.

53A-16-110. Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

53A-16-110. Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

(1) (a) Prior to May 2 of any year, a local school board may call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.

(b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.

(2) The board shall give reasonable notice of the election and follow the same procedure used in elections for the issuance of bonds.

(3) If a majority of those voting on the proposition vote in favor of the tax, it is levied in addition to those authorized under Sections 53A-17a-145 and 53A-21-103 and computed on the valuation of the county assessment roll for that year.

(4) (a) Within 20 days after the election, the board shall certify the amount of the approved tax to the governing body of the county in which the school district is located.

(b) The governing body shall acknowledge receipt of the certification and levy and collect the special tax.

(c) It shall then distribute the collected taxes to the business administrator of the school district at the end of each calendar month.

(5) The special tax becomes due and delinquent and attaches to and becomes a lien on real and personal property at the same time as state and county taxes. 1996

Chapter 17. Minimum School Finance. [Renumbered]

Chapter 17a. Minimum School Program Act.

Part 1. Minimum School Program.

Part 2. [Repealed]

Part 1. Minimum School Program.

53A-17a-133. State-supported voted leeway program authorized - Election requirements - State guarantee - Reconsideration of the program.

53A-17a-133. State-supported voted leeway program authorized - Election requirements - State guarantee - Reconsideration of the program.

(1) An election to consider adoption or modification of a voted leeway program is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the board.

(2) (a) To establish a voted leeway program, a majority of the electors of a district voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a special tax.

(b) The district may maintain a school program which exceeds the cost of the program referred to in Section 53A-17a-145 with this voted leeway.

(c) In order to receive state support the first year, a district must receive voter approval no later than December 1 of the year prior to implementation.

(d) The additional program is the state-supported voted leeway program of the district.

(3) (a) (i) Under the voted leeway program, the state shall contribute an amount sufficient to guarantee \$12 per weighted pupil unit for each .0001 of the first .0004 per dollar of taxable value.

(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July 1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for each year thereafter.

(b) (i) The same dollar amount guarantee per weighted pupil unit for the .0004 per dollar of taxable value under Subsection (a) shall apply to the board-approved leeway authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of .0008 per dollar of taxable value if a school district levies a tax rate of up to .0004 in both programs.

(ii) Beginning July 1, 1996, if a district levies up to .0006 in the voted leeway program and up to .0004 in the board leeway program, the guarantee shall apply up to a total of .001 for both programs and shall apply to an additional .0002 per dollar of taxable value each year thereafter through July 1, 2001, as described in Subsection (3)(a)(ii) so that the guarantee shall apply up to a total of .002 per dollar of taxable value beginning July 1, 2001, and for each year thereafter.

(c) Beginning July 1, 1997, the \$12 guarantee under Subsections (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit by

making the value of the guarantee equal to .0075 times the value of the prior year's weighted pupil unit.

(d) (i) The amount of state guarantee money to which a school district would otherwise be entitled to under Subsection (3) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (3)(d)(i) applies for a period of two years following any such change in the certified tax rate.

(4) (a) An election to modify an existing voted leeway program is not a reconsideration of the existing program unless the proposition submitted to the electors expressly so states.

(b) A majority vote opposing a modification does not deprive the district of authority to continue an existing program.

(c) If adoption of a leeway program is contingent upon an offset reducing other local school board levies, the board must allow the electors, in an election, to consider modifying or discontinuing the program prior to a subsequent increase in other levies that would increase the total local school board levy.

(d) Nothing contained in this section terminates, without an election, the authority of a school district to continue an existing voted leeway program previously authorized by the voters. 1996

Part 2. [Repealed]

Chapter 18. School District Indebtedness.

53A-18-101. School district tax anticipation notes.

53A-18-102. Additional indebtedness - Election.

53A-18-103. Consolidated school district bonds.

53A-18-101. School district tax anticipation notes.

(1) A local school board may borrow money in anticipation of the collection of taxes or other revenue of the school district so long as it complies with the Utah Municipal Bond Act.

(2) The board may incur indebtedness under this section for any purpose for which district funds may be expended, but not in excess of the estimated district revenues for the current school year.

(3) Revenues include all revenues of the district from the state or any other source.

(4) The district may incur the indebtedness prior to imposing or collecting the taxes or receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates. 1988

53A-18-102. Additional indebtedness - Election.

A local school board may require the qualified electors of the district to vote on a proposition as to whether to incur indebtedness, subject to conditions provided in the Utah Municipal Bond Act, under the following circumstances:

(1) if the debts of the district are equal to school taxes and other estimated revenues for the school year, and it is necessary to create and incur additional indebtedness in order to maintain and support schools within the district; or

(2) the local school board determines it advisable to issue school district bonds to purchase school sites, buildings, or furnishings or to improve existing

school property. 1990

53A-18-103. Consolidated school district bonds.

(1) A consolidated county school district may issue bonds, without an election, to fund, purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to consolidation and assumed by the consolidated school district.

(2) The legality, regularity, and validity of the outstanding indebtedness shall be determined in the same manner used to determine the validity of other bonds to be refunded by the board. 1988

Title 59. Revenue and Taxation.

Chapter 10. Individual Income Tax Act.

Chapter 10. Individual Income Tax Act.

Part 5. Procedure and Administration.

Part 5. Procedure and Administration.

59-10-547. Election Campaign Fund designations - Transfer from General Fund - Form and procedure.

59-10-548. Election Campaign Fund - Contents - Disbursement and distribution - Limitations on expenditures - Violations.

59-10-547. Election Campaign Fund designations - Transfer from General Fund - Form and procedure.

(1) (a) Every individual other than a nonresident alien whose income tax liability, less any credit allowed by this chapter, for any taxable year is \$1 or more may designate that \$1 be paid into the Election Campaign Fund established under Section 59-10-548

(b) The commission shall transfer \$1 from the General Fund to the Election Campaign Fund for each campaign designation made on an individual income tax return.

(c) The transfer shall come from revenue generated from the sales and use tax.

(2) (a) A designation under Subsection (1) may be made with respect to any taxable year at the time of filing the return for that taxable year.

(b) The form for the return shall be prepared by the commission to include provision for a campaign contribution designation for any political party as defined by Section 20A-1-102 that has qualified as a political party in the first six months of the calendar year for which the return is prepared.

(c) The political parties shall be placed on the form in alphabetical order.

(d) Any individual who chooses to designate funds to the Election Campaign Fund shall place a check mark opposite the name of the political party on the form provided by the commission.

(e) The form shall also contain a box in which the taxpayer can indicate that no contribution is to be made to any political party. 1996

59-10-548. Election Campaign Fund - Contents - Disbursement and distribution - Limitations on expenditures - Violations.

(1) There is established in the State Trust and Agency Fund provided for under Section 51-5-4 a trust fund to be known as the Election Campaign Fund. This fund shall consist of all amounts depo-

sited to it as provided in Section 59-10-547

(2) The state treasurer shall on or before four months after the due date of the returns required by this chapter as to which designations of payment to the fund have been made make disbursements from the fund as follows:

(a) One-half of that portion of the amounts deposited in the fund since the last disbursement designated for any given political party shall be disbursed to the state central committee of that party.

(b) The balance of this portion shall be distributed to the respective county central committees of that party in the direct relationship that the number of taxpayers who designated that amounts be paid into the fund for that party residing in any county bears to the total number of such taxpayers who made designations for that party in the state.

(3) Each state central committee and county central committee which receives disbursements from the fund shall establish a separate account for these disbursements. Payments from any of these accounts shall only be made upon explicit authorization, as to each payment, from a duly convened meeting of the applicable central committee, which duty of authorization is not delegable. Any person violating this subsection is guilty of a misdemeanor, and any person has standing to enjoin any violation of it. 1987

Title 67. State Officers and Employees.

Chapter 1a. Lieutenant Governor.

Chapter 1a. Lieutenant Governor.

67-1a-2. Duties enumerated.

67-1a-2. Duties enumerated.

The duties of the lieutenant governor are:

(1) to perform such duties as may be delegated by the governor, including but not limited to assignments to serve in any of the following capacities:

(a) as the head of any one department, if so qualified, with the advice and consent of the Senate, and upon such an appointment, the lieutenant governor shall serve at the pleasure of the governor and without additional compensation;

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

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

(d) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state of Utah;

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

(f) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the

governor;

(2) to serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(3) to serve as the chief election officer of the state. As the chief election officer, the lieutenant governor shall not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by the Legislature, nor become involved with the procurement of ballots. The county clerks, city recorders, town clerks, or other election officials shall determine the listing of the political parties on their local ballots. The lieutenant governor shall perform the following duties:

(a) assist county clerks in unifying the election ballot;

(b) prepare election information for the public and make such information available to the news media;

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

(d) maintain election returns and statistics;

(e) certify to the governor the names of those persons who have received in any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

(f) perform any other election duties formerly assigned to the secretary of state;

(4) to keep custody of the Great Seal of the state of Utah; to keep a register of, and attest, the official acts of the governor; and to affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(5) to furnish on request, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor.

1984

Title 73 Water and Irrigation.

Chapter 10d. Privatization Projects.

Chapter 10d. Privatization Projects.

73-10d-4. Notice of intention to enter privatization project - Petition for election - Election procedures - Powers of political subdivision - Public bidding laws not to apply.

73-10d-4. Notice of intention to enter privatization project - Petition for election - Election procedures - Powers of political subdivision - Public bidding laws not to apply.

(1) The governing authority of any political subdivision considering entering into a privatization project agreement shall issue a notice of intention setting forth a brief summary of the agreement provisions and the time within which and place at which petitions may be filed requesting the calling of an election in the political subdivision to determine whether the agreement should be approved. The notice of intention shall specify the form of the petitions. If, within 30 days after the publication of the notice of intention, petitions are filed with the clerk, recorder, or similar officer of the political

subdivision, signed by at least 5% of the qualified electors of the political subdivision (as certified by the county clerks of the respective counties within which the political subdivision is located) requesting an election be held to authorize the agreement, then the governing authority shall proceed to call and hold an election. If an adequate petition is not filed within 30 days, the governing authority may adopt a resolution so finding and may proceed to enter into the agreement.

(2) If, under Subsection (1), the governing authority of a political subdivision is required to call an election to authorize an agreement, the governing authority shall adopt a resolution directing that an election be held in the political subdivision for the purpose of determining whether the political subdivision may enter into the agreement. The resolution calling the election shall be adopted, notice of the election shall be given, voting precincts shall be established, the election shall be held, voters' qualifications shall be determined, and the results shall be canvassed in the manner and subject to the conditions provided for in Title 11, Chapter 14, the Utah Municipal Bond Act.

(3) A political subdivision may, upon approval of an agreement as provided by Subsections (1) and (2) and subject to the powers and rules of the supervising agency:

(a) supervise and regulate the construction, maintenance, ownership, and operation of all privatization projects within its jurisdiction or in which it has a contractual interest;

(b) contract, by entry into agreements with private owner/operators for the provision within its jurisdiction of the services of privatization projects;

(c) levy and collect taxes, as otherwise provided by law, and impose and collect assessments, fees, or charges for services provided by privatization projects, as appropriate, and, subject to any limitation imposed by the constitution, pledge, assign, or otherwise convey as security for the payment of its obligations under any agreements any revenues and receipts derived from any assessments, fees, or charges for services provided by privatization projects;

(d) require the private owner/operator to obtain any and all licenses as appropriate under federal, state, and local law and impose other requirements which are necessary or desirable to discharge the responsibility of the political subdivision to supervise and regulate the construction, maintenance, ownership, and operation of any privatization project;

(e) control the right to contract, maintain, own, and operate any privatization project and the services provided in connection with that project within its jurisdiction;

(f) purchase, lease, or otherwise acquire all or any part of a privatization project;

(g) with respect to the services of any privatization project, control the right to establish or regulate the rates paid by the users of the services within the jurisdiction of the political subdivision;

(h) agree that the sole and exclusive right to provide the services within its jurisdiction related to privatization projects be assumed by any private owner/operator;

(i) contract for the lease or purchase of land, facilities, equipment, and vehicles for the operation of privatization projects;

(j) lease, sell, or otherwise convey, as permitted by state and local law, but without any requirement

of competitive public bidding, land, facilities, equipment, and vehicles, previously used in connection with privatization projects, to private owner/operators; and

(k) establish policies for the operation of any privatization project within its jurisdiction or with respect to which it has a contractual interest, including hours of operation, the character and kinds of services, and other rules necessary for the safety of operating personnel.

