

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:
 - the creation of a new school district; and
 - 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- 53G-3-301**, as repealed and reenacted by Laws of Utah 2024, Chapter 526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- 53G-3-302**, as repealed and reenacted by Laws of Utah 2024, Chapter 526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 law.

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

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

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

- (a) the date for the statewide special election; and
(b) the purpose for the statewide special election.

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

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

(b) the purpose for the statewide special election.

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

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

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

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

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

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

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

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

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

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

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

~~[(xi)]~~ (x) a vote on the incorporation of a municipality in accordance with Section 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.

- 130 (1)(a) Each county legislative body is the board of county canvassers for:
- 131 (i) the county; and
- 132 (ii) each special district whose election is conducted by the county if:
- 133 (A) the election relates to the creation of the special district;
- 134 (B) the county legislative body serves as the governing body of the special
- 135 district; or
- 136 (C) there is no duly constituted governing body of the special district.
- 137 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
- 138 meeting of the county legislative body, at a date and time determined by the county
- 139 clerk that is no sooner than seven days after the election and no later than 14 days
- 140 after the election.
- 141 (c) If one or more of the county legislative body fails to attend the meeting of the board
- 142 of county canvassers, the remaining members shall replace the absent member by
- 143 appointing in the order named:
- 144 (i) the county treasurer;
- 145 (ii) the county assessor; or
- 146 (iii) the county sheriff.
- 147 (d) Attendance of the number of persons equal to a simple majority of the county
- 148 legislative body, but not less than three persons, shall constitute a quorum for
- 149 conducting the canvass.
- 150 (e) The county clerk is the clerk of the board of county canvassers.
- 151 (2)(a) The mayor and the municipal legislative body are the board of municipal
- 152 canvassers for the municipality.
- 153 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 154 place of meeting of the municipal legislative body:
- 155 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 156 days after the election and no later than 14 days after the election; or
- 157 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
- 158 days after the election and no later than 14 days after the election.
- 159 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
- 160 quorum for conducting the canvass.
- 161 (3)(a) The legislative body of the entity authorizing a bond election is the board of
- 162 canvassers for each bond election.
- 163 (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 municipality, the mayor and the municipal legislative body;

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

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

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

20A-7-101 . Definitions.

As used in this chapter:

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

(2) "Budget officer" means:

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

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

(c) for a town, the town council.

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

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

(5) "Electronic initiative process" means:

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

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

(6) "Electronic referendum process" means:

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

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

(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).

- 232 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
233 and the signature sheets, all of which have been bound together as a unit.
- 234 (14) "Initiative petition":
235 (a) as it relates to a statewide initiative, using the manual initiative process:
236 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
237 submission of the initiative to the Legislature or the legal voters; and
238 (ii) if the initiative proposes a tax increase, includes the statement described in
239 Subsection 20A-7-203(2)(b);
240 (b) as it relates to a statewide initiative, using the electronic initiative process:
241 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
242 submission of the initiative to the Legislature or the legal voters; and
243 (ii) if the initiative proposes a tax increase, includes the statement described in
244 Subsection 20A-7-215(5)(b);
245 (c) as it relates to a local initiative, using the manual initiative process:
246 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
247 submission of the initiative to the legislative body or the legal voters; and
248 (ii) if the initiative proposes a tax increase, includes the statement described in
249 Subsection 20A-7-503(2)(b); or
250 (d) as it relates to a local initiative, using the electronic initiative process:
251 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
252 submission of the initiative to the legislative body or the legal voters; and
253 (ii) if the initiative proposes a tax increase, includes the statement described in
254 Subsection 20A-7-514(4)(a).
- 255 (15)(a) "Land use law" means a law of general applicability, enacted based on the
256 weighing of broad, competing policy considerations, that relates to the use of land,
257 including land use regulation, a general plan, a land use development code, an
258 annexation ordinance, the rezoning of a single property or multiple properties, or a
259 comprehensive zoning ordinance or resolution.
- 260 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
261 or 17-27a-103.
- 262 (16) "Legal signatures" means the number of signatures of legal voters that:
263 (a) meet the numerical requirements of this chapter; and
264 (b) have been obtained, certified, and verified as provided in this chapter.
- 265 (17) "Legal voter" means an individual who is registered to vote in Utah.

- 266 (18) "Legally referable to voters" means:
- 267 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
- 268 voters under Section 20A-7-502.7; or
- 269 (b) for a proposed local referendum, that the proposed local referendum is legally
- 270 referable to voters under Section 20A-7-602.7.
- 271 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose
- 272 jurisdiction a local initiative or referendum petition is circulated.
- 273 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction
- 274 a local initiative or referendum petition is circulated.
- 275 (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 initiative
- 288 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 House of
- 296 Representatives.
- 297 (29) "Referendum" means a process by which a law passed by the Legislature or by a local
- 298 legislative body is submitted or referred to the voters for their approval or rejection.
- 299 (30) "Referendum application" means:

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

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

(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

- 334 (C) does not include an electronic signature;
- 335 (b) for a statewide referendum:
- 336 (i) as it relates to the electronic referendum process, means an electronic signature
- 337 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 338 (ii) as it relates to the manual referendum process:
- 339 (A) means a holographic signature collected physically on a signature sheet
- 340 described in Section 20A-7-303;
- 341 (B) as it relates to an individual who, due to a qualifying disability under the
- 342 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 343 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 344 identity will be verified by an alternate verification process described in
- 345 Section 20A-7-106; and
- 346 (C) does not include an electronic signature;
- 347 (c) for a local initiative:
- 348 (i) as it relates to the electronic initiative process, means an electronic signature
- 349 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 350 (ii) as it relates to the manual initiative process:
- 351 (A) means a holographic signature collected physically on a signature sheet
- 352 described in Section 20A-7-503;
- 353 (B) as it relates to an individual who, due to a qualifying disability under the
- 354 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 355 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 356 identity will be verified by an alternate verification process described in
- 357 Section 20A-7-106; and
- 358 (C) does not include an electronic signature; or
- 359 (d) for a local referendum:
- 360 (i) as it relates to the electronic referendum process, means an electronic signature
- 361 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 362 (ii) as it relates to the manual referendum process:
- 363 (A) means a holographic signature collected physically on a signature sheet
- 364 described in Section 20A-7-603;
- 365 (B) as it relates to an individual who, due to a qualifying disability under the
- 366 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 367 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) [~~To~~] 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

504 included in a proposition information pamphlet under Section 20A-7-401.5:

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

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

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

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

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

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

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

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

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

528 (b) Before an election officer publishes a local voter information pamphlet under this
529 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
530 Government Records Access and Management Act.

