

ELECTION LAW - BALLOT PROPOSITION

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine A. Johnson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies ballot proposition numbering requirements under the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ requires that the certified ballot titles of ballot proposition or ballot question be submitted to the election officer before a set time before each election;
- ▶ requires that proposed constitutional amendments appearing on a ballot be identified by a letter of the alphabet;
- ▶ provides that bond issues on the ballot are identified by a title as provided according to procedures in Title 11, Chapter 14, Local Government Bonding Act;
- ▶ requires that all state and local ballot propositions, including opinion questions, state and local initiatives, state and local referendums, and other ballot issues appearing on the ballot, be identified by a unique number assigned by the lieutenant governor;
- ▶ provides that numbers for ballot propositions be assigned by the lieutenant governor in the order that each number request is received;
- ▶ provides procedures for determining whether similar ballot issues should be assigned the same number;



- 28 ▶ eliminates duplicate references; and
- 29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-1-102**, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329

37 **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326

38 **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198

39 **20A-6-304**, as last amended by Laws of Utah 2007, Chapter 198

40 **20A-6-402**, as last amended by Laws of Utah 2007, Chapter 75

41 **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238

42 **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236

43 **20A-7-308**, as last amended by Laws of Utah 2001, Chapters 57, 65, and 169

44 **20A-7-508**, as last amended by Laws of Utah 2007, Chapter 27

45 **20A-7-608**, as last amended by Laws of Utah 2007, Chapter 27

46 ENACTS:

47 **20A-6-106**, Utah Code Annotated 1953

48 **20A-6-107**, Utah Code Annotated 1953



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

51 Section 1. Section **20A-1-102** is amended to read:

52 **20A-1-102. Definitions.**

53 As used in this title:

54 (1) "Active voter" means a registered voter who has not been classified as an inactive
55 voter by the county clerk.

56 (2) "Automatic tabulating equipment" means apparatus that automatically examines
57 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

58 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon

59 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
60 secrecy envelopes.

61 (4) "Ballot sheet":

62 (a) means a ballot that:

63 (i) consists of paper or a card where the voter's votes are marked or recorded; and

64 (ii) can be counted using automatic tabulating equipment; and

65 (b) includes punch card ballots, and other ballots that are machine-countable.

66 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that

67 contain the names of offices and candidates and statements of ballot propositions to be voted

68 on and which are used in conjunction with ballot sheets that do not display that information.

69 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
70 on the ballot for their approval or rejection including:

71 (a) an opinion [questions] question specifically authorized by the Legislature[;];

72 (b) a constitutional [amendments, initiatives, referenda, and] amendment;

73 (c) an initiative;

74 (d) a referendum;

75 (e) a bond proposition;

76 (f) a judicial retention [questions that are submitted to the voters for their approval or
77 rejection] question; or

78 (g) any other ballot question.

79 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
80 20A-4-306 to canvass election returns.

81 (8) "Bond election" means an election held for the purpose of approving or rejecting
82 the proposed issuance of bonds by a government entity.

83 (9) "Book voter registration form" means voter registration forms contained in a bound
84 book that are used by election officers and registration agents to register persons to vote.

85 (10) "By-mail voter registration form" means a voter registration form designed to be
86 completed by the voter and mailed to the election officer.

87 (11) "Canvass" means the review of election returns and the official declaration of
88 election results by the board of canvassers.

89 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at

90 the canvass.

91 (13) "Convention" means the political party convention at which party officers and
92 delegates are selected.

93 (14) "Counting center" means one or more locations selected by the election officer in
94 charge of the election for the automatic counting of ballots.

95 (15) "Counting judge" means a poll worker designated to count the ballots during
96 election day.

97 (16) "Counting poll watcher" means a person selected as provided in Section
98 20A-3-201 to witness the counting of ballots.

99 (17) "Counting room" means a suitable and convenient private place or room,
100 immediately adjoining the place where the election is being held, for use by the poll workers
101 and counting judges to count ballots during election day.

102 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

103 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

104 (20) "County officers" means those county officers that are required by law to be
105 elected.

106 (21) "Election" means a regular general election, a municipal general election, a
107 statewide special election, a local special election, a regular primary election, a municipal
108 primary election, and a local district election.

109 (22) "Election Assistance Commission" means the commission established by Public
110 Law 107-252, the Help America Vote Act of 2002.

111 (23) "Election cycle" means the period beginning on the first day persons are eligible to
112 file declarations of candidacy and ending when the canvass is completed.

113 (24) "Election judge" means a poll worker that is assigned to:

- 114 (a) preside over other poll workers at a polling place;
- 115 (b) act as the presiding election judge; or
- 116 (c) serve as a canvassing judge, counting judge, or receiving judge.

117 (25) "Election officer" means:

- 118 (a) the lieutenant governor, for all statewide ballots;
- 119 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
120 as provided in Section 20A-5-400.5;

121 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
122 provided in Section 20A-5-400.5;

123 (d) the local district clerk or chief executive officer for certain ballots and elections as
124 provided in Section 20A-5-400.5; and

125 (e) the business administrator or superintendent of a school district for certain ballots
126 or elections as provided in Section 20A-5-400.5.

127 (26) "Election official" means any election officer, election judge, or poll worker.

128 (27) "Election results" means, for bond elections, the count of those votes cast for and
129 against the bond proposition plus any or all of the election returns that the board of canvassers
130 may request.

131 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
132 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
133 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
134 spoiled ballots, the ballot disposition form, and the total votes cast form.

135 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
136 device or other voting device that records and stores ballot information by electronic means.

137 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

138 (b) "Electronic voting device" includes a direct recording electronic voting device.

139 (31) "Inactive voter" means a registered voter who has been sent the notice required by
140 Section 20A-2-306 and who has failed to respond to that notice.