(4) Any political subdivision may enter into agreements with respect to privatization projects. Agreements may contain provisions relating to, without limitation, any matter provided for in this section or consistent with the purposes of this chapter.

(5) Any agreement entered into between a political subdivision and a private owner/operator for the provision of the services of a privatization project is considered an exercise of that political subdivision's business or proprietary power binding upon its succeeding governing authorities. Any agreement made by a political subdivision with a private owner/operator for payment for services provided or to be provided may not be construed to be an indebtedness or a lending of credit of the political subdivision within the meaning of any constitutional or statutory restriction.

(6) The provisions of the various laws of the state and the rules or ordinances of a political subdivision which would otherwise require public bidding in respect to any matter provided for in this chapter shall have no application to that matter. 1985

Title 76. Criminal Code.

Chapter 8. Offenses Against the Administration of Government.

Chapter 8. Offenses Against the Administration of Government.

Part 1. Corrupt Practices.

Part 1. Corrupt Practices.

76-8-101. Definitions.

76-8-102. Campaign contributions not prohibited.

76-8-103. Bribery to influence official or political actions.

76-8-104. Threats to influence official or political action.

76-8-105. Receiving bribe or bribery by public servant.

76-8-106. Receiving bribe or bribery for endorsement of person as public servant.

76-8-107. Alteration of proposed legislative bill or resolution.

76-8-108. Alteration of enrolled legislative bill or resolution.

76-8-109. Failure of member of Legislature to disclose interest in measure or bill.

76-8-110. Peace officer prohibited from acting as compensated collection agent for collection agencies or creditors.

76-8-101. Definitions.

For the purposes of this chapter:

(1) "Candidate for electoral office" means a person who has filed as a candidate for office under the laws of the state.

(2) "Party official" means any person holding

any post in a political party whether by election, appointment, or otherwise.

(3) "Peace officer" means any employee of a police or law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

(4) (a) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

(b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

(5) (a) "Public servant" means any officer or employee of the state or any political subdivision of the state, including judges, legislators, consultants, and persons otherwise performing a governmental function.

(b) A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position. 1993

76-8-102. Campaign contributions not prohibited.

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made. 1973

76-8-103. Bribery to influence official or political actions.

(1) A person is guilty of a felony of the third degree if:

(a) he promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or

(b) as a public servant, juror, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other's purpose to be as described in Subsection (1)(a).

(2) It is not a violation of this section to give a pecuniary benefit to a public servant if that benefit is reasonably related to an exchange of information on an issue within the responsibility of the public servant. 1993

76-8-104. Threats to influence official or political action.

(1) A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.

(2) As used in this section:

(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

(b) "Public servant" does not include jurors. 1991

76-8-105. Receiving bribe or bribery by public servant.

A person is guilty of a class A misdemeanor if:

(1) Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised in his discretion, or for having violated his duty; or

(2) He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of paragraph (1). 1991

76-8-106. Receiving bribe or bribery for endorsement of person as public servant.

A person is guilty of a class B misdemeanor if:

(1) He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

(2) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (1). 1973

76-8-107. Alteration of proposed legislative bill or resolution.

Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure its being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by such house, is guilty of a felony of the third degree. 1974

76-8-108. Alteration of enrolled legislative bill or resolution.

Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the Legislature with intent to procure it to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes in language different from that in which it was passed or adopted by the Legislature, is guilty of a felony of the third degree. 1945

76-8-109. Failure of member of Legislature to disclose interest in measure or bill.

(1) As used in this section:

(a) "Business in which the legislator is associated" means any business in which a legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or bonds in the company that have a fair market value of \$10,000 or more. This does not include business associations by members of the legislator's immediate family.

(b) "Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.

(c) "Immediate family" means the legislator's spouse and children living in the legislator's immediate household.

(2) In addition to the Declaration of Conflict of Interest form provided for in Subsection (3), before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that he has a conflict of interest which is not stated on the conflict of interest form, that legislator shall

orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is. This declaration of conflict of interest shall be noted in the minutes of any committee meeting or in the Senate or House Journal.

(3) (a) A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a senator or with the Chief Clerk of the House of Representatives if the legislator is a representative to satisfy that legislator's disclosure of any conflict of interest as required by Subsection (2).

(b) This Declaration of Conflict of Interest form shall include the businesses in which the legislator is associated and the general legislative subject areas in which the legislator may have a conflict of interest.

(c) This Declaration of Conflict of Interest form is available to the public.

(d) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

(4) Every member of the Legislature who has a conflict of interest in any measure or bill proposed or pending before the Legislature of which he is a member and does not disclose the fact to the house of which he is a member and votes thereon is guilty of a class B misdemeanor. 1995

76-8-110. Peace officer prohibited from acting as compensated collection agent for collection agencies or creditors.

(1) A peace officer may not have any interest in any collection agency or act as a compensated collection agent for any creditor or collection agency.

(2) A person that violates this section is guilty of a class C misdemeanor. 1992

Title 78. Judicial Code.**Chapter 7. General Provisions Applicable to Courts and Judges.****Chapter 7. General Provisions Applicable to Courts and Judges.****78-7-8. Days on which court closed - Exceptions.****78-7-8. Days on which court closed - Exceptions.**

Judicial business on Sunday, on any day on which general election is held, or on any legal holiday, is limited to the following purposes:

(1) to give, upon their request, instructions to a jury when deliberating on their verdict;

(2) to receive a verdict or discharge a jury;

(3) for the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; and

(4) judicial business not involving a trial or hearing unless the judge finds it necessary for the fair administration of justice. 1991

INDEX

ABETTING

abetting forgery or alteration 20A-4-503
election offenses generally 20A-1-610

ABROAD

military and persons living abroad, voting
20A-3-401▶

ABSENTEE

absentee voting, voting by disabled voters
20A-3-301▶
application for absentee ballot - time for filing
20A-3-304
form of absentee ballot 20A-3-303

ACTIONS

actions for violations of municipal ordinances
10-7-65▶
election contests generally 20A-4-101▶

ACTIVITIES

political activities of public entities 20A-11-1201▶

ACTS

Municipal Officers' and Employees' Ethics Act.
10-3-1301▶

ADJUDICATING

prosecuting and adjudicating election contests
20A-1-701▶

ADJUSTMENT

municipal land use development and management
act 10-9-701▶

ADMINISTRATION

cities and towns 10-3-801▶
election administration 20A-5-101▶
offenses against the administration of government
76-8-101▶
offenses involving election administration
20A-5-701▶

AFFIDAVIT

absentee voting 20A-3-305

AGE

residency and age requirements of voters
20A-3-101

AGENT

registration agents. 20A-5-201▶
registration by registration agent 20A-2-203

AIRPORTS

election day, restriction of sale of alcohol
32A-4-206
Public Airports Act, appropriate or sale of bonds
2-2-6

ALCOHOLIC BEVERAGES

election day, restriction of sale of alcohol
32A-2-103▶
limitations on sales on election days 32A-2-103▶

ALTERATION

abetting forgery or alteration 20A-4-503
alteration of proposed legislative act 76-8-107
altering vote count or returns 20A-4-502

ALTERNATE MEANS

alternate means of registering to vote 20A-2-201

ALTERNATIVE FORMS OF GOVERNMENT

municipal government 10-3-1201▶

AMENDMENTS

amendments to U.S. Constitution, conventions for
20A-15-101▶
amendments to US Constitution, ratification
20A-15-201▶
constitution XXIII-1▶

AMENDMENTS cont.

constitutional amendments - posting 20A-5-103
revision of the constitution XXIII-2

ANNEXATION

annexation to counties, election 17-2-1
cities and towns 10-2-401▶
fire protection districts 17A-2-614

APPEALS

election contests 20A-4-406
municipal land use development and management
10-9-1001▶
special counsel on appeal, election contest
20A-1-706

APPLICATIONS

application for absentee ballot - time for filing
20A-3-304
federal postcard applications for ballot 20A-3-406
lobbyist disclosure and regulation act 36-11-105
local initiatives 20A-7-502
local referenda 20A-7-602
referendum process - application procedures
20A-7-302
statewide initiative process 20A-7-202

APPOINTED OFFICIALS

see also PUBLIC OFFICERS
cities and towns 10-3-901▶
governor's appointive power - vacancies VII-10

APPOINTMENT

election judges - appointment for local elections
20A-5-602
election judges, appointment, reg. gen. election
20A-5-601
promises of appointment to office forbidden
20A-1-608
registration agents - appointment 20A-5-201

APPORTIONMENT

congressional and legislative apportionment IX-1

ARRANGEMENTS

election officers duties 20A-5-403

ARREST

legislator privilege from arrest VI-8
voter, immunity from arrest IV-3

ASSISTANCE

assisting disabled, illiterate, or blind voters
20A-3-108

ATTENDANCE

legislature, attendance compelled VI-11

ATTORNEY GENERAL

midterm vacancies 20A-1-504

ATTORNEYS

cities, appointed officials 10-3-901▶
county attorney 17-18-4
county or district attorney, midterm vacancy
20A-1-509
election of district attorney 17-16-6.6

AUDITOR

midterm vacancies 20A-1-504

AUTHORIZATION

initiatives, referendum authorized, restrictions
20A-7-102

AUTOMATED VOTING SYSTEM

generally 20A-5-302

BALLOT BOXES

election officer to provide ballot boxes 20A-5-407
election officers duties 20A-5-403

BALLOT CARDS

preparing ballot cards for the counting center
20A-4-103

BALLOTS

see also VOTING
 application for absentee ballot - time for filing
 20A-3-304
 ballot to be secret IV-8
 counting ballots and tabulating results
 20A-4-101▶
 counting ballots electronically 20A-4-104
 counting paper ballots after the polls close
 20A-4-102
 counting paper ballots during election day
 20A-4-101
 delivery of ballots 20A-5-406
 destroying or concealing ballots 20A-5-702
 election officer to provide ballots 20A-5-405
 election officers - disposition of ballots
 20A-4-202
 errors or omissions in ballots 20A-1-403
 federal postcard applications for ballot 20A-3-406
 form of absentee ballot 20A-3-303
 form of ballot - manner of voting 20A-7-309
 general requirements for all ballots 20A-6-101▶
 general requirements for machine-counted ballots
 20A-6-102
 general requirements for paper ballots 20A-6-101
 local initiative, ballot tile 20A-7-508
 local initiative, form of ballot, manner of voting
 20A-7-509
 local referendum, ballot tile 20A-7-608
 local referendum, form of ballot, manner of voting
 20A-7-609
 machine-counted ballots, regular general election
 20A-6-303
 machine-counted ballots, regular primary election
 20A-6-202
 mailing of ballot to military voter 20A-3-407
 marking and depositing ballots 20A-3-105
 marks on ballot, standards for evaluating
 20A-4-105
 metropolitan water districts 17A-2-812
 military or overseas voter, challenge to ballot of
 20A-3-411
 municipal elections, ballot form requirements
 20A-6-401▶
 municipal primary elections 20A-6-401
 neglect or refusal to deliver ballots or returns
 20A-5-703
 no ballots may be taken away - spoiled ballots
 20A-3-107
 paper ballots - regular general election
 20A-6-301
 paper ballots - sealing 20A-4-106
 paper ballots for regular primary elections
 20A-6-201▶
 placement of candidates' names on paper ballots
 20A-6-302
 public transit districts 17A-2-1011
 regular general election ballots 20A-6-301▶
 regular municipal elections 20A-6-402
 statewide initiative petition, form of ballot
 20A-7-210
 statewide referenda, ballot tile 20A-7-308
 tampering with ballots 20A-1-605
 tampering with ballots or election records, crime
 20A-1-603
 transmittal and disposition of ballots and returns
 20A-4-201▶
 voting by secret ballot 20A-3-102

BENEFITS

cities, personnel rules and benefits 10-3-1103▶

BILL

alteration of proposed legislative act 76-8-107

BLIND VOTERS

assisting disabled, illiterate, or blind voters
 20A-3-108

BOARD OF ADJUSTMENT

municipal land use development and management
 act 10-9-701▶

BOARD OF CANVASSERS

see also CANVASSING
 canvassing returns 20A-4-301

BOARDS

state and local school boards, elections of
 20A-14-101▶

BOARDS OF EDUCATION 20A-1-507

see also EDUCATION
 see also STATE BOARD
 local school boards, election of 20A-14-201▶
 midterm vacancies in the state board of education
 20A-1-507
 state and local school boards, elections of
 20A-14-101▶
 state board, removal of officers from office
 53A-1-201

BOND ELECTIONS

county improvement districts 17A-2-307
 county service areas 17A-2-422▶
 drainage districts 17A-2-543
 fire protection districts 17A-2-622
 irrigation districts 17A-2-715
 metropolitan water districts 17A-2-821
 special service districts 17A-2-1322
 water conservancy districts 17A-2-1440

BONDS

counties, creating bonded indebtedness 17-12-1▶
 county improvement districts 17A-2-306,
 17A-3-228
 county libraries 9-7-511
 municipal bond act 11-14-1
 school district indebtedness 53A-18-101
 state supported voted leeway 53A-17a-133

BOOTHES

election officers duties 20A-5-403

BOUNDARIES

annexation to counties, election 17-2-1
 change of boundaries - revising reg. agent list
 20A-5-206
 changing county lines XI-3
 combined voting precincts - municipalities
 20A-5-301
 house districts 36-1-4
 municipal corporations 10-2-401▶
 senatorial districts 36-1-1

BRIBERY

bribery to influence official or political actions
 76-8-103
 campaign contributions not prohibited 76-8-102
 election offenses 20A-1-601
 receiving bribe or bribery by public servant
 76-8-105

BYLAWS

bylaws of registered political parties 20A-8-401▶

CALENDARING

election contests 20A-4-404

CALLING

special elections 20A-1-203

CAMPAIGNS

administration of campaign finance laws, lt. gov.
 20A-11-1001▶

CAMPAIGNS cont.

