

SCHOOL DISTRICT AMENDMENTS

2024 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill repeals and amends certain provisions relating to creating a new school district and electing school board members when a new school district is created.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ retrospectively repeals procedures for a local school board to propose a new school district;
- ▶ amends certain processes and procedures related to creating a new school district;
- ▶ amends provisions of the Election Code regarding $\hat{H} \rightarrow$:

• the creation of a new school district; and $\leftarrow \hat{H}$

local school board elections

when a new school district is created;

- ▶ specifies the board of canvassers for an election to create a new school district or to elect school board members for a new school district or a reorganized new school district;
- ▶ requires county and municipal legislative bodies that redistrict after a new school district is created to adjust initial terms for the newly elected school board members;
- ▶ amends the timeline for redistricting after a new school district is created; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



Other Special Clauses:

This bill provides a special effective date.

This bill has retrospective operation.

Utah Code Sections Affected:**AMENDS:**

20A-1-201.5, as last amended by Laws of Utah 2024, Chapter 438
20A-1-202, as last amended by Laws of Utah 2023, Chapter 15
20A-1-203, as last amended by Laws of Utah 2024, Chapters 438, 526
20A-4-301, as last amended by Laws of Utah 2024, Chapter 465
20A-7-101, as last amended by Laws of Utah 2024, Chapters 438, 442 and 465
20A-7-402, as last amended by Laws of Utah 2023, Chapter 435
20A-9-404, as last amended by Laws of Utah 2023, Chapter 116
20A-11-1203, as last amended by Laws of Utah 2019, Chapter 203
20A-14-201, as last amended by Laws of Utah 2022, Chapter 265
36-12-15, as last amended by Laws of Utah 2024, Chapters 403, 526
53G-3-102, as last amended by Laws of Utah 2024, Chapter 526
53G-3-202, as last amended by Laws of Utah 2024, Chapter 526
53G-3-301, as repealed and reenacted by Laws of Utah 2024, Chapter 526
53G-3-301.1, as enacted by Laws of Utah 2024, Chapter 526
53G-3-301.3, as enacted by Laws of Utah 2024, Chapter 526
53G-3-301.4, as enacted by Laws of Utah 2024, Chapter 526
53G-3-302, as repealed and reenacted by Laws of Utah 2024, Chapter 526
53G-3-303, as last amended by Laws of Utah 2024, Chapter 526
53G-3-305, as last amended by Laws of Utah 2024, Chapter 526

REPEALS AND REENACTS:

53G-3-301.2, as enacted by Laws of Utah 2024, Chapter 526

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

Section 1. Section **20A-1-201.5** is amended to read:

20A-1-201.5. Primary election dates.

(1) The regular primary election shall be held throughout the state on the fourth

Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for national, state, school board, and county offices.

(2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for:

(a) municipal offices~~[-];~~ or

(b) local school board office for a new school district or a reorganized new school district under Section 53G-3-302.

(3) A presidential primary election shall be held throughout the state on the first Tuesday in March in the year in which a presidential election will be held.

Section 2. Section 20A-1-202 is amended to read:

20A-1-202. Date and purpose of municipal general election.

(1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities, and special districts as applicable, 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) (i) choose persons to serve as municipal officers; ~~and~~

(ii) for a special district that holds an election during an odd-numbered year, choose persons to serve as special district officers; and

(iii) choose persons to serve as local school board members for a new school district or a reorganized new school district under Section 53G-3-302; 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.

Section 3. Section 20A-1-203 is amended to read:

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

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

90 law.

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

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

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

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

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

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

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

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

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

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

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

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

108 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

109 (v) if required or authorized by federal law, a vote to determine whether Utah's legal
110 boundaries should be changed;

111 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

112 ~~[(vii) a vote to elect members to school district boards for a new school district and a~~
113 ~~reorganized new school district, as defined in Section 53G-3-102, following the creation of a~~
114 ~~new school district under Section 53G-3-302;]~~

115 ~~[(viii)]~~ (vii) a vote on a municipality providing cable television services or public
116 telecommunications services under Section 10-18-204;

117 ~~[(ix)]~~ (viii) a vote to create a new county under Section 17-3-1;

118 ~~[(x)]~~ (ix) a vote on a special property tax under Section 53F-8-402; or

119 ~~[(xi)]~~ (x) a vote on the incorporation of a municipality in accordance with Section
120 10-2a-210.

(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 as authorized by Section 20A-1-204; and
- (ii) the purpose for the local special election.

(c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:

- (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or
- (iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Section 4. Section **20A-4-301** is amended to read:

20A-4-301. Board of canvassers.

(1) (a) Each county legislative body is the board of county canvassers for:

- (i) the county; and
- (ii) each special district whose election is conducted by the county if:
 - (A) the election relates to the creation of the special district;
 - (B) the county legislative body serves as the governing body of the special district; or
 - (C) there is no duly constituted governing body of the special district.

(b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days 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) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.

(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:

(i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or

(ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.

(c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

(3) (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.

(b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.

(c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.

(4) (a) If a board of trustees or an administrative control board is the governing body of a special district, the board of trustees or the administrative control board is the board of special district canvassers for the special district.

(b) The board of special district canvassers shall meet to canvass the returns at the usual place of meeting for the board of trustees or the administrative control board, as applicable, at a date and time determined by the special district clerk that is no sooner than seven days after the day of the election and no later than 14 days after the day of the election.

(c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.

(5) In relation to an election for the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a local school board for a new school district or a reorganized new school district under Section 53G-3-302, the board of canvassers is:

(a) if the voters permitted to vote in the election are all residents of the same

183 municipality, the mayor and the municipal legislative body;

184 (b) if the voters permitted to vote in the election are not all residents of the same
185 municipality, but are all residents of the same county, the county legislative body; or

186 (c) if the voters permitted to vote in the election are not all residents of the same
187 municipality and are not all residents of the same county, the county legislative body of the
188 county where the majority of the voters permitted to vote in the election are residents.

189 Section 5. Section **20A-7-101** is amended to read:

190 **20A-7-101. Definitions.**

191 As used in this chapter:

192 (1) "Approved device" means a device described in Subsection **20A-21-201**(4) used to
193 gather signatures for the electronic initiative process, the electronic referendum process, or the
194 electronic candidate qualification process.

195 (2) "Budget officer" means:

196 (a) for a county, the person designated as finance officer as defined in Section **17-36-3**;

197 (b) for a city, the person designated as budget officer in Subsection **10-6-106**(4); or

198 (c) for a town, the town council.

199 (3) "Certified" means that the county clerk has acknowledged a signature as being the
200 signature of a registered voter.

201 (4) "Circulation" means the process of submitting an initiative petition or a referendum
202 petition to legal voters for their signature.

203 (5) "Electronic initiative process" means:

204 (a) as it relates to a statewide initiative, the process, described in Sections **20A-7-215**
205 and **20A-21-201**, for gathering signatures; or

206 (b) as it relates to a local initiative, the process, described in Sections **20A-7-514** and
207 **20A-21-201**, for gathering signatures.

208 (6) "Electronic referendum process" means:

209 (a) as it relates to a statewide referendum, the process, described in Sections
210 **20A-7-313** and **20A-21-201**, for gathering signatures; or

211 (b) as it relates to a local referendum, the process, described in Sections **20A-7-614** and
212 **20A-21-201**, for gathering signatures.

213 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,

city, or town that is holding an election on a ballot proposition.

(8) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(9) "Initial fiscal impact statement" means a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide initiative application.

(10) "Initial fiscal impact and legal statement" means a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local referendum.

(11) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(12) "Initiative application" means:

(a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-202(2); or

(b) for a local initiative, an application described in Subsection 20A-7-502(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-502(2).

(13) "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.