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

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

538 officer.

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

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

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

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

546 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
547 accordance with Subsection (9)(b); or

548 (ii) does not timely submit the written rebuttal argument to the election officer.

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

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

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

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

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

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

564 (i) ensure that the written arguments are printed on the same sheet of paper upon
565 which the ballot proposition is also printed;

566 (ii) ensure that the following statement is printed on the front cover or the heading of the first
567 page of the printed written arguments:

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

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

570 (iv) not less than 15 days before, but not more than 45 days before, the election at

571 which the ballot proposition will be voted on, distribute, by mail or carrier, to each

- 572 registered voter entitled to vote on the ballot proposition:
- 573 (A) a voter information pamphlet; or
- 574 (B) the notice described in Subsection (12)(c).
- 575 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
- 576 election officer may summarize the ballot proposition in 500 words or less.
- 577 (ii) The summary shall state where a complete copy of the ballot proposition is
- 578 available for public review.
- 579 (c)(i) The election officer may distribute a notice printed on a postage prepaid,
- 580 preaddressed return form that a person may use to request delivery of a voter
- 581 information pamphlet by mail.
- 582 (ii) The notice described in Subsection (12)(c)(i) shall include:
- 583 (A) the address of the Statewide Electronic Voter Information Website authorized
- 584 by Section 20A-7-801; and
- 585 (B) the phone number a voter may call to request delivery of a voter information
- 586 pamphlet by mail or carrier.
- 587 (13) For 2024 only, in relation to an election that will appear on the regular general election
- 588 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or
- 589 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72 days
- 590 before the day of the election:
- 591 (a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later
- 592 than five business days after the notice is published;
- 593 (b) the deadline to grant a request under Subsection (2)(f) is no later than seven business
- 594 days after the notice is published;
- 595 (c) the deadline to submit the written argument to the election officer under Subsection
- 596 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;
- 597 and
- 598 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
- 599 (c)(iii) is no later than 17 business days after the notice is published.

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

601 **20A-9-404 . Municipal primary elections.**

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

- 606 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
607 Monday in the August before the regular municipal election; and
- 608 (ii) whenever possible, at the same polling places as the regular municipal election.
- 609 (c) Subsections (3) through (5) do not apply to an election to elect local school board
610 members under Section 53G-3-302.
- 611 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply
612 to an election to elect local school board members under Section 53G-3-302.
- 613 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods
614 Pilot Project, if the number of candidates for a particular municipal office does not
615 exceed twice the number of individuals needed to fill that office, a primary election for
616 that office may not be held and the candidates are considered nominated.
- 617 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly
618 of voters or delegates.
- 619 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal
620 election, any third, fourth, or fifth class city or town may exempt itself from a
621 primary election by providing that the nomination of candidates for municipal
622 office to be voted upon at a municipal election be nominated by a municipal party
623 convention or committee.
- 624 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
625 shall be held on or before May 30 of an odd-numbered year.
- 626 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
627 remains in effect until repealed by ordinance.
- 628 (c)(i) A convention or committee may not nominate more than one candidate for
629 each of the municipal offices to be voted upon at the municipal election.
- 630 (ii) A convention or committee may not nominate an individual who has accepted the
631 nomination of a different convention or committee.
- 632 (iii) A municipal party may not have more than one group of candidates placed upon
633 the ballot and may not group the same candidates on different tickets by the same
634 party under a different name or emblem.
- 635 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
636 shall prepare and submit to the filing officer a certificate of nomination for each
637 individual nominated.
- 638 (ii) The certificate of nomination shall:
- 639 (A) contain the name of the office for which each individual is nominated, the

- 640 name, post office address, and, if in a city, the street number of residence and
641 place of business, if any, of each individual nominated;
- 642 (B) designate in not more than five words the party that the convention or
643 committee represents;
- 644 (C) contain a copy of the resolution passed at the convention that authorized the
645 committee to make the nomination;
- 646 (D) contain a statement certifying that the name of the candidate nominated by the
647 political party will not appear on the ballot as a candidate for any other
648 political party;
- 649 (E) be signed by the presiding officer and secretary of the convention or
650 committee; and
- 651 (F) contain a statement identifying the residence and post office address of the
652 presiding officer and secretary and certifying that the presiding officer and
653 secretary were officers of the convention or committee and that the certificates
654 are true to the best of their knowledge and belief.
- 655 (iii) A candidate nominated by a municipal party convention or committee shall file a
656 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
657 that includes:
- 658 (A) the name of the municipal party or convention that nominated the candidate;
659 and
- 660 (B) the office for which the convention or committee nominated the candidate.
- 661 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
662 also make nominations or fill vacancies in nominations made at a convention if the
663 committee makes the nomination before the deadline for a write-in candidate to file a
664 declaration of candidacy under Section 20A-9-601.
- 665 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
666 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
667 be included with the candidate's name.
- 668 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
669 May 1 that falls before the regular municipal election that:
- 670 (i) exempts the city or town from the other methods of nominating candidates to
671 municipal office provided in this section; and
- 672 (ii) provides for a municipal partisan convention method of nominating candidates as
673 provided in this Subsection (4).