- campaign and financial reporting requirements
20A-11-101▶
- campaign contributions not prohibited 76-8-102
- campaign financial disclosure in county elections
17-16-6.5
- cost of defense of action not campaign expense
20A-1-611
- criminal provisions, campaign finance & reporting
20A-11-1101▶
- general requirements re campaign expenditures
20A-11-901▶
- individual income tax act 59-10-547

CANDIDATES

- campaign and financial reporting requirements
20A-11-101▶
- candidacy for more than one office prohibited
20A-9-201
- candidate qualifications and nominating procedures
20A-9-101▶
- candidates not affiliated with a party 20A-9-501▶
- criminal provisions, campaign finance & reporting
20A-11-1101▶
- declarations of candidacy 20A-9-201
- declarations of candidacy - municipal elections
20A-9-203
- independent candidates 20A-9-501▶
- inducements not to become candidate 20A-9-204
- placement of candidates' names on paper ballots
20A-6-302
- vacancies and procedures to fill 20A-1-501▶
- write in candidates 20A-9-601▶

CANVASSING

- generally 20A-4-301▶
- board of canvassers 20A-4-301
- cemetery maintenance districts 17A-2-207
- checked official register, delivery to co. clerk
20A-4-305
- declaration of results - canvasser's report
20A-4-304
- fire protection districts 17A-2-608
- irrigation districts 17A-2-705, 17A-2-747
- local initiatives 20A-7-510
- local referenda 20A-7-610
- metropolitan water districts 17A-2-813
- recounts and election returns 20A-4-401▶
- statewide canvass 20A-4-306
- statewide initiatives 20A-7-211
- statewide referenda 20A-7-310

CARDS

- preparing ballot cards for the counting center
20A-4-103

CERTIFICATE OF NOMINATION

- candidates not affiliated with a party 20A-9-502

CERTIFICATION

- certification of signatures by the county clerks
20A-7-306, 20A-7-506, 20A-7-606
- political party formation and procedures
20A-8-101▶
- statewide initiatives 20A-7-206

CHALLENGES

- fire protection districts 17A-2-606
- military or overseas citizen, ballot of 20A-3-411
- poll watchers and challenges to voters
20A-3-201▶, 20A-3-202

CHANGING PARTY

- designating or changing party affiliation
20A-2-107

CHECK-OFF

- election campaign fund 59-10-547

CHECKED OFFICIAL REGISTER

- checked official register, delivery to co. clerk
20A-4-305

CHECKS

- marks on ballot, standards for evaluating
20A-4-105

CHIEF ELECTIONS OFFICER

- county clerk's voter registration responsibilities
20A-2-300.6
- lieutenant governor 67-1a-2

CIRCULATION

- local initiatives 20A-7-504
- local referenda 20A-7-604
- nomination petition, independent candidates
20A-9-502
- statewide initiatives 20A-7-204
- statewide referenda 20A-7-304

CITIES AND TOWNS 10-2-201▶

- see also headings starting with "local"
- see also local
- see also LOCAL CLERK
- see also MUNICIPALITIES
- actions for violations of ordinances 10-7-65▶
- administration 10-3-801▶
- alternative forms of municipal government.
10-3-1201▶
- annexation 10-2-401▶
- appointed officials 10-3-901▶
- bidding; contracts for public improvements
10-7-20▶
- boundaries 10-2-401▶
- city resources, general powers 10-7-79▶
- civil service commission 10-3-1001▶
- classification 10-2-301▶
- combined voting precincts - municipalities
20A-5-301
- consolidated city and county 17-35a-12.5
- consolidation 10-2-601▶
- disconnection 10-2-501▶
- dissolution 10-2-701▶
- duties of the county, municipal legislative bodies
20A-5-301▶
- elections 10-3-201▶
- ethics 10-3-1301▶
- executive sessions 10-3-601▶
- general land use plan 10-9-301▶
- general provisions 10-1-101▶
- governing body, general provisions 10-3-101▶
- levy of special taxes by cities and towns 10-7-26▶
- local boards of health 10-7-3▶
- local initiatives and referenda 20A-7-401▶
- mayors 10-3-401▶
- meetings, procedures and voting 10-3-501▶
- membership on governing body, vacancies and
power 10-3-301▶
- miscellaneous powers 10-7-3▶
- municipal bond act 11-14-1
- municipal corporations 10-1-201▶
- incorporation 10-2-101▶
- municipal corporations, creation, powers XI-5
- municipal land use development and management
act 10-9-101▶
- municipal wards 10-2-201▶
- officers' and employees' ethics act 10-3-1301▶
- ordinances and resolutions 10-3-701▶
- personnel rules and benefits 10-3-1103▶
- planning commission 10-9-201▶
- planning, appeals and enforcement 10-9-1001▶
- political activities of public entities 20A-11-1201▶
- public meetings 10-3-601▶
- railroads, gifts to 10-7-19▶

CITIES AND TOWNS cont.
 sale or lease of power plants. 10-7-15▶
 solar energy access 10-9-901▶
 utilities 10-7-4▶
 utilities, sale or lease of power plants 10-7-15▶
 water, lighting and sewers 10-7-4▶
 zoning 10-9-401▶

CITIZENS
 military and persons living abroad, voting
 20A-3-405
 U.S. citizens, voters required to be IV-5

CITIZENS' SALARY COMMISSION
 compensation of legislators, citizens commission
 VI-9

CITY ATTORNEY
 see also LOCAL ATTORNEY

CIVIL SERVICE COMMISSION
 cities and towns 10-3-1001▶

CLASSIFICATION
 municipal corporations 10-2-301▶

CLOSING
 election judges 20A-5-606
 opening and closing of polls 20A-1-302

COMBINED VOTING PRECINCTS
 combined voting precincts - municipalities
 20A-5-301

COMMISSION
 county commission form of government
 17-5-101▶

COMMISSIONERS
 municipal elections 10-3-201▶

COMMITTEES
 campaign and financial reporting requirements
 20A-11-101▶
 political issues committee, registration & reports
 20A-11-801▶

COMMUNICATION
 communicating about the count, offense
 20A-4-505
 lobbyist disclosure and regulation act 36-11-302

COMMUNITY AND ECONOMIC DEVELOPMENT
 library development, county libraries 9-7-501▶

COMPENSATION
 compensation of legislators, citizens commission
 VI-9

CONCEALING
 destroying or concealing ballots 20A-5-702

CONDUCT
 see also MISCONDUCT
 cities, meetings, procedures & voting 10-3-501▶
 offenses involving election administration
 20A-5-701

CONFLICT OF INTEREST
 failure to disclose interest in measure or bill
 76-8-109

CONFLICTING MEASURES
 local initiatives 20A-7-510
 local referenda 20A-7-610
 statewide initiatives 20A-7-211
 statewide referenda 20A-7-310

CONGRESS
 see also REPRESENTATIVES
 see also SENATORS
 federal offices, election to 20A-13-101▶

CONGRESS cont.
 term limits on federal officers 20A-10-301
 u.s. senator or representatives, midterm vacancy
 20A-1-502

CONGRESSIONAL APPORTIONMENT
 constitutional provisions IX-1▶

CONSOLIDATION
 consolidation of county offices 17-16-3
 consolidation of school districts 53A-2-102
 municipal corporations 10-2-601▶

CONSTITUTION
 amendments to U.S. Constitution, conventions for
 20A-15-101▶
 amendments to US Constitution, ratification
 20A-15-201▶
 posting 20A-5-103
 revision of the constitution XXIII-2

CONSTITUTIONAL PROVISIONS
 adoption of constitution XXIV-11▶
 amendment and revision XXIII-1▶
 apportionment IX-1
 declaration of rights I-4▶
 elections IV-1▶
 executive department VII-1▶
 legislative department VI-1▶
 schedule for elections, adoption of constitution
 XXIV-11▶

CONTESTS
 election contests generally 20A-4-101▶
 see also ELECTION CONTESTS
 election law controversies 20A-1-401
 election officer, decisions & interpretations
 20A-1-402

CONTINGENT COMPENSATION
 lobbyist disclosure and regulation act 36-11-301

CONTRIBUTIONS
 campaign contributions not prohibited 76-8-102
 lobbyist disclosure and regulation act 36-11-101▶

CONTROVERSIES
 see also ELECTION CONTESTS
 election law controversies 20A-1-401
 prosecuting and adjudicating election contests
 20A-1-701▶

CONVENTION
 amendments to US Constitution, ratification
 20A-15-201▶

CONVENTIONS
 amendments to U.S. Constitution, conventions for
 20A-15-101▶
 political party formation and procedures
 20A-8-101▶

CONVICTION
 supplemental judgment after criminal conviction
 20A-1-705

CORPORATIONS
 campaign and financial reporting requirements
 20A-11-701▶

CORRUPT PRACTICES
 offenses against the administration of government
 76-8-101
 offenses involving election administration
 20A-5-701

COST OF DEFENSE
 cost of defense of action not campaign expense
 20A-1-611

COSTS
 election contests 20A-4-405

COUNCIL MEMBERS

municipal government, elections 10-3-201▶

COUNSEL

special counsel on appeal, election contest
20A-1-706

COUNTIES

see also headings starting with "local"
see also LOCAL CLERK
annexation to counties 17-2-1
bonded indebtedness 17-12-1▶
campaign financial disclosure in county elections
17-16-6.5
changing county lines XI-3
consolidated city and county 17-35a-12.5
consolidation of offices 17-16-3
county attorney 17-18-4, 17-18-1▶
county commission form of government
17-5-101▶
county improvement districts for utilities
17A-2-301▶
county officers enumerated 17-16-2
county officers generally 17-16-1▶
county service areas 17A-2-411▶
county surveyor 17-23-1
creating new counties 17-3-1▶
duties of the county, municipal legislative bodies
20A-5-301▶
eligibility at county commissioner 17-5-102
eligibility, residency requirements for officers
17-16-1
general duties of county legislative bodies
17-5-201▶
library development 9-7-501▶
local initiatives and referenda 20A-7-401▶
midterm vacancies in county elected offices
20A-1-508
optional forms of county government XI-4
optional plans for county government 17-35a-1▶
political activities of public entities 20A-11-1201▶
removal of county seats 17-11-1▶
vacancies, county commission 17-5-104
vacancies, elected officials 17-5-216

COUNTING

see also BALLOTS
altering vote count or returns 20A-4-502
communicating about the count, offense
20A-4-505
counting ballots and tabulating results
20A-4-101▶
counting ballots electronically 20A-4-104
counting paper ballots after the polls close
20A-4-102
counting paper ballots during election day
20A-4-101
interfering with count 20A-4-504
marks on ballot, standards for evaluating
20A-4-105
metropolitan water districts 17A-2-813
officer or watcher revealing vote 20A-3-203
paper ballots - sealing 20A-4-106
preparing ballot cards for the counting center
20A-4-103
recounts and election returns 20A-4-401▶
tie votes 20A-1-304

COUNTY ATTORNEY

see also LOCAL ATTORNEY
election requirements generally 17-18-4
midterm vacancies 20A-1-509
vacancy 17-5-216