141 (32) "Inspecting poll watcher" means a person selected as provided in this title to
142 witness the receipt and safe deposit of voted and counted ballots.

143 (33) "Judicial office" means the office filled by any judicial officer.

144 (34) "Judicial officer" means any justice or judge of a court of record or any county
145 court judge.

146 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
147 Local Government Entities - Local Districts, and includes a special service district under Title
148 17A, Chapter 2, Part 13, Utah Special Service District Act.

149 (36) "Local district officers" means those local district officers that are required by law
150 to be elected.

151 (37) "Local election" means a regular municipal election, a local special election, a

152 local district election, and a bond election.

153 (38) "Local political subdivision" means a county, a municipality, a local district, or a
154 local school district.

155 (39) "Local special election" means a special election called by the governing body of a
156 local political subdivision in which all registered voters of the local political subdivision may
157 vote.

158 (40) "Municipal executive" means:

159 (a) the city council or town council in the traditional management arrangement
160 established by Title 10, Chapter 3, Part 1, Governing Body;

161 (b) the mayor in the council-mayor optional form of government defined in Section
162 10-3-101; and

163 (c) the manager in the council-manager optional form of government defined in
164 Section 10-3-101.

165 (41) "Municipal general election" means the election held in municipalities and local
166 districts on the first Tuesday after the first Monday in November of each odd-numbered year
167 for the purposes established in Section 20A-1-202.

168 (42) "Municipal legislative body" means:

169 (a) the city council or town council in the traditional management arrangement
170 established by Title 10, Chapter 3, Part 1, Governing Body;

171 (b) the municipal council in the council-mayor optional form of government defined in
172 Section 10-3-101; and

173 (c) the municipal council in the council-manager optional form of government defined
174 in Section 10-3-101.

175 (43) "Municipal officers" means those municipal officers that are required by law to be
176 elected.

177 (44) "Municipal primary election" means an election held to nominate candidates for
178 municipal office.

179 (45) "Official ballot" means the ballots distributed by the election officer to the poll
180 workers to be given to voters to record their votes.

181 (46) "Official endorsement" means:

182 (a) the information on the ballot that identifies:

- 183 (i) the ballot as an official ballot;
- 184 (ii) the date of the election; and
- 185 (iii) the facsimile signature of the election officer; and
- 186 (b) the information on the ballot stub that identifies:
 - 187 (i) the poll worker's initials; and
 - 188 (ii) the ballot number.
- 189 (47) "Official register" means the official record furnished to election officials by the
- 190 election officer that contains the information required by Section 20A-5-401.
- 191 (48) "Paper ballot" means a paper that contains:
 - 192 (a) the names of offices and candidates and statements of ballot propositions to be
 - 193 voted on; and
 - 194 (b) spaces for the voter to record his vote for each office and for or against each ballot
 - 195 proposition.
- 196 (49) "Political party" means an organization of registered voters that has qualified to
- 197 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
- 198 Formation and Procedures.
- 199 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
- 200 election, voting, or counting votes.
 - 201 (b) "Poll worker" includes election judges.
 - 202 (c) "Poll worker" does not include a watcher.
- 203 (51) "Pollbook" means a record of the names of voters in the order that they appear to
- 204 cast votes.
- 205 (52) "Polling place" means the building where voting is conducted.
- 206 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 207 in which the voter marks his choice.
- 208 (54) "Provisional ballot" means a ballot voted provisionally by a person:
 - 209 (a) whose name is not listed on the official register at the polling place;
 - 210 (b) whose legal right to vote is challenged as provided in this title; or
 - 211 (c) whose identity was not sufficiently established by a poll worker.
- 212 (55) "Provisional ballot envelope" means an envelope printed in the form required by
- 213 Section 20A-6-105 that is used to identify provisional ballots and to provide information to

214 verify a person's legal right to vote.

215 (56) "Primary convention" means the political party conventions at which nominees for
216 the regular primary election are selected.

217 (57) "Protective counter" means a separate counter, which cannot be reset, that is built
218 into a voting machine and records the total number of movements of the operating lever.

219 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
220 duties of the position for which the person was elected.

221 (59) "Receiving judge" means the poll worker that checks the voter's name in the
222 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
223 after the voter has voted.

224 (60) "Registration form" means a book voter registration form and a by-mail voter
225 registration form.

226 (61) "Regular ballot" means a ballot that is not a provisional ballot.

227 (62) "Regular general election" means the election held throughout the state on the first
228 Tuesday after the first Monday in November of each even-numbered year for the purposes
229 established in Section 20A-1-201.

230 (63) "Regular primary election" means the election on the fourth Tuesday of June of
231 each even-numbered year, at which candidates of political parties and nonpolitical groups are
232 voted for nomination.

233 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

234 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
235 and distributed as provided in Section 20A-5-405.

236 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
237 punch the ballot for one or more candidates who are members of different political parties.

238 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
239 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
240 voter's vote.

241 (68) "Special election" means an election held as authorized by Section 20A-1-204.

242 (69) "Spoiled ballot" means each ballot that:

243 (a) is spoiled by the voter;

244 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

245 (c) lacks the official endorsement.

246 (70) "Statewide special election" means a special election called by the governor or the
247 Legislature in which all registered voters in Utah may vote.

248 (71) "Stub" means the detachable part of each ballot.

249 (72) "Substitute ballots" means replacement ballots provided by an election officer to
250 the poll workers when the official ballots are lost or stolen.

251 (73) "Ticket" means each list of candidates for each political party or for each group of
252 petitioners.

253 (74) "Transfer case" means the sealed box used to transport voted ballots to the
254 counting center.

255 (75) "Vacancy" means the absence of a person to serve in any position created by
256 statute, whether that absence occurs because of death, disability, disqualification, resignation,
257 or other cause.