- 674 (b)(i) Any party that was a registered political party at the last regular general
675 election or regular municipal election is a municipal political party under this
676 section.
- 677 (ii) Any political party may qualify as a municipal political party by presenting a
678 petition to the city recorder that:
- 679 (A) is signed, with a holographic signature, by registered voters within the
680 municipality equal to at least 20% of the number of votes cast for all
681 candidates for mayor in the last municipal election at which a mayor was
682 elected;
- 683 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day
684 before the day on which the municipal party holds a convention to nominate a
685 candidate under this Subsection (4);
- 686 (C) is substantially similar to the form of the signature sheets described in Section
687 20A-7-303; and
- 688 (D) contains the name of the municipal political party using not more than five
689 words.
- 690 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
691 the procedures described in Section 20A-1-1002 to determine whether each signer
692 is a registered voter who is qualified to sign the petition.
- 693 (c)(i) If the number of candidates for a particular office does not exceed twice the
694 number of offices to be filled at the regular municipal election, no primary
695 election for that office shall be held and the candidates are considered to be
696 nominated.
- 697 (ii) If the number of candidates for a particular office exceeds twice the number of
698 offices to be filled at the regular municipal election, those candidates for
699 municipal office shall be nominated at a municipal primary election.
- 700 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
701 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- 702 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
703 blank ballot box.
- 704 (f) Immediately after the canvass, the election judges shall, without examination, destroy
705 the tickets deposited in the blank ballot box.
- 706 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
707 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.

(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.

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.

- 844 (2) There is created the Office of the Legislative Auditor General as a permanent staff
845 office for the Legislature.
- 846 (3) The legislative auditor general shall be a licensed certified public accountant or certified
847 internal auditor with at least seven years of experience in the auditing or public
848 accounting profession, or the equivalent, prior to appointment.
- 849 (4) The legislative auditor general shall appoint and develop a professional staff within
850 budget limitations.
- 851 (5) The office shall exercise the constitutional authority provided in Utah Constitution,
852 Article VI, Section 33.
- 853 (6) Under the direction of the legislative auditor general, the office shall:
- 854 (a) conduct comprehensive and special purpose audits, examinations, investigations, or
855 reviews of entity funds, functions, and accounts;
- 856 (b) prepare and submit a written report on each audit action to the Audit Subcommittee
857 created in Section 36-12-8 and make the report available to all members of the
858 Legislature within 75 days after the audit action is completed;
- 859 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the
860 legislative auditor general determines necessary, in accordance with Title 63J,
861 Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and
862 legislative rule;
- 863 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs
864 and operations that:
- 865 (i) threaten public funds or programs;
- 866 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
- 867 (iii) require transformation;
- 868 (e) monitor and report to the Audit Subcommittee the health of a government
869 organization's internal audit functions;
- 870 (f) make recommendations to increase the independence and value added of internal
871 audit functions throughout the state;
- 872 (g) implement a process to track, monitor, and report whether the subject of an audit has
873 implemented recommendations made in the audit report;
- 874 (h) establish, train, and maintain individuals within the office to conduct investigations
875 and represent themselves as lawful investigators on behalf of the office;
- 876 (i) establish policies, procedures, methods, and standards of audit work and
877 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 investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance involving public funds.

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

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

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

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

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

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

(A) unethical behavior;

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

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

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

- 946 (iv) records that would disclose:
947 (A) an outline;
948 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
949 (C) other procedural documents necessary to fulfill the duties of the office; and
950 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 951 (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or
952 information to a government prosecutor or peace officer if those records or
953 information relate to a violation of the law by an entity or entity employee.
- 954 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting
955 held in accordance with Section 52-4-205:
956 (i) is a protected record, as defined in Section 63G-2-103;
957 (ii) to the extent the record contains information:
958 (A) described in Section 63G-2-302, is a private record; or
959 (B) described in Section 63G-2-304, is a controlled record; and
960 (iii) may not be reclassified by the office.
- 961 (d) The provisions of this section do not limit the authority otherwise given to the
962 legislative auditor general to maintain the private, controlled, or protected record
963 status of a shared record in the legislative auditor general's possession or classify a
964 document as public, private, controlled, or protected under Title 63G, Chapter 2,
965 Government Records Access and Management Act.
- 966 (12) The legislative auditor general shall:
967 (a) be available to the Legislature and to the Legislature's committees for consultation on
968 matters relevant to areas of the legislative auditor general's professional competence;
969 (b) conduct special audits as requested by the Audit Subcommittee;
970 (c) report immediately to the Audit Subcommittee any apparent violation of penal
971 statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all
972 information relative to the apparent violation;
973 (d) report immediately to the Audit Subcommittee any apparent instances of
974 malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of
975 an entity; and
976 (e) make any recommendations to the Audit Subcommittee with respect to the alteration
977 or improvement of the accounting system used by an entity.
- 978 (13) If the legislative auditor general conducts an audit of an entity that has previously been
979 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.

(14) Before each annual general session, the legislative auditor general shall:

(a) prepare an annual report that:

(i) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and

(ii) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;

(b) include in the report any items and recommendations that the legislative auditor general believes the Legislature should consider in the annual general session; and

(c) deliver the report to the Legislature and to the appropriate committees of the Legislature.

(15)(a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:

(i) the office;

(ii) the attorney general, county attorney, or district attorney; and

(iii)(A) for a state government organization, the chief executive officer;

(B) for a political subdivision government organization, the legislative body or governing board; or

(C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.