COUNTY CLERK

certification of signatures by the county clerks
20A-7-306

COUNTY CLERK cont.

certification of signatures, initiative petition
20A-7-206
certification of signatures, local initiative
20A-7-506
certification of signatures, local referendum
20A-7-606
checked official register, delivery to co. clerk
20A-4-305
county clerk's voter registration responsibilities
20A-2-300.5▶
county clerks' instructions to election judges
20A-2-307
lt. governor and county clerks to preserve records
20A-2-308
military or overseas citizen, ballot of 20A-3-409
registering to vote at office of county clerk
20A-2-201
registration at office of county clerk 20A-2-201
report of election and appointment of officers
17-20-5

COUNTY COMMISSION

terms of office 17-16-1▶
vacancies 17-5-104

COUNTY CONVENTIONS

political party formation and procedures
20A-8-101▶

COUNTY IMPROVEMENT DISTRICTS

bonds 17A-3-228
procedure for creation of district 17A-2-303

COUNTY LEGISLATIVE BODIES

general duties of county legislative bodies
17-5-201▶

COUNTY SEATS

removal of county seats XI-2, 17-11-1▶

COUNTY SERVICE AREAS

general provisions 17A-2-411▶

COUNTY SURVEYOR

duties of county surveyor - election requirements
17-23-1

COURTS

see also ELECTION CONTESTS
days on which court closed - exceptions 78-7-8
election contests generally 20A-4-101▶
election procedures XXIV-11▶
judges, selection and election of 20A-12-101▶
judicial retention elections VIII-9
judicial vacancies - courts not of record
20A-1-506
judicial vacancies, courts of record 20A-1-505
prosecuting and adjudicating election contests
20A-1-701▶

CRIMES

see also OFFENSES
actions for violations of municipal ordinances
10-7-65▶
campaign and financial reporting requirements
20A-11-1101▶
crimes involving voter registration 20A-4-401
election offenses generally 20A-1-601▶
offenses against the administration of government
76-8-101▶

CRIMINALS

ineligibility to vote, certain persons IV-6

CROSS

method of marking ballots, effect of marks
20A-3-106

DATE

local elections 20A-1-202

INDEX

DATE cont.

regular general elections 20A-1-201

DAYS

days on which court closed - exceptions 78-7-8

DECISIONS

election officer, decisions & interpretations
20A-1-402

DECLARATION OF RESULTS

declaration of results - canvasser's report
20A-4-304

DECLARATION OF RIGHTS

constitutional provisions 1-4▶

DECLARATIONS OF CANDIDACY

candidate qualifications and nominating procedures
20A-9-201

candidates not affiliated with a party 20A-9-503

form requirements 20A-9-201

municipal general elections 20A-9-203

regular general elections 20A-9-202

DECLINATION

forging declination or resignation 20A-1-605

DEFENSE OF ACTION

cost of defense of action not campaign expense
20A-1-611

DEFINITIONS

candidate qualifications and nominating procedures
20A-9-101

cities and towns 10-1-101▶

corrupt practices 76-8-101

county clerk's voter registration responsibilities
20A-2-300.5

election code 20A-1-102

elections 20A-1-101▶

house districts 36-1-4

issues submitted to the voters 20A-7-101

lobbyist disclosure and regulation act 36-11-102

military and persons living abroad, voting
20A-3-403

political party formation and procedures
20A-8-101

term limits act 20A-10-102

DELEGATES

see also CONVENTIONS

political party formation and procedures
20A-8-101▶

DELIVERY

checked official register, delivery to co. clerk
20A-4-305

delivery of ballots 20A-5-406

delivery of official register, registration agent
20A-5-205

election returns 20A-5-606

neglect or refusal to deliver ballots or returns
20A-5-703

transmittal and disposition of ballots and returns
20A-4-201

DEPARTMENTS

cities, appointed officials 10-3-901▶

DEPENDENT SPECIAL DISTRICTS

county improvement districts 17A-3-228

DEPOSITING

marking and depositing ballots 20A-3-105

DESIGNATING

designating or changing party affiliation
20A-2-107

DESTRUCTION

destroying or concealing ballots 20A-5-702

DESTRUCTION cont.

election offenses 20A-1-604

DEVELOPMENT

municipal land use development and management
act 10-9-101▶

DISABILITY INSURANCE

cities, personnel rules and benefits 10-3-1103▶

DISABLED VOTERS

assisting disabled, illiterate, or blind voters

20A-3-108

voting by absent or physically disabled voters

20A-3-301▶

DISCLOSURE

see also FINANCIAL DISCLOSURE

campaign financial disclosure in county elections
17-16-6.5

lobbyist disclosure and regulation act 36-11-101▶,
36-11-201▶

DISCONNECTION

cities and towns 10-2-501▶

DISPOSITION

absentee ballots in custody of election officer
20A-3-309

absentee ballots in the custody of election judges
20A-3-308

county clerk's registration responsibilities

20A-2-304

disposition of election returns 20A-5-408

election contests 20A-4-404

election officers - disposition of ballots

20A-4-202

military or overseas citizen, ballot of 20A-3-409

transmittal and disposition of ballots and returns
20A-4-201▶

DISPUTES

see also ELECTION CONTESTS

election law controversies 20A-1-401

election officer, decisions & interpretations
20A-1-402

prosecuting and adjudicating election contests
20A-1-701▶

DISSOLUTION

mosquito abatement districts 17A-2-913

municipal corporations 10-2-701▶

DISTRIBUTION

publication and distribution of election laws
20A-1-305

DISTRICT ATTORNEY

creation of office of district attorney 17-16-2.5

election of district attorney 17-16-6.6

midterm vacancies 20A-1-509

DISTRICT BOARDS

midterm vacancies on special district boards

20A-1-512

DISTRICTS

see also particular type of district

absentee voting, no polling place, remote district
20A-3-302

house districts 36-1-4

school districts 53A-2-101▶

senatorial districts 36-1-1

DOCUMENTS

lobbyist disclosure reports are public 36-11-106

DOUBLE VOTING

voting offenses 20A-3-505

DRAINAGE DISTRICTS

general election provisions 17A-2-543

INDEX

DRIVER LICENSE

- driver license renewal, registration form 20A-2-108
- drivers license, registering while obtaining 20A-2-204

DUTIES

- cities, appointed officials 10-3-901►
- county, municipal legislative bodies 20A-5-301►
- duties of election judges on election day 20A-5-605
- election officers duties 20A-5-401►
- offenses involving election administration 20A-5-701
- registration agents - duties 20A-5-202

ECONOMIC DEVELOPMENT

- county library development 9-7-501►

EDUCATION

- see also **BOARDS OF EDUCATION**
- see also **PUBLIC EDUCATION**
- see also **SCHOOLS**
- see also **STATE BOARD OF EDUCATION**
- local school boards, election of 20A-14-201►
- midterm vacancies in the state board of education 20A-1-507
- state board, removal of officers from office 53A-1-201

EFFECTIVE DATE

- local initiatives 20A-7-511
- local initiatives, effective on proclamation 20A-7-510
- local referenda 20A-7-611
- local referenda, effective on proclamation 20A-7-610
- statewide initiatives 20A-7-211, 20A-7-212
- statewide referenda 20A-7-311
- statewide referenda, effective on proclamation 20A-7-310

ELDERLY

- residential facilities for elderly 10-9-501

ELECTED OFFICIALS

- see also **PUBLIC OFFICERS**
- consolidation of county offices 17-16-3
- county officers enumerated 17-16-2
- district attorney 17-16-2.5
- federal offices, election to 20A-13-101►
- fire commissioner 17A-2-612
- governor may fill certain vacancies VII-9
- midterm vacancies in county elected offices 20A-1-508
- oath of office IV-10
- term limits act 20A-10-101►
- vacancies and procedures to fill 20A-1-501►

ELECTION ADMINISTRATION

- offenses involving election administration 20A-5-701►

ELECTION CAMPAIGN FUND

- individual income tax act 59-10-547

ELECTION CONTESTS

- generally 20A-4-101►
- appeal 20A-4-406
- calendar and disposition 20A-4-404
- costs 20A-4-405
- election law controversies 20A-1-401
- election officer, decisions & interpretations 20A-1-402
- grounds 20A-4-402
- petition and response 20A-4-403
- prosecuting and adjudicating election contests 20A-1-701►, 20A-1-704

ELECTION CONTESTS cont.

- recounts 20A-4-401►

ELECTION DAY

- days on which court closed - exceptions 78-7-8
- duties of election judges on election day 20A-5-605

ELECTION FORMS

- election forms - preparation and contents 20A-5-404

ELECTION JUDGES

- generally 20A-5-601►
- absentee ballots in the custody of election judges 20A-3-308
- counting paper ballots after the polls close 20A-4-102
- counting paper ballots during election day 20A-4-101
- duties of election judges on election day 20A-5-605
- military or overseas citizen, ballot of 20A-3-410
- paper ballots - sealing 20A-4-106
- preparing ballot cards for the counting center 20A-4-103

ELECTION LAWS

- liberally construed 20A-1-401
- publication and distribution of election laws 20A-1-305

ELECTION NOTICES

- election notices and instructions generally 20A-5-101►

ELECTION OFFICERS

- absentee ballots in custody of election officer 20A-3-309
- disposition of ballots 20A-4-202
- duties 20A-5-401►
- render interpretations, decisions on disputes 20A-1-402

ELECTION RETURNS

- see also **COUNTING**
- delivery by election judge 20A-5-606
- disposition of election returns 20A-5-408
- election returns and election contests 20A-4-101►
- forgery 20A-4-501
- offenses involving election returns 20A-4-501►

ELECTIONS

- general requirement 20A-1-301
- see also particular topic
- administration 20A-5-101►
- administration of campaign finance laws, lt. gov. 20A-11-1001►
- amendments to U.S. Constitution, conventions for 20A-15-101►
- annexation to counties 17-2-1
- ballot form 20A-6-201►
- bonds, municipal bond act 11-14-1
- calling and purpose of special elections 20A-1-203
- campaign and financial reporting requirements 20A-11-101►
- cities and towns 10-3-201►
- constitutional provisions IV-1►
- county officers generally 17-16-1►
- criminal provisions, campaign finance & reporting 20A-11-1101►
- date and purpose of local elections 20A-1-202
- date and purpose of regular general elections 20A-1-201
- definitions 20A-1-101►
- determining results 20A-1-303
- each house to be judge of election, qualifications VI-10

ELECTIONS cont.

election of house members - terms VI-3
 election of senators - terms VI-4
 election offenses generally. 20A-1-601▶
 federal offices, elections to 20A-13-101▶
 general and special elections - terms IV-9
 general provisions 20A-1-101▶
 general requirements re campaign expenditures
 20A-11-901▶
 general voter registration requirements
 20A-2-101▶
 governor & lt. governor, election procedure VII-2
 judges, selection and election of 20A-12-101▶
 judicial retention elections VIII-9
 local school boards, election of 20A-14-201▶
 municipal government 10-3-201▶
 municipal primary elections 20A-9-404
 oath of office IV-10
 primary elections 20A-9-401
 report of election and appointment of officers
 17-20-5
 state and local school boards, elections of
 20A-14-101▶
 transmittal and disposition of ballots and returns
 20A-4-201▶
 voter information pamphlet 20A-7-701▶
 voting 20A-3-101▶

ELECTORS

see also REGISTRATION
 presidential electors 20A-13-301▶
 voter registration generally 20A-2-101▶

ELECTRIC SERVICE DISTRICTS

county improvement districts for utilities
 17A-2-301▶
 independent special districts 17A-2-302

ELECTRICITY

cities and towns 10-7-4▶
 sale or lease of power plants. 10-7-15▶

ELECTRONIC COUNTING

see also BALLOTS
 see also COUNTING
 counting ballots electronically 20A-4-104

ELIGIBILITY

see also QUALIFICATIONS
 county commissioner 17-5-102
 county officers generally 17-16-1
 general voter registration requirements 20A-2-101
 who eligible as legislator VI-5

EMPLOYEES

legislature VI-12

EMPLOYER-EMPLOYEE

cities, personnel rules and benefits 10-3-1103▶
 civil service commission 10-3-1001▶
 employee's right to time off for election
 20A-3-103
 employment of relatives prohibited - exceptions
 52-3-1
 ethics, city officers and employees 10-3-1301▶
 influencing employee's vote 20A-3-503