(14) "Initiative petition":

(a) as it relates to a statewide initiative, using the manual initiative process:

(i) means the form described in Subsection 20A-7-203(2)(a), petitioning for submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-203(2)(b);

(b) as it relates to a statewide initiative, using the electronic initiative process:

(i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for submission of the initiative to the Legislature or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-215(5)(b);

(c) as it relates to a local initiative, using the manual initiative process:

(i) means the form described in Subsection 20A-7-503(2)(a), petitioning for submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-503(2)(b); or

(d) as it relates to a local initiative, using the electronic initiative process:

(i) means the form described in Subsection 20A-7-514(2)(a), petitioning for submission of the initiative to the legislative body or the legal voters; and

(ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-514(4)(a).

(15) (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad, competing policy considerations, that relates to the use of land, including land use regulation, a general plan, a land use development code, an annexation ordinance, the rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or resolution.

(b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.

(16) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been obtained, certified, and verified as provided in this chapter.

(17) "Legal voter" means an individual who is registered to vote in Utah.

(18) "Legally referable to voters" means:

(a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or

(b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.

(19) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(21) (a) "Local law" includes:

- 276 (i) an ordinance;
277 (ii) a resolution;
278 (iii) a land use law;
279 (iv) a land use regulation, as defined in Section 10-9a-103; or
280 (v) other legislative action of a local legislative body.
281 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

282 (22) "Local legislative body" means the legislative body of a county, city, or town.

283 (23) "Local obligation law" means a local law passed by the local legislative body
284 regarding a bond that was approved by a majority of qualified voters in an election.

285 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
286 biannual calendar fiscal year, that increases a tax or imposes a new tax.

287 (25) "Manual initiative process" means the process for gathering signatures for an
288 initiative using paper signature packets that a signer physically signs.

289 (26) "Manual referendum process" means the process for gathering signatures for a
290 referendum using paper signature packets that a signer physically signs.

291 (27) (a) "Measure" means a proposed constitutional amendment, an initiative, or
292 referendum.

293 (b) "Measure" does not include a ballot proposition for the creation of a new school
294 district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

295 (28) "Presiding officers" means the president of the Senate and the speaker of the
296 House of Representatives.

297 (29) "Referendum" means a process by which a law passed by the Legislature or by a
298 local legislative body is submitted or referred to the voters for their approval or rejection.

299 (30) "Referendum application" means:

300 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)
301 that includes all the information, statements, documents, and notarized signatures required
302 under Subsection 20A-7-302(2); or

303 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
304 includes all the information, statements, documents, and notarized signatures required under
305 Subsection 20A-7-602(2).

306 (31) "Referendum packet" means a copy of the referendum petition, a copy of the law

being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(32) "Referendum petition" means:

(a) as it relates to a statewide referendum, using the manual referendum process, the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(b) as it relates to a statewide referendum, using the electronic referendum process, the form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;

(c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal voters for their approval or rejection; or

(d) as it relates to a local referendum, using the electronic referendum process, the form described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters for their approval or rejection.

(33) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203;

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-303;

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature;

(c) for a local initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-503;

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature; or

(d) for a local referendum:

(i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-603;

(B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

(C) does not include an electronic signature.

(34) "Signature sheets" means sheets in the form required by this chapter that are used under the manual initiative process or the manual referendum process to collect signatures in

support of an initiative or referendum.

(35) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

(36) "Sponsors" means the legal voters who support the initiative or referendum and who sign the initiative application or referendum application.

(37) (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

(b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.

(38) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.

(39) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

(40) "Verified" means acknowledged by the person circulating the petition as required in Section 20A-7-105.

Section 6. Section 20A-7-402 is amended to read:

20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations -- Preparation -- Statement on front cover.

(1) (a) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.

(b) Each county or municipality that contains all or part of a proposed new school district or a reorganized new school district that will appear on a regular general election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall prepare a local voter information pamphlet that complies with the requirements of this part.

(2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality ~~[that is subject to a special local ballot proposition]~~ described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the municipality, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(c)(i).

(b) A county ~~[that is subject to a special local ballot proposition]~~ described in Subsection (1) shall publish a notice that complies with the requirements of Subsection

(2)(c)(ii) for the county, as a class A notice under Section 63G-30-102.

(c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:

(i) publish the notice:

(A) not less than 90 days before the date of the election at which a special local ballot proposition will be voted upon; or

(B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and

(ii) ensure that the notice contains:

(A) the ballot title for the special local ballot proposition;

(B) instructions on how to file a request under Subsection (2)(d); and

(C) the deadline described in Subsection (2)(d).

(d) ~~[For]~~ Except as provided in Subsection (13), to prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days before the day of the election at which the special local ballot proposition is to be voted on.

(e) If more than one eligible voter requests the opportunity to prepare a written argument for or against a special local ballot proposition, the election officer shall make the final designation in accordance with the following order of priority:

(i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and

(ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.

(f) ~~[The]~~ Except as provided in Subsection (13), the election officer shall grant a request described in Subsection (2)(d) or (e) no later than 60 days before the day of the election at which the ballot proposition is to be voted on.

(g) (i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.

(ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection (2)(d) may prepare a written argument against the special local ballot proposition.

(h) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:

(i) ensure that the written argument does not exceed 500 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv);

(ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;

(iii) except as provided in Subsection (13), submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;

(iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and

(v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

(i) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection (2)(h)(iii).

(3) (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:

(i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and

(ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.

(b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:

(i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

(iii) except as provided in Subsection (13), shall submit the written rebuttal argument

before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(c) The eligible voter who submitted a timely written argument against the special local ballot proposition:

(i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

(iii) except as provided in Subsection (13), shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

(4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:

(i) an eligible voter may not modify a written argument or a written rebuttal argument after the eligible voter submits the written argument or written rebuttal argument to the election officer; and

(ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a written argument or a written rebuttal argument.

(b) The election officer, and the eligible voter who submits a written argument or written rebuttal argument in relation to a special local ballot proposition, may jointly agree to modify a written argument or written rebuttal argument in order to:

(i) correct factual, grammatical, or spelling errors; and

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) An election officer shall refuse to accept and publish a written argument or written rebuttal argument in relation to a special local ballot proposition if the eligible voter who submits the written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

(5) In relation to a special local ballot proposition, an election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

(6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a proposition information pamphlet under Section 20A-7-401.5:

(a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;

(b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(c) shall submit the written rebuttal argument no later than 45 days before the election day on which the standard local ballot proposition will be submitted to the voters.

(7) (a) A county or municipality that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:

(i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.

(b) If a county or municipality submits more than one written rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body.

(8) (a) An election officer shall refuse to accept and publish a written rebuttal argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

(b) Before an election officer publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government

Records Access and Management Act.

(c) An election officer who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.

(9) (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.

(b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:

- (i) correct factual, grammatical, or spelling errors; or
- (ii) reduce the number of words to come into compliance with the requirements of this section.

(c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:

- (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or
- (ii) does not timely submit the written rebuttal argument to the election officer.

(d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

(10) An election officer may designate another person to take the place of a person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.

(11) (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.

(b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent

increase in the current tax rate."

(12) (a) In preparing the local voter information pamphlet, the election officer shall:

(i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition 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 written arguments:

"The arguments for or against a ballot proposition are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

(A) a voter information pamphlet; or

(B) the notice described in Subsection (12)(c).

(b) (i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.

(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

(c) (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(ii) The notice described in Subsection (12)(c)(i) shall include:

(A) the address of the Statewide Electronic Voter Information Website authorized by Section [20A-7-801](#); and

(B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

(13) For 2024 only, in relation to an election that will appear on the regular general election ballot to create a new school district under Section [53G-3-301.1](#), [53G-3-301.3](#), or [53G-3-301.4](#), if the notice described in Subsection (2)(b) is published less than 72 days before the day of the election:

(a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later than five business days after the notice is published;

(b) the deadline to grant a request under Subsection (2)(f) is no later than seven business days after the notice is published;

(c) the deadline to submit the written argument to the election officer under Subsection (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published; and

(d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or (c)(iii) is no later than 17 business days after the notice is published.

