

- 28 **36-16a-103**, Utah Code Annotated 1953
- 29 **36-16a-104**, Utah Code Annotated 1953
- 30 **36-16a-105**, Utah Code Annotated 1953
- 31 **36-16a-106**, Utah Code Annotated 1953
- 32 **36-16a-107**, Utah Code Annotated 1953
- 33 **36-16a-108**, Utah Code Annotated 1953
- 34 **63-55b-136**, Utah Code Annotated 1953



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

37 Section 1. Section **36-16a-101** is enacted to read:

38 **CHAPTER 16a. ELECTION PROCESS FOR STATEWIDE PUBLIC OPINION**

39 **36-16a-101. Definitions.**

40 As used in this chapter:

41 (1) "Election official" means the county clerk or municipal clerk.

42 (2) "Opinion question" means a nonbinding question submitted to the voters of Utah
43 according to the procedures established in this chapter.

44 (3) "Originating house" means the Utah House of Representatives if the resolution is a
45 House joint resolution or the Utah Senate if the resolution is a Senate joint resolution.

46 (4) "Regular general election" means the election held throughout the state on the first
47 Tuesday after the first Monday in November of each even-numbered year.

48 Section 2. Section **36-16a-102** is enacted to read:

49 **36-16a-102. Submission of opinion questions to Utah voters.**

50 (1) The Legislature may submit opinion questions to legal voters by complying with
51 the procedures contained in this section.

52 (2) Any legislator may file a joint resolution proposing that an opinion question be
53 submitted to the legal voters of Utah.

54 (3) The resolution shall include:

55 (a) the language of the opinion question as it will appear on the ballot;

56 (b) a statement directing that the lieutenant governor submit the language of the
57 opinion question to the legal voters of Utah for their approval or rejection; and

58 (c) language designating the regular general election date for the election or language

59 calling a special election and setting the date for that special election.

60 (4) After passage by both houses of the Legislature, the originating house shall submit
61 the resolution to the lieutenant governor with instructions that the opinion question specified in
62 the resolution be submitted to the legal voters on the election date specified in the resolution.

63 Section 3. Section **36-16a-103** is enacted to read:

64 **36-16a-103. Lieutenant governor's duties.**

65 (1) After receipt of an opinion question resolution the lieutenant governor shall:

66 (a) submit the opinion question to the legal voters of Utah as required by the
67 resolution;

68 (b) comply with the procedures of Section 36-16a-106;

69 (c) if the election is not held as part of a regular general election, reimburse each
70 election official for the expenses of conducting the election according to a formula determined
71 by the lieutenant governor; and

72 (d) comply with all relevant provisions of Title 20A, Election Code, relating to the
73 conduct of general and municipal elections.

74 (2) The lieutenant governor may establish additional requirements for election officials
75 to facilitate the conduct of the election.

76 Section 4. Section **36-16a-104** is enacted to read:

77 **36-16a-104. Election official duties.**

78 Each election official shall comply with the requirements of Title 20A, Election Code,
79 relating to general and municipal elections, the requirements of Section 36-16a-106, and any
80 other requirements imposed by the lieutenant governor.

81 Section 5. Section **36-16a-105** is enacted to read:

82 **36-16a-105. Exemption.**

83 Title 20A, Chapter 7, Issues Submitted to the Voters, does not apply to opinion
84 questions submitted to the legal voters under the authority of this chapter.

85 Section 6. Section **36-16a-106** is enacted to read:

86 **36-16a-106. Procedures for submission of opinion questions to popular vote.**

87 (1) The lieutenant governor, the Office of Legislative Research and General Counsel,
88 and each election official shall comply with the procedures contained in this section whenever
89 the Legislature submits an opinion question to the voters.

90 (2) Not later than 30 days before the date of the election, the lieutenant governor shall
91 cause the full text of the opinion question to be published in at least one newspaper in every
92 county of the state where a newspaper is published.

93 (3) The Office of Legislative Research and General Counsel shall:

94 (a) designate the opinion questions by number and order of presentation on the ballot;

95 (b) draft and designate a ballot title that summarizes the subject matter of the
96 amendment or question; and

97 (c) deliver them to the lieutenant governor.

98 (4) Not later than 35 days before the election, the lieutenant governor shall certify the
99 number and ballot title of each opinion question to each election official.

100 (5) Each election official shall cause both the number and title of the opinion question
101 to be printed on the ballot to be used on election day, and on the sample ballots, and publish
102 them as provided by law.

103 Section 7. Section **36-16a-107** is enacted to read:

104 **36-16a-107. Ballot form -- Manner of voting.**

105 (1) The lieutenant governor shall ensure that the ballots containing opinion questions
106 submitted to the people include:

107 (a) a printed number and ballot title;

108 (b) the printed text of the opinion question; and

109 (c) the words "YES" and "NO", each followed by a square in which the voter may
110 place a mark to indicate his vote.

111 (2) Voters desiring to vote "yes" on the opinion question shall mark in the appropriate
112 square with a mark opposite the word "YES", and voters desiring to vote "no" shall mark in the
113 appropriate square with a mark opposite the word "NO".

114 Section 8. Section **36-16a-108** is enacted to read:

115 **36-16a-108. Canvass of returns.**

116 (1) The county legislative body shall conduct a public canvass of the returns from the
117 opinion question election no later than 14 days after the election.

118 (2) Each election official shall:

119 (a) make a certified abstract of the record of the canvassers detailing the votes given for
120 and against the opinion question; and

121 (b) seal the transcript, endorse it "Election Returns," and transmit it to the lieutenant
122 governor's office so that the lieutenant governor receives it by the fifth day before the day
123 designated for the meeting of the state board of canvassers.

124 (3) The state board of canvassers established by Section 20A-4-306 shall meet to
125 compute and determine the vote on the opinion question.

126 (4) After consulting existing statutes governing other general and municipal elections,
127 the lieutenant governor may determine any issues relating to the canvassing process that are not
128 governed by this section.

129 Section 9. Section **63-55b-136** is enacted to read:

130 **63-55b-136. Repeal dates -- Title 36.**

131 Sections 36-16a-101 through 36-16a-108 are repealed January 1, 2005.

132 Section 10. **Effective date.**

133 If approved by two-thirds of all the members elected to each house, this bill takes effect
134 upon approval by the governor, or the day following the constitutional time limit of Utah
135 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
136 the date of veto override.

Legislative Review Note
as of 2-4-04 7:07 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst