## **Municipal Incorporation Process**

Included in the Secretary of State's (SoS) January 17, 2020 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's December 12, 2019, letter to the SoS: "36. Please provide a flow chart illustrating the different phases of the municipal incorporation process.<sup>7</sup>"

In addition to providing the information in this document, SoS provided the following response:

• Please see the flow chart that is provided in Attachment H.

Included in SoS' January 17, 2020 letter to LOC

## **ATTACHMENT H**

## Application for Municipal Incorporation

• Citizens seeking to incorporate a municiaplity file an application with the Secretary of State.

• The Secretary of State provides a copy to the Joint Legislative Committee on Municipal Incorporation.

Review of Application by Joint Legislative Committee •The Joint Legislative Committee holds a public hearing on the question of incorporation.

•Following the hearing, the Joint Legislative Committee issues a written recommendation to the Secretary of State.

Determination of Whether Requirements for Incorpration Have Been Met

• Based upon the application for incorporation and the recommendation of the Joint Legislative Committee, the Secretary of State will determine if the proposed municipality meets the statutory requirements for incorporation.

## Election on Question of Incorporation

- If the Secretary of State determines that the requirements have been met, the Secretary will issue a commission to three or more persons in the proposed area to hold an election on the question of incorporation.
- •Once an election is held, the commissioners of the election certify the result to the Secretary of State.

Certificate of Municipal Incorporation

- If the outcome of the election is in favor of incorporation, the Secretary of State issues a certificate of municipal incorporation to the commissioners, and the municipality is formed.
- •The incoporators must pay a filing fee to the State Treasurer and present a copy of the receipt to the Secretary of State.