Section 7. Section **20A-9-404** is amended to read:

20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

(b) Municipal primary elections shall be held:

(i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first Monday in the August before the regular municipal election; and

(ii) whenever possible, at the same polling places as the regular municipal election.

(c) Subsections (3) through (5) do not apply to an election to elect local school board members under Section [53G-3-302](#).

(d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply to an election to elect local school board members under Section [53G-3-302](#).

(2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal office does not exceed twice the number of individuals 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 (3), "convention" means an organized assembly of voters or delegates.

(b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth 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 municipal party convention or committee.

(ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.

(iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.

(c) (i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.

(iii) A municipal 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) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each individual 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 individual nominated;

(B) designate in not more than five words the 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) A candidate nominated by a municipal party convention or committee shall file a declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

(A) the name of the municipal party or convention that nominated the candidate; and

(B) the office for which the convention or committee nominated the candidate.

(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 if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.

(f) The election ballot shall substantially comply with the form prescribed in 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, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:

(i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).

(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, with a holographic signature, 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 or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);

(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.

(iii) With the assistance of the county clerk, the city recorder or town clerk shall use the procedures described in Section 20A-1-1002 to determine whether each signer is a registered voter who is qualified to sign the petition.

(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 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 municipal primary election.

(d) The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

(e) After marking a municipal primary ballot, the voter shall deposit the ballot 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.

(5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or town clerk, submitting to the city recorder or town clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section 8. Section 20A-11-1203 is amended to read:

20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.

(1) Unless specifically required by law, and except as provided in Subsection (5) or Section 20A-11-1206, a public entity may not:

(a) make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum; or

(b) publish on the public entity's website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum.

(2) A violation of this section does not invalidate an otherwise valid election.

(3) This section does not prohibit the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.

(4) This section does not prohibit:

(a) a public entity from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed referendum;

(b) an elected or appointed official of the public entity described in Subsection (4)(a) from using the research, information, or arguments described in Subsection (4)(a) for the purpose of advocating for or against a ballot proposition, proposed initiative, or proposed referendum via a website, or another medium, not owned or controlled by the public entity;

(c) a public entity from posting on the public entity's website a link to another website, with a brief description, that is not owned or controlled by a public entity, or from publishing in any medium owned, controlled, or paid for by a public entity a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition, proposed initiative, or proposed referendum if the public entity:

(i) before posting the link or publishing the address, provides at least seven days written notice to the sponsors of the ballot proposition, proposed initiative, or proposed referendum:

(A) of the public entity's intent to post the link or publish the address;

(B) a description of each medium in which the public entity intends to post the link or publish the address; and

(C) the dates of the publication or posting; and

(ii) posts, immediately adjacent to the link or address, and brief description described in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description, containing the sponsors' research, information, and arguments for or against the ballot proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or address within seven days after the day on which the sponsors receive the notice described in Subsection (4)(c)(i); or

(d) a public entity from posting on the public entity's website, or any medium, a complete copy of a proposition information pamphlet described in Section [20A-7-401.5](#) or a

voter information pamphlet.

~~H→ [(5) Subsection (1) does not prohibit the expenditure of public funds in relation to submitting a proposal for a new school district or a reorganized new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.]~~

(5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G, Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity to seek the creation of a new school district. ←H

Section 9. Section 20A-14-201 is amended to read:

20A-14-201. Boards of education -- School board districts -- Creation -- Redistricting.

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

(2) 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.

(3) County and municipal legislative bodies shall redistrict local school board districts to meet the population, compactness, and contiguity requirements of this section:

(a) at least once every 10 years;

~~[(b) if a new school district is created:]~~

~~[(i) within 45 days after the canvass of an election at which voters approve the creation of a new school district; and]~~

~~[(ii) at least 60 days before the candidate filing deadline for a school board election;]~~

(b) for a new school district or a reorganized new school district that is approved by the voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, before April 1 of the following year;

(c) whenever school districts are consolidated;

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

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

(f) whenever a school district receives new residents equal to at least 20% of the population of the school district at the time of the last redistricting because of a transfer of

territory from another school district; and

(g) whenever it is necessary to increase the membership of a board as a result of changes in student membership under Section 20A-14-202.

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

(5) ~~[Redistricting]~~ Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the right of any school board member to complete the term for which the member was elected.

(6) (a) After redistricting, representation in a local school board district shall be determined as provided in this Subsection (6).

(b) If, after redistricting, only one board member whose term extends beyond redistricting lives within a local school board district, that board member shall represent that local school board district.

(c) If, after redistricting, two or more members whose terms extend beyond redistricting live within a local school board district, the members involved shall select one member by lot to represent the local school board district.

(d) The other members shall serve at-large for the remainder of their terms.

(e) 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.

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

(7) (a) If, before an election affected by redistricting, the county or municipal legislative body that conducted the redistricting determines that one or more members shall 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 redistricted 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.

(8) Within 10 days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the

boundary change to the Utah Geospatial Resource Center created under Section [63A-16-505](#).

(9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection (3)(b).

Section 10. Section **36-12-15** is amended to read:

36-12-15. Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.

(1) As used in this section:

(a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

(i) a state branch, department, or agency; or

(ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section [11-13-103](#), or any other local government unit.

(d) "Office" means the Office of the Legislative Auditor General.

(e) "Receiving organization" means an organization that receives public funds that is not a government organization.

(2) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.

(3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

(4) The legislative auditor general shall appoint and develop a professional staff within budget limitations.

(5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.

(6) Under the direction of the legislative auditor general, the office shall:

(a) conduct comprehensive and special purpose audits, examinations, investigations, or

reviews of entity funds, functions, and accounts;

(b) prepare and submit a written report on each audit action to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit action is completed;

(c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;

(d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:

(i) threaten public funds or programs;

(ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

(iii) require transformation;

(e) monitor and report to the Audit Subcommittee the health of a government organization's internal audit functions;

(f) make recommendations to increase the independence and value added of internal audit functions throughout the state;

(g) implement a process to track, monitor, and report whether the subject of an audit has implemented recommendations made in the audit report;

(h) establish, train, and maintain individuals within the office to conduct investigations and represent themselves as lawful investigators on behalf of the office;

(i) establish policies, procedures, methods, and standards of audit work and investigations for the office and staff;

(j) prepare and submit each audit and investigative report independent of any influence external of the office, including the content of the report, the conclusions reached in the report, and the manner of disclosing the legislative auditor general's findings;

(k) prepare and submit the annual budget request for the office; and

(l) perform other duties as prescribed by the Legislature.

(7) In conducting an audit action of an entity, the office may include a determination of any or all of the following:

(a) the honesty and integrity of any of the entity's fiscal affairs;

(b) the accuracy and reliability of the entity's internal control systems and specific

financial statements and reports;

(c) whether or not the entity's financial controls are adequate and effective to properly record and safeguard the entity's acquisition, custody, use, and accounting of public funds;

(d) whether the entity's administrators have complied with legislative intent;

(e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient manner;

(f) whether the entity's programs have been effective in accomplishing intended objectives; and

(g) whether the entity's management control and information systems are adequate and effective.

(8) (a) If requested by the office, each entity that the legislative auditor general is authorized to audit under Utah Constitution,

Article VI, Section 33, or this section shall, notwithstanding any other provision of law except as provided in Subsection (8)(b), provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:

(i) the following in the possession or custody of the entity in the format identified by the office:

(A) a record, document, and report; and

(B) films, tapes, recordings, and electronically stored information;

(ii) entity personnel; and

(iii) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.

(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.

(9) (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.

(b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a financial institution or any other entity to obtain information as part of an

896 investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or
897 nonfeasance involving public funds.