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

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

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

- 1014 attorney, or district attorney pursued criminal or civil sanctions in the matter.
- 1015 (16)(a) An actor commits interference with a legislative audit if the actor uses force,
1016 violence, intimidation, or engages in any other unlawful act with a purpose to
1017 interfere with:
- 1018 (i) a legislative audit action; or
- 1019 (ii) the office's decisions relating to:
- 1020 (A) the content of the office's report;
- 1021 (B) the conclusions reached in the office's report; or
- 1022 (C) the manner of disclosing the results and findings of the office.
- 1023 (b) A violation of Subsection (16)(a) is a class B misdemeanor.
- 1024 (17)(a) The office may require any current employee, or any applicant for employment,
1025 to submit to a fingerprint-based local, regional, and criminal history background
1026 check as an ongoing condition of employment.
- 1027 (b) An employee or applicant for employment shall provide a completed fingerprint card
1028 to the office upon request.
- 1029 (c) The office shall require that an individual required to submit to a background check
1030 under this Subsection (17) also provide a signed waiver on a form provided by the
1031 office that meets the requirements of Subsection 53-10-108(4).
- 1032 (d) For a noncriminal justice background search and registration in accordance with
1033 Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal
1034 Identification:
- 1035 (i) the employee's or applicant's personal identifying information and fingerprints for
1036 a criminal history search of applicable local, regional, and national databases; and
- 1037 (ii) a request for all information received as a result of the local, regional, and
1038 nationwide background check.
- 1039 (18) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the
1040 Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, [
1041 ~~53G-3-301.2,~~] 53G-3-301.3, or 53G-3-301.4.
- 1042 Section 11. Section **53G-3-102** is amended to read:
- 1043 **53G-3-102 . Definitions.**
- 1044 As used in this chapter:
- 1045 (1) "Allocation date" means:
- 1046 (a) July 1 of the second calendar year following the local school board [general election
1047 ~~date or special~~] election date as described in Section 53G-3-302; or

- 1048 (b) another date to which the new local school board and reorganized school board agree.
- 1049 (2) "Creation date" means the date on which voters approve the creation of a new school
1050 district under Section 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4.
- 1051 (3) "Divided school district" means:
- 1052 (a) an existing school district from which a new school district is created under Section
1053 53G-3-301.1, ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4; and
- 1054 (b) an existing school district from which a reorganized new school district is created.
- 1055 (4)(a) "Feasibility study" means a study:
- 1056 (i) conducted by:
- 1057 (A) a school district, municipal legislative body, or interlocal agreement
1058 participants before ~~[July 31, 2024]~~ July 1, 2024; or
- 1059 (B) the Office of the Legislative Auditor General, subject to prioritization by the
1060 Legislative Audit Subcommittee; and
- 1061 (ii) to determine:
- 1062 (A) the financial viability for a new school district and reorganized new school
1063 district that is contained within the boundaries of a divided school district;
- 1064 (B) the financial impact on a new school district and reorganized new school
1065 district that is contained within the boundaries of a divided school district; and
- 1066 (C) the impact of the tax burden on taxpayers within the boundaries of the
1067 proposed new school district.
- 1068 (5) "Interlocal agreement participant" means a public agency, as that term is defined in
1069 Section 11-13-103, that enters into an agreement with one or more other public agencies
1070 for the purpose described in and in accordance with Title 11, Chapter 13, Interlocal
1071 Cooperation Act.
- 1072 (6) "Isolated area" means an area that:
- 1073 (a) is entirely within the boundaries of an existing school district;
- 1074 (b) is contiguous to the proposed new school district;
- 1075 (c) has a combined student population of fewer than 5,000 students; and
- 1076 (d) because of the creation of a new school district from the existing district in which the
1077 area is located, would become completely geographically isolated.
- 1078 (7) "Municipality" means the same as that term is defined in Section 10-1-104.
- 1079 (8) "New school district" means a school district created under Section 53G-3-301.1, [
1080 ~~53G-3-301.2,~~ 53G-3-301.3, or 53G-3-301.4.
- 1081 (9) "Reorganized new school district" means the remaining portion of the divided school

1082 district after the creation of a new school district under Subsection 53G-3-301.1, [
1083 ~~53G-3-301.2,~~]53G-3-301.3, or 53G-3-301.4.

1084 Section 12. Section **53G-3-202** is amended to read:

1085 **53G-3-202 . School districts independent of municipal and county governments --**
1086 **School district name -- Control of property.**

1087 (1)(a) Each school district shall be controlled by its local school board and shall be
1088 independent of municipal and county governments.

1089 (b) The name of each school district created after May 1, 2000, including a reorganized
1090 new school district, shall comply with Section 17-50-103.

1091 (2) The local school board shall have direction and control of all school property in the
1092 district and may enter into cooperative agreements with other local school boards to
1093 provide educational services that best utilize resources for overall operation of the public
1094 school system.

1095 (3)(a) On or before 30 days following the day on which the creation of a new school
1096 district occurs under Section 53G-3-301.1, [~~53G-3-301.2,~~]53G-3-301.3, or
1097 53G-3-301.4, and in accordance with Section 67-1a-15, a new school district shall be
1098 registered as a limited purpose entity by:

1099 (i) the municipal legislative body in which the boundaries for the new school district
1100 is entirely located; or

1101 (ii) the legislative body of interlocal agreement participants in which the new school
1102 district is located.

1103 (b) Each school district shall register and maintain the school district's registration as a
1104 limited purpose entity in accordance with Section 67-1a-15.

1105 (c) A school district that fails to comply with Subsections (3)(a) and (b) or Section
1106 67-1a-15 is subject to enforcement by the state auditor in accordance with Section
1107 67-3-1.

1108 Section 13. Section **53G-3-301** is amended to read:

1109 **53G-3-301 . Creation of new school district -- Initiation of process -- Procedures**
1110 **to be followed.**

1111 (1) A new school district may be created from one or more existing school districts, as
1112 provided in this chapter.