258 (76) "Valid voter identification" means:

259 (a) a form of identification that bears the name and photograph of the voter which may
260 include:

261 (i) a currently valid Utah driver license;

262 (ii) a currently valid identification card that is issued by:

263 (A) the state;

264 (B) a local government within the state; or

265 (C) a branch, department, or agency of the United States;

266 (iii) an identification card that is issued by an employer for an employee;

267 (iv) a currently valid identification card that is issued by a college, university, technical
268 school, or professional school that is located within the state;

269 (v) a currently valid Utah permit to carry a concealed weapon;

270 (vi) a currently valid United States passport; or

271 (vii) a valid tribal identification card; or

272 (b) two forms of identification that bear the name of the voter and provide evidence
273 that the voter resides in the voting precinct, which may include:

274 (i) a voter identification card;

275 (ii) a current utility bill or a legible copy thereof;

- 276 (iii) a bank or other financial account statement, or a legible copy thereof;
- 277 (iv) a certified birth certificate;
- 278 (v) a valid Social Security card;
- 279 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 280 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 281 (viii) a currently valid Utah hunting or fishing license;
- 282 (ix) a currently valid United States military identification card;
- 283 (x) certified naturalization documentation;
- 284 (xi) a currently valid license issued by an authorized agency of the United States;
- 285 (xii) a certified copy of court records showing the voter's adoption or name change;
- 286 (xiii) a Bureau of Indian Affairs card;
- 287 (xiv) a tribal treaty card;
- 288 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 289 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 290 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 291 in the voting precinct.

292 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
293 candidate by following the procedures and requirements of this title.

294 (78) "Voter" means a person who meets the requirements for voting in an election,
295 meets the requirements of election registration, is registered to vote, and is listed in the official
296 register book.

297 (79) "Voter registration deadline" means the registration deadline provided in Section
298 20A-2-102.5.

299 (80) "Voting area" means the area within six feet of the voting booths, voting
300 machines, and ballot box.

301 (81) "Voting booth" means:

302 (a) the space or compartment within a polling place that is provided for the preparation
303 of ballots, including the voting machine enclosure or curtain; or

304 (b) a voting device that is free standing.

305 (82) "Voting device" means:

306 (a) an apparatus in which ballot sheets are used in connection with a punch device for

307 piercing the ballots by the voter;

308 (b) a device for marking the ballots with ink or another substance;

309 (c) an electronic voting device or other device used to make selections and cast a ballot
310 electronically, or any component thereof;

311 (d) an automated voting system under Section 20A-5-302; or

312 (e) any other method for recording votes on ballots so that the ballot may be tabulated
313 by means of automatic tabulating equipment.

314 (83) "Voting machine" means a machine designed for the sole purpose of recording
315 and tabulating votes cast by voters at an election.

316 (84) "Voting poll watcher" means a person appointed as provided in this title to
317 witness the distribution of ballots and the voting process.

318 (85) "Voting precinct" means the smallest voting unit established as provided by law
319 within which qualified voters vote at one polling place.

320 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
321 poll watcher, and a testing watcher.

322 (87) "Western States Presidential Primary" means the election established in Title 20A,
323 Chapter 9, Part 8.

324 (88) "Write-in ballot" means a ballot containing any write-in votes.

325 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the
326 ballot according to the procedures established in this title.

327 Section 2. Section **20A-6-106** is enacted to read:

328 **20A-6-106. Deadline for submission of ballot titles.**

329 Unless otherwise specifically provided for by statute, the certified ballot title of each
330 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer no
331 later than 60 days before the date of the election at which the matter will be submitted to the
332 voters.

333 Section 3. Section **20A-6-107** is enacted to read:

334 **20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of**
335 **election officer and lieutenant governor.**

336 (1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition
337 shall be listed on the ballot under the heading "Proposition # _____", with the number of the ballot

338 proposition placed in the blank.

339 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot
340 under the heading "Constitutional Amendment _____", with a letter placed in the blank.

341 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot
342 under the title assigned to each bond proposition under Section 11-14-206.

343 (2) (a) When an election officer or other person given authority to prepare or number
344 ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they
345 shall ask the lieutenant governor to assign a number to the ballot proposition.

346 (b) (i) Upon request from an election officer or other person given authority to prepare
347 or number ballot propositions, the lieutenant governor shall assign each ballot proposition a
348 unique number, except as provided under Subsection (2)(b)(iii).

349 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for
350 ballot proposition numbers are received.

351 (iii) The same ballot proposition number may be assigned to multiple ballot
352 propositions if:

353 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and

354 (B) the ballot propositions sharing the same number are identical in their terms,
355 purpose, and effect, with jurisdiction being the only significant difference between the ballot
356 propositions.

357 Section 4. Section **20A-6-301** is amended to read:

358 **20A-6-301. Paper ballots -- Regular general election.**

359 (1) Each election officer shall ensure that:

360 (a) all paper ballots furnished for use at the regular general election contain no captions
361 or other endorsements except as provided in this section;

362 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
363 top of the ballot, and divided from the rest of ballot by a perforated line;

364 (ii) the ballot number and the words " Poll Worker's Initial ____" are printed on the
365 stub; and

366 (iii) ballot stubs are numbered consecutively;

367 (c) immediately below the perforated ballot stub, the following endorsements are
368 printed in 18-point bold type:

- 369 (i) "Official Ballot for ____ County, Utah";
- 370 (ii) the date of the election; and
- 371 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 372 (d) each ticket is placed in a separate column on the ballot in the order determined by
- 373 the election officer with the party emblem, followed by the party name, at the head of the
- 374 column;
- 375 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;
- 376 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
- 377 and the top of the circle is placed not less than two inches below the perforated line;
- 378 (g) unaffiliated candidates and candidates not affiliated with a registered political party
- 379 are listed in one column, without a party circle, with the following instructions printed at the
- 380 head of the column: "All candidates not affiliated with a political party are listed below. They
- 381 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
- 382 for each office.";
- 383 (h) the columns containing the lists of candidates, including the party name and device,
- 384 are separated by heavy parallel lines;
- 385 (i) the offices to be filled are plainly printed immediately above the names of the
- 386 candidates for those offices;
- 387 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
- 388 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
- 389 an inch apart;
- 390 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
- 391 right of the name of each candidate;
- 392 (l) for the offices of president and vice president and governor and lieutenant governor,
- 393 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
- 394 double bracket enclosing the right side of the names of the two candidates;
- 395 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
- 396 write-in column long enough to contain as many written names of candidates as there are
- 397 persons to be elected with:
- 398 (i) for each office on the ballot, the office to be filled plainly printed immediately
- 399 above:

400 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
401 square with sides measuring not less than 1/4 of an inch in length printed at the right of the
402 blank horizontal line; or

403 (B) for the offices of president and vice president and governor and lieutenant
404 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
405 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
406 length printed opposite a double bracket enclosing the right side of the two blank horizontal
407 lines; and

408 (ii) the words "Write-In Voting Column" printed at the head of the column without a
409 1/2 inch circle;

410 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the
411 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point
412 solid rule running vertically the full length of the nonpartisan ballot copy; and

413 (o) constitutional amendments or other questions submitted to the vote of the people,
414 are printed on the ballot after the list of candidates.

415 (2) Each election officer shall ensure that:

416 (a) each person nominated by any political party or group of petitioners is placed on the
417 ballot:

418 (i) under the party name and emblem, if any; or

419 (ii) under the title of the party or group as designated by them in their certificates of
420 nomination or petition, or, if none is designated, then under some suitable title;

421 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
422 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

423 (c) the names of the candidates for president and vice president are used on the ballot
424 instead of the names of the presidential electors; and

425 (d) the ballots contain no other names.

426 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
427 that:

428 (a) the designation of the office to be filled in the election and the number of
429 candidates to be elected are printed in type not smaller than eight-point;

430 (b) the words designating the office are printed flush with the left-hand margin;

431 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
432 the column;

433 (d) the nonpartisan candidates are grouped according to the office for which they are
434 candidates;

435 (e) the names in each group are placed in alphabetical order with the surnames last,
436 except for candidates for the State Board of Education and local school boards;

437 (f) the names of candidates for the State Board of Education are placed on the ballot as
438 certified by the lieutenant governor under Section 20A-14-105;

439 (g) if candidates for membership on a local board of education were selected in a
440 primary election, the name of the candidate who received the most votes in the primary election
441 is listed first on the ballot;

442 (h) if candidates for membership on a local board of education were not selected in the
443 primary election, the names of the candidates are listed on the ballot in the order determined by
444 a lottery conducted by the county clerk; and

445 (i) each group is preceded by the designation of the office for which the candidates
446 seek election, and the words, "Vote for one" or "Vote for two or more," according to the
447 number to be elected.

448 (4) Each election officer shall ensure that:

449 (a) proposed amendments to the Utah Constitution are listed on the ballot [~~under the~~
450 ~~heading "Constitutional Amendment Number ___" with the number of the constitutional~~
451 ~~amendment as assigned under Section 20A-7-103 placed in the blank]~~ in accordance with
452 Section 20A-6-107;

453 (b) ballot propositions submitted to the voters [~~by the Utah Legislature]~~ are listed on
454 the ballot [~~under the heading "State Proposition Number ___" with the number of the state~~
455 ~~proposition as assigned under Section 20A-7-103 placed in the blank;]~~ in accordance with
456 Section 20A-6-107; and

457 [~~(c) propositions submitted to the voters by a county are listed on the ballot under the~~
458 ~~heading "County Proposition Number ___" with the number of the county proposition as~~
459 ~~assigned by the county legislative body placed in the blank;]~~

460 [~~(d) propositions submitted to the voters by a school district are listed on the ballot~~
461 ~~under the heading "School District Proposition Number ___" with the number of the school~~

462 ~~district proposition as assigned by the county legislative body placed in the blank;]~~

463 ~~[(e) state initiatives that have qualified for the ballot are listed on the ballot under the~~
464 ~~heading "Citizen's State Initiative Number ___" with the number of the state initiative as~~
465 ~~assigned by Section 20A-7-209 placed in the blank;]~~

466 ~~[(f) county initiatives that have qualified for the ballot are listed on the ballot under the~~
467 ~~heading "Citizen's County Initiative Number ___" with the number of the county initiative as~~
468 ~~assigned under Section 20A-7-508 placed in the blank;]~~

469 ~~[(g) state referenda that have qualified for the ballot are listed on the ballot under the~~
470 ~~heading "Citizen's State Referendum Number ___" with the number of the state referendum as~~
471 ~~assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;]~~

472 ~~[(h) county referenda that have qualified for the ballot are listed on the ballot under the~~
473 ~~heading "Citizen's County Referendum Number ___" with the number of the county referendum~~
474 ~~as assigned under Section 20A-7-608 placed in the blank; and]~~

475 ~~[(i) (c) bond propositions that have qualified for the ballot are listed on the ballot~~
476 ~~under the title assigned to each bond proposition under Section 11-14-206.~~

477 Section 5. Section **20A-6-303** is amended to read:

478 **20A-6-303. Regular general election -- Ballot sheets.**

479 (1) Each election officer shall ensure that:

480 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
481 approximately the same order as paper ballots;

482 (b) the titles of offices and the names of candidates are printed in vertical columns or in
483 a series of separate pages;

484 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
485 include, after the list of candidates:

486 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

487 (ii) any ballot propositions submitted to the voters for their approval or rejection;

488 (d) (i) a voting square or position is included where the voter may record a straight
489 party ticket vote for all the candidates of one party by one mark or punch; and

490 (ii) the name of each political party listed in the straight party selection area includes
491 the word "party" at the end of the party's name;

492 (e) the tickets are printed in the order determined by the county clerk;

493 (f) the office titles are printed above or at the side of the names of candidates so as to
494 indicate clearly the candidates for each office and the number to be elected;

495 (g) the party designation of each candidate is printed to the right or below the
496 candidate's name; and

497 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
498 page;

499 (ii) if all candidates for one office cannot be listed in one column or grouped on one
500 page:

501 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
502 candidates is continued on the following column or page; and

503 (B) approximately the same number of names shall be printed in each column or on
504 each page; and

505 (i) arrows shall be used to indicate the place to vote for each candidate and on each
506 measure.