898 (10) To preserve the professional integrity and independence of the office:

899 (a) no legislator or public official may urge the appointment of any person to the office;

900 and

901 (b) the legislative auditor general may not be appointed to serve on any board,
902 authority, commission, or other agency of the state during the legislative auditor general's term
903 as legislative auditor general.

904 (11) (a) The following records in the custody or control of the legislative auditor
905 general are protected records under Title 63G, Chapter 2, Government Records Access and
906 Management Act:

907 (i) records and audit work papers that would disclose information relating to
908 allegations of personal misconduct, gross mismanagement, or illegal activity of a past or
909 present governmental employee if the information or allegation cannot be corroborated by the
910 legislative auditor general through other documents or evidence, and the records relating to the
911 allegation are not relied upon by the legislative auditor general in preparing a final audit report;

912 (ii) records and audit workpapers that would disclose the identity of a person who,
913 during the course of a legislative audit, communicated the existence of:

914 (A) unethical behavior;

915 (B) waste of public funds, property, or personnel; or

916 (C) a violation or suspected violation of a United States, Utah state, or political
917 subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the
918 identity of the person be protected;

919 (iii) before an audit is completed and the final audit report is released, records or drafts
920 circulated to a person who is not an employee or head of an entity for review, response, or
921 information;

922 (iv) records that would disclose:

923 (A) an outline;

924 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or

925 (C) other procedural documents necessary to fulfill the duties of the office; and

926 (v) requests for audits, if disclosure would risk circumvention of an audit.

(b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or information to a government prosecutor or peace officer if those records or information relate to a violation of the law by an entity or entity employee.

(c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting held in accordance with Section 52-4-205:

(i) is a protected record, as defined in Section 63G-2-103;

(ii) to the extent the record contains information:

(A) described in Section 63G-2-302, is a private record; or

(B) described in Section 63G-2-304, is a controlled record; and

(iii) may not be reclassified by the office.

(d) The provisions of this section do not limit the authority otherwise given to the legislative auditor general to maintain the private, controlled, or protected record status of a shared record in the legislative auditor general's possession or classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

(12) The legislative auditor general shall:

(a) be available to the Legislature and to the Legislature's committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;

(b) conduct special audits as requested by the Audit Subcommittee;

(c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent violation;

(d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of an entity; and

(e) make any recommendations to the Audit Subcommittee with respect to the alteration or improvement of the accounting system used by an entity.

(13) If the legislative auditor general conducts an audit of an entity that has previously been audited and finds that the entity has not implemented a recommendation made by the legislative auditor general in a previous audit report, the legislative auditor general shall report to the Audit Subcommittee that the entity has not implemented the recommendation.

958 (14) Before each annual general session, the legislative auditor general shall:
959 (a) prepare an annual report that:
960 (i) summarizes the audits, examinations, investigations, and reviews conducted by the
961 office since the last annual report; and
962 (ii) evaluate and report the degree to which an entity that has been the subject of an
963 audit has implemented the audit recommendations;
964 (b) include in the report any items and recommendations that the legislative auditor
965 general believes the Legislature should consider in the annual general session; and
966 (c) deliver the report to the Legislature and to the appropriate committees of the
967 Legislature.

968 (15) (a) If the chief officer of an entity has actual knowledge or reasonable cause to
969 believe that there is misappropriation of the entity's public funds or assets, or another entity
970 officer has actual knowledge or reasonable cause to believe that the chief officer is
971 misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other
972 entity officer, shall immediately notify, in writing:
973 (i) the office;
974 (ii) the attorney general, county attorney, or district attorney; and
975 (iii) (A) for a state government organization, the chief executive officer;
976 (B) for a political subdivision government organization, the legislative body or
977 governing board; or
978 (C) for a receiving organization, the governing board or chief executive officer unless
979 the chief executive officer is believed to be misappropriating the funds or assets, in which case
980 the next highest officer of the receiving organization.

981 (b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another
982 entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public
983 Employees Act.

984 (c) If the Office of the Legislative Auditor General receives a notification under
985 Subsection (15)(a) or other information of misappropriation of public funds or assets of an
986 entity, the office shall inform the Audit Subcommittee.

987 (d) The attorney general, county attorney, or district attorney shall notify, in writing,
988 the Office of the Legislative Auditor General whether the attorney general, county attorney, or

district attorney pursued criminal or civil sanctions in the matter.

(16) (a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:

(i) a legislative audit action; or

(ii) the office's decisions relating to:

(A) the content of the office's report;

(B) the conclusions reached in the office's report; or

(C) the manner of disclosing the results and findings of the office.

(b) A violation of Subsection (16)(a) is a class B misdemeanor.

(17) (a) The office may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.

(b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.

(c) The office shall require that an individual required to submit to a background check under this Subsection (17) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).

(d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:

(i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and

(ii) a request for all information received as a result of the local, regional, and nationwide background check.

(18) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4.

Section 11. Section 53G-3-102 is amended to read:

53G-3-102. Definitions.

As used in this chapter:

(1) "Allocation date" means:

(a) July 1 of the second calendar year following the local school board ~~[general election~~

1020 ~~date or special~~] election date as described in Section [53G-3-302](#); or

1021 (b) another date to which the new local school board and reorganized school board

1022 agree.

1023 (2) "Creation date" means the date on which voters approve the creation of a new

1024 school district under Section [53G-3-301.1](#), [~~[53G-3-301.2](#)~~], [53G-3-301.3](#), or [53G-3-301.4](#).

1025 (3) "Divided school district" means:

1026 (a) an existing school district from which a new school district is created under Section

1027 [53G-3-301.1](#), [~~[53G-3-301.2](#)~~], [53G-3-301.3](#), or [53G-3-301.4](#); and

1028 (b) an existing school district from which a reorganized new school district is created.

1029 (4) (a) "Feasibility study" means a study:

1030 (i) conducted by:

1031 (A) a school district, municipal legislative body, or interlocal agreement participants

1032 before [~~July 31, 2024~~] July 1, 2024; or

1033 (B) the Office of the Legislative Auditor General, subject to prioritization by the

1034 Legislative Audit Subcommittee; and

1035 (ii) to determine:

1036 (A) the financial viability for a new school district and reorganized new school district

1037 that is contained within the boundaries of a divided school district;

1038 (B) the financial impact on a new school district and reorganized new school district

1039 that is contained within the boundaries of a divided school district; and

1040 (C) the impact of the tax burden on taxpayers within the boundaries of the proposed

1041 new school district.

1042 (5) "Interlocal agreement participant" means a public agency, as that term is defined in

1043 Section [11-13-103](#), that enters into an agreement with one or more other public agencies for the

1044 purpose described in and in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

1045 (6) "Isolated area" means an area that:

1046 (a) is entirely within the boundaries of an existing school district;

1047 (b) is contiguous to the proposed new school district;

1048 (c) has a combined student population of fewer than 5,000 students; and

1049 (d) because of the creation of a new school district from the existing district in which

1050 the area is located, would become completely geographically isolated.

(7) "Municipality" means the same as that term is defined in Section 10-1-104.

(8) "New school district" means a school district created under Section 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4.

(9) "Reorganized new school district" means the remaining portion of the divided school district after the creation of a new school district under Subsection 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4.

Section 12. Section 53G-3-202 is amended to read:

53G-3-202. School districts independent of municipal and county governments -- School district name -- Control of property.

(1) (a) Each school district shall be controlled by its local school board and shall be independent of municipal and county governments.

(b) The name of each school district created after May 1, 2000, including a reorganized new school district, shall comply with Section 17-50-103.

(2) The local school board shall have direction and control of all school property in the district and may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for overall operation of the public school system.

(3) (a) On or before 30 days following the day on which the creation of a new school district occurs under Section 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4, and in accordance with Section 67-1a-15, a new school district shall be registered as a limited purpose entity by:

(i) the municipal legislative body in which the boundaries for the new school district is entirely located; or

(ii) the legislative body of interlocal agreement participants in which the new school district is located.

