

**INITIATIVE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: David G. Butterfield

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**LONG TITLE**

**General Description:**

This bill amends provisions in Title 20A, Chapter 7, Issues Submitted to the Voters, related to statewide and local initiatives.

**Highlighted Provisions:**

This bill:

- ▶ requires an initiative to contain no more than one subject to the same extent a bill may not pass with more than one subject under the Utah Constitution;
- ▶ authorizes initiative petition sponsors to change the text of a proposed law following public hearings; and
- ▶ requires the Governor's Office of Planning and Budget to update an initial fiscal impact estimate if the text of a proposed law is changed.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

**⚠→ [None] This bill coordinates with S.B. 165, Election Law Amendments, by merging technical and substantive amendments. ←⚠**

**Utah Code Sections Affected:**

AMENDS:

- 20A-7-202**, as last amended by Laws of Utah 2008, Chapter 237
- 20A-7-203**, as last amended by Laws of Utah 2007, Chapter 78
- 20A-7-204**, as last amended by Laws of Utah 1995, Chapter 153

S.B. 72



28 20A-7-204.1, as last amended by Laws of Utah 2010, Chapter 90

29 20A-7-209, as last amended by Laws of Utah 2010, Chapter 367

30 20A-7-502, as last amended by Laws of Utah 2008, Chapter 237

30a **H→ Utah Code Sections Affected by Coordination Clause:**

30b **20A-7-203, as last amended by Laws of Utah 2007, Chapter 78 ←H**

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

33 Section 1. Section 20A-7-202 is amended to read:

34 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**  
35 **gather signatures -- Grounds for rejection.**

36 (1) Persons wishing to circulate an initiative petition shall file an application with the  
37 lieutenant governor.

38 (2) The application shall contain:

39 (a) the name and residence address of at least five sponsors of the initiative petition;

40 (b) a statement indicating that each of the sponsors:

41 (i) is a resident of Utah; and

42 (ii) has voted in a regular general election in Utah within the last three years;

43 (c) the signature of each of the sponsors, attested to by a notary public;

44 (d) a copy of the proposed law that includes:

45 (i) the title of the proposed law, which clearly expresses the subject of the law; and

46 (ii) the text of the proposed law; and

47 (e) a statement indicating whether or not persons gathering signatures for the petition  
48 may be paid for doing so.

49 (3) The application and its contents are public when filed with the lieutenant governor.

50 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no  
51 later than one year after the application is filed.

52 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

53 (i) submit a new application;

54 (ii) obtain new signature sheets; and

55 (iii) collect signatures again.

56 (5) The lieutenant governor shall reject the application **H→ or application addendum**  
56a **filed under Subsection 20A-7-204.1(4) ←H** and not issue circulation sheets

57 if:

58 (a) the law proposed by the initiative is patently unconstitutional;

- 59 (b) the law proposed by the initiative is nonsensical;
- 60 (c) the proposed law could not become law if passed;
- 61 (d) the proposed law contains more than one subject as evaluated in accordance with

62 Subsection (6):

- 63 (e) the subject of the proposed law is not clearly expressed in the law's title; or
- 64 (f) the law proposed by the initiative is identical or substantially similar to a law
- 65 proposed by an initiative that was submitted to the county clerks and lieutenant governor for
- 66 certification and evaluation within two years preceding the date on which the application for
- 67 this initiative was filed.

68 (6) To evaluate whether the proposed law contains more than one subject under  
69 Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah  
70 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more  
71 than one subject.

72 Section 2. Section **20A-7-203** is amended to read:

73 **20A-7-203. Form of initiative petition and signature sheets.**

74 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
75 form:

76 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

77 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
78 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
79 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

80 Each signer says:

81 I have personally signed this petition;

82 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
83 certification of the petition names by the county clerk; and

84 My residence and post office address are written correctly after my name.

85 NOTICE TO SIGNERS:

86 Public hearings to discuss this petition were held at: (list dates and locations of public  
87 hearings.)"

88 (b) The sponsors of an initiative shall attach a copy of the proposed law to each  
89 initiative petition.

- 90 (2) Each signature sheet shall:
- 91 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 92 (b) be ruled with a horizontal line [~~3/4~~] three-fourths inch from the top, with the space  
93 above that line blank for the purpose of binding;
- 94 (c) contain the title of the initiative printed below the horizontal line;
- 95 (d) contain the initial fiscal impact estimate's summary statement issued by the  
96 Governor's Office of Planning and Budget according to Subsection 20A-7-202.5(2)(b),  
97 including any update according to Subsection 20A-7-204.1(4), printed or typed in not less than  
98 12 point, bold type, at the top of each signature sheet under the title of the initiative;
- 99 (e) contain the word "Warning" printed or typed at the top of each signature sheet  
100 under the initial fiscal impact estimate's summary statement;
- 101 (f) contain, to the right of the word "Warning," the following statement printed or  
102 typed in not less than eight point, single leaded type:  
103 "It is a class A misdemeanor for anyone to sign any initiative petition with any other  
104 name than his own, or knowingly to sign his name more than once for the same measure, or to  
105 sign an initiative petition when he knows he is not a registered voter and knows that he does  
106 not intend to become registered to vote before the certification of the petition names by the  
107 county clerk."; and
- 108 (g) be vertically divided into columns as follows:
- 109 (i) the first column shall appear at the extreme left of the sheet, be [~~5/8~~] five-eighths  
110 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line  
111 down the middle with the left subdivision entitled "Registered" and the right subdivision left  
112 untitled;
- 113 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
114 Name (must be legible to be counted)";
- 115 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
116 Voter";
- 117 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- 118 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
119 Code"; and
- 120 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age

121 information is not required, but it may be used to verify your identity with voter registration  
122 records. If you choose not to provide it, your signature may not be verified as a valid signature  
123 if you change your address before petition signatures are verified or if the information you  
124 provide does not match your voter registration records."

125 (3) The final page of each initiative packet shall contain the following printed or typed  
126 statement:

127 "Verification

128 State of Utah, County of \_\_\_\_

129 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

130 I am a resident of Utah and am at least 18 years old;

131 All the names that appear in this packet were signed by persons who professed to be the  
132 persons whose names appear in it, and each of them signed his name on it in my presence;

133 I believe that each has printed and signed his name and written his post office address  
134 and residence correctly, and that each signer is registered to vote in Utah or intends to become  
135 registered to vote before the certification of the petition names by the county clerk.

136 I have not paid or given anything of value to any person who signed this petition to  
137 encourage that person to sign it.

138 \_\_\_\_\_

139 (Name) (Residence Address) (Date)"

140 (4) The forms prescribed in this section are not mandatory, and, if substantially  
141 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical  
142 errors.

143 Section 3. Section **20A-7-204** is amended to read:

144 **20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors**  
145 **with materials.**

146 (1) In order to obtain the necessary number of signatures required by this part, the  
147 sponsors shall circulate initiative packets that meet the form requirements of this part.

148 (2) The lieutenant governor shall furnish to the sponsors:

149 (a) a copy of the initiative petition, with any change submitted under Subsection  
150 20A-7-204.1(4); and

151 (b) one signature sheet.

152 (3) The sponsors of the petition shall:

153 (a) arrange and pay for the printing of all additional copies of the petition and signature  
154 sheets; and

155 (b) ensure that the copies of the petition and signature sheets meet the form  
156 requirements of this section.

157 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple  
158 initiative packets.

159 (b) The sponsors shall create those packets by binding a copy of the initiative petition,  
160 a copy of the proposed law, and no more than 50 signature sheets together at the top in such a  
161 way that the packets may be conveniently opened for signing.

162 (c) The sponsors need not attach a uniform number of signature sheets to each  
163 initiative packet.

164 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return  
165 them to the lieutenant governor.

166 (b) The lieutenant governor shall:

167 (i) number each of the initiative packets and return them to the sponsors within five  
168 working days; and

169 (ii) keep a record of the numbers assigned to each packet.

170 Section 4. Section **20A-7-204.1** is amended to read:

171 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**

172 **Changes to an initiative and initial fiscal impact estimate.**

173 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
174 Planning and Budget and before circulating initiative petitions for signature statewide, sponsors  
175 of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

176 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

177 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
178 County;

179 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

180 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
181 County;

182 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

183 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

184 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

185 County.

186 (b) Of the seven meetings, at least two of the meetings must be held in a first or second  
187 class county, but not in the same county.

188 (2) At least three calendar days before the date of the public hearing, the sponsors  
189 shall:

190 (a) provide written notice of the public hearing to:

191 (i) the lieutenant governor for posting on the state's website; and

192 (ii) each state senator, state representative, and county commission or county council  
193 member who is elected in whole or in part from the region where the public hearing will be  
194 held; and

195 (b) publish written notice of the public hearing detailing its time, date, and location:

196 (i) in at least one newspaper of general circulation in each county in the region where  
197 the public hearing will be held; and

198 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

199 (3) (a) During the public hearing, the sponsors shall either:

200 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
201 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

202 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
203 each speaker and summarizing each speaker's comments.

204 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
205 public.

206 (4) (a) Within 14 days after conducting the seventh public hearing required by  
207 Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the  
208 initiative petition may change the text of the proposed law if:

209 (i) a change to the text is:

210 (A) germane to the text of the proposed law filed with the lieutenant governor under  
211 Section 20A-7-202; and

212 (B) consistent with the requirements of Subsection 20A-7-202(5); and

213 (ii) each sponsor signs ~~H~~→ , attested to by a notary public, ←~~H~~ an application addendum  
213a to change the text of the proposed law.

214 (b) (i) Within three working days of receipt of an application addendum to change the  
215 text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of  
216 the application addendum to the Governor's Office of Planning and Budget.

217 (ii) The Governor's Office of Planning and Budget shall update the initial fiscal impact  
218 estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a  
219 change to the text of the proposed law.

220 Section 5. Section **20A-7-209** is amended to read:

221 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
222 **Research and General Counsel.**

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

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

227 (i) entitle each state initiative that has qualified for the ballot " Proposition Number \_\_\_ "  
228 and give it a number as assigned under Section 20A-6-107;

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

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

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

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

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

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

239 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5 or updated  
240 under Section 20A-7-201.4.

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

243 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the  
244 wording of the ballot title prepared by the Office of Legislative Research and General Counsel



245 to the Supreme Court.

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

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

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

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

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

259 (c) The Supreme Court shall:

260 (i) examine the ballot title;

261 (ii) hear arguments; and

262 (iii) certify to the lieutenant governor a ballot title for the measure that meets the  
263 requirements of this section.

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

266 Section 6. Section **20A-7-502** is amended to read:

267 **20A-7-502. Local initiative process -- Application procedures.**

268 (1) Persons wishing to circulate an initiative petition shall file an application with the  
269 local clerk.

270 (2) The application shall contain:

271 (a) the name and residence address of at least five sponsors of the initiative petition;

272 (b) a statement indicating that each of the sponsors:

273 (i) is a registered voter; and

274 (ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general  
275 election in Utah within the last three years; or

276 (B) if the initiative seeks to enact a municipal ordinance, has voted in a regular  
277 municipal election in Utah:

278 (I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

279 (II) within the last five years, if the sponsor's failure to vote within the last three years  
280 is due to the sponsor's residing in a municipal district that participates in a municipal election  
281 every four years;

282 (c) the signature of each of the sponsors, attested to by a notary public; and

283 (d) a copy of the proposed law that includes:

284 (i) the title of the proposed law, which clearly expresses the subject of the law; and

285 (ii) the text of the proposed law.

286 (3) A proposed law submitted under this section may not contain more than one subject  
287 to the same extent a bill may not pass containing more than one subject as provided in Utah  
288 Constitution, Article VI, Section 22.

288a **Ĥ→ Section 7. Coordinating S.B. 72 with S.B. 165 -- Merging technical and substantive**  
288b **amendments.**

288c **If this S.B. 72 and S.B. 165, Election Law Amendments, both pass, it is the intent of the**  
288d **Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah**  
288e **Code database for publication merge the changes from both bills to modify Subsection 20A-7-**  
288f **203(2)(d) to read:**

288g **"(d) contain the initial fiscal impact estimate's summary statement issued by the Governor's**  
288h **Office of Planning and Budget according to Subsection 20A-7-202.5(2)(b), including any**  
288i **update according to Subsection 20A-7-204.1(4), and the cost estimate for printing and**  
288j **distributing information related to the initiative petition according to Subsection**  
288k **20A-7-202.5(3), printed or typed in not less than 12-point, bold type, at the top of each**  
288l **signature sheet under the title of the initiative;" ←Ĥ**

Legislative Review Note  
as of 2-16-11 11:59 AM

Office of Legislative Research and General Counsel

# FISCAL NOTE

S.B. 72

SHORT TITLE: **Initiative Amendments**

SPONSOR: **Hillyard, L.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.