507 (2) Each election officer shall ensure that:

508 (a) proposed amendments to the Utah Constitution are listed [~~under the heading~~
509 ~~"Constitutional Amendment Number ___" with the number of the constitutional amendment, as~~
510 ~~assigned under Section 20A-7-103 placed in the blank]~~ in accordance with Section 20A-6-107;

511 (b) ballot propositions submitted to the voters [~~by the Utah Legislature]~~ are listed
512 [~~under the heading "State Proposition Number ___" with the number of the state proposition as~~
513 ~~assigned under Section 20A-7-103 placed in the blank]~~ in accordance with Section 20A-6-107;
514 and

515 [~~(c) propositions submitted to the voters by a county are listed under the heading~~
516 ~~"County Proposition Number ___" with the number of the county proposition as assigned by the~~
517 ~~county legislative body placed in the blank;]~~

518 [~~(d) propositions submitted to the voters by a school district are listed under the~~
519 ~~heading "School District Proposition Number ___" with the number of the school district~~
520 ~~proposition as assigned by the county legislative body placed in the blank;]~~

521 [~~(e) state initiatives that have qualified for the ballot are listed under the heading~~
522 ~~"Citizen's State Initiative Number ___" with the number of the state initiative as assigned under~~
523 ~~Section 20A-7-209 placed in the blank;]~~

524 ~~[(f) county initiatives that have qualified for the ballot are listed under the heading~~
525 ~~"Citizen's County Initiative Number ____" with the number of the county initiative as assigned~~
526 ~~under Section 20A-7-508 placed in the blank;]~~

527 ~~[(g) state referenda that have qualified for the ballot are listed under the heading~~
528 ~~"Citizen's State Referendum Number ____" with the number of the state referendum as assigned~~
529 ~~under Sections 20A-7-209 and 20A-7-308 placed in the blank;]~~

530 ~~[(h) county referenda that have qualified for the ballot are listed under the heading~~
531 ~~"Citizen's County Referendum Number ____" with the number of the county referendum as~~
532 ~~assigned under Section 20A-7-608 placed in the blank; and]~~

533 ~~[(i)] (c) bond propositions that have qualified for the ballot are listed under the title~~
534 ~~assigned to each bond proposition under Section 11-14-206.~~

535 Section 6. Section **20A-6-304** is amended to read:

536 **20A-6-304. Regular general election -- Electronic ballots.**

537 (1) Each election officer shall ensure that:

538 (a) the format and content of the electronic ballot is arranged in approximately the
539 same order as paper ballots;

540 (b) the titles of offices and the names of candidates are displayed in vertical columns or
541 in a series of separate display screens;

542 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

543 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

544 (ii) any ballot propositions submitted to the voters for their approval or rejection;

545 (d) (i) a voting square or position is included where the voter may record a straight
546 party ticket vote for all the candidates of one party by making a single selection; and

547 (ii) the name of each political party listed in the straight party selection area includes
548 the word "party" at the end of the party's name;

549 (e) the tickets are displayed in the order determined by the county clerk;

550 (f) the office titles are displayed above or at the side of the names of candidates so as to
551 indicate clearly the candidates for each office and the number to be elected;

552 (g) the party designation of each candidate is displayed adjacent to the candidate's
553 name; and

554 (h) if possible, all candidates for one office are grouped in one column or upon one

555 display screen.

556 (2) Each election officer shall ensure that:

557 (a) proposed amendments to the Utah Constitution are displayed [~~under the heading~~
558 ~~"Constitutional Amendment Number ___" with the number of the constitutional amendment, as~~
559 ~~assigned under Section 20A-7-103 placed in the blank]~~ in accordance with Section 20A-6-107;

560 (b) ballot propositions submitted to the voters [~~by the Utah Legislature]~~ are displayed
561 [~~under the heading "State Proposition Number ___" with the number of the state proposition as~~
562 ~~assigned under Section 20A-7-103 placed in the blank;~~] in accordance with Section 20A-6-107;
563 and

564 [~~(c) propositions submitted to the voters by a county are displayed under the heading~~
565 ~~"County Proposition Number ___" with the number of the county proposition as assigned by the~~
566 ~~county legislative body placed in the blank;]~~

567 [~~(d) propositions submitted to the voters by a school district are displayed under the~~
568 ~~heading "School District Proposition Number ___" with the number of the school district~~
569 ~~proposition as assigned by the county legislative body placed in the blank;]~~

570 [~~(e) state initiatives that have qualified for the ballot are displayed under the heading~~
571 ~~"Citizen's State Initiative Number ___" with the number of the state initiative as assigned under~~
572 ~~Section 20A-7-209 placed in the blank;]~~

573 [~~(f) county initiatives that have qualified for the ballot are displayed under the heading~~
574 ~~"Citizen's County Initiative Number ___" with the number of the county initiative as assigned~~
575 ~~under Section 20A-7-508 placed in the blank;]~~

576 [~~(g) state referenda that have qualified for the ballot are displayed under the heading~~
577 ~~"Citizen's State Referendum Number ___" with the number of the state referendum as assigned~~
578 ~~under Sections 20A-7-209 and 20A-7-308 placed in the blank;]~~

579 [~~(h) county referenda that have qualified for the ballot are displayed under the heading~~
580 ~~"Citizen's County Referendum Number ___" with the number of the county referendum as~~
581 ~~assigned under Section 20A-7-608 placed in the blank; and]~~

582 [(i) (c) bond propositions that have qualified for the ballot are displayed under the title
583 assigned to each bond proposition under Section 11-14-206.

