

Senator John L. Valentine proposes the following substitute bill:

REFERENDUM AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill modifies the Election Code to address a referendum filed on actions taken with regard to property tax rates.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ sets different time periods for actions taken with regard to a referendum petition;
- ▶ addresses absentee ballots;
- ▶ exempts the referendum petition from the voter information pamphlet requirements;
- ▶ addresses the tax rate if the referendum passes or fails;
- ▶ provides language for the ballot; and
- ▶ addresses payment of costs.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 **20A-7-613**, Utah Code Annotated 1953

27

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

29 Section 1. Section **20A-7-613** is enacted to read:

30 **20A-7-613. Property tax referendum petition.**

31 (1) As used in this section:

32 (a) "Certified tax rate" is as defined in Section 59-2-924.

33 (b) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year

34 that begins on July 1 and ends on June 30.

35 (2) Except as provided in this section, the requirements of this part apply to a
36 referendum petition challenging a fiscal year taxing entity's legislative body's vote to impose a
37 tax rate that exceeds the certified tax rate.

38 (3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the
39 referendum packets and return them to the sponsors within two working days.

40 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed
41 and verified referendum packet to the county clerk of the county in which the packet was
42 circulated no later than 32 days from the day on which the petitioners file the application for a
43 referendum petition under Subsection 20A-7-601(3).

44 (5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
45 actions required in Subsections 20A-7-606(2) and (3) within 10 working days of the day on
46 which the county clerk receives the signed and verified referendum packet as described in
47 Subsection (4).

48 (6) The local clerk shall take the actions required by Section 20A-7-607 within two
49 working days of the day on which the local clerk receives the referendum packets from the
50 county clerk.

51 (7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
52 ballot title within two working days after the date the referendum petition is declared sufficient
53 for submission to a vote of the people.

54 (8) Notwithstanding Subsection 20A-7-609(2)(d), a referendum that has qualified for
55 the ballot under this section shall appear on the ballot for the earlier of the next regular general
56 election or the next municipal general election unless a special election is called.

57 (9) Notwithstanding the requirements related to absentee ballots under this title:

58 (a) the election officer shall prepare absentee ballots for those voters who have
59 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
60 Subsection (7); and

61 (b) the election officer shall mail absentee ballots on a referendum under this section
62 the later of:

63 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

64 (ii) the time that absentee ballots are prepared for mailing under this section.

65 (10) Section 20A-7-402 does not apply to a referendum described in this section.

66 (11) (a) If a majority of voters vote in favor of imposing the tax at a rate calculated to
67 generate the increased revenue budgeted, adopted, and approved by the fiscal year taxing
68 entity's legislative body:

69 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
70 is its most recent certified tax rate; and

71 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
72 for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed
73 increased revenues budgeted, adopted, and approved by the fiscal year taxing entity's legislative
74 body before the filing of the referendum petition.

75 (b) If a majority of voters vote against imposing a tax at the rate established by the vote
76 of the fiscal year taxing entity's legislative body, the certified tax rate for the fiscal year taxing
77 entity is its most recent certified tax rate.

78 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a fiscal year taxing
79 entity is not required to comply with the notice and public hearing requirements of Section
80 59-2-919 if the fiscal year taxing entity complied with those notice and public hearing
81 requirements before the referendum petition is filed.

82 (12) The ballot title shall, at a minimum, include in substantially this form the
83 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
84 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
85 budgeted, adopted, and approved by the [name of the taxing entity]."

86 (13) A fiscal year taxing entity shall pay the county the costs incurred by the county
87 that are directly related to meeting the requirements of this section and that the county would

88 not have incurred but for compliance with this section.