1113 (2) The process to create a new school district may be initiated:

1114 (a) through a citizens' [~~initiative-~~]petition in accordance with Section 53G-3-301.1;

1115 [~~(b) at the request of the local school board of the divided district or districts to be~~

- 1116 ~~affected by the creation of the new district in accordance with Section 53G-3-301.2;]~~
1117 [(e)] (b) at the request of a municipality within the boundaries of the school district in
1118 accordance with Section 53G-3-301.3; or
1119 [(d)] (c) at the request of interlocal agreement participants in accordance with Section
1120 53G-3-301.4.
- 1121 (3) Except as provided in Sections 53G-3-301.3 and 53G-3-301.4, a request or petition
1122 under Subsection (2) may not form a new school district unless the new school district
1123 boundaries:
- 1124 (a) are contiguous;
- 1125 (b) ~~[do not completely surround or otherwise completely geographically isolate a portion~~
1126 ~~of the existing school district that is not part of the proposed new school district from~~
1127 ~~the remaining part of that existing school district; or]~~ do not create an isolated area, as
1128 defined in Section 53G-3-102; and
- 1129 (c) include the entire boundaries of each participant municipality or town.
- 1130 (4) For each new school district, each county legislative body shall comply with the notice
1131 and plat filing requirements of Section 53G-3-203.
- 1132 (5) If a new school district is created, the new district shall reimburse the reorganized new
1133 district's documented costs to study and implement the proposal in proportion to the
1134 student population of each school district.
- 1135 (6) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be the
1136 basis of a legal action or other challenge to:
- 1137 (a) an election for voter approval of the creation of a new school district; or
1138 (b) the creation of the new school district.
- 1139 (7) Notwithstanding the creation of a new district as provided in this part:
- 1140 (a) a new school district and a reorganized new school district may not begin to provide
1141 educational services to the area within the new school district and reorganized new
1142 school district until July 1 of the second calendar year following the local school
1143 board election date as described in Section 53G-3-301.1, ~~[53G-3-301.2,]~~ 53G-3-301.3,
1144 or 53G-3-301.4; and
- 1145 (b) the divided school district shall continue, until the time specified in Subsection (7)(a),
1146 to provide educational services within the entire area covered by the divided school
1147 district.
- 1148 (8) A new school district and a reorganized new school district shall enter into a shared
1149 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)]~~ (1):

(i) indicates the typed or printed name and current residence address of each ~~[governing board member making a request, or registered voter signing a petition, as the case may be]~~ voter who signs the petition;

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

(iii) designates up to five signers of the petition ~~[or request]~~ as sponsors, designating one as the contact sponsor, with the mailing address and telephone number of each.

(3)(a)(i) A signer of a petition described in Subsection (1) may withdraw or, once withdrawn, reinstate the signer's signature by filing a written statement requesting for withdrawal or reinstatement with the county clerk no later than three business days after the day on which the petition is filed with the county clerk.

- 1184 (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements
1185 described in Subsection 20A-1-1003(2).
- 1186 (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)
1187 to determine whether to remove or reinstate an individual's signature from a
1188 petition after receiving a timely, valid statement.
- 1189 (b) The county clerk shall use the procedures described in Section 20A-1-1002 to
1190 determine whether the petition has been signed by the required number of registered
1191 voters residing within the geographical boundaries of the proposed new school
1192 district.
- 1193 (4) Within 14 days after the day on which a petition described in Subsection (1) is filed, the
1194 clerk of each county with which the request or petition is filed shall:
- 1195 (a) determine whether the petition complies with Subsections (2) and (3), as applicable,
1196 and Section 53G-3-301; and
- 1197 (b)(i) if the county clerk determines that the request or petition complies with the
1198 applicable requirements:
- 1199 (A) certify the petition and deliver the certified petition to the county legislative
1200 body; and
- 1201 (B) mail or deliver written notification of the certification to the contact sponsor;
1202 or
- 1203 (ii) if the county clerk determines that the petition fails to comply with any of the
1204 applicable requirements, reject the petition and notify the contact sponsor in
1205 writing of the rejection and reasons for the rejection.
- 1206 (5)(a) If the county clerk fails to certify or reject a petition within the time specified in
1207 Subsection (4), the petition is considered to be certified.
- 1208 (b) If the county clerk rejects a petition, the individual who submitted the petition may
1209 amend the petition to correct the deficiencies for which the county clerk rejected the
1210 petition and refile the petition.
- 1211 (6) Within 10 days after the day on which a county legislative body receives a certified
1212 petition as described in Subsection (4) or (5), the county legislative body shall request
1213 that the Legislative Audit Subcommittee consider prioritizing a feasibility study, as that
1214 term is defined in Section 53G-3-102.
- 1215 (7)(a) The county legislative body shall:
- 1216 (i) provide for a 45-day public comment period to begin on the day the county
1217 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