584 Section 7. Section **20A-6-402** is amended to read:

585 **20A-6-402. Ballots for municipal general elections.**

586 (1) When using a paper ballot at municipal general elections, each election officer shall
587 ensure that:

588 (a) the names of the two candidates who received the highest number of votes for
589 mayor in the municipal primary are placed upon the ballot;

590 (b) if no municipal primary election was held, the names of the candidates who filed
591 declarations of candidacy for municipal offices are placed upon the ballot;

592 (c) for other offices:

593 (i) twice the number of candidates as there are positions to be filled are certified as
594 eligible for election in the municipal general election from those candidates who received the
595 greater number of votes in the primary election; and

596 (ii) the names of those candidates are placed upon the municipal general election
597 ballot;

598 (d) a write-in area is placed upon the ballot that contains, for each office:

599 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

600 (ii) a square or other conforming area that is adjacent to or opposite the blank
601 horizontal line to enable the voter to indicate the voter's vote;

602 (e) ballot propositions that have qualified for the ballot, including propositions
603 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
604 listed on the ballot [under the heading "City (or Town) Proposition Number ___" with the
605 number of the proposition, as assigned by the municipal legislative body placed in the blank;]
606 in accordance with Section 20A-6-107; and

607 [~~(f) municipal initiatives that have qualified for the ballot are listed on the ballot under~~
608 ~~the heading "Citizen's City (or Town) Initiative Number ___" with the number of the municipal~~
609 ~~initiative as assigned by Section 20A-7-508 placed in the blank;]~~

610 [~~(g) municipal referenda that have qualified for the ballot are listed on the ballot under~~
611 ~~the heading "Citizen's City (or Town) Referendum Number ___" with the number of the~~
612 ~~municipal referendum as assigned by Section 20A-7-608 placed in the blank; and]~~

613 [~~(h)~~] (f) bond propositions that have qualified for the ballot are listed on the ballot
614 under the title assigned to each bond proposition under Section 11-14-206.

615 (2) When using a punch card ballot at municipal general elections, each election officer
616 shall ensure that:

617 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
618 the top of the ballot;

619 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
620 stub; and

621 (iii) ballot stubs are numbered consecutively;

622 (b) immediately below the perforated ballot stub, the following endorsements are
623 printed in 18-point bold type:

624 (i) "Official Ballot for ____ (City or Town), Utah";

625 (ii) the date of the election; and

626 (iii) a facsimile of the signature of the election officer and the election officer's title in
627 eight-point type;

628 (c) immediately below the election officer's title, two one-point parallel horizontal
629 rules separate endorsements from the rest of the ballot;

630 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
631 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
632 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
633 office." followed by two one-point parallel rules;

634 (e) after the rules, the designation of the office for which the candidates seek election is
635 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or
636 more" are printed to extend to the extreme right of the column in ten-point bold type, followed
637 by a hair-line rule;

638 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
639 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
640 and grouped according to the office that they seek;

641 (g) a square with sides not less than 1/4 inch long is printed to the right of the names of
642 the candidates;

643 (h) following the name of the last candidate for each office, the ballot contains:

644 (i) a write-in space for each elective office where the voter may enter the name of a
645 valid write-in candidate; and

646 (ii) a square printed to the right of the write-in space or line where the voter may vote
647 for the valid write-in candidate; and

648 (i) the candidate groups are separated from each other by one light and one heavy line
649 or rule.

650 (3) When using a ballot sheet other than a punch card ballot at municipal general
651 elections, each election officer shall ensure that:

652 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

653 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
654 stub; and

655 (iii) ballot stubs are numbered consecutively;

656 (b) immediately below the perforated ballot stub, the following endorsements are
657 printed:

658 (i) "Official Ballot for ____ (City or Town), Utah";

659 (ii) the date of the election; and

660 (iii) a facsimile of the signature of the election officer and the election officer's title;

661 (c) immediately below the election officer's title, a distinct border or line separates
662 endorsements from the rest of the ballot;

663 (d) immediately below the border or line, an "Instructions to Voters" section is printed
664 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
665 candidate(s) for each respective office." followed by another border or line;

666 (e) after the border or line, the designation of the office for which the candidates seek
667 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,
668 followed by a line or border;

669 (f) after the line or border, the names of the candidates are printed alphabetically
670 according to surnames with surnames last and grouped according to the office that they seek;

671 (g) an oval is printed adjacent to the names of the candidates;

672 (h) following the name of the last candidate for each office, the ballot contains:

673 (i) a write-in space or blank line for each elective office where the voter may enter the
674 name of a valid write-in candidate; and

675 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
676 the valid write-in candidate; and

677 (i) the candidate groups are separated from each other by a line or border.

