

20A-7-608 Ballot title -- Duties of local clerk and local attorney.

- (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.
- (2) The local attorney shall:
 - (a) entitle each county or municipal referendum that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;
 - (b) prepare a proposed ballot title for the referendum;
 - (c) file the proposed ballot title and the numbered referendum titles with the local clerk within 15 days after the date the referendum petition is declared sufficient for submission to a vote of the people; and
 - (d) promptly provide notice of the filing of the proposed ballot title to:
 - (i) the sponsors of the petition; and
 - (ii) the local legislative body for the jurisdiction where the referendum petition was circulated.
- (3)
 - (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.
 - (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.
 - (c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.
- (4)
 - (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.
 - (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:
 - (i) review any written comments filed in accordance with Subsection (4)(a);
 - (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
 - (iii) return the petition and file the ballot title with the local clerk.
 - (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.
- (5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.
- (6)
 - (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed by a petition to the Supreme Court that is brought by:
 - (i) at least three sponsors of the referendum petition; or
 - (ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.
 - (b) The Supreme Court shall examine the measures and consider arguments, and, in its decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.
 - (c) The local clerk shall print the title certified by the Supreme Court on the official ballot.

Amended by Chapter 315, 2008 General Session