ENDORSEMENTS

receiving bribe or bribery for endorsement
 76-8-106

ENERGY

municipal land use development and management
 10-9-901▶

ENGINEERS

cities, appointed officials 10-3-901▶

ERRORS

errors or omissions in ballots 20A-1-403

ETHICS

Municipal Officers' and Employees' Ethics Act.
 10-3-1301▶

EVALUATION

evaluation by the lt. gov., statewide referenda
 20A-7-307
 local initiatives, evaluation by local clerk
 20A-7-507
 local referenda, evaluation by local clerk
 20A-7-607
 marks on ballot, standards for evaluating
 20A-4-105

EXECUTIVE

constitutional provisions VII-1▶
 governor & lt. governor, election procedure VII-2
 governor's appointive power - vacancies VII-10
 municipal government, general provisions
 10-3-101▶
 qualifications of officers VII-3
 schedule for elections XXIV-11▶

EXECUTIVE SESSIONS

municipal government 10-3-601▶

EXPENDITURES

see also CAMPAIGNS
 see also FINANCIAL REPORTING
 cost of defense of action not campaign expense
 20A-1-611
 general requirements re campaign expenditures
 20A-11-901▶
 lobbyist disclosure and regulation act 36-11-101▶,
 36-11-201▶

EXPENSE

cost of defense of action not campaign expense
 20A-1-611

EXPULSION

each house to be judge of election, qualifications
 VI-10

FALSE IMPERSONATION

voting offenses 20A-3-505

FALSE INFORMATION

lobbyist disclosure and regulation act 36-11-303

FEDERAL OFFICERS

elections to 20A-13-101▶
 term limits on federal officers 20A-10-301

FEDERAL POSTCARD APPLICATIONS

federal postcard applications for ballot 20A-3-406

FILING

application for absentee ballot - time for filing
 20A-3-304
 candidate qualifications and nominating procedures
 20A-9-201
 candidates not affiliated with a party 20A-9-503
 lobbyist disclosure and regulation act 36-11-202

FINANCIAL REPORTING

see also DISCLOSURE
 administration of campaign finance laws, lt. gov.
 20A-11-1001▶
 campaign and financial reporting requirements
 20A-11-101▶
 campaign financial disclosure in county elections
 17-16-6.5
 criminal provisions, campaign finance & reporting
 20A-11-1101▶
 general requirements re campaign expenditures
 20A-11-901▶
 lobbyist disclosure and regulation act 36-11-101▶
 lobbyist disclosure of expenditures 36-11-201▶

INDEX

FINDINGS

prosecuting and adjudicating election contests
20A-1-704

FIRE COMMISSIONER

election for office of fire commissioner 17A-2-612

FIRE DEPARTMENTS

civil service commission 10-3-1001▶

FIRE PROTECTION DISTRICTS

general election provisions 17A-2-605

FLOOD CONTROL

county improvement districts for utilities
17A-2-301▶

FORGERY

abetting forgery or alteration 20A-4-503
election returns - forgery 20A-4-501
forging declination or resignation 20A-1-605

FORM OF GOVERNMENT

see also CITIES AND TOWNS
see also COUNTIES
county commission form of government
17-5-101▶
optional plans for county government 17-35a-1▶

FORMATION

political party formation and procedures
20A-8-101▶

FORMS

election forms - preparation and contents
20A-5-404
form of absentee ballot 20A-3-303
form of ballot, statewide initiative petition
20A-7-210
local initiative, form of ballot - manner of voting
20A-7-509
local initiatives 20A-7-503
local referenda 20A-7-603
local referendum, form of ballot - manner of
voting 20A-7-609
registration forms available to organizations
20A-2-301
statewide initiatives 20A-7-203
statewide referenda 20A-7-303
statewide referenda, form of ballot manner of vo
20A-7-309
voter registration form 20A-2-104

FORMS OF MUNICIPAL GOVERNMENT

alternative forms of municipal government.
10-3-1201▶

FRAUD

election offenses 20A-1-603
frauds and malfeasance in absent voting - penalty
20A-3-310
fraudulent registration - penalty 20A-2-401

FREE ELECTIONS

elections to be free 1-17

GAS

county improvement districts for utilities
17A-2-301▶

GENERAL ELECTIONS

see also LOCAL ELECTIONS
see also MUNICIPAL GENERAL ELECTIONS
see also REGULAR GENERAL ELECTIONS
date and purpose of regular general elections
20A-1-201
election judges, appointment, reg. gen. election
20A-5-601
general and special elections - terms IV-9
machine-counted ballots, regular general election
20A-6-303

GENERAL ELECTIONS cont.

paper ballots - regular general election
20A-6-301
regular general election ballots 20A-6-301▶

GENERAL PLAN

municipal land use development and management
10-9-301▶

GENERAL SESSIONS

time of general legislative sessions VI-2

GIFTS

railroads, cities and towns 10-7-19▶

GOVERNING BODY

cities and towns 10-3-301▶
municipal government, general provisions
10-3-101▶

GOVERNMENT

offenses against the administration of government
76-8-101▶

GOVERNOR

executive department, constitutional provisions
VII-1▶
governor & lt. governor, election procedure VII-2
qualification for office of VII-3
vacancies, power to fill VII-9

GROUND

election contests 20A-4-402

HANDICAPPED

residential facilities for the handicapped 10-9-601

HEALTH

local boards of health 10-7-3▶

HEALTH INSURANCE

cities, personnel rules and benefits 10-3-1103▶

HIGH SCHOOL STUDENTS

voter registration forms for high school students
20A-2-302

HOUSE

see also LEGISLATURE
campaign and financial reporting requirements
20A-11-301▶
each house to be judge of election, qualifications
VI-10
election of house members - terms VI-3
federal offices, election to 20A-13-101▶
impeachment by house VI-17
legislative districts 36-1-4
legislature, constitutional provisions VI-1▶
who eligible as legislator VI-5
who ineligible as legislator VI-6

ILLITERATE

assisting disabled, illiterate, or blind voters
20A-3-108

IMMUNITY

voter, immunity from arrest IV-3
voters, immunity from militia duty IV-4

IMPEACHMENT

impeachment by house VI-17
impeachment, procedure VI-19
trial of impeachment by senate VI-18

IMPERSONATION

voting offenses 20A-3-505

IMPROPER INFLUENCE

lobbyist disclosure and regulation act 36-11-302

INCOMPETENT PERSONS

ineligibility to vote, certain persons IV-6

INCORPORATION

municipal corporations 10-2-101▶

INDEBTEDNESS
 school district tax anticipation notes 53A-18-101

INDEPENDANT SPECIAL DISTRICTS
 county improvement districts for utilities 17A-2-301►
 county service areas 17A-2-411►
 drainage districts 17A-2-543
 fire protection districts 17A-2-605
 irrigation districts 17A-2-703
 metropolitan water districts 17A-2-808
 mosquito abatement districts 17A-2-913
 public transit districts 17A-2-1001
 special districts 17A-2-202►
 special service districts 17A-2-1322
 water conservancy districts 17A-2-1440

INDEPENDENT CANDIDATES
 candidates not affiliated with a party 20A-9-501►

INDUCEMENTS
 inducements not to become candidate 20A-9-204
 inducing attendance at polls, criminal penalty 20A-1-607

INELIGIBLE
 ineligibility to vote, certain persons IV-6
 legislator, any office created during term VI-7
 who ineligible as legislator VI-6

INFLUENCE
 bribery to influence official or political actions 76-8-103
 lobbyist disclosure and regulation act 36-11-302
 threats to influence official or political action 76-8-104
 voting offenses 20A-3-502

INFORMATION PAMPHLET
 issues submitted to the voters 20A-7-701►
 local initiatives and referenda 20A-7-402

INITIATIVES
 authorization, restrictions 20A-7-102
 effective date, statewide initiative petition 20A-7-212
 local initiatives 20A-7-501►
 local initiatives and referenda 20A-7-401►
 statewide initiatives 20A-7-201►

INSTRUCTION CARDS
 tampering with or destroying 20A-1-604

INSTRUCTIONS
 election notices and instructions generally 20A-5-101►
 instructions to voters 20A-3-109
 voting instructions 20A-5-102

INSURANCE
 cities, personnel rules and benefits 10-3-1103►

INTERFERENCE
 election offenses 20A-1-603
 interfering with count 20A-4-504

INTERPRETATIONS
 election officer, decisions & interpretations 20A-1-402

INTIMIDATION
 see also INFLUENCE
 voting offenses 20A-3-502

IRRIGATION DISTRICTS
 general election provisions 17A-2-703

ISSUES
 voter information pamphlet 20A-7-701►

ISSUES COMMITTEES
 campaign and financial reporting requirements 20A-11-801►

ISSUES SUBMITTED TO VOTERS
 generally 20A-7-101►

JOBS
 employee's right to time off for election 20A-3-103

JOURNALS
 legislature VI-14

JUDGE OF ELECTION
 each house to be judge of election, qualifications VI-10

JUDGES OF ELECTION
 see also ELECTION JUDGES
 election procedures XXIV-11►
 fire protection districts 17A-2-606

JUDGMENT
 prosecuting and adjudicating election contests 20A-1-704
 supplemental judgment after criminal conviction 20A-1-705

JUDICIAL DEPARTMENT
 judges, selection and election of 20A-12-101►
 judicial retention elections VIII-9
 restrictions on justices and judges VIII-10

JUDICIAL RETENTION ELECTIONS
 constitutional provisions VII-9
 general statutory provisions 20A-12-201►

JUDICIAL VACANCIES
 courts not of record 20A-1-506
 courts of record 20A-1-505

LAND USE
 municipal land use development and management 10-9-201►
 municipal land use development and management act 10-9-101►

LAWS
 liberally construed 20A-1-401
 publication and distribution of election laws 20A-1-305

LEASES
 power plants 10-7-15►

LEGISLATIVE BODIES
 general duties of county legislative bodies 17-5-201►

LEGISLATIVE RESEARCH
 ballot title, statewide initiative petition 20A-7-209
 ballot title, statewide referenda 20A-7-308

LEGISLATOR
 failure to disclose interest in measure or bill 76-8-109
 who eligible as legislator VI-5

LEGISLATURE
 see also HOUSE
 see also SENATE
 apportionment IX-1►
 arrest, legislator privilege from arrest VI-8
 campaign and financial reporting requirements 20A-11-301►
 compensation of legislators, citizens commission VI-9
 constitutional provisions VI-1►
 disposition of initiative petitions 20A-7-208
 duration of sessions VI-16
 each house to be judge of election, qualifications VI-10
 election of house members - terms VI-3
 impeachment by house VI-17

INDEX

LEGISLATURE cont.

impeachment, procedure VI-19
ineligibility, office created during term VI-7
journals - yeas and nays VI-14
legislative districts 36-1-1
majority is quorum - attendance compelled VI-11
midterm vacancies in the legislature 20A-1-503
rules - choosing officers and employees VI-12
schedule for elections XXIV-11►
sessions to be public - adjournments VI-15
statewide initiatives 20A-7-201
statewide referenda 20A-7-301
term limits act 20A-10-101►
time of general sessions VI-2
trial of impeachment by senate VI-18
vacancies to be filled VI-13
who eligible as legislator VI-5
who ineligible as legislator VI-6