678 (4) When using an electronic ballot at municipal general elections, each election officer

679 shall ensure that:

680 (a) the following endorsements are displayed on the first screen of the ballot:

681 (i) "Official Ballot for ____ (City or Town), Utah";

682 (ii) the date of the election; and

683 (iii) a facsimile of the signature of the election officer and the election officer's title;

684 (b) immediately below the election officer's title, a distinct border or line separates the
685 endorsements from the rest of the ballot;

686 (c) immediately below the border or line, an "Instructions to Voters" section is
687 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
688 the candidate(s) for each respective office." followed by another border or line;

689 (d) after the border or line, the designation of the office for which the candidates seek
690 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
691 followed by a line or border;

692 (e) after the line or border, the names of the candidates are displayed alphabetically
693 according to surnames with surnames last and grouped according to the office that they seek;

694 (f) a voting square or position is located adjacent to the name of each candidate;

695 (g) following the name of the last candidate for each office, the ballot contains a
696 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
697 the office; and

698 (h) the candidate groups are separated from each other by a line or border.

699 (5) When a municipality has chosen to nominate candidates by convention or
700 committee, the election officer shall ensure that the party name is included with the candidate's
701 name on the ballot.

702 Section 8. Section **20A-7-103** is amended to read:

703 **20A-7-103. Constitutional amendments and other questions submitted by the**
704 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

705 (1) The procedures contained in this section govern when ~~[(a)]~~ the Legislature submits
706 a proposed constitutional amendment or other question to the voters ~~[-and]~~.

707 ~~[(b) an act of the Legislature is referred to the voters by referendum petition.]~~

708 (2) In addition to the publication in the voter information pamphlet required by Section
709 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ten days before the

710 regular general election, publish the full text of the amendment, question, or statute in at least
711 one newspaper in every county of the state where a newspaper is published.

712 (3) The legislative general counsel shall:

713 (a) entitle each proposed constitutional amendment "Constitutional Amendment
714 [~~Number~~] ___" [~~and give it a number~~] and assign it a letter according to the requirements of
715 Section 20A-6-107;

716 (b) entitle each proposed question "[~~State~~] Proposition Number ___" [~~and give it a~~
717 ~~number~~] with the number assigned to the proposition under Section 20A-6-107 placed in the
718 blank;

719 [~~(c) entitle each state referendum that has qualified for the ballot "Citizen's State~~
720 ~~Referendum Number ___" and give it a number;~~]

721 [~~(d)~~] (c) draft and designate a ballot title for each proposed amendment or question
722 submitted by the Legislature that summarizes the subject matter of the amendment or question;
723 and

724 [~~(e)~~] (d) deliver them to the lieutenant governor.

725 (4) The lieutenant governor shall certify the number and ballot title of each amendment
726 or question to the county clerk of each county no later than September 1 of each regular general
727 election year.

728 (5) The county clerk of each county shall:

729 (a) ensure that both the number and title of [~~the~~] each amendment[;] and question[; ~~or~~
730 ~~referendum~~] is printed on the sample ballots and official ballots; and

731 (b) publish them as provided by law.

732 Section 9. Section **20A-7-209** is amended to read:

733 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
734 **Research and General Counsel.**

735 (1) By July 6 before the regular general election, the lieutenant governor shall deliver a
736 copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative
737 Research and General Counsel.

738 (2) (a) The Office of Legislative Research and General Counsel shall:

739 (i) entitle each state initiative that has qualified for the ballot "[~~Citizen's State~~
740 ~~Initiative~~] Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

741 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
742 measure; and

743 (iii) return each petition and ballot title to the lieutenant governor by July 20.

744 (b) The ballot title may be distinct from the title of the proposed law attached to the
745 initiative petition, and shall be not more than 100 words.

746 (c) For each state initiative, the official ballot shall show:

747 (i) the number of the initiative as determined by the Office of Legislative Research and
748 General Counsel;

749 (ii) the ballot title as determined by the Office of Legislative Research and General
750 Counsel; and

751 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

752 (3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any
753 sponsor of the petition.

754 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
755 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
756 to the Supreme Court.

757 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
758 to send notice of the appeal to:

759 (A) any person or group that has filed an argument for or against the measure that is the
760 subject of the challenge; or

761 (B) any political issues committee established under Section 20A-11-801 that has filed
762 written or electronic notice with the lieutenant governor that identifies the name, mailing or
763 email address, and telephone number of the person designated to receive notice about any
764 issues relating to the initiative.

765 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
766 Research and General Counsel is an impartial summary of the contents of the initiative.

767 (ii) The Supreme Court may not revise the wording of the ballot title unless the
768 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
769 patently false or biased.

770 (c) The Supreme Court shall:

771 (i) examine the ballot title;

772 (ii) hear arguments; and
773 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that
774 meets the requirements of this section.

775 (d) By September 1, the lieutenant governor shall certify the title verified by the
776 Supreme Court to the county clerks to be printed on the official ballot.

777 Section 10. Section **20A-7-308** is amended to read:

778 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
779 **Research and General Counsel.**

780 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
781 the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to
782 the Office of Legislative Research and General Counsel.

783 (2) (a) The Office of Legislative Research and General Counsel shall:

784 (i) entitle each state referendum that has qualified for the ballot "~~Citizen's State~~
785 ~~Referendum~~ Proposition Number ___" and give it a number as assigned under Section
786 20A-6-107;

787 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
788 measure; and

789 (iii) return the petition and the ballot title to the lieutenant governor within 15 days
790 after its receipt.

791 (b) The ballot title may be distinct from the title of the law that is the subject of the
792 petition, and shall be not more than 100 words.

793 (c) The ballot title and the number of the measure as determined by the Office of
794 Legislative Research and General Counsel shall be printed on the official ballot.

795 (3) Immediately after the Office of Legislative Research and General Counsel files a
796 copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of
797 the ballot title to any of the sponsors of the petition.

798 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days of the date
799 the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared
800 by the Office of Legislative Research and General Counsel to the Supreme Court.

801 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
802 to send notice of the appeal to:

803 (A) any person or group that has filed an argument for or against the measure that is the
804 subject of the challenge; or

805 (B) any political issues committee established under Section 20A-11-801 that has filed
806 written or electronic notice with the lieutenant governor that identifies the name, mailing or
807 email address, and telephone number of the person designated to receive notice about any
808 issues relating to the initiative.