- 1287 the request and refile the request.
- 1288 (5)(a) Within 10 days after the day on which a municipal legislative body receives a
1289 certification as described in Subsection (3) or (4), a municipal legislative body shall
1290 request that the Legislative Audit Subcommittee consider prioritizing a feasibility
1291 study, as that term is defined in Section 53G-3-102.
- 1292 (b) For the year 2024, the municipal legislative body may use a feasibility study that the
1293 municipal legislative body conducted before ~~[July 31, 2024]~~ July 1, 2024, if:
- 1294 (i) the feasibility study contains the determinations described in Section 53G-3-102;
1295 and
1296 (ii) the municipality receives a report and recommendation regarding the feasibility
1297 study in a public meeting.
- 1298 (6)(a) The municipal legislative body shall:
- 1299 (i) provide for a ~~[45-day]~~ 30-day public comment period to begin :
1300 (A) on the day the study is presented to the municipal legislative body under
1301 Subsection (5); ~~and~~ or
1302 (B) if the municipal legislative body uses a feasibility study described in
1303 Subsection (5)(b), on July 1, 2024; and
- 1304 (ii) hold at least two public hearings, as defined in Section 10-9a-103, on the study
1305 and recommendation.
- 1306 (b) Within 14 days after the day on which the public comment period ends, the
1307 municipal legislative body shall vote on the creation of the proposed new school
1308 district.
- 1309 (c) A municipal legislative body approves a proposal if a majority of the municipal
1310 legislative body vote in favor of the proposal.
- 1311 (d) Within five business days after the day on which the municipal legislative body
1312 approves a ~~[proposal]~~ request proposing the creation of a new school district, the
1313 municipal legislative body shall notify the legislative body and the county clerk of
1314 each county described in Subsection (2)(a).
- 1315 (7) The county clerks of the counties described in Subsection (2)(a) shall submit the
1316 proposal for the creation of a new school district to all legal voters residing within the
1317 proposed new school district boundaries for approval or rejection at the next regular
1318 general election that is a least 65 days after the day on which the municipal legislative
1319 body complies with Subsection (6)(d).
- 1320 (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 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 17. Section **53G-3-301.4** is amended to read:

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

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

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

~~(b) A municipality may not:~~

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

~~(ii) participate in a request under this section and submit a request under Section 53G-3-301.3 for the same election.~~

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

- 1355 (i) the municipality votes, via the legislative body of the municipality, to withdraw
1356 from the interlocal agreement; and
- 1357 (ii) a majority of all municipalities that are participants in the interlocal agreement
1358 vote to withdraw from the interlocal agreement, via a separate vote of the
1359 legislative body of each municipality.
- 1360 (d) If a majority of all municipalities that are participants in the interlocal agreement
1361 vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is
1362 void and the interlocal agreement participants may not participate in a new or a
1363 revised request until the following year.
- 1364 (2)(a) ~~[By]~~ Except as provided in Subsection (3), by a majority vote of each legislative
1365 body, the legislative body of a municipality, together with at least one other
1366 municipality, may enter into an interlocal agreement in accordance with Title 11,
1367 Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter
1368 approval a measure to create a new school district if[:]
- 1369 ~~[(i) except as provided in Subsection (3),]~~ the new school district boundaries comply
1370 with the requirements of Section 53G-3-301~~[:and]~~ .
- 1371 ~~[(ii) the combined population within the proposed new school district of the~~
1372 ~~interlocal agreement participants is at least 80% of the total population of the~~
1373 ~~proposed new school district.]~~
- 1374 (b) A county may only participate in an interlocal agreement under this Subsection (2)
1375 for the unincorporated areas of the county.
- 1376 (c) Boundaries of a new school district created under this section may include:
1377 (i) a portion of one or more existing school districts; and
1378 (ii) a portion of the unincorporated area of a county.
- 1379 (3)(a) As used in this Subsection (3), "municipality's school district" means the school
1380 district that includes all of the municipality in which the isolated area is located
1381 except the isolated area, as that term is defined in Section 53G-3-102.
- 1382 (b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in an
1383 interlocal agreement under Subsection (2)(a) with respect to some but not all of the
1384 area within the municipality's boundaries if:
1385 (i) the portion of the municipality proposed to be included in the new school district
1386 would, if not included, become an isolated area upon the creation of the new
1387 school district; or
1388 (ii)(A) the portion of the municipality proposed to be included in the new school

1389 district is within the boundaries of the same school district that includes the
1390 other interlocal agreement participants; and
1391 (B) the portion of the municipality proposed to be excluded from the new school
1392 district is within the boundaries of a school district other than the school
1393 district that includes the other interlocal agreement participants.

1394 (c)(i) Notwithstanding Subsection 53G-3-301(3), interlocal agreement participants
1395 may submit a proposal to the legal voters residing within the proposed new school
1396 district boundaries to create a new school district in accordance with an interlocal
1397 agreement under Subsection (2)(a), even though the new school district
1398 boundaries would create an isolated area, as that term is defined in Section
1399 53G-3-102, if:

1400 (A) the potential isolated area is contiguous to one or more of the interlocal
1401 agreement participants;
1402 (B) the interlocal participants submit a written request to the municipality in
1403 which the potential isolated area is located, requesting the municipality to enter
1404 into an interlocal agreement under Subsection (2)(a) that proposes to submit for
1405 voter approval a [measure] proposal to create a new school district that includes
1406 the potential isolated area; and
1407 (C) the municipality, to which the interlocal agreement participants submitted a
1408 request under Subsection (3)(c)(i)(B), did not respond to the written request
1409 within 30 days after the day on which the request was submitted.

1410 (ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold at
1411 least two public hearings to allow input from the public and affected school
1412 districts regarding whether [~~or not~~] the municipality should enter into an interlocal
1413 agreement with respect to the potential isolated area.

1414 (iii) A municipal legislative body approves a proposal to enter into an interlocal
1415 agreement with respect to the potential isolated area if a majority of the municipal
1416 legislative body votes in favor of the proposal.

1417 (d)(i) The isolated area described in this Subsection (3) shall, on July 1 of the second
1418 calendar year following the local school board general election date described in
1419 Section 53G-3-302, become part of the municipality's school district.

1420 (ii) The divided district shall continue to provide educational services to the isolated
1421 area until July 1 of the second calendar year following the local school board
1422 general election date described in Section 53G-3-302.

- 1423 (4)(a) [~~To initiate the school district creation process under Subsection (1), interlocal~~
1424 Interlocal agreement participants shall file a request described in Subsection (1) with
1425 the clerk of each county in which any part of the proposed new school district is
1426 located.
- 1427 (b) The filing interlocal agreement participants shall ensure that the request described in
1428 Subsection (4)(a):
- 1429 (i) indicates the typed or printed and current residence address of each governing
1430 board member making a request;
- 1431 (ii) describes the proposed new school district boundaries; and
- 1432 (iii) designates up to five signers of the request as sponsors, including as the contact
1433 sponsor, with the mailing address and telephone number of each.
- 1434 (5) Within five business days after the day on which a request described in Subsection (4)(a)
1435 is filed, the clerk of each county with which the request is filed shall:
- 1436 (a) determine whether the request complies with this section and Section 53G-3-301; and
- 1437 (b)(i) if the county clerk determines that the request complies with the applicable
1438 requirements:
- 1439 (A) certify the request and deliver the certified request to the legislative bodies of
1440 the interlocal agreement participants; and
- 1441 (B) mail or deliver written notification of the certification to the contact sponsor;
1442 or
- 1443 (ii) if the county clerk determines that the request fails to comply with any of the
1444 applicable requirements, reject the request and notify the contact sponsor in
1445 writing of the rejection and reasons for the rejection.
- 1446 (6)(a) If the county clerk fails to certify or reject a request within the time specified in
1447 Subsection (5), the request is considered to be certified.
- 1448 (b)[(†)] If the county clerk rejects a request, the interlocal agreement participants that
1449 submitted the request may amend the request to correct the deficiencies for which
1450 the county clerk rejected the request, and refile the request.
- 1451 (7)(a) Within 30 days after the day on which the contact sponsor receives certification
1452 as described in Subsection (5) or (6), the contact sponsor shall request that the
1453 Legislative Audit Subcommittee consider prioritizing a feasibility study, as that term
1454 is defined in Section 53G-3-102.
- 1455 (b) For the year 2024, the interlocal agreement participants may use a feasibility study
1456 that interlocal agreement participants conducted before [~~July 31, 2024~~] July 1, 2024,

1457 if:

1458 (i) the feasibility study contains the determinations described in Section 53G-3-102;

1459 and

1460 (ii) the legislative bodies of the interlocal agreement participants receive a report and

1461 recommendation regarding the feasibility study in a public meeting.

1462 (8)(a) The legislative bodies of the interlocal agreement participants shall:

1463 (i) provide for a ~~[45-day]~~ 30-day public comment period to begin :

1464 (A) on the day on which the legislative bodies of the interlocal agreement

1465 participants receive the report under Subsection (7); ~~[and] or~~

1466 (B) on July 1, 2024, if the municipal legislative body uses a feasibility study

1467 described in Subsection (7)(b), regardless of whether the municipal legislative

1468 body provided all or a portion of a public comment period in relation to the

1469 feasibility study before July 1, 2024; and

1470 (ii) except as provided in Subsection (8)(d), hold at least two public hearings, as

1471 defined in Section 10-9a-103, on the study and recommendation.

1472 (b) Within 14 days after the day on which the public comment period ends, the

1473 legislative bodies of the interlocal agreement participants shall vote on the creation of

1474 the proposed new school district.

1475 (c) The interlocal agreement participants approve a proposal if a majority of each of the

1476 legislative bodies of the interlocal agreement participants' members vote in favor of

1477 the proposal.

1478 (d) If the municipal legislative body uses a feasibility study described in Subsection

1479 (7)(b), the number of public hearings required under Subsection (8)(a)(ii) is reduced

1480 by the number of public hearings the municipal legislative body held on the

1481 feasibility study before July 1, 2024.

1482 ~~(9)(a)]~~ Within five business days after the day on which the interlocal agreement

1483 participants approve a ~~[proposal]~~ request proposing the creation of a new school

1484 district, the interlocal agreement participants shall notify the legislative body and the

1485 county clerk of each county described in Subsection (4)(a).

1486 ~~[(b) The legislative body of each county described in Subsection (4) shall submit the~~

1487 ~~proposal to the respective clerk of each county to be voted on:]~~

1488 ~~[(i) by the legal voters residing within the proposed new school district boundaries;]~~

1489 ~~[(ii) in accordance with the procedures and requirements applicable to a regular general~~

1490 ~~election under Title 20A, Election Code; and]~~

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

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

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

- 1593 reorganized new school district in accordance with Subsection (3);
- 1594 (iii) prepare a written report detailing the allocation under Subsection (2)(b)(ii); and
- 1595 (iv) deliver a copy of the written report to the Office of the Legislative Auditor
- 1596 General and the divided school district local board.
- 1597 (c) The new school district and reorganized new school district local boards shall
- 1598 determine the allocation under Subsection (2)(b) and deliver the report required under
- 1599 Subsection (2)(b) on or before July 1 of the year following the school board election
- 1600 date, unless that deadline is extended by mutual agreement of the new school district
- 1601 and reorganized new school district local boards.
- 1602 (3)(a) As used in this Subsection (3):
- 1603 (i) "Associated property" means furniture, equipment, or supplies located in or
- 1604 specifically associated with a physical asset.
- 1605 (ii)(A) "Discretionary asset or liability" means, except as provided in Subsection
- 1606 (3)(a)(ii)(B), an asset or liability that is not tied to a specific project, school,
- 1607 student, or employee by law or school district accounting practice.
- 1608 (B) "Discretionary asset or liability" does not include a physical asset, associated
- 1609 property, a vehicle, or bonded indebtedness.
- 1610 (iii)(A) "Nondiscretionary asset or liability" means, except as provided in
- 1611 Subsection (3)(a)(iii)(B), an asset or liability that is tied to a specific project,
- 1612 school, student, or employee by law or school district accounting practice.
- 1613 (B) "Nondiscretionary asset or liability" does not include a physical asset,
- 1614 associated property, a vehicle, or bonded indebtedness.
- 1615 (iv) "Physical asset" means a building, land, or water right together with revenue
- 1616 derived from the lease or use of the building, land, or water right.
- 1617 (b) Except as provided under Subsection (3)(c), the new school district and reorganized
- 1618 new school district local school boards shall allocate all assets and liabilities the
- 1619 divided school district owns on the allocation date, both tangible and intangible, real
- 1620 and personal as follows:
- 1621 (i) a physical asset and associated property asset shall be allocated to the school
- 1622 district in which the physical asset is located;
- 1623 (ii) a discretionary asset or liability shall be allocated between the new school district
- 1624 and reorganized new school district in proportion to the student population of the
- 1625 school districts;
- 1626 (iii) vehicles used for pupil transportation shall be allocated:

- 1627 (A) according to the transportation needs of schools, as measured by the number
1628 and assortment of vehicles used to serve eligible state supported transportation
1629 routes serving schools within the new school district and the reorganized new
1630 school district; and
- 1631 (B) in a manner that gives each school district a fleet of vehicles for pupil
1632 transportation that is equivalent in terms of age, condition, and variety of
1633 carrying capacities; and
- 1634 (iv) other vehicles shall be allocated:
- 1635 (A) in proportion to the student population of the school districts; and
1636 (B) in a manner that gives each district a fleet of vehicles that is similar in terms
1637 of age, condition, and carrying capacities.
- 1638 (c) By mutual agreement, the new school district and reorganized new school district
1639 local school boards may allocate an asset or liability in a manner different than the
1640 allocation method specified in Subsection (3)(b).
- 1641 (4)(a) As used in this Subsection (4):
- 1642 (i) "New school district startup costs" means the costs and expenses incurred by a
1643 new school district in order to prepare to begin providing educational services on
1644 July 1 of the second calendar year following the local school board [~~general~~
1645 ~~election or special~~]election date described in Subsection (1)(a)(i).
- 1646 (ii) "Reorganized new school district startup costs" means the costs and expenses that
1647 a reorganized new school district incurs to make necessary adjustments to deal
1648 with the impacts resulting from the creation of the new school district and to
1649 prepare to provide educational services within the reorganized new school district
1650 once the new school district begins providing educational services within the new
1651 school district.
- 1652 (b) On or before January 1 of the year following the new local school board [~~general~~
1653 ~~election or special~~]election date described in Subsection (1)(a)(i), the divided school
1654 district shall make the unassigned reserve funds from the divided school district's
1655 general fund available for the use of the reorganized new school district and the new
1656 school district in proportion to the student enrollment of each new school district.
- 1657 (c) The divided school district may make additional funds available for the use of the
1658 reorganized new school district and the new school district beyond the amount
1659 specified in Subsection (4)(b) through an interlocal agreement.
- 1660 (d) The following may access and spend money made available under Subsection (4)(b):

- 1661 (i) the reorganized new school district local school board; and
1662 (ii) the new school district local school board.
- 1663 (e) The new school district and the reorganized new school district may use the money
1664 made available under Subsection (4)(b) to pay for the new school district and
1665 reorganized new school district startup costs.
- 1666 (5)(a) The divided school district shall transfer title or, if applicable, partial title of
1667 property to the new school district and the reorganized new school district in
1668 accordance with the allocation of property as stated in the report under Subsection
1669 (2)(b)(iii).
- 1670 (b) The divided school district shall complete each transfer of title or, if applicable,
1671 partial title to real property and vehicles on or before one calendar year from the date
1672 of the local school board election date described in Subsection (1)(a)(i), except as
1673 that date is changed by the mutual agreement of:
1674 (i) the local school board of the divided school district;
1675 (ii) the local school board of the reorganized new school district; and
1676 (iii) the local school board of the new school district.
- 1677 (c) The divided school district shall complete the transfer of all property not included in
1678 Subsection (5)(b) on or before November 1 of the calendar year following the local
1679 school board election date described in Subsection (1)(a)(i).
- 1680 (6) Except as provided in Subsection (5), a divided school district may not transfer or agree
1681 to transfer title to district property beginning on the day the new school district or
1682 reorganized new school district is created without the prior consent of:
1683 (a) the legislative body of the municipality in which the boundaries for the new school
1684 district or reorganized new school district are entirely located; or
1685 (b) the legislative bodies of all interlocal agreement participants in which the boundaries
1686 of the new school district or reorganized new school district are located.
- 1687 Section 19. Section **53G-3-303** is amended to read:
1688 **53G-3-303 . New school district property tax -- Limitations.**
- 1689 (1) A new school district, created under Section 53G-3-301.1, ~~[53G-3-301.2,]~~53G-3-301.3,
1690 or 53G-3-301.4~~[,]~~ and a reorganized new school district may not impose a property tax
1691 before the fiscal year in which the new school district and reorganized new school
1692 district assume responsibility for providing student instruction.
- 1693 (2)(a) If at the time a new school district created in accordance with Section
1694 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 pursuant to Section 53F-8-301, the new school district's board may:

- (i) discontinue the levy for the new school district;
- (ii) impose a levy on the new school district as provided in Section 53F-8-301; or
- (iii) impose the levy on the new school district, subject to Subsection (2)(b).

(b) If the new school district's local school board applies a levy to the new school district in accordance with Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by the voters of the divided school district at the time of the vote to create the new school district.

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

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

(1) Upon the creation of a new school district or a reorganized new school district in accordance with Section 53G-3-301.1, ~~[53G-3-301.2,]~~53G-3-301.3, or 53G-3-301.4, the applicable legislative body shall redistrict the affected school districts in accordance with Section 20A-14-201.

(2) Except as provided in Section 53G-3-302, local school board membership in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Section 21. **Effective date.**

(1) Except as provided in Subsection (2), if approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

(2) If this bill is not approved by two-thirds of all members elected to each house, this bill takes effect on August 19, 2024.

Section 22. **Retrospective operation.**

This bill has retrospective operation to May 2, 2024.