LEVY

levy of special taxes by cities and towns 10-7-26►

LIBERALLY

election laws - liberally construed 20A-1-401

LIBRARIES

county library development 9-7-501►

LIBRARY BONDS

county libraries 9-7-511

LICENSES

driver license renewal, registration form
20A-2-108

drivers license, registering while obtaining
20A-2-204

lobbyist disclosure and regulation act 36-11-101►

LIEUTENANT GOVERNOR

administration of campaign finance laws, lt. gov.
20A-11-1001►

ballot title, statewide initiative petition 20A-7-209

ballot title, statewide referenda 20A-7-308

duties enumerated 67-1a-2

evaluation by the lt. gov., statewide referenda
20A-7-307

executive department, constitutional provisions
VII-1►

governor & lt. governor, election procedure VII-2

lobbyist disclosure and regulation act 36-11-404

local initiatives 20A-7-504

local referenda 20A-7-604

lt. governor and county clerks to preserve records
20A-2-308

qualification for office of VII-3

statewide initiatives 20A-7-204

statewide referenda 20A-7-304

LIFE INSURANCE

cities, personnel rules and benefits 10-3-1103►

LIGHTING

cities and towns 10-7-4►

LIMITS

term limits act 20A-10-101►

LIQUOR

see also ALCOHOLIC BEVERAGES

LISTS

change of boundaries - revising reg. agent list
20A-5-206

LISTS OF VOTERS

special elections - lists of voters 20A-2-103

LIVING ABROAD

military and persons living abroad, voting
20A-3-401►

LOBBYISTS

disclosure of expenditures 36-11-201►

lobbyist disclosure and regulation act 36-11-101►

LOCAL ATTORNEY

local initiative, ballot title duties 20A-7-508

local referendum, ballot title duties 20A-7-608

LOCAL BOARDS OF HEALTH

cities and towns 10-7-3►

LOCAL CLERK

ballot title, local initiative petition 20A-7-508

ballot title, local referendum petition 20A-7-608

LOCAL ELECTIONS

see also MUNICIPAL ELECTIONS

date and purpose of local elections 20A-1-202

election judges - appointment for local elections
20A-5-602

LOCAL INITIATIVES

generally 20A-7-401►, 20A-7-501►

effective date 20A-7-511

obtaining, verification, removal of signatures
20A-7-505

LOCAL REFERENDA

generally 20A-7-601►

effective date 20A-7-611

obtaining, verification, removal of signatures
20A-7-605

LOCAL SCHOOL BOARDS 20A-1-512

midterm vacancies on local school boards
20A-1-511

LOCAL SCHOOL DISTRICTS

election provisions 53A-2-101►

MACHINE-COUNTED BALLOTS

general requirements for machine-counted ballots
20A-6-102

regular general election 20A-6-303

regular primary election 20A-6-202

MACHINES

automated voting system 20A-5-302

MAIL

registration by mail 20A-2-202

MAILING

absentee voting 20A-3-305

mailing of ballot to military voter 20A-3-407

MAJORITY

legislature, majority is quorum VI-11

MALFEASANCE

frauds and malfeasance in absent voting - penalty
20A-3-310

MANAGEMENT

municipal land use development and management
act 10-9-101►

MANNER OF VOTING

general voting requirements 20A-3-104

MAPS

house districts 36-1-5

official maps of senate districts 36-1-3

MARKING

see also BALLOTS

see also COUNTING

marking and depositing ballots 20A-3-105

marks on ballot, standards for evaluating
20A-4-105

method of marking ballots, effect of marks
20A-3-106

MAYORS

see also MUNICIPAL ELECTIONS

MAYORS cont.
 general provisions 10-3-401►
 municipal government, elections 10-3-201►

MEASURES
 local initiatives 20A-7-510
 local referenda 20A-7-610
 statewide referenda 20A-7-310

MEETINGS
 municipal government, procedures and voting
 10-3-501►
 public meetings, cities and towns 10-3-601►

MENTALLY INCOMPETENT
 ineligibility to vote, certain persons IV-6

METROPOLITAN WATER DISTRICTS
 general election provisions 17A-2-808

MIDTERM VACANCIES
 see also VACANCIES
 county elected office 20A-1-508
 county or district attorney 20A-1-509
 local school boards 20A-1-511
 municipal offices 20A-1-510
 special district boards 20A-1-512
 state board of education 20A-1-507
 state legislature 20A-1-503
 state wide office, a.g., treasurer, auditor
 20A-1-504
 u.s. senator or representatives, midterm vacancy
 20A-1-502

MILITARY
 mailing of ballot to military voter 20A-3-407
 military and persons living abroad, voting
 20A-3-401►

MILITIA
 voters, immunity from militia duty IV-4

MINIMUM SCHOOL PROGRAM
 state-supported voted leeway program authorized
 53A-17a-133

MISCELLANEOUS POWERS
 cities and towns 10-7-3►

MISCONDUCT
 see also OFFENSES
 local initiatives, offenses regarding 20A-7-512
 local referenda, offenses regarding 20A-7-612
 statewide initiatives, offenses 20A-7-213
 statewide referenda, offenses involving 20A-7-312

MOSQUITO ABATEMENT DISTRICTS
 general election provisions 17A-2-913

MUNICIPAL
 see CITIES AND TOWNS

MUNICIPAL CORPORATIONS
 municipal corporations, creation, powers XI-5

MUNICIPAL ELECTIONS
 ballot form requirements for municipal elections
 20A-6-401►
 ballots for regular municipal elections 20A-6-402

MUNICIPAL GENERAL ELECTIONS
 declarations of candidacy - municipal elections
 20A-9-203

MUNICIPAL LAND USE
 municipal land use development and management
 act 10-9-101►

MUNICIPAL LEGISLATIVE BODIES
 duties of the county, municipal legislative bodies
 20A-5-301►

MUNICIPAL OFFICES
 midterm vacancies in municipal offices 20A-1-510

MUNICIPAL PRIMARY ELECTIONS
 ballots for municipal primary elections 20A-6-401
 generally 20A-9-404

MUNICIPAL WARDS
 cities and towns 10-2-201►

MUNICIPALITIES
 general provisions 10-3-101►
 see also CITIES AND TOWNS
 see also LOCAL ATTORNEY
 see also LOCAL CLERK
 administration 10-3-801►
 alternative forms 10-3-1201►
 combined voting precincts - municipalities
 20A-5-301
 elections 10-3-201►
 general provisions 10-1-101►
 governing body, general provisions 10-3-101►
 incorporation, classification, boundaries
 10-2-101►
 municipal bond act 11-14-1

MUTILATING
 election offenses 20A-1-605

NAMES
 method of marking ballots, effect of marks
 20A-3-106
 naming registered political parties 20A-8-107
 placement of candidates' names on paper ballots
 20A-6-302
 removing names from the official register
 20A-2-305

NEGLECT OF DUTY
 offenses involving election administration
 20A-5-701

NEW COUNTIES
 creating new counties 17-3-1►

NOMINATIONS
 candidate qualifications and nominating procedures
 20A-9-101►
 candidates not affiliated with a party 20A-9-502

NOTICE OF DISPOSITION
 county clerk's voter registration responsibilities
 20A-2-304

NOTICE OF ELECTION
 generally 20A-5-101

NOTICES
 election notices and instructions generally
 20A-5-101►
 general requirements for elections 20A-1-301
 notice of time and place of registration 20A-2-303

OATH
 oath of office IV-10

OBTAINING SIGNATURES
 local initiatives 20A-7-505
 local referenda 20A-7-605
 statewide referenda, signature requirements
 20A-7-305

OFFENDERS
 offenders as witnesses - privilege 20A-1-702

OFFENSES
 election administration, offenses involving
 20A-5-701►
 election offenses generally. 20A-1-601►
 election returns, offenses involving 20A-4-501►
 inducements not to become candidate 20A-9-204
 offenses against the administration of government
 76-8-101►
 statewide initiatives, offenses 20A-7-213

INDEX

OFFENSES cont.

voting offenses 20A-3-501▶

OFFICE HOLDERS

see also PUBLIC OFFICERS
campaign and financial reporting requirements
20A-11-401▶

OFFICE OF LEG. RESEARCH

ballot title, statewide initiative petition 20A-7-209
ballot title, statewide referenda 20A-7-308

OFFICERS

see also PUBLIC OFFICERS
chief elections officer 20A-2-300.6
cities, appointed officials 10-3-901▶
legislature VI-12
lieutenant governor 67-1a-2
Municipal Officers' and Employees' Ethics Act.
10-3-1301▶
oath of office IV-10
officer or watcher revealing vote, offense
20A-5-705
schedule for elections XXIV-11▶
term limits - state officers 20A-10-201
term limits on federal officers 20A-10-301
vacancies and procedures to fill 20A-1-501▶

OFFICIAL ACTIONS

bribery to influence official or political actions
76-8-103
threats to influence official or political action
76-8-104

OFFICIAL REGISTER

checked official register, delivery to co. clerk
20A-4-305
delivery of official register, registration agent
20A-5-205
election officers duties 20A-5-401
receipt official register by election judge
20A-5-604
removing names from the official register
20A-2-305

OMISSIONS

errors or omissions in ballots 20A-1-403

OMNIBUS PENALTIES

election offenses generally 20A-1-609

OPENING

opening and closing of polls 20A-1-302

OPTIONAL FORMS

optional forms of county government XI-4

OPTIONAL PLANS

optional plans for county government 17-35a-1▶

ORDINANCES

municipal ordinances 10-3-701▶

ORGANIZATIONS

registration forms available to organizations
20A-2-301

ORGANIZING CONVENTIONS

political party formation and procedures
20A-8-101▶

OVERSEAS CITIZEN

military and persons living abroad, voting
20A-3-405

PAC

political action committee registraion and financi
20A-11-601▶

PACKAGE AGENCIES

election day, restriction of sale of alcohol
32A-3-106

PAMPHLET

see also VOTER INFORMATION PAMPHLET
local initiatives and referenda 20A-7-402
voter information pamphlet 20A-7-701▶

PAPER BALLOTS

see also BALLOTS
counting paper ballots after the polls close
20A-4-102
counting paper ballots during election day
20A-4-101
general requirements for paper ballots 20A-6-101
paper ballots for regular primary elections
20A-6-201▶
placement of candidates' names on paper ballots
20A-6-302
regular general election 20A-6-301
sealing 20A-4-106

PARTIES

bylaws of registered political parties 20A-8-401▶
campaign and financial reporting requirements
20A-11-501▶
candidates not affiliated with a party 20A-9-501▶
political party formation and procedures
20A-8-101▶

PARTY AFFILIATION

designating or changing party affiliation
20A-2-107

PENALTIES

see also OFFENSES
crimes involving voter registration 20A-2-401
election offenses generally 20A-1-610
frauds and malfeasance in absent voting - penalty
20A-3-310
fraudulent registration - penalty 20A-2-401
lobbyist disclosure and regulation act 36-11-401
local initiatives, offenses regarding 20A-7-512
local referenda, offenses regarding 20A-7-612
offenses involving election administration
20A-5-701
omnibus penalties 20A-1-609
statewide initiatives, offenses 20A-7-213
statewide referenda, offenses involving 20A-7-312
voting offenses 20A-3-504

PENSIONS

cities, personnel rules and benefits 10-3-1103▶

PERSONNEL

cities and towns 10-3-1103▶

PERSONS LIVING ABROAD

military and persons living abroad, voting
20A-3-401▶

PETITIONS

consolidation of school districts 53A-2-104
election contests 20A-4-403
form of initiative petitions and signature sheets
20A-7-503
form of referendum petitions and signature sheets
20A-7-603
local initiatives and referenda 20A-7-401▶
statewide initiatives 20A-7-203
statewide referenda 20A-7-303

PLACEMENT

placement of candidates' names on paper ballots
20A-6-302

PLANES

Public Airports Act, payment by bond sale 2-2-6

PLANNING

municipal land use development and management
act 10-9-101▶

INDEX

PLANNING COMMISSION
municipal land use development and management
10-9-201▶

POLICE
civil service commission 10-3-1001▶

POLITICAL ACTION
bribery to influence official or political actions
76-8-103
threats to influence official or political action
76-8-104

POLITICAL ACTION COMMITTEE
campaign and financial reporting requirements
20A-11-601▶

POLITICAL ACTION COMMITTEES
political action committee registration & reports
20A-11-601▶

POLITICAL ACTIVITIES
political activities of public entities 20A-11-1201▶

POLITICAL ISSUES COMMITTEES
campaign and financial reporting requirements
20A-11-601▶

POLITICAL PARTIES
bylaws of registered political parties 20A-8-401▶
campaign and financial reporting requirements
20A-11-501▶
designating or changing party affiliation
20A-2-107
formation and procedures 20A-8-101▶

POLL WATCHERS
poll watchers and challenges to voters
20A-3-201▶

POLLBOOK
poll watchers and challenges to voters 20A-3-202

POLLING PLACES
see also BALLOTS
see also COUNTING
absentee voting, no polling place, remote district
20A-3-302
automated voting system 20A-5-302
closing the polls, prep. and delivery of returns
20A-5-606
combined voting precincts - municipalities
20A-5-301
counting paper ballots after the polls close
20A-4-102
counting paper ballots during election day
20A-4-101
election officers duties 20A-5-403
officer or watcher revealing vote 20A-3-203
opening and closing of polls 20A-1-302
paper ballots - sealing 20A-4-106
preparing ballot cards for the counting center
20A-4-103
prohibited activities 20A-3-501

POSTCARD APPLICATIONS
federal postcard applications for ballot 20A-3-406

POSTING
constitutional amendments - posting 20A-5-103

POSTING NOTICE
see also NOTICES
general requirements for elections 20A-1-301

POWER PLANTS
sale or lease of power plants. 10-7-15▶

PRECINCTS
see also DISTRICTS
change of boundaries - revising reg. agent list
20A-5-206

