

Effective 5/13/2014

20A-7-607 Evaluation by the local clerk.

- (1) When each referendum packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each referendum packet filed.
- (2) Within 15 days after the day on which the local clerk receives each referendum packet from a county clerk, the local clerk shall:
 - (a) count the number of the names certified by the county clerks that appear on each verified signature sheet;
 - (b) if the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601 and the requirements of this part are met, mark upon the front of the petition the word "sufficient";
 - (c) if the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-601 or a requirement of this part is not met, mark upon the front of the petition the word "insufficient"; and
 - (d) notify any one of the sponsors of the local clerk's finding.
- (3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.
- (4)
 - (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.
 - (b) If the Supreme Court determines that the referendum petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.
 - (c) If the Supreme Court determines that any petition filed is not legally sufficient, the Supreme Court may enjoin the local clerk and all other officers from:
 - (i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or
 - (ii) as it relates to a local tax law that is conducted entirely by absentee ballot, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.
- (5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 396, 2014 General Session