

1 **INITIATIVE AND REFERENDUM AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian M. Greene**

5 Senate Sponsor: Alvin B. Jackson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to initiatives and referenda.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the definitions of a local law and a local tax law;
- 13 ▶ removes a criminal penalty relating to the statement on an initiative or referendum
- 14 petition that a person signing the petition has read and understands the law to which
- 15 the initiative or referendum relates;
- 16 ▶ establishes and modifies deadlines relating to the local initiative and referendum
- 17 process;
- 18 ▶ modifies provisions relating to property tax referenda; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **20A-1-609**, as last amended by Laws of Utah 2011, Chapter 395

27 **20A-7-101**, as last amended by Laws of Utah 2014, Chapters 364 and 396

28 **20A-7-504**, as last amended by Laws of Utah 2000, Chapter 3

29 **20A-7-601**, as last amended by Laws of Utah 2014, Chapter 242

- 30 [20A-7-602](#), as last amended by Laws of Utah 2000, Chapter 3
 - 31 [20A-7-603](#), as last amended by Laws of Utah 2014, Chapter 329
 - 32 [20A-7-604](#), as enacted by Laws of Utah 1994, Chapter 272
 - 33 [20A-7-606](#), as last amended by Laws of Utah 2014, Chapter 396
 - 34 [20A-7-613](#), as last amended by Laws of Utah 2015, Chapter 258
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36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section [20A-1-609](#) is amended to read:

38 **[20A-1-609](#). Omnibus penalties.**

39 [~~(1) Unless another penalty is specifically provided, any~~]

40 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
41 this title is guilty of a class B misdemeanor.

42 (b) Subsection (1)(a) does not apply to:

43 (i) a provision of this title for which another penalty is expressly stated; or

44 (ii) Subsection [20A-7-203\(2\)\(h\)](#), [20A-7-303\(2\)\(h\)](#), [20A-7-503\(2\)\(i\)](#), or

45 [20A-7-603\(2\)\(h\)](#).

46 (2) Except as provided by Section [20A-2-101.3](#) or [20A-2-101.5](#), a person convicted of
47 any offense under this title may not:

48 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
49 for any office during the election cycle in which the violation occurred;

50 (b) take or hold the office to which he was elected; and

51 (c) receive the emoluments of the office to which he was elected.

52 (3) (a) Any person convicted of any offense under this title forfeits the right to vote at
53 any election unless the right to vote is restored as provided in Section [20A-2-101.3](#) or
54 [20A-2-101.5](#).

55 (b) Any person may challenge the right to vote of a person described in Subsection
56 (3)(a) by following the procedures and requirements of Section [20A-3-202](#).

57 Section 2. Section [20A-7-101](#) is amended to read:

58 **20A-7-101. Definitions.**

59 As used in this chapter:

60 (1) "Budget officer" means:

61 (a) for a county, the person designated as budget officer in Section [17-19a-203](#);

62 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(5\)](#); or

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

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

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

68 (4) "Final fiscal impact statement" means a financial statement prepared after voters
69 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or
70 [20A-7-502.5\(2\)](#).

71 (5) "Initial fiscal impact estimate" means:

72 (a) a financial statement prepared under Section [20A-7-202.5](#) after the filing of an
73 application for an initiative petition; or

74 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)
75 for an initiative or referendum petition.

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

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

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

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

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

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

84 (a) is registered to vote; or

85 (b) becomes registered to vote before the county clerk certifies the signatures on an

86 initiative or referendum petition.

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

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

91 (12) (a) "Local law" includes:

92 (i) an ordinance~~[;]~~;

93 (ii) a resolution~~[;]~~;

94 (iii) a master plan~~[; and any]~~;

95 (iv) a comprehensive zoning regulation adopted by ordinance or resolution~~[;]~~; or

96 (v) other legislative action of a local legislative body.

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

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

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

101 (15) "Local tax law" means a ~~local~~ law, passed by a political subdivision with an
102 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

103 (16) "Measure" means a proposed constitutional amendment, an initiative, or
104 referendum.

105 (17) "Referendum" means a process by which a law passed by the Legislature or by a
106 local legislative body is submitted or referred to the voters for their approval or rejection.

107 (18) "Referendum packet" means a copy of the referendum petition, a copy of the law
108 being submitted or referred to the voters for their approval or rejection, and the signature
109 sheets, all of which have been bound together as a unit.

110 (19) (a) "Signature" means a holographic signature.

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

112 (20) "Signature sheets" means sheets in the form required by this chapter that are used
113 to collect signatures in support of an initiative or referendum.