PRECINCTS cont.
combined voting precincts - municipalities
20A-5-301

PRESERVE
lt. governor and county clerks to preserve records
20A-2-308

PRESIDENTIAL ELECTORS
elections to federal offices 20A-13-301▶

PRIMARY CONVENTIONS
political party formation and procedures
20A-9-101▶

PRIMARY ELECTIONS
generally 20A-9-401▶
ballots for municipal primary elections 20A-6-401
machine-counted ballots, regular primary election
20A-6-202
municipal primary elections 20A-9-404
paper ballots for regular primary elections
20A-6-201▶
regular primary elections 20A-9-403

PRIVATE CLUB LIQUOR LICENSES
election day, restriction of sale of alcohol
32A-5-107

PRIVATIZATION PROJECTS
water and irrigation 73-106-4

PRIVILEGE
arrest, legislator privilege from arrest VI-8
offenders as witnesses - privilege 20A-1-702

PROCEDURES
municipal government, meetings & voting
10-3-501▶

PROCESSING
processing of absentee ballot 20A-3-307

PROCLAMATION
local initiatives, effective on proclamation
20A-7-510
local referenda, effective on proclamation
20A-7-610
statewide initiatives, effective on proclamation
20A-7-211
statewide referenda, effective on proclamation
20A-7-310

PROHIBITED ACTIVITIES
polling place - prohibited activities 20A-3-501

PROMISES
promises of appointment to office forbidden
20A-1-608

PROPERTY
voting, property qualification forbidden IV-7

PROSECUTING
prosecuting and adjudicating election contests
20A-1-701▶

PROSECUTION DISTRICT
eligibility and residency requirements 17-16-1

PROSPECTIVE POLITICAL PARTIES
political party formation and procedures
20A-8-101▶

PUBLIC OFFICIALS
political activities of public entities 20A-11-1201▶

PUBLIC
lobbyist disclosure reports are public 36-11-106

PUBLIC AIRPORTS ACT
payment by appropriation or sale of bonds 2-2-6

PUBLIC EDUCATION
see also BOARDS OF EDUCATION

INDEX

PUBLIC EDUCATION cont.

see also **SCHOOL BOARDS**
see also **STATE BOARD OF EDUCATION**
special capital improvements tax 53A-16-110
state supported voted leeway 53A-17a-133

PUBLIC EMPLOYEES

civil service commission 10-3-1001▶

PUBLIC ENTITIES

political activities of public entities 20A-11-1201▶

PUBLIC LIQUOR LICENSES

election day, restriction of sale of alcohol
32A-4-106

PUBLIC MEETINGS

cities and towns 10-3-601▶

PUBLIC OFFICERS

see also **ELECTED OFFICIALS**
see also **OFFICERS**
employment of relatives prohibited - exceptions
52-3-1
oath of office IV-10

PUBLIC RECORDS

see also **RECORDS**
cities, public meetings & executive sessions
10-3-601▶

PUBLIC SCHOOLS

see also **BOARDS OF EDUCATION**
see also **EDUCATION**
see also **SCHOOLS**

PUBLIC SERVANT

receiving bribe or bribery by public servant
76-8-105

PUBLIC TRANSIT DISTRICTS

general election provisions 17A-2-1001

PUBLIC UTILITIES

cities and towns 10-7-4▶
sale or lease of power plants. 10-7-15▶

PUBLICATIONS

publication and distribution of election laws
20A-1-305

PUBLISHING NOTICE

general requirements for elections 20A-1-301

PURPOSE

calling and purpose of special elections 20A-1-203
date and purpose of local elections 20A-1-202
date and purpose of regular general elections
20A-1-201

QUALIFICATIONS

candidate qualifications and nominating procedures
20A-9-101▶
each house to be judge of election, qualifications
VI-10
governor or lt. governor VII-3
ineligibility to vote, certain persons IV-6
qualifications to vote IV-2
voting, property qualification forbidden IV-7
who eligible as legislator VI-5
who ineligible as legislator VI-6
write in candidates 20A-9-601

QUALIFIED VOTERS

see also **REGISTRATION**
voter registration generally 20A-2-101▶

QUORUM

cities, meetings, procedures & voting 10-3-501▶
legislature, majority is quorum VI-11

RAILROADS

gifts to railroads 10-7-19▶

RATIFICATION

amendments to U.S. Constitution, conventions for
20A-15-101▶
convention, ratify amendments to US Constitution
20A-15-201▶

RECEIPT OF BALLOTS

election judges 20A-5-604

RECEIVING BRIBE

election offenses 20A-1-602
receiving bribe or bribery by public servant
76-8-105

RECORDERS

cities, appointed officials 10-3-901▶

RECORDS

see also **FINANCIAL REPORTING**
cities, public meetings & executive sessions
10-3-601▶
lt. governor and county clerks to preserve records
20A-2-308
poll watchers and challenges to voters 20A-3-202
tampering with ballots or election records, crime
20A-1-603

RECOUNTS

see also **COUNTING**
recounts and election contests 20A-4-401▶

REFERENDA

authorization, restrictions 20A-7-102
local initiatives and referenda 20A-7-401▶
local referenda 20A-7-601▶
statewide referenda 20A-7-301

REGISTER

checked official register, delivery to co. clerk
20A-4-305
delivery of official register, registration agent
20A-5-205
election officers duties 20A-5-401
poll watchers and challenges to voters 20A-3-202
removing names from the official register
20A-2-305

REGISTERED PARTIES

bylaws of registered political parties 20A-8-401▶
political party formation and procedures
20A-8-101▶

REGISTERED VOTERS

proceedings by registered voter 20A-1-703

REGISTRATION

see also **VOTING**
alternamte means of registering to vote 20A-2-201
county clerk's voter registration responsibilities
20A-2-300.5▶
crimes involving voter registration 20A-4-401
driver license renewal, registration form
20A-2-108
drivers license, registering while obtaining
20A-2-204
forms available to interested organizations
20A-2-301
ineligibility to vote, certain persons IV-6
lobbyist disclosure and regulation act 36-11-101▶,
36-11-103
military and persons living abroad 20A-3-405
political action committee registration & reports
20A-11-601▶
political issues committee, registration & reports
20A-11-801▶
political party registration and reporting
20A-11-501▶
property qualification forbidden IV-7

INDEX

REGISTRATION cont.

- registering to vote at office of county clerk 20A-2-201
- registration at office of county clerk 20A-2-201
- registration at voter registration agencies 20A-2-205
- registration by mail 20A-2-202
- registration by registration agent 20A-2-203
- voter registration forms for high school students 20A-2-302
- voter registration generally 20A-2-101▶

REGISTRATION AGENTS

- generally 20A-5-201▶
- registration by registration agent 20A-2-203
- registration forms available to organizations 20A-2-301

REGULAR GENERAL ELECTIONS

- ballots 20A-6-301▶
- date and purpose of regular general elections 20A-1-201
- declarations of candidacy 20A-9-202
- election judges, appointment, reg. gen. election 20A-5-601
- machine-counted ballots, regular general election 20A-6-303
- paper ballots - regular general election 20A-6-301

REGULAR MUNICIPAL ELECTIONS

- ballots for regular municipal elections 20A-6-402

REGULAR PRIMARY ELECTIONS

- generally 20A-9-403
- machine-counted ballots, regular primary election 20A-6-202
- paper ballots for regular primary elections 20A-6-201▶

REGULATION

- lobbyist disclosure and regulation act 36-11-101▶

REINSTATEMENT

- lobbyist disclosure and regulation act 36-11-402

RELATIVES

- employment of relatives prohibited - exceptions 52-3-1

REMOTE DISTRICTS

- absentee voting, no polling place, remote district 20A-3-302

REMOVAL

- election judges 20A-5-603
- local initiatives, removal of signatures 20A-7-505
- local referenda, removal of signatures 20A-7-605
- statewide referenda, signature requirements 20A-7-305

REMOVING

- removing names from the official register 20A-2-305

RENEWAL

- drivers license, registering while renewing 20A-2-204

REPEALER

- cities and towns 10-1-101▶

REPORT OF ELECTION

- see also RETURNS
- county clerk 17-20-5

REPORTING

- see also FINANCIAL REPORTING
- campaign and financial reporting requirements 20A-11-101▶
- lobbyist disclosure and regulation act 36-11-101▶

REPORTS

- lobbyist disclosure reports are public documents 36-11-106

REPRESENTATIVES

- failure to disclose interest in measure or bill 76-8-109
- midterm vacancies in the legislature 20A-1-503
- term limits act 20A-10-101▶
- u.s. senator or representatives, midterm vacancy 20A-1-502

REQUIREMENTS

- marks on ballot, standards for evaluating 20A-4-105

RESIDENCY

- county officers generally 17-16-1
- general voter registration requirements 20A-2-105
- registration agents - verification of residency 20A-5-204
- residency and age requirements of voters 20A-3-101
- verification, roving registration agents 20A-2-301

RESIDENTIAL FACILITIES

- residential facilities for elderly 10-9-501
- residential facilities for the handicapped 10-9-601

RESIGNATION 20A-1-605

- forging declination or resignation - tampering wit 20A-1-605

RESOLUTIONS

- alteration of proposed legislative act 76-8-107
- municipal ordinances, resolutions and procedure 10-3-701▶

RESTAURANT LIQUOR LICENSES

- election day, restriction of sale of alcohol 32A-4-106

RESTRICTIONS

- initiatives, referendum authorized, restrictions 20A-7-102

RESULTS

- see also COUNTING
- see also RETURNS
- counting ballots and tabulating results 20A-4-101▶
- declaration of results - canvasser's report 20A-4-304
- determining results 20A-1-303
- recounts and election returns 20A-4-401▶

RETENTION ELECTIONS

- judges, constitutional provisions VII-9
- judicial retention elections VIII-9, 20A-12-201▶

RETIREMENT

- cities, personnel rules and benefits 10-3-1103▶

RETURNS

- see also COUNTING
- altering vote count or returns 20A-4-502
- canvassing returns 20A-4-301▶
- disposition of election returns 20A-5-408
- election returns and election contests 20A-4-101▶
- forgery 20A-4-501
- irrigation districts 17A-2-747
- local initiatives 20A-7-510
- local referenda 20A-7-610
- neglect or refusal to deliver ballots or returns 20A-5-703
- statewide initiatives 20A-7-211
- statewide referenda 20A-7-310
- transmittal and disposition of ballots and returns 20A-4-201▶

REVEALING VOTE

officer or watcher revealing vote 20A-3-203
 officer or watcher revealing vote, offense
 20A-5-705

REVENUE AND TAXATION

levy of special taxes by cities and towns 10-7-26▶

REVISING LIST

change of boundaries - revising reg. agent list
 20A-5-206

REVISION

constitution XXIII-1▶

RIGHTS

declaration of rights I-4▶
 elections and voting IV-1▶
 employee's right to time off for election
 20A-3-103

RULES

legislative rules, authority for VI-12

RUNNING FOR OFFICE

see also DECLARATION OF CANDIDACY
 candidacy for more than one office prohibited
 20A-9-201

SALARIES

compensation of legislators, citizens commission
 VI-9

SALES

power plants, sale or lease 10-7-15▶

SCHEDULES

constitutional provisions XXIV-11▶

SCHOOL BOARDS

see also EDUCATION
 see also STATE BOARD
 local school boards, election of 20A-14-201▶
 midterm vacancies on local school boards
 20A-1-511
 state and local school boards, elections of
 20A-14-101▶
 state board, removal of officers from office
 53A-1-201
 state supported voted leeway 53A-17a-133

SCHOOL DISTRICTS

election provisions 53A-2-101▶
 school district indebtedness 53A-18-101
 state supported voted leeway 53A-17a-133

SCOPE

cities and towns, scope of code 10-1-101▶

SEALING

paper ballots - sealing 20A-4-106

SECRET BALLOT

see also BALLOTS
 ballot to be secret IV-8
 voting by secret ballot 20A-3-102

SELF-ADDRESSED ENVELOPE

absentee voting 20A-3-305

SENATE

see also LEGISLATURE
 campaign and financial reporting requirements
 20A-11-301▶
 election of senators - terms VI-4
 federal offices, election to 20A-13-101▶
 legislature, constitutional provisions VI-1▶
 trial of impeachment by senate VI-18
 who eligible as legislator VI-5
 who ineligible as legislator VI-6

