

GEOGRAPHIC DIVERSITY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stuart C. Reid

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill amends the signature requirements for an initiative or referendum petition.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires that an initiative or referendum petition in a city, county, or town meet certain signature requirements within a majority of precincts in the city, county, or town; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-101, as last amended by Laws of Utah 2012, Chapters 17 and 72

20A-7-501, as last amended by Laws of Utah 2011, Chapter 17

20A-7-601, as last amended by Laws of Utah 2012, Chapter 72

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



28 Section 1. Section 20A-7-101 is amended to read:

29 **20A-7-101. Definitions.**

30 As used in this chapter:

31 (1) "Budget officer" means:

32 (a) (i) for a county of the first class, the person designated as budget officer in Section
33 17-19a-203; or

34 (ii) for a county not described in Subsection (1)(a)(i), a person designated as budget
35 officer in Section 17-19-19;

36 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

37 (c) for a town, the town council.

38 (2) "Certified" means that the county clerk has acknowledged a signature as being the
39 signature of a registered voter.

40 (3) "Circulation" means the process of submitting an initiative or referendum petition
41 to legal voters for their signature.

42 (4) "Final fiscal impact statement" means a financial statement prepared after voters
43 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
44 20A-7-502.5(2).

45 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
46 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
47 initiative petition.

48 (6) "Initiative" means a new law proposed for adoption by the public as provided in
49 this chapter.

50 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
51 law, and the signature sheets, all of which have been bound together as a unit.

52 (8) "Legal signatures" means the number of signatures of legal voters that:

53 (a) meet the numerical requirements of this chapter; and

54 (b) have been certified and verified as provided in this chapter.

55 (9) "Legal voter" means a person who:

56 (a) is registered to vote; or

57 (b) becomes registered to vote before the county clerk certifies the signatures on an
58 initiative or referendum petition.

59 (10) "Local attorney" means the county attorney, city attorney, or town attorney in
60 whose jurisdiction a local initiative or referendum petition is circulated.

61 (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose
62 jurisdiction a local initiative or referendum petition is circulated.

63 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
64 comprehensive zoning regulation adopted by ordinance or resolution.

65 (b) "Local law" does not include an individual property zoning decision.

66 (13) "Local legislative body" means the legislative body of a county, city, or town.

67 (14) "Local obligation law" means a local law passed by the local legislative body
68 regarding a bond that was approved by a majority of qualified voters in an election.

69 (15) "Measure" means a proposed constitutional amendment, an initiative, or
70 referendum.

71 (16) "Precinct" means, for a county, city, or town in which a person seeks to submit an
72 initiative or referendum petition:

73 (a) a voting precinct that is completely within the geographic boundaries of the county,
74 city, or town; or

75 (b) for a voting precinct that is partially within the geographic boundaries of the
76 county, city, or town, the portion of the precinct that is within the geographic boundaries of the
77 county, city, or town.

78 [~~16~~] (17) "Referendum" means a process by which a law passed by the Legislature or
79 by a local legislative body is submitted or referred to the voters for their approval or rejection.

80 [~~17~~] (18) "Referendum packet" means a copy of the referendum petition, a copy of
81 the law being submitted or referred to the voters for their approval or rejection, and the
82 signature sheets, all of which have been bound together as a unit.

83 [~~18~~] (19) (a) "Signature" means a holographic signature.

84 (b) "Signature" does not mean an electronic signature.

85 [~~19~~] (20) "Signature sheets" means sheets in the form required by this chapter that are
86 used to collect signatures in support of an initiative or referendum.

87 [~~20~~] (21) "Sponsors" means the legal voters who support the initiative or referendum
88 and who sign the application for petition copies.

89 [~~21~~] (22) "Sufficient" means that the signatures submitted in support of an initiative

90 or referendum petition have been certified and verified as required by this chapter.

91 ~~[(22)]~~ (23) "Verified" means acknowledged by the person circulating the petition as
92 required in Sections 20A-7-205 and 20A-7-305.

93 Section 2. Section 20A-7-501 is amended to read:

94 **20A-7-501. Initiatives.**

95 (1) (a) ~~[Except as provided in]~~ Subject to Subsection (1)(b), a person seeking to have
96 an initiative submitted to a local legislative body or to a vote of the people for approval or
97 rejection shall obtain legal signatures equal to:

98 (i) 10% of all the votes cast in the county, city, or town for all candidates for President
99 of the United States at the last election at which a President of the United States was elected if
100 the total number of votes exceeds 25,000;

101 (ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
102 President of the United States at the last election at which a President of the United States was
103 elected if the total number of votes does not exceed 25,000 but is more than 10,000;

104 (iii) 15% of all the votes cast in the county, city, or town for all candidates for
105 President of the United States at the last election at which a President of the United States was
106 elected if the total number of votes does not exceed 10,000 but is more than 2,500;

107 (iv) 20% of all the votes cast in the county, city, or town for all candidates for President
108 of the United States at the last election at which a President of the United States was elected if
109 the total number of votes does not exceed 2,500 but is more than 500;

110 (v) 25% of all the votes cast in the county, city, or town for all candidates for President
111 of the United States at the last election at which a President of the United States was elected if
112 the total number of votes does not exceed 500 but is more than 250; and

113 (vi) 30% of all the votes cast in the county, city, or town for all candidates for President
114 of the United States at the last election at which a President of the United States was elected if
115 the total number of votes does not exceed 250.