809 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
810 Research and General Counsel is an impartial summary of the contents of the referendum.

811 (ii) The Supreme Court may not revise the wording of the ballot title unless the
812 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
813 patently false or biased.

814 (c) The Supreme Court shall:

815 (i) examine the ballot title;

816 (ii) hear arguments; and

817 (iii) within five days of its decision, certify to the lieutenant governor a ballot title for
818 the measure that meets the requirements of this section.

819 (d) The lieutenant governor shall certify the title verified by the Supreme Court to the
820 county clerks to be printed on the official ballot.

821 Section 11. Section **20A-7-508** is amended to read:

822 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

823 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the
824 people, the local clerk shall deliver a copy of the petition and the proposed law to the local
825 attorney.

826 (2) The local attorney shall:

827 (a) entitle each county or municipal initiative that has qualified for the ballot

828 "~~Citizen's County Initiative~~ Proposition Number ___" and give it a number as assigned under
829 Section 20A-6-107;

830 ~~[(b) entitle each municipal initiative that has qualified for the ballot "Citizen's City (or~~
831 ~~Town) Initiative Number ___" and give it a number;]~~

832 ~~[(c)]~~ (b) prepare a proposed ballot title for the initiative;

833 ~~[(d)]~~ (c) file the proposed ballot title and the numbered initiative titles with the local

834 clerk within 15 days after the date the initiative petition is declared sufficient for submission to
835 a vote of the people; and

836 [~~(e)~~] (d) promptly provide notice of the filing of the proposed ballot title to:

837 (i) the sponsors of the petition; and

838 (ii) the local legislative body for the jurisdiction where the initiative petition was
839 circulated.

840 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
841 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

842 (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a
843 true and impartial statement of the purpose of the measure.

844 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
845 for or against the measure.

846 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
847 title under Subsection (2)[~~(d)~~] (c), the local legislative body for the jurisdiction where the
848 initiative petition was circulated and the sponsors of the petition may file written comments in
849 response to the proposed ballot title with the local clerk.

850 (b) Within five calendar days after the last date to submit written comments under
851 Subsection (4)(a), the local attorney shall:

852 (i) review any written comments filed in accordance with Subsection (4)(a);

853 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

854 (iii) return the petition and file the ballot title with the local clerk.

855 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
856 be printed on the official ballot.

857 (5) Immediately after the local attorney files a copy of the ballot title with the local
858 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
859 petition and the local legislative body for the jurisdiction where the initiative petition was
860 circulated.

861 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
862 comply with the requirements of this section, the decision of the local attorney may be
863 appealed by a petition to the Supreme Court that is brought by:

864 (i) at least three sponsors of the initiative petition; or

865 (ii) a majority of the local legislative body for the jurisdiction where the initiative
866 petition was circulated.

867 (b) The Supreme Court shall examine the measures and consider arguments, and, in its
868 decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this
869 section.

870 (c) The local clerk shall print the title certified by the Supreme Court on the official
871 ballot.

872 Section 12. Section **20A-7-608** is amended to read:

873 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

874 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
875 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
876 attorney.

877 (2) The local attorney shall:

878 (a) entitle each county or municipal referendum that has qualified for the ballot
879 "~~[Citizen's County Referendum]~~ Proposition Number ___" and give it a number as assigned
880 under Section 20A-6-107;

881 ~~[(b) entitle each municipal referendum that has qualified for the ballot "Citizen's City~~
882 ~~(or Town) Referendum Number ___" and give it a number;]~~

883 ~~[(c)]~~ (b) prepare a proposed ballot title for the referendum;

884 ~~[(d)]~~ (c) file the proposed ballot title and the numbered referendum titles with the local
885 clerk within 15 days after the date the referendum petition is declared sufficient for submission
886 to a vote of the people; and

887 ~~[(e)]~~ (d) promptly provide notice of the filing of the proposed ballot title to:

888 (i) the sponsors of the petition; and

889 (ii) the local legislative body for the jurisdiction where the referendum petition was
890 circulated.

891 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
892 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

893 (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a
894 true and impartial statement of the purpose of the measure.

895 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,

896 for or against the measure.

897 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
898 title under Subsection (2)~~(d)~~ (c), the local legislative body for the jurisdiction where the
899 referendum petition was circulated and the sponsors of the petition may file written comments
900 in response to the proposed ballot title with the local clerk.

901 (b) Within five calendar days after the last date to submit written comments under
902 Subsection (4)(a), the local attorney shall:

- 903 (i) review any written comments filed in accordance with Subsection (4)(a);
- 904 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 905 (iii) return the petition and file the ballot title with the local clerk.

906 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
907 be printed on the official ballot.

908 (5) Immediately after the local attorney files a copy of the ballot title with the local
909 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
910 petition and the local legislative body for the jurisdiction where the referendum petition was
911 circulated.

912 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
913 comply with the requirements of this section, the decision of the local attorney may be
914 appealed by a petition to the Supreme Court that is brought by:

- 915 (i) at least three sponsors of the referendum petition; or
- 916 (ii) a majority of the local legislative body for the jurisdiction where the referendum
917 petition was circulated.

918 (b) The Supreme Court shall examine the measures and consider arguments, and, in its
919 decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this
920 section.

921 (c) The local clerk shall print the title certified by the Supreme Court on the official
922 ballot.

Legislative Review Note
as of 1-2-08 10:34 AM

Office of Legislative Research and General Counsel

H.B. 126 - Election Law - Ballot Proposition Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will require an appropriation of \$5,000 ongoing from the General Fund for additional duties required of the Lieutenant Governor's office.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$5,000	\$5,000	\$0	\$0	\$0
Total	\$0	\$5,000	\$5,000	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.