SENATORIAL DISTRICTS

legislative districts 36-1-1

SENATORS

election of senators 36-1-2
 failure to disclose interest in measure or bill
 76-8-109
 midterm vacancies in the legislature 20A-1-503
 selection of U.S. senators 20A-13-201▶
 term limits act 20A-10-101▶
 u.s. senator or representatives, midterm vacancy
 20A-1-502

SERVICE AREAS

county service areas 17A-2-411▶

SERVING ABROAD

military and persons living abroad, voting
 20A-3-401▶

SESSIONS

duration of sessions VI-16
 time of general legislative sessions VI-2

SEWERAGE

county improvement districts for utilities
 17A-2-301▶

SEWERS

cities and towns 10-7-4▶

SIGNATURE SHEETS

local initiatives 20A-7-503
 local referenda 20A-7-603
 statewide initiatives 20A-7-203
 statewide referenda 20A-7-303

SIGNATURES

local initiatives 20A-7-505
 local referenda 20A-7-605
 obtaining, verification, removal initiative petition
 20A-7-205
 obtaining, verification, removal statewide referenda
 20A-7-305
 statewide initiatives 20A-7-201
 statewide referenda 20A-7-301

SINGLE EVENT PERMITS

election day, restriction of sale of alcohol
 32A-7-106

SOLAR ENERGY ACCESS

municipal land use development and management
 10-9-901▶

SPECIAL

calling and purpose of special elections 20A-1-203

SPECIAL COUNSEL

prosecuting and adjudicating election contests
 20A-1-706

SPECIAL DISTRICTS

county improvement districts 17A-3-228
 county improvement districts for utilities
 17A-2-301▶
 county service areas 17A-2-411▶
 dependent special districts 17A-3-228
 drainage districts 17A-2-543
 fire protection districts 17A-2-605
 general provisions 17A-1-301▶
 independent special districts 17A-2-202▶
 irrigation districts 17A-2-703
 metropolitan water districts 17A-2-808
 midterm vacancies on special district boards
 20A-1-512
 mosquito abatement districts 17A-2-913
 public transit districts 17A-2-1001
 special service districts 17A-2-1322
 water conservancy districts 17A-2-1440

SPECIAL ELECTIONS

general and special elections - terms IV-9

SPECIAL ELECTIONS cont.
special elections - lists of voters 20A-2-103

SPECIAL SERVICE DISTRICTS
see also HEADINGS starting with "local"
see also SPECIAL DISTRICTS
general bond election provisions 17A-2-1322

SPECIAL TAXES
levy of special taxes by cities and towns 10-7-26▶

SPLITTING BALLOT
method of marking ballots, effect of marks
20A-3-106

SPOILED BALLOTS
see also BALLOTS
see also COUNTING
see also MARKING
marks on ballot, standards for evaluating
20A-4-105
no ballots may be taken away - spoiled ballots
20A-3-107

SPONSORS
local initiatives 20A-7-504
local referenda 20A-7-604
statewide initiatives 20A-7-204
statewide referenda 20A-7-304

STANDARDS
marks on ballot, standards for evaluating
20A-4-105

STATE AGENCIES
political activities of public entities 20A-11-1201▶

STATE AUDITOR
midterm vacancies 20A-1-504

STATE BOARD OF EDUCATION
see also BOARDS OF EDUCATION
election provisions 53A-1-101▶
midterm vacancies in the state board of education
20A-1-507
removal of officers from office 53A-1-201
state and local school boards, elections of
20A-14-101▶

STATE CONSTITUTION
revision of the constitution XXIII-2

STATE CONVENTIONS
political party formation and procedures
20A-8-101▶

STATE OFFICE CANDIDATES
campaign and financial reporting requirements
20A-11-201▶

STATE OFFICERS
term limits - state officers 20A-10-201

STATE STORES
election day, restriction of sale of alcohol
32A-2-103

STATE TREASURER
midterm vacancies 20A-1-504

STATEWIDE CANVASS
canvassing returns 20A-4-306

STATEWIDE INITIATIVES
generally 20A-7-201▶
effective date 20A-7-212

STATEWIDE REFERENDA
effective date 20A-7-311
generally 20A-7-301▶

STRAIGHT TICKET
method of marking ballots, effect of marks
20A-3-106

STUDENTS
voter registration forms for high school students
20A-2-302

SUBDIVISIONS
municipal land use development and management
act 10-9-801

SUBMISSION
local initiatives 20A-7-506
local referenda 20A-7-606
statewide initiatives 20A-7-206
statewide referenda 20A-7-301, 20A-7-306

SUFFRAGE
constitutional provisions IV-1▶

SUPPLEMENTAL JUDGMENT
prosecuting and adjudicating election contests
20A-1-705

SUPPLEMENTAL REPORTS
lobbyist disclosure and regulation act 36-11-101▶

SUPREME COURT
judges, selection and election of 20A-12-101▶
judicial retention elections VIII-9

TABULATING RESULTS
counting ballots and tabulating results
20A-4-101▶

TAMPERING
ballots or records 20A-1-603
election offenses 20A-1-603
tampering with ballots 20A-1-605

TAX LEVY
special service districts 17A-2-1322

TAXES
see also BONDS
levy of special taxes by cities and towns 10-7-26▶
special capital improvement tax 53A-16-110
special tax to buy school building sites, build an
53A-16-110

TERM LIMITS
generally 20A-10-101▶
federal officers 20A-10-301
state officers 20A-10-201

TERM OF OFFICE
election of house members - terms VI-3
election of senators - terms VI-4
state board of education 53A-1-101▶

TERMS
general and special elections - terms IV-9

THREATS
threats to influence official or political action
76-8-104

TIE VOTES
determining results 20A-1-304

TIME
application for absentee ballot - time for filing
20A-3-304
time of general legislative sessions VI-2

TIME OFF
employee's right to time off for election
20A-3-103

TITLE
ballot title, statewide initiative petition 20A-7-209
ballot title, statewide referenda 20A-7-308
local initiative, ballot title 20A-7-508
local referendum, ballot title 20A-7-608

TOWNS
see also CITIES AND TOWNS

TOWNS cont.

bonds, municipal bond act 11-14-1
 city resources, general powers 10-7-79▶
 general provisions 10-1-101▶
 levy of special taxes by cities and towns 10-7-26▶
 municipal corporations, creation, powers XI-5

TRANSMITTAL

driver license renewal, registration form
 20A-2-108
 transmittal and disposition of ballots and returns
 20A-4-201▶

TREASURERS

cities, appointed officials 10-3-901▶
 midterm vacancies 20A-1-504

TRIALS

see also ELECTION CONTESTS
 election contests generally 20A-4-101▶
 prosecuting and adjudicating election contests
 20A-1-701▶

U.S. CONGRESS

federal offices, election to 20A-13-101▶

U.S. CONSTITUTION

amendments to U.S. Constitution, conventions for
 20A-15-101▶
 amendments to US Constitution, ratification
 20A-15-201▶

U.S. REPRESENTATIVE

midterm vacancy 20A-1-502
 term limits on federal officers 20A-10-301

U.S. SENATE

federal offices, election to 20A-13-101▶
 midterm vacancy 20A-1-502
 term limits on federal officers 20A-10-301

UNDUE INFLUENCE

voting offenses 20A-3-502

UTAH MUNICIPAL BOND ACT

general provisions 11-14-1

UTILITIES

cities and towns 10-7-4▶
 sale or lease of power plants. 10-7-15▶

VACANCIES

candidate and elected officials, vacancies
 20A-1-501▶
 cemetery maintenance districts 17A-2-210
 county commission 17-5-104
 county elected office 20A-1-508
 county offices 17-5-216
 county or district attorney 20A-1-509
 courts not of record 20A-1-506
 courts of record 20A-1-505
 election judges 20A-5-603
 governor may fill certain vacancies VII-9
 governor's appointive power - vacancies VII-10
 legislature, vacancies to be filled VI-13
 local school boards 20A-1-511
 midterm vacancies in the legislature 20A-1-503
 municipal governing body 10-3-301▶
 municipal offices 20A-1-510
 special district boards 20A-1-512
 state board of education 20A-1-507, 53A-1-101▶
 state wide office, a.g., treasurer, auditor
 20A-1-504
 u.s. senator or representatives, midterm vacancy
 20A-1-502

VENUE

prosecuting and adjudicating election contests
 20A-1-701

VERIFICATION

local initiatives 20A-7-505
 local referenda 20A-7-605
 nomination petition, independent candidates
 20A-9-502
 registration agents - verification of residency
 20A-5-204
 residency, verification of 20A-2-301
 statewide initiatives 20A-7-205
 statewide referenda, signature requirements
 20A-7-305

VIOLATIONS

voting offenses 20A-3-504

VOTE

officer or watcher revealing vote 20A-3-203,
 20A-5-705

VOTED LEEWAY

minimum school program act 53A-17a-133

VOTER INFORMATION PAMPHLET

issues submitted to the voters 20A-7-701▶
 local initiatives and referenda 20A-7-402

VOTERS

alternate means of registering to vote 20A-2-201
 assisting disabled, illiterate, or blind voters
 20A-3-108
 county clerk's voter registration responsibilities
 20A-2-300.5▶
 crimes involving voter registration 20A-4-401
 drivers license, registering while obtaining
 20A-2-204
 instructions to voters 20A-3-109
 marks on ballot, standards for evaluating
 20A-4-105
 poll watchers and challenges to voters
 20A-3-201▶
 prosecuting and adjudicating election contests
 20A-1-703
 registering to vote at office of county clerk
 20A-2-201
 registration at voter registration agencies
 20A-2-205
 registration by mail 20A-2-202
 special elections - lists of voters 20A-2-103
 voter registration forms for high school students
 20A-2-302
 voter registration generally 20A-2-101▶

VOTING

see also BALLOTS
 see also COUNTING
 see also POLLING PLACES
 see also REGISTRATION
 absentee voting, voting by disabled voters
 20A-3-301▶
 application for absentee ballot - time for filing
 20A-3-304
 assisting disabled, illiterate, or blind voters
 20A-3-108
 automated voting system 20A-5-302
 ballot to be secret IV-8
 combined voting precincts - municipalities
 20A-5-301
 employee's right to time off for election
 20A-3-103
 general voting requirements 20A-3-101▶
 immunity from arrest IV-3
 immunity from militia duty IV-4
 inducing attendance at polls, criminal provisions
 20A-1-607
 ineligibility to vote, certain persons IV-6
 instructions to voters 20A-3-109

INDEX

VOTING cont.

local initiative, form of ballot, manner of voting
20A-7-509
local referendum, form of ballot, manner of voting
20A-7-609
manner of voting 20A-3-104
marking and depositing ballots 20A-3-105
method of marking ballots, effect of marks
20A-3-106
military and persons living abroad 20A-3-401▶
military or overseas citizen, voting by 20A-3-408
municipal government, meetings, procedures &
voting 10-3-501▶
no ballots may be taken away - spoiled ballots
20A-3-107
offenses 20A-3-505
property qualification forbidden IV-7
qualifications to vote IV-2
registration a prerequisite to voting 20A-2-102
residency and age requirements of voters
20A-3-101
secret ballot 20A-3-102
statewide initiative petition, manner of voting
20A-7-210
statewide referenda, manner of voting 20A-7-309
tie votes 20A-1-304
U.S. citizens, voters required to be IV-5
voting by absent or physically disabled voters
20A-3-301▶
voting offenses 20A-3-501▶

VOTING INSTRUCTIONS

generally 20A-5-102

VOTING MACHINES

automated voting system 20A-5-302
general requirements for machine-counted ballots
20A-6-102

VOTING PRECINCTS

combined voting precincts - municipalities
20A-5-301

WAGERING

wagering on elections forbidden 20A-1-606

WATCHERS

officer or watcher revealing vote, offense
20A-5-705
poll watchers and challenges to voters
20A-3-201▶

WATER

cities and towns 10-7-4▶
county improvement districts for utilities
17A-2-301▶
privatization projects 73-10d-4

WATER CONSERVANCY DISTRICTS

general election provisions 17A-2-1440

WILLFUL NEGLECT

offenses involving election administration
20A-5-701

WINNER

see also RESULTS
see also RETURNS
determining results of elections 20A-1-303
recounts and election returns 20A-4-401▶
tie votes 20A-1-304

WITNESSES

offenders as witnesses - privilege 20A-1-702

WORK

employee's right to time off for election
20A-3-103

WRITE-IN

generally 20A-9-601▶

WRITE-IN cont.

method of marking ballots, effect of marks
20A-3-106

ZONING

municipal land use development and management
10-9-401▶