(b) Each school district shall register and maintain the school district's registration as a limited purpose entity in accordance with Section 67-1a-15.

(c) A school district that fails to comply with Subsections (3)(a) and (b) or Section 67-1a-15 is subject to enforcement by the state auditor in accordance with Section 67-3-1.

Section 13. Section 53G-3-301 is amended to read:

53G-3-301. Creation of new school district -- Initiation of process -- Procedures to

be followed.

(1) A new school district may be created from one or more existing school districts, as provided in this chapter.

(2) The process to create a new school district may be initiated:

(a) through a citizens' [initiative] petition in accordance with Section 53G-3-301.1;
[~~(b) at the request of the local school board of the divided district or districts to be affected by the creation of the new district in accordance with Section 53G-3-301.2;~~]

~~[(c)]~~ (b) at the request of a municipality within the boundaries of the school district in accordance with Section 53G-3-301.3; or

~~[(d)]~~ (c) at the request of interlocal agreement participants in accordance with Section 53G-3-301.4.

(3) Except as provided in Sections 53G-3-301.3 and 53G-3-301.4, a request or petition under Subsection (2) may not form a new school district unless the new school district boundaries:

(a) are contiguous;

(b) ~~[do not completely surround or otherwise completely geographically isolate a portion of the existing school district that is not part of the proposed new school district from the remaining part of that existing school district; or]~~ do not create an isolated area, as defined in Section 53G-3-102; and

(c) include the entire boundaries of each participant municipality or town.

(4) For each new school district, each county legislative body shall comply with the notice and plat filing requirements of Section 53G-3-203.

(5) If a new school district is created, the new district shall reimburse the reorganized new district's documented costs to study and implement the proposal in proportion to the student population of each school district.

(6) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be the basis of a legal action or other challenge to:

(a) an election for voter approval of the creation of a new school district; or

(b) the creation of the new school district.

(7) Notwithstanding the creation of a new district as provided in this part:

(a) a new school district and a reorganized new school district may not begin to

provide educational services to the area within the new school district and reorganized new school district until July 1 of the second calendar year following the local school board election date as described in Section 53G-3-301.1, ~~[53G-3-301.2,]~~ 53G-3-301.3, or 53G-3-301.4; and

(b) the divided school district shall continue, until the time specified in Subsection (7)(a), to provide educational services within the entire area covered by the divided school district.

(8) A new school district and a reorganized new school district shall enter into a shared services agreement that permits students residing in each new school district access to attend a school that serves students with disabilities within or outside of each school district boundary:

(a) for up to five years;

(b) for actual costs of services provided to students; and

(c) without affecting services provided to other students.

(9) The process described in Subsection (2) may not be initiated more than once during any two-year period.

Section 14. Section 53G-3-301.1 is amended to read:

53G-3-301.1. Creation of a new school district -- Citizens' petition -- Procedures to be followed.

~~[(1) Citizens may initiate the creation of a new school district through a citizens' initiative petition in accordance with this section and Section 53G-3-301.]~~

(1) Citizens may file a petition to create a new school district in accordance with this section and Section 53G-3-301.

(2) (a) The county clerk shall ensure that ~~[an initiative petition submitted under this section]~~ a petition described in Subsection (1) is signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 10% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

(b) The sponsors of a petition ~~[submitted under Subsection (2)(a) shall file a]~~ described in Subsection (1) shall file the petition with the clerk of each county in which any part of the proposed new school district is located.

(c) The petition sponsors shall ensure that the petition described in Subsection ~~[(2)(b)]~~

1144 (1):
1145 (i) indicates the typed or printed name and current residence address of each
1146 ~~[governing board member making a request, or registered voter signing a petition, as the case~~
1147 ~~may be]~~ voter who signs the petition;
1148 (ii) describes the proposed new school district boundaries; and
1149 (iii) designates up to five signers of the petition ~~[or request]~~ as sponsors, designating
1150 one as the contact sponsor, with the mailing address and telephone number of each.
1151 (3) (a) (i) A signer of a petition described in Subsection (1) may withdraw or, once
1152 withdrawn, reinstate the signer's signature by filing a written statement requesting for
1153 withdrawal or reinstatement with the county clerk no later than three business days after the
1154 day on which the petition is filed with the county clerk.
1155 (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements
1156 described in Subsection 20A-1-1003(2).
1157 (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)
1158 to determine whether to remove or reinstate an individual's signature from a petition after
1159 receiving a timely, valid statement.
1160 (b) The county clerk shall use the procedures described in Section 20A-1-1002 to
1161 determine whether the petition has been signed by the required number of registered voters
1162 residing within the geographical boundaries of the proposed new school district.
1163 (4) Within 14 days after the day on which a petition described in Subsection (1) is
1164 filed, the clerk of each county with which the request or petition is filed shall:
1165 (a) determine whether the petition complies with Subsections (2) and (3), as applicable,
1166 and Section 53G-3-301; and
1167 (b) (i) if the county clerk determines that the request or petition complies with the
1168 applicable requirements:
1169 (A) certify the petition and deliver the certified petition to the county legislative body;
1170 and
1171 (B) mail or deliver written notification of the certification to the contact sponsor; or
1172 (ii) if the county clerk determines that the petition fails to comply with any of the
1173 applicable requirements, reject the petition and notify the contact sponsor in writing of the
1174 rejection and reasons for the rejection.

(5) (a) If the county clerk fails to certify or reject a petition within the time specified in Subsection (4), the petition is considered to be certified.

(b) If the county clerk rejects a petition, the individual who submitted the petition may amend the petition to correct the deficiencies for which the county clerk rejected the petition and refile the petition.

(6) Within 10 days after the day on which a county legislative body receives a certified petition as described in Subsection (4) or (5), the county legislative body shall request that the Legislative Audit Subcommittee consider prioritizing a feasibility study, as that term is defined in Section 53G-3-102.

(7) (a) The county legislative body shall:

(i) provide for a 45-day public comment period to begin on the day the county legislative body receives the study under Subsection (6); and

(ii) hold at least two public hearings, as defined in Section 10-9a-103, on the study and recommendations.

(b) Within five business days after the day on which the public comment period ends, the legislative body of each county with which a petition is filed shall vote on the creation of the proposed new school district.

(c) A county legislative body approves ~~[an initiative proposal]~~ a petition proposing a new school district if a majority of the members of the legislative body vote in favor of the ~~[proposal]~~ petition.

(8) (a) Within five business days after the day on which a county legislative body approves a petition proposing a new school district under Subsection (7), the county legislative body shall provide notice of the approval and a copy of the petition to which the approval relates to the county clerk of each county described in Subsection (2)(b).

(b) If each county described in Subsection (2)(b) approves a petition proposing a new school district, the county clerks of the counties shall submit the proposal for the creation of a new school district to all legal voters in the existing school district for approval or rejection at the next regular general election that is at least 65 days after the day on which all of the counties described in Subsection (2)(b) have complied with Subsection (8)(a).

(c) The new school district proposed in the petition and the reorganized new school district are created if a majority of the voters in the existing school district vote in favor of

creating the new school district.

~~[(8) (a) If each county legislative body approves an initiative proposal under this section, each county legislative body shall submit the proposal to the county clerk of each county described in Subsection (2)(b) for a vote:]~~

~~[(i) by the legal voters of each existing school district the proposal affects;]~~

~~[(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and]~~

~~[(iii) at the next regular general election or municipal general election, whichever is first.]~~

~~[(b) A new school district is created if a majority of the legal voters within the proposed new school district and each existing school district voting on the proposal vote in favor of the creation of the new district.]~~

Section 15. Section **53G-3-301.2** is repealed and reenacted to read:

53G-3-301.2. Reserved.

Section 16. Section **53G-3-301.3** is amended to read:

**53G-3-301.3. Creation of a new school district -- Request by a municipality --
Procedures to be followed.**

~~[(1) A municipality located within the boundaries of a school district may initiate the process to create a new school district in accordance with this section and Section **53G-3-301.**]~~

(1) A municipality located within the boundaries of a school district may file a request to create a new school district in accordance with this section and Section **53G-3-301.**

(2) (a) ~~[To initiate the school district creation process under Subsection (1), a]~~ The municipality shall file ~~[a]~~ the request to create a new school district with the clerk of each county in which any part of the proposed new school district is located.

(b) The filing municipality shall ensure that the request described in Subsection (2)(a):

(i) indicates the typed or printed and current residence address of each governing board member making ~~[a]~~ the request;

(ii) describes the proposed new school district boundaries; and

(iii) designates up to five signers of the request as sponsors, including one as the contact sponsor, with the mailing address and telephone number of each.

(3) Within five business days after the day on which a request described in Subsection (2) is filed, the clerk of each county with which the request is filed shall:

(a) determine whether the request complies with Subsection (2) and Section 53G-3-301; and

(b) (i) if the county clerk determines that the request complies with the applicable requirements:

(A) certify the request and deliver the certified request to the municipality and each county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or
(ii) if the county clerk determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(4) (a) If the county clerk fails to certify or reject [a] the request within the time specified in Subsection (3), the request is considered to be certified.

(b) If the county clerk rejects [a] the request, the municipality that submitted the request may amend the request to correct the deficiencies for which the county clerk rejected the request and refile the request.

(5) (a) Within 10 days after the day on which a municipal legislative body receives a certification as described in Subsection (3) or (4), a municipal legislative body shall request that the Legislative Audit Subcommittee consider prioritizing a feasibility study, as that term is defined in Section 53G-3-102.

(b) For the year 2024, the municipal legislative body may use a feasibility study that the municipal legislative body conducted before [~~July 31, 2024~~] July 1, 2024, if:

(i) the feasibility study contains the determinations described in Section 53G-3-102; and

(ii) the municipality receives a report and recommendation regarding the feasibility study in a public meeting.

(6) (a) The municipal legislative body shall:

(i) provide for a [~~45-day~~] 30-day public comment period to begin:

(A) on the day the study is presented to the municipal legislative body under Subsection (5); [~~and~~] or

(B) if the municipal legislative body uses a feasibility study described in Subsection (5)(b), on July 1, 2024; and

(ii) hold at least two public hearings, as defined in Section 10-9a-103, on the study and recommendation.

(b) Within 14 days after the day on which the public comment period ends, the municipal legislative body shall vote on the creation of the proposed new school district.

(c) A municipal legislative body approves a proposal if a majority of the municipal legislative body vote in favor of the proposal.

(d) Within five business days after the day on which the municipal legislative body approves a ~~[proposal]~~ request proposing the creation of a new school district, the municipal legislative body shall notify the legislative body and the county clerk of each county described in Subsection (2)(a).

(7) The county clerks of the counties described in Subsection (2)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is a least 65 days after the day on which the municipal legislative body complies with Subsection (6)(d).

(8) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

~~[(7) (a) The legislative body of each county described in Subsection (2) shall submit the proposal to the county clerk to be voted on:]~~

~~[(i) by the legal voters residing within the proposed new school district boundaries;]~~

~~[(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and]~~

~~[(iii) at the next regular general election or municipal general election, whichever is first.]~~

~~[(b) A new school district is created if a majority of the legal voters within the proposed new school district boundaries voting on the proposal vote in favor of the creation of the new district.]~~

~~[(8)]~~ (9) Nothing in this section prevents a municipality from assisting the new school

1298 district or reorganized new school district, including by:

1299 (a) entering into a loan agreement with the new school district or reorganized new
1300 school district; or

1301 (b) assisting the new school district or reorganized new school district in securing a
1302 line of credit.

1303 Section 17. Section **53G-3-301.4** is amended to read:

1304 **53G-3-301.4. Creation of a new school district -- By interlocal agreement**
1305 **participants -- Procedures to follow.**

1306 (1) [~~Interlocal agreement participants may initiate the process to create a new school~~
1307 ~~district in accordance with this section and with Section **53G-3-301.**]~~

1308 (a) On or after April 30, 2024, interlocal agreement participants may file a request
1309 proposing the creation of a new school district in accordance with this section and Section
1310 [53G-3-301.](#)

1311 (b) A municipality may not:

1312 (i) enter into more than one interlocal agreement for the purpose of submitting for voter
1313 approval, in the same election, a proposal to create a new school district under this part; or

1314 (ii) participate in a request under this section and submit a request under Section
1315 [53G-3-301.3](#) for the same election.

1316 (c) A municipality may not withdraw from an interlocal agreement under this part,
1317 unless, before August 1 of the year in which the interlocal agreement participants file the
1318 request under Subsection (1)(a):

1319 (i) the municipality votes, via the legislative body of the municipality, to withdraw
1320 from the interlocal agreement; and

1321 (ii) a majority of all municipalities that are participants in the interlocal agreement vote
1322 to withdraw from the interlocal agreement, via a separate vote of the legislative body of each
1323 municipality.

1324 (d) If a majority of all municipalities that are participants in the interlocal agreement
1325 vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is void and
1326 the interlocal agreement participants may not participate in a new or a revised request until the
1327 following year.

1328 (2) (a) ~~Ĥ→~~ **[By]** Except as provided in Subsection (3), by ~~←Ĥ~~ a majority vote of each
1328a legislative body, the legislative body of a

municipality, together with at least one other municipality, may enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district if ~~it~~ **→** **[-**

~~(i) except as provided in Subsection (3),]~~ **←** ~~it~~ the new school district boundaries comply with the requirements of Section **53G-3-301** **→** **[-** ~~and]~~ **]** **←** ~~it~~

(ii) ~~[the combined population within the proposed new school district of the interlocal agreement participants is at least 80% of the total population of the proposed new school district.]~~ **→** **[the total population within the proposed new school district is at least 80% of the total combined population of the interlocal agreement participants' population.]** **←** ~~it~~

(b) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.

(c) Boundaries of a new school district created under this section may include:

(i) a portion of one or more existing school districts; and

(ii) a portion of the unincorporated area of a county.

(3) (a) As used in this Subsection (3), "municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area, as that term is defined in Section **53G-3-102**.

(b) Notwithstanding Subsection **53G-3-301**(3), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:

(i) the portion of the municipality proposed to be included in the new school district would, if not included, become an isolated area upon the creation of the new school district; or

(ii) (A) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal agreement participants; and

(B) the portion of the municipality proposed to be excluded from the new school district is within the boundaries of a school district other than the school district that includes the other interlocal agreement participants.

(c) (i) Notwithstanding Subsection **53G-3-301**(3), interlocal agreement participants may submit a proposal to the legal voters residing within the proposed new school district boundaries to create a new school district in accordance with an interlocal agreement under

Subsection (2)(a), even though the new school district boundaries would create an isolated area, as that term is defined in Section 53G-3-102, if:

(A) the potential isolated area is contiguous to one or more of the interlocal agreement participants;

(B) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a ~~[measure]~~ proposal to create a new school district that includes the potential isolated area; and

(C) the municipality, to which the interlocal agreement participants submitted a request under Subsection (3)(c)(i)(B), did not respond to the written request within 30 days after the day on which the request was submitted.

(ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold at least two public hearings to allow input from the public and affected school districts regarding whether ~~[or not]~~ the municipality should enter into an interlocal agreement with respect to the potential isolated area.

(iii) A municipal legislative body approves a proposal to enter into an interlocal agreement with respect to the potential isolated area if a majority of the municipal legislative body votes in favor of the proposal.

(d) (i) The isolated area described in this Subsection (3) shall, on July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302, become part of the municipality's school district.

(ii) The divided district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302.

(4) (a) ~~[To initiate the school district creation process under Subsection (1), interlocal]~~ Interlocal agreement participants shall file a request described in Subsection (1) with the clerk of each county in which any part of the proposed new school district is located.

