

1                                   **AMENDMENTS TO LOCAL REFERENDUM**

2   **PROCESS**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: John W. Hickman**

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7   **LONG TITLE**

8   **General Description:**

9                   This bill modifies the local referendum provisions of the Election Code by modifying  
10 the time line for challenging a local law.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ increases the number of days from 35 to 45 for filing a referendum petition  
14 challenging a local law.

15 **Monies Appropriated in this Bill:**

16                   None

17 **Other Special Clauses:**

18                   None

19 **Utah Code Sections Affected:**

20 AMENDS:

21                   **20A-7-601**, as last amended by Chapter 292, Laws of Utah 2003

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

24                   Section 1. Section **20A-7-601** is amended to read:

25                   **20A-7-601. Referenda -- General signature requirements -- Signature**  
26 **requirements for land use laws -- Time requirements.**

27                   (1) Except as provided in Subsection (2), a person seeking to have a law passed by the



28 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

29 (a) 10% of all the votes cast in the county, city, or town for all candidates for governor  
30 at the last election at which a governor was elected if the total number of votes exceeds 25,000;

31 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for  
32 governor at the last election at which a governor was elected if the total number of votes does  
33 not exceed 25,000 but is more than 10,000;

34 (c) 15% of all the votes cast in the county, city, or town for all candidates for governor  
35 at the last election at which a governor was elected if the total number of votes does not exceed  
36 10,000 but is more than 2,500;

37 (d) 20% of all the votes cast in the county, city, or town for all candidates for governor  
38 at the last election at which a governor was elected if the total number of votes does not exceed  
39 2,500 but is more than 500;

40 (e) 25% of all the votes cast in the county, city, or town for all candidates for governor  
41 at the last election at which a governor was elected if the total number of votes does not exceed  
42 500 but is more than 250; and

43 (f) 30% of all the votes cast in the county, city, or town for all candidates for governor  
44 at the last election at which a governor was elected if the total number of votes does not exceed  
45 250.

46 (2) (a) As used in this Subsection (2), "land use law" includes a land use development  
47 code, an annexation ordinance, and comprehensive zoning ordinances.

48 (b) A person seeking to have a land use law passed by the local legislative body  
49 submitted to a vote of the people shall obtain legal signatures equal to:

50 (i) in a county or in a city of the first or second class, 20% of all votes cast in the  
51 county or city for all candidates for governor at the last election at which a governor was  
52 elected; and

53 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the  
54 city or town for all candidates for governor at the last election at which a governor was elected.

55 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),  
56 any local law passed by a local legislative body shall file the petition within

56a1 [35] h § [F] 45 [F] [60] § h days

56a after

57 the passage of the local law.

58 (b) The local law remains in effect until repealed by the voters via referendum.

59           (4) If the referendum passes, the local law that was challenged by the referendum is  
60 repealed as of the date of the election.

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**Legislative Review Note**  
**as of 11-19-03 9:37 AM**

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

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-10-03 11:08 AM**

The Government Operations Interim Committee recommended this bill.