116 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to
117 have an initiative submitted to a local legislative body or to a vote of the people for approval or
118 rejection in a county, city, or town ~~[where the local legislative body is elected from council~~
119 ~~districts]~~ that contains more than two precincts shall obtain, from each of a majority of ~~[council~~
120 ~~districts]~~ the precincts, legal signatures equal to the percentages established in Subsection

121 (1)(a).

122 (2) If the total number of certified names from each verified signature sheet equals or
123 exceeds the number of names required by this section, the clerk or recorder of the county, city,
124 or town shall deliver the proposed law to the local legislative body at [~~its~~] the local legislative
125 body's next meeting.

126 (3) (a) The local legislative body shall either adopt or reject the proposed law without
127 change or amendment within 30 days of receipt of the proposed law.

128 (b) The local legislative body may:

129 (i) adopt the proposed law and refer it to the people;

130 (ii) adopt the proposed law without referring it to the people; or

131 (iii) reject the proposed law.

132 (c) If the local legislative body adopts the proposed law but does not refer it to the
133 people, it is subject to referendum as with other local laws.

134 (d) (i) If a county legislative body rejects a proposed county ordinance or amendment,
135 or takes no action on it, the county clerk shall submit it to the voters of the county at the next
136 regular general election immediately after the petition is filed under Section 20A-7-502.

137 (ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or
138 takes no action on it, the municipal recorder or clerk shall submit it to the voters of the
139 municipality at the next municipal general election immediately after the petition is filed under
140 Section 20A-7-502.

141 (e) (i) If the local legislative body rejects the proposed ordinance or amendment, or
142 takes no action on it, the local legislative body may adopt a competing local law.

143 (ii) The local legislative body shall prepare and adopt the competing local law within
144 the 30 days allowed for its action on the measure proposed by initiative petition.

145 (iii) If the local legislative body adopts a competing local law, the clerk or recorder
146 shall submit it to the voters of the county or municipality at the same election at which the
147 initiative proposal is submitted.

148 (f) If conflicting local laws are submitted to the people at the same election and two or
149 more of the conflicting measures are approved by the people, then the measure that receives the
150 greatest number of affirmative votes shall control all conflicts.

151 Section 3. Section 20A-7-601 is amended to read:

152 **20A-7-601. Referenda -- General signature requirements -- Signature**
153 **requirements for land use laws -- Time requirements.**

154 (1) (a) Except as provided in Subsection (2), and subject to Subsection (1)(b), a person
155 seeking to have a law passed by the local legislative body submitted to a vote of the people
156 shall obtain legal signatures equal to:

157 ~~[(a)]~~ (i) 10% of all the votes cast in the county, city, or town for all candidates for
158 President of the United States at the last election at which a President of the United States was
159 elected if the total number of votes exceeds 25,000;

160 ~~[(b)]~~ (ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
161 President of the United States at the last election at which a President of the United States was
162 elected if the total number of votes does not exceed 25,000 but is more than 10,000;

163 ~~[(c)]~~ (iii) 15% of all the votes cast in the county, city, or town for all candidates for
164 President of the United States at the last election at which a President of the United States was
165 elected if the total number of votes does not exceed 10,000 but is more than 2,500;

166 ~~[(d)]~~ (iv) 20% of all the votes cast in the county, city, or town for all candidates for
167 President of the United States at the last election at which a President of the United States was
168 elected if the total number of votes does not exceed 2,500 but is more than 500;

169 ~~[(e)]~~ (v) 25% of all the votes cast in the county, city, or town for all candidates for
170 President of the United States at the last election at which a President of the United States was
171 elected if the total number of votes does not exceed 500 but is more than 250; and

172 ~~[(f)]~~ (vi) 30% of all the votes cast in the county, city, or town for all candidates for
173 President of the United States at the last election at which a President of the United States was
174 elected if the total number of votes does not exceed 250.

175 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to
176 have a law, which was passed by the local legislative body, submitted to a vote of the people in
177 a county, city, or town that contains more than two precincts shall obtain, from each of a
178 majority of the precincts, legal signatures equal to the percentages established in Subsection
179 (1)(a).

180 (2) (a) As used in this Subsection (2), "local land use law" includes ~~[a land use~~
181 ~~development code, an annexation ordinance, and comprehensive zoning ordinances.]~~ an
182 ordinance, resolution, master plan, or comprehensive zoning regulation adopted by ordinance

183 or resolution under Title 10, Chapter 9a, Municipal Land Use, Development, and Management
184 Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act.

185 (b) [A] Subject to Subsection (2)(c), a person seeking to have a local land use law or
186 local obligation law passed by the local legislative body submitted to a vote of the people shall
187 obtain legal signatures equal to:

188 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
189 county or city for all candidates for President of the United States at the last election at which a
190 President of the United States was elected; and

191 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
192 city or town for all candidates for President of the United States at the last election at which a
193 President of the United States was elected.

194 (c) In addition to the signature requirements of Subsection (2)(b), a person seeking to
195 have a local land use law or local obligation law, which was passed by the local legislative
196 body, submitted to a vote of the people in a county, city, or town that contains more than two
197 precincts shall obtain, from each of a majority of the precincts, legal signatures equal to the
198 percentages established in Subsection (2)(b).

199 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),
200 any local law passed by a local legislative body shall file the application within five days after
201 the passage of the local law.

202 (b) When a referendum petition has been declared sufficient, the local law that is the
203 subject of the petition does not take effect unless and until the local law is approved by a vote
204 of the people.

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

Legislative Review Note
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Office of Legislative Research and General Counsel