(b) The filing interlocal agreement participants shall ensure that the request described in Subsection (4)(a):

(i) indicates the typed or printed and current residence address of each governing board member making a request;

1391 (ii) describes the proposed new school district boundaries; and
1392 (iii) designates up to five signers of the request as sponsors, including as the contact
1393 sponsor, with the mailing address and telephone number of each.

1394 (5) Within five business days after the day on which a request described in Subsection
1395 (4)(a) is filed, the clerk of each county with which the request is filed shall:

1396 (a) determine whether the request complies with this section and Section 53G-3-301;
1397 and

1398 (b) (i) if the county clerk determines that the request complies with the applicable
1399 requirements:

1400 (A) certify the request and deliver the certified request to the legislative bodies of the
1401 interlocal agreement participants; and

1402 (B) mail or deliver written notification of the certification to the contact sponsor; or

1403 (ii) if the county clerk determines that the request fails to comply with any of the
1404 applicable requirements, reject the request and notify the contact sponsor in writing of the
1405 rejection and reasons for the rejection.

1406 (6) (a) If the county clerk fails to certify or reject a request within the time specified in
1407 Subsection (5), the request is considered to be certified.

1408 (b) [(†)] If the county clerk rejects a request, the interlocal agreement participants that
1409 submitted the request may amend the request to correct the deficiencies for which the county
1410 clerk rejected the request, and refile the request.

1411 (7) (a) Within 30 days after the day on which the contact sponsor receives certification
1412 as described in Subsection (5) or (6), the contact sponsor shall request that the Legislative
1413 Audit Subcommittee consider prioritizing a feasibility study, as that term is defined in Section
1414 53G-3-102.

1415 (b) For the year 2024, the interlocal agreement participants may use a feasibility study
1416 that interlocal agreement participants conducted before [~~July 31, 2024~~] July 1, 2024, if:

1417 (i) the feasibility study contains the determinations described in Section 53G-3-102;
1418 and

1419 (ii) the legislative bodies of the interlocal agreement participants receive a report and
1420 recommendation regarding the feasibility study in a public meeting.

1421 (8) (a) The legislative bodies of the interlocal agreement participants shall:

1422 (i) provide for a ~~[45-day]~~ 30-day public comment period to begin:

1423 (A) on the day on which the legislative bodies of the interlocal agreement participants
1424 receive the report under Subsection (7); ~~[and]~~ or

1425 ~~H→ [(B) if the municipal legislative body uses a feasibility study described in Subsection~~
1426 ~~(5)(b), on July 1, 2024; and] (B) on July 1, 2024, if the municipal legislative body uses a feasibility~~
1426a ~~study described in Subsection (7)(b), regardless of whether the municipal legislative body~~
1426b ~~provided all or a portion of a public comment period in relation to the feasibility study before~~
1426c ~~July 1, 2024; and ←H~~

1427 (ii) ~~H→~~ except as provided in Subsection (8)(d), ~~←H~~ hold at least two public hearings, as
1427a defined in Section 10-9a-103, on the study and
1428 recommendation.

1429 (b) Within 14 days after the day on which the public comment period ends, the
1430 legislative bodies of the interlocal agreement participants shall vote on the creation of the
1431 proposed new school district.

1432 (c) The interlocal agreement participants approve a proposal if a majority of each of the
1433 legislative bodies of the interlocal agreement participants' members vote in favor of the
1434 proposal. ~~H→~~

1434a ~~(d) If the municipal legislative body uses a feasibility study described in~~
1434b ~~Subsection (7)(b), the number of public hearings required under Subsection (8)(a)(ii) is~~
1434c ~~reduced by the number of public hearings the municipal legislative body held on the feasibility~~
1434d ~~study before July 1, 2024. ←H~~

1435 (9) ~~[(a)]~~ Within five business days after the day on which the interlocal agreement
1436 participants approve a ~~[proposal]~~ request proposing the creation of a new school district, the
1437 interlocal agreement participants shall notify the legislative body and the county clerk of each
1438 county described in Subsection (4)(a).

1439 ~~[(H)]~~

1440 ~~[(b) The legislative body of each county described in Subsection (4) shall submit the~~
1441 ~~proposal to the respective clerk of each county to be voted on:]~~

1442 ~~[(i) by the legal voters residing within the proposed new school district boundaries;]~~

1443 ~~[(ii) in accordance with the procedures and requirements applicable to a regular general~~
1444 ~~election under Title 20A, Election Code; and]~~

1445 ~~[(iii) at the next regular general election or municipal general election, whichever is~~
1446 ~~first:]~~

1447 ~~[(10) A new school district is created if a majority of the legal voters residing within~~
1448 ~~the proposed new district boundaries voting on the proposal vote in favor of the creation of the~~
1449 ~~new school district.]~~

1450 (10) (a) The county clerks of the counties described in Subsection (4)(a) shall submit

1451 the proposal for the creation of a new school district to all legal voters residing within the✪

1452 ☛proposed new school district boundaries for approval or rejection at the next regular general

election that is at least 65 days after the day on which the interlocal agreement participants comply with Subsection (9).

(b) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

(11) Nothing in this section prevents an interlocal agreement participant from assisting the new school district or reorganized new school district, including by:

(a) entering into a loan agreement with the new school district or reorganized new school district; or

(b) assisting the new school district or reorganized new school district in securing a line of credit.

Section 18. Section **53G-3-302** is amended to read:

53G-3-302. Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

(1) (a) If voters approve a proposal to create a new school district under this part: ~~[(i) the legislative body of the county in which the new school district and reorganized new school district are located shall hold an election at the next general election, or at a special election in accordance with Section 20A-1-204, to elect:]~~

~~[(A) members to the local school board of the divided school district whose terms are expiring;]~~

~~[(B) all members to the local school board of the new school district; and]~~

~~[(C) all members to the local school board of the reorganized new school district;]~~

(i) the legislative body of each county where all or a part of the new school district and the reorganized new school district are located shall hold elections during the year immediately following the year in which the voters approve the proposal to elect members to the local school board of the new school district and the reorganized new school district, as follows:

(A) the filing period for a declaration of candidacy will be the same as the filing period for a municipal election;

(B) the primary election will be held on the same day as the municipal primary election; and

(C) the general election will be held on the same day as the municipal general election;

(ii) the new school district and reorganized new school district shall divide the assets and liabilities of the divided school district between the new school district and the reorganized new school district as provided in Subsection (3) and Section 53G-3-307;

(iii) transferred employees shall be treated in accordance with Sections 53G-3-205 and 53G-3-308;

(iv) an individual residing within the boundaries of a new school district or reorganized new school district at the time the new school district is created may, for six school years following the creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the reorganized new school district if:

(A) the individual resides within the boundaries of that secondary school as of the day before the new school district is created; and

(B) the individual would have been eligible to enroll in that secondary school had the new school district not been created;

(v) the reorganized new school district in which the secondary school is located shall provide educational services, including, if provided before the creation of the new school district, busing to each individual making an election under Subsection (1)(a)(iv) for each school year for which the individual makes the election; and

(vi) within one year following the date on which the new school district begins providing educational services, the superintendent of each affected school district shall meet, together with the state superintendent, to determine if further boundary changes should take place in accordance with Section 53G-3-501.

~~[(b)(i) The county legislative body shall stagger and adjust the terms of the initial members of the local school boards of the new school district and the reorganized new school district so that approximately half of the local school board is elected every two years following the allocation date in accordance with Section 20A-1-104.]~~

(b) (i) The county or municipal legislative bodies that conduct redistricting for the new school district and the reorganized new school district shall, at the meeting where the county or municipal legislative bodies adopt the final redistricting maps, adjust the initial terms of the board members for the new school district and the reorganized new school district, by lot, so that approximately half of the board members on each board will have an initial term of three years with the other members having an initial term of five years.

