Senator Howard A. Stephenson proposes the following substitute bill:

1 # REMOVING SIGNATURE FROM INITIATIVE AND
2 # REFERENDUM PETITION
3 ## 2010 GENERAL SESSION
4 ## STATE OF UTAH
5 ### Chief Sponsor: Howard A. Stephenson
6 House Sponsor: _____

7

8 **LONG TITLE**
9 **General Description:**
10   This bill modifies the Election Code by amending provisions related to removing
11 signatures for a statewide initiative and referendum.
12 **Highlighted Provisions:**
13   This bill:
14   ▸   repeals the requirement that a voter must submit a notarized statement to the county
15 clerk to have the voter's signature removed from a statewide initiative and
16 referendum petition;
17   ▸   provides that to remove a voter's name from a statewide initiative or referendum
18 petition, a voter shall sign a statement requesting removal, including the voter's
19 address and identification information;
20   ▸   requires a county clerk to deliver to the lieutenant governor a voter statement
21 requesting removal of a voter's name from a statewide initiative or referendum
22 petition before May 15;
23   ▸   provides that the lieutenant governor, instead of the county clerk, remove the name
24 of a voter who requests removal from a statewide initiative or referendum petition;
25 and

HB0275S01

26   ▸   makes technical changes.

27   **Monies Appropriated in this Bill:**

28   None

29   **Other Special Clauses:**

30   This bill provides an immediate effective date.

31   **Utah Code Sections Affected:**

32   AMENDS:

33   **20A-7-205**, as last amended by Laws of Utah 2000, Chapter 3

34   **20A-7-206**, as last amended by Laws of Utah 2008, Chapter 237

35   **20A-7-305**, as last amended by Laws of Utah 2000, Chapter 3

36   **20A-7-306**, as last amended by Laws of Utah 2007, Chapter 78

37   ═══

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

39   Section 1. Section **20A-7-205** is amended to read:

40   **20A-7-205.   Obtaining signatures -- Verification -- Removal of signature.**

41   (1) [Any] A Utah voter may sign an initiative petition if the voter is a legal voter.

42   (2) The sponsors shall ensure that the person in whose presence each signature sheet

43   was signed:

44   (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

45   and

46   (b) verifies each signature sheet by completing the verification printed on the last page

47   of each initiative packet.

48   (3) (a) [(i) Any] A voter who has signed an initiative petition may have [his] the

49   voter's signature removed from the petition by submitting [a notarized statement to that effect]

50   to the county clerk[.] a statement requesting that the voter's signature be removed.

51   (b) The statement shall include:

52   (i) the name of the voter;

53   (ii) the resident address at which the voter is registered to vote;

54   (iii) the last four digits of the voter's Social Security number;

55   (iv) the driver license or identification card number; and

56   (v) the signature of the voter.

57   (c) A voter may not submit a statement by email or other electronic means.

58   [(ii)] (d) In order for the signature to be removed, the statement must be received by the

59 county clerk before [he delivers the petition to the lieutenant governor] May 15.

60   [(b)] (e) [Upon receipt of the statement, the] The county clerk shall [remove the

61 signature of the person submitting the statement from] deliver all statements received under

62 this Subsection (3):

63   (i) with the initiative petition packets delivered to the lieutenant governor; or

64   (ii) in a supplemental delivery to the lieutenant governor for a statement submitted

65 after the county clerk delivered the initiative packets.

66   [(c)] (f) [No one may remove signatures] A person may only remove a signature from

67 an initiative petition [after the petition is submitted to the lieutenant governor] in accordance

68 with this Subsection (3).

69   Section 2. Section **20A-7-206** is amended to read:

70   **20A-7-206.   Submitting the initiative petition -- Certification of signatures by the**

71 **county clerks -- Transfer to lieutenant governor.**

72   (1) In order to qualify an initiative petition for placement on the regular general

73 election ballot, the sponsors shall deliver each signed and verified initiative packet to the

74 county clerk of the county in which the packet was circulated no later than April 15 before the

75 regular general election.

76   (2) No later than May 1 before the regular general election, the county clerk shall:

77   (a) check the names of all persons completing the verification for the initiative packet

78 to determine whether or not those persons are residents of Utah and are at least 18 years old;

79 and

80   (b) submit the name of each of those persons who is not a Utah resident or who is not

81 at least 18 years old to the attorney general and county attorney.

82   (3) No later than May 15 before the regular general election, the county clerk shall:

83   (a) determine whether or not each signer is a registered voter according to the

84 requirements of Section 20A-7-206.3;

85   (b) certify on the petition whether or not each name is that of a registered voter; and

86   (c) deliver all of the packets to the lieutenant governor.

87   (4) Upon receipt of an initiative packet under Subsection (3) and any statement

88   submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the

89   initiative petition a voter's signature if the voter has requested the removal in accordance with

90   Subsection 20A-7-205(3).

91   [(4)] (5) In order to qualify an initiative petition for submission to the Legislature, the

92   sponsors shall deliver each signed and verified initiative packet to the county clerk of the

93   county in which the packet was circulated by the November 15 before the annual general

94   session of the Legislature.

95   [(5)] (6) No later than December 1 before the annual general session of the Legislature,

96   the county clerk shall:

97   (a) check the names of all persons completing the verification for the initiative packet

98   to determine whether or not those persons are Utah residents and are at least 18 years old; and

99   (b) submit the name of each of those persons who is not a Utah resident or who is not

100   at least 18 years old to the attorney general and county attorney.

101   [(6)] (7) No later than December 15 before the annual general session of the

102   Legislature, the county clerk shall:

103   (a) determine whether or not each signer is a registered voter according to the

104   requirements of Section 20A-7-206.3;

105   (b) certify on the petition whether or not each name is that of a registered voter; and

106   (c) deliver all of the packets to the lieutenant governor.

107   [(7)] (8) Initiative packets are public once they are delivered to the county clerks.

108   [(8)] (9) The sponsor or their representatives may not retrieve initiative packets from

109   the county clerks once they have submitted them.

110   Section 3. Section **20A-7-305** is amended to read:

111   **20A-7-305.   Obtaining signatures -- Verification -- Removal of signature.**

112   (1) [Any] A Utah voter may sign a referendum petition if the voter is a legal voter.

113   (2) The sponsors shall ensure that the person in whose presence each signature sheet

114   was signed:

115   (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

116   and

117   (b) verifies each signature sheet by completing the verification printed on the last page

118   of each signature sheet.

119   (3) (a) (i) [Any] A voter who has signed a referendum petition may have [his] the

120   voter's signature removed from the petition by submitting [a notarized statement to that effect]

121   to the county clerk[.] a statement requesting that the voter's signature be removed.

122   (b) The statement shall include:

123   (i) the name of the voter;

124   (ii) the resident address at which the voter is registered to vote;

125   (iii) the last four digits of the voter's Social Security number;

126   (iv) the driver license or identification card number; and

127   (v) the signature of the voter.

128   (c) A voter may not submit a statement by email or other electronic means.

129   [(ii)] (d) In order for the signature to be removed, the statement must be received by the

130   county clerk before [he delivers the petition to the lieutenant governor] the day which is 55

131   days after the end of the legislative session at which the law passed.

132   [(b) Upon receipt of the statement, the]

133   (e) The county clerk shall [remove the signature of the person submitting the statement

134   from] deliver all statements received under this Subsection (3):

135   (i) with the referendum petition[.] packets to the lieutenant governor; or

136   (ii) in a supplemental delivery to the lieutenant governor for a statement submitted

137   after the county clerk delivered the referendum petition packets.

138   [(c) No one may remove signatures]

139   (f) A person may only remove a signature from a referendum petition [after the petition

140   is submitted to the lieutenant governor] in accordance with this Subsection (3).

141   Section 4. Section **20A-7-306** is amended to read:

142   **20A-7-306.   Submitting the referendum petition -- Certification of signatures by**

143   **the county clerks -- Transfer to lieutenant governor.**

144   (1) No later than 40 days after the end of the legislative session at which the law

145   passed, the sponsors shall deliver each signed and verified referendum packet to the county

146   clerk of the county in which the packet was circulated.

147   (2) No later than 55 days after the end of the legislative session at which the law

148   passed, the county clerk shall:

149   (a) check the names of all persons completing the verification on the back of each

150   signature sheet to determine whether or not those persons are Utah residents and are at least 18

151   years old; and

152   (b) submit the name of each of those persons who is not a Utah resident or who is not

153   at least 18 years old to the attorney general and county attorney.

154   (3) No later than 55 days after the end of the legislative session at which the law

155   passed, the county clerk shall:

156   (a) determine whether or not each signer is a registered voter according to the

157   requirements of Section 20A-7-306.3;

158   (b) certify on the referendum petition whether or not each name is that of a registered

159   voter; and

160   (c) deliver all of the referendum packets to the lieutenant governor.

161   (4) Upon receipt of an referendum packet under Subsection (3) and any statement

162   submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the

163   referendum petition a voter's signature if the voter has requested the removal in accordance

164   with Subsection 20A-7-305(3).

165   Section 5. **Effective date.**

166   If approved by two-thirds of all the members elected to each house, this bill takes effect

167   upon approval by the governor, or the day following the constitutional time limit of Utah

168   Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

169   the date of veto override.

Fiscal Note

S.B. 275 1st Sub. (Green) - Removing Signature from Initiative and Referendum Petition

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

Office of the Legislative Fiscal Analyst