114 (21) "Sponsors" means the legal voters who support the initiative or referendum and
115 who sign the application for petition copies.

116 (22) "Sufficient" means that the signatures submitted in support of an initiative or
117 referendum petition have been certified and verified as required by this chapter.

118 (23) "Verified" means acknowledged by the person circulating the petition as required
119 in Sections 20A-7-205 and 20A-7-305.

120 Section 3. Section 20A-7-504 is amended to read:

121 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
122 **materials.**

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

125 (2) [The] Within five days after the day on which a local clerk receives an application
126 that complies with the requirements of Section 20A-7-502, the local clerk shall furnish to the
127 sponsors:

128 (a) one copy of the initiative petition; and

129 (b) one signature sheet.

130 (3) The sponsors of the petition shall:

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

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

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

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

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

142 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return
143 them to the local clerk.

144 (b) The local clerk shall:

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

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

148 Section 4. Section **20A-7-601** is amended to read:

149 **20A-7-601. Referenda -- General signature requirements -- Signature**
150 **requirements for land use laws and jurisdictional laws -- Time requirements.**

151 (1) Except as provided in Subsection (2) or (3), a person seeking to have a local law
152 passed by the local legislative body submitted to a vote of the people shall obtain legal
153 signatures equal to:

154 (a) 10% of all the votes cast in the county, city, or town for all candidates for president
155 of the United States at the last election at which a president of the United States was elected if
156 the total number of votes exceeds 25,000;

157 (b) 12-1/2% 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 does not exceed 25,000 but is more than 10,000;

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

163 (d) 20% of all the votes cast in the county, city, or town for all candidates for president
164 of the United States at the last election at which a president of the United States was elected if
165 the total number of votes does not exceed 2,500 but is more than 500;

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

169 (f) 30% of all the votes cast in the county, city, or town for all candidates for president

170 of the United States at the last election at which a president of the United States was elected if
171 the total number of votes does not exceed 250.

172 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
173 code, an annexation ordinance, and comprehensive zoning ordinances.

174 (b) Except as provided in Subsection (3), a person seeking to have a land use law or
175 local obligation law passed by the local legislative body submitted to a vote of the people shall
176 obtain legal signatures equal to:

177 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
178 county or city for all candidates for president of the United States at the last election at which a
179 president of the United States was elected; and

180 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
181 city or town for all candidates for president of the United States at the last election at which a
182 president of the United States was elected.

183 (3) (a) As used in this Subsection (3):

184 (i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
185 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

186 (ii) "Subjurisdictional law" means a local law or local obligation law passed by a local
187 legislative body that imposes a tax or other payment obligation on property in an area that does
188 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

189 (b) A person seeking to have a subjurisdictional law passed by the local legislative
190 body submitted to a vote of the people shall obtain legal signatures of the residents in the
191 subjurisdiction equal to:

192 (i) 10% of the total votes cast in the subjurisdiction for all candidates for president of
193 the United States at the last election at which a president of the United States was elected if the
194 total number of votes exceeds 25,000;

195 (ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president
196 of the United States at the last election at which a president of the United States was elected if
197 the total number of votes does not exceed 25,000 but is more than 10,000;

198 (iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of
199 the United States at the last election at which a president of the United States was elected if the
200 total number of votes does not exceed 10,000 but is more than 2,500;

201 (iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of
202 the United States at the last election at which a president of the United States was elected if the
203 total number of votes does not exceed 2,500 but is more than 500;

204 (v) 25% of all the votes cast in the subjurisdiction for all candidates for president of the
205 United States at the last election at which a president of the United States was elected if the
206 total number of votes does not exceed 500 but is more than 250; and

207 (vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of
208 the United States at the last election at which a president of the United States was elected if the
209 total number of votes does not exceed 250.

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

213 (b) Except as provided in Subsection (4)(c), when a referendum petition has been
214 declared sufficient, the local law that is the subject of the petition does not take effect unless
215 and until the local law is approved by a vote of the people.

216 (c) When a referendum petition challenging a subjurisdictional law has been declared
217 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
218 and until the subjurisdictional law is approved by a vote of the people who reside in the
219 subjurisdiction.

220 (5) If the referendum passes, the local law that was challenged by the referendum is
221 repealed as of the date of the election.

222 (6) Nothing in this section authorizes a local legislative body to impose a tax or other
223 payment obligation on a subjurisdiction in order to benefit an area outside of the
224 subjurisdiction.

225 Section 5. Section **20A-7-602** is amended to read:

226 **20A-7-602. Local referendum process -- Application procedures.**

227 (1) Persons wishing to circulate a referendum petition shall file an application with the
228 local clerk.

229 (2) The application shall contain:

230 (a) the name and residence address of at least five sponsors of the referendum petition;

231 (b) a certification indicating that each of the sponsors:

232 (i) is a resident of Utah; and

233 (ii) (A) if the referendum challenges a county [~~ordinance~~] local law, has voted in a
234 regular general election in Utah within the last three years; or

235 (B) if the referendum challenges a municipal [~~ordinance~~] local law, has voted in a
236 regular municipal election in Utah within the last three years;

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

238 (d) (i) if the referendum challenges an ordinance or resolution, one copy of the law[-];

239 or

240 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
241 written description of the local law, including the result of the vote on the local law.

242 Section 6. Section **20A-7-603** is amended to read:

243 **20A-7-603. Form of referendum petition and signature sheets.**

244 (1) (a) Each proposed referendum petition shall be printed in substantially the
245 following form:

246 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
247 Recorder/Town Clerk:

248 We, the undersigned citizens of Utah, respectfully order that [~~Ordinance No. _____,~~
249 ~~entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth~~
250 ~~here the part or parts on which the referendum is sought)] (description of local law or portion
251 of local law being challenged), passed by the ____ be referred to the voters for their approval
252 or rejection at the regular/municipal general election to be held on
253 _____(month\day\year);~~

254 Each signer says:
255 I have personally signed this petition;
256 I am registered to vote in Utah or intend to become registered to vote in Utah before the
257 certification of the petition names by the county clerk; and
258 My residence and post office address are written correctly after my name."
259 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
260 referendum to each referendum petition.
261 (2) Each signature sheet shall:
262 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
263 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
264 that line blank for the purpose of binding;
265 (c) contain the title of the referendum printed below the horizontal line;
266 (d) contain the word "Warning" printed or typed at the top of each signature sheet
267 under the title of the referendum;
268 (e) contain, to the right of the word "Warning," the following statement printed or
269 typed in not less than eight-point, single-leaded type:
270 "It is a class A misdemeanor for [~~anyone~~] an individual to sign [~~any~~] a referendum
271 petition with any other name than [~~his~~] the individual's own name, or to knowingly [~~to~~] sign
272 [~~his~~] the individual's name more than once for the same measure, or to sign a referendum
273 petition when [~~he~~] the individual knows [~~he~~] that the individual is not a registered voter and
274 knows that [~~he~~] the individual does not intend to become registered to vote before the
275 certification of the petition names by the county clerk.";
276 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
277 statement required by this section;
278 (g) be vertically divided into columns as follows:
279 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
280 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
281 the middle;

282 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
283 Name (must be legible to be counted)";

284 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
285 Voter";

286 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
287 and

288 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
289 Code";

290 (h) spanning the sheet horizontally beneath each row on which a registered voter may
291 submit the information described in Subsection (2)(g), contain the following statement printed
292 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are
293 stating that you have read and understand the law this petition seeks to overturn."; and

294 (i) at the bottom of the sheet, contain the following statement: "Birth date or age
295 information is not required, but it may be used to verify your identity with voter registration
296 records. If you choose not to provide it, your signature may not be verified as a valid signature
297 if you change your address before petition signatures are verified or if the information you
298 provide does not match your voter registration records."

299 (3) The final page of each referendum packet shall contain the following printed or
300 typed statement:

301 "Verification

302 State of Utah, County of _____

303 I, _____, of _____, hereby state that:

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

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

308 I believe that each has printed and signed his name and written his post office address
309 and residence correctly, and that each signer is registered to vote in Utah or intends to become

310 registered to vote before the certification of the petition names by the county clerk.

311 _____"

312 (4) The forms prescribed in this section are not mandatory, and, if substantially
313 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
314 errors.

315 Section 7. Section **20A-7-604** is amended to read:

316 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
317 **materials.**

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

320 (2) ~~[The]~~ Within five days after the day on which a local clerk receives an application
321 that complies with the requirements of Section [20A-7-602](#), the local clerk shall furnish to the
322 sponsors:

323 (a) five copies of the referendum petition; and

324 (b) five signature sheets.

325 (3) The sponsors of the petition shall:

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

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

330 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple
331 referendum packets.

332 (b) The sponsors shall create those packets by binding a copy of the referendum
333 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature
334 sheets together at the top in such a way that the packets may be conveniently opened for
335 signing.

336 (c) The sponsors need not attach a uniform number of signature sheets to each
337 referendum packet.

338 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall
339 return them to the local clerk.

340 (b) The local clerk shall:

341 (i) number each of the referendum packets and return them to the sponsors within five
342 working days; and

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

344 Section 8. Section **20A-7-606** is amended to read:

345 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
346 **the county clerks -- Transfer to local clerk.**

347 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
348 county clerk of the county in which the packet was circulated no later than 45 days after the day
349 on which the ~~[local law is passed]~~ sponsors receive the items described in Subsection
350 20A-7-604(2) from the local clerk.

351 (b) A sponsor may not submit a referendum packet after the deadline established in this
352 Subsection (1).

353 (2) (a) No later than 15 days after the day on which a county clerk receives a
354 referendum packet under Subsection (1)(a), the county clerk shall:

355 (i) check the names of all persons completing the verification on the last page of each
356 referendum packet to determine whether those persons are Utah residents and are at least 18
357 years old; and

358 (ii) submit the name of each of those persons who is not a Utah resident or who is not
359 at least 18 years old to the attorney general and county attorney.

360 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
361 packet that is not verified in accordance with Section **20A-7-605**.

362 (3) No later than 30 days after the day on which a county clerk receives a referendum
363 packet under Subsection (1)(a), the county clerk shall:

364 (a) determine whether each signer is a registered voter according to the requirements of
365 Section **20A-7-606.3**;

366 (b) certify on the referendum petition whether each name is that of a registered voter;
367 and

368 (c) deliver all of the verified referendum packets to the local clerk.

369 Section 9. Section **20A-7-613** is amended to read:

370 **20A-7-613. Property tax referendum petition.**

371 (1) As used in this section [~~:(a) "Certified~~], "certified tax rate" [~~is as~~] means the same
372 as that term is defined in Subsection 59-2-924(3)(a).

373 [~~(b) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year~~
374 ~~that begins on July 1 and ends on June 30.~~]

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

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

380 (4) Notwithstanding Subsection **20A-7-606(1)**, the sponsors shall deliver each signed
381 and verified referendum packet to the county clerk of the county in which the packet was
382 circulated no later than 40 days after the day on which the local clerk complies with Subsection
383 (3).

384 (5) Notwithstanding Subsections **20A-7-606(2)** and (3), the county clerk shall take the
385 actions required in Subsections **20A-7-606(2)** and (3) within 10 working days after the day on
386 which the county clerk receives the signed and verified referendum packet as described in
387 Subsection (4).

388 (6) The local clerk shall take the actions required by Section **20A-7-607** within two
389 working days after the day on which the local clerk receives the referendum packets from the
390 county clerk.

391 (7) Notwithstanding Subsection **20A-7-608(2)**, the local attorney shall prepare the
392 ballot title within two working days after the day on which the referendum petition is declared
393 sufficient for submission to a vote of the people.

394 (8) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
395 ballot under this section shall appear on the ballot for the earlier of the next regular general
396 election or the next municipal general election unless a special election is called.

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

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

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

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

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

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

406 (11) (a) If a majority of voters does not vote against imposing the tax at a rate
407 calculated to generate the increased revenue budgeted, adopted, and approved by the [fiscal
408 year] taxing entity's legislative body:

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

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

415 (b) If a majority of voters votes against imposing a tax at the rate established by the
416 vote of the [fiscal year] taxing entity's legislative body, the certified tax rate for the [fiscal year]
417 taxing entity is [its] the taxing entity's most recent certified tax rate.

418 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a [fiscal year] taxing
419 entity is not required to comply with the notice and public hearing requirements of Section
420 59-2-919 if the [fiscal year] taxing entity complies with those notice and public hearing
421 requirements before the referendum petition is filed.

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

426 (13) A [~~fiscal year~~] taxing entity shall pay the county the costs incurred by the county
427 that are directly related to meeting the requirements of this section and that the county would
428 not have incurred but for compliance with this section.

429 (14) (a) An election officer shall include on a ballot a referendum that has not yet
430 qualified for placement on the ballot, if:

431 (i) sponsors file an application for a referendum described in this section;

432 (ii) the ballot will be used for the election for which the sponsors are attempting to
433 qualify the referendum; and

434 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
435 the day on which the ballot will be printed.

436 (b) If an election officer includes on a ballot a referendum described in Subsection
437 (14)(a), the ballot title shall comply with Subsection (12).

438 (c) If an election officer includes on a ballot a referendum described in Subsection
439 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the
440 voters by any practicable method that the referendum has not qualified for the ballot and that
441 votes cast in relation to the referendum will not be counted.