(ii) The term of a member of the divided school district local school board terminates on January 1 of the year following the allocation date~~[, or as determined under Subsection (1)(b)(i)]~~.

(iii) Notwithstanding the existence of the new school district local school board and the reorganized new school district local school board under Subsection (1)(a)(i), the divided school district local school board shall continue to function and exercise authority as a local school board until the allocation date to the extent necessary to continue to provide educational services to the entire divided school district.

(iv) An individual may simultaneously serve as or be elected to be a member of the local school board of a divided school district and a member of the local school board of:

(A) a new school district; or

(B) a reorganized new school district.

(2) (a) The divided school district local school board shall, within 60 days after the creation date:

(i) prepare an inventory of the divided school district's:

(A) assets, both tangible and intangible, real and personal; and

(B) liabilities; and

(ii) deliver a copy of the inventory to the Office of the Legislative Auditor General.

(b) Following the local school board election date described in Subsection (1)(a), the new school district and reorganized new school district local school boards shall:

(i) request a copy of the inventory described in Subsection (2)(a) from the Office of the Legislative Auditor General;

(ii) determine the allocation of the divided school district's assets and, except for indebtedness under Section 53G-3-307, liabilities of the new school district and reorganized new school district in accordance with Subsection (3);

(iii) prepare a written report detailing the allocation under Subsection (2)(b)(ii); and

(iv) deliver a copy of the written report to the Office of the Legislative Auditor General and the divided school district local board.

(c) The new school district and reorganized new school district local boards shall determine the allocation under Subsection (2)(b) and deliver the report required under Subsection (2)(b) on or before July 1 of the year following the school board election date,

unless that deadline is extended by mutual agreement of the new school district and reorganized new school district local boards.

(3) (a) As used in this Subsection (3):

(i) "Associated property" means furniture, equipment, or supplies located in or specifically associated with a physical asset.

(ii) (A) "Discretionary asset or liability" means, except as provided in Subsection (3)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or employee by law or school district accounting practice.

(B) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection (3)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.

(B) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iv) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.

(b) Except as provided under Subsection (3)(c), the new school district and reorganized new school district local school boards shall allocate all assets and liabilities the divided school district owns on the allocation date, both tangible and intangible, real and personal as follows:

(i) a physical asset and associated property asset shall be allocated to the school district in which the physical asset is located;

(ii) a discretionary asset or liability shall be allocated between the new school district and reorganized new school district in proportion to the student population of the school districts;

(iii) vehicles used for pupil transportation shall be allocated:

(A) according to the transportation needs of schools, as measured by the number and assortment of vehicles used to serve eligible state supported transportation routes serving schools within the new school district and the reorganized new school district; and

(B) in a manner that gives each school district a fleet of vehicles for pupil transportation that is equivalent in terms of age, condition, and variety of carrying capacities;

1577 and

1578 (iv) other vehicles shall be allocated:

1579 (A) in proportion to the student population of the school districts; and

1580 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
1581 condition, and carrying capacities.

1582 (c) By mutual agreement, the new school district and reorganized new school district
1583 local school boards may allocate an asset or liability in a manner different than the allocation
1584 method specified in Subsection (3)(b).

1585 (4) (a) As used in this Subsection (4):

1586 (i) "New school district startup costs" means the costs and expenses incurred by a new
1587 school district in order to prepare to begin providing educational services on July 1 of the
1588 second calendar year following the local school board [~~general election or special~~] election date
1589 described in Subsection (1)(a)(i).

1590 (ii) "Reorganized new school district startup costs" means the costs and expenses that a
1591 reorganized new school district incurs to make necessary adjustments to deal with the impacts
1592 resulting from the creation of the new school district and to prepare to provide educational
1593 services within the reorganized new school district once the new school district begins
1594 providing educational services within the new school district.

1595 (b) On or before January 1 of the year following the new local school board [~~general~~
1596 ~~election or special~~] election date described in Subsection (1)(a)(i), the divided school district
1597 shall make the unassigned reserve funds from the divided school district's general fund
1598 available for the use of the reorganized new school district and the new school district in
1599 proportion to the student enrollment of each new school district.

1600 (c) The divided school district may make additional funds available for the use of the
1601 reorganized new school district and the new school district beyond the amount specified in
1602 Subsection (4)(b) through an interlocal agreement.

1603 (d) The following may access and spend money made available under Subsection
1604 (4)(b):

1605 (i) the reorganized new school district local school board; and

1606 (ii) the new school district local school board.

1607 (e) The new school district and the reorganized new school district may use the money

made available under Subsection (4)(b) to pay for the new school district and reorganized new school district startup costs.

(5) (a) The divided school district shall transfer title or, if applicable, partial title of property to the new school district and the reorganized new school district in accordance with the allocation of property as stated in the report under Subsection (2)(b)(iii).

(b) The divided school district shall complete each transfer of title or, if applicable, partial title to real property and vehicles on or before one calendar year from the date of the local school board election date described in Subsection (1)(a)(i), except as that date is changed by the mutual agreement of:

(i) the local school board of the divided school district;

(ii) the local school board of the reorganized new school district; and

(iii) the local school board of the new school district.

(c) The divided school district shall complete the transfer of all property not included in Subsection (5)(b) on or before November 1 of the calendar year following the local school board election date described in Subsection (1)(a)(i).

(6) Except as provided in Subsection (5), a divided school district may not transfer or agree to transfer title to district property beginning on the day the new school district or reorganized new school district is created without the prior consent of:

(a) the legislative body of the municipality in which the boundaries for the new school district or reorganized new school district are entirely located; or

(b) the legislative bodies of all interlocal agreement participants in which the boundaries of the new school district or reorganized new school district are located.

Section 19. Section **53G-3-303** is amended to read:

53G-3-303. New school district property tax -- Limitations.

(1) A new school district, created under Section [53G-3-301.1](#), ~~[53G-3-301.2](#)~~, [53G-3-301.3](#), or [53G-3-301.4](#) and a reorganized new school district may not impose a property tax before the fiscal year in which the new school district and reorganized new school district assume responsibility for providing student instruction.

(2) (a) If at the time a new school district created in accordance with Section [53G-3-301.1](#), ~~[53G-3-301.2](#)~~, [53G-3-301.3](#), or [53G-3-301.4](#), assumes responsibility for student instruction any portion of the territory within the new school district was subject to a levy

1639 pursuant to Section 53F-8-301, the new school district's board may:

1640 (i) discontinue the levy for the new school district;

1641 (ii) impose a levy on the new school district as provided in Section 53F-8-301; or

1642 (iii) impose the levy on the new school district, subject to Subsection (2)(b).

1643 (b) If the new school district's local school board applies a levy to the new school

1644 district in accordance with Subsection (2)(a)(iii), the levy may not exceed the maximum

1645 duration or rate authorized by the voters of the divided school district at the time of the vote to

1646 create the new school district.

1647 Section 20. Section 53G-3-305 is amended to read:

1648 **53G-3-305. Redistricting -- Local school board membership.**

1649 (1) Upon the creation of a new school district or a reorganized new school district in

1650 accordance with Section 53G-3-301.1, [~~53G-3-301.2~~], 53G-3-301.3, or 53G-3-301.4, the

1651 applicable legislative body shall redistrict the affected school districts in accordance with

1652 Section 20A-14-201.

1653 (2) Except as provided in Section 53G-3-302, local school board membership in the

1654 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of

1655 Members of Local Boards of Education.

1656 Section 21. **Effective date.**

1657 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

1658 elected to each house, this bill takes effect upon approval by the governor, or the day following

1659 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's

1660 signature, or in the case of a veto, the date of veto override.

1661 (2) If this bill is not approved by two-thirds of all members elected to each house, this

1662 bill takes effect on August 19, 2024.

1663 Section 22. **Retrospective operation.**

1664 This bill has retrospective operation to May 2, 2024.