

INITIATIVE AND REFERENDUM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ expands the political subdivisions that are subject to local initiatives and referenda;
- ▶ removes the requirement that an initiative or referendum petition contain a statement that a person signing the petition has read and understands the law to which the initiative or referendum relates;
- ▶ establishes and modifies deadlines relating to the local initiative and referendum process;
- ▶ modifies provisions relating to property tax referenda; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **20A-7-101**, as last amended by Laws of Utah 2014, Chapters 364 and 396

30 **20A-7-203**, as last amended by Laws of Utah 2014, Chapter 329

31 **20A-7-303**, as last amended by Laws of Utah 2014, Chapter 329

32 **20A-7-503**, as last amended by Laws of Utah 2014, Chapter 329

33 **20A-7-504**, as last amended by Laws of Utah 2000, Chapter 3

34 **20A-7-603**, as last amended by Laws of Utah 2014, Chapter 329

35 **20A-7-604**, as enacted by Laws of Utah 1994, Chapter 272

36 **20A-7-606**, as last amended by Laws of Utah 2014, Chapter 396

37 **20A-7-613**, as last amended by Laws of Utah 2015, Chapter 258



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

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

41 **20A-7-101. Definitions.**

42 As used in this chapter:

43 (1) "Budget officer" means:

44 (a) for a county, the person designated as budget officer in Section **17-19a-203**;

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

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

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

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

51 (4) "Final fiscal impact statement" means a financial statement prepared after voters
52 approve an initiative that contains the information required by Subsection **20A-7-202.5(2)** or
53 **20A-7-502.5(2)**.

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

55 (a) a financial statement prepared under Section **20A-7-202.5** after the filing of an
56 application for an initiative petition; or

57 (b) a financial and legal statement prepared under Section **20A-7-502.5** or **20A-7-602.5**
58 for an initiative or referendum petition.

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

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

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

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

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

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

67 (a) is registered to vote; or

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

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

72 (11) "Local clerk" means:

73 (a) for a county, city, or town, the county clerk, city recorder, or town clerk in whose
74 jurisdiction a local initiative or referendum petition is circulated[-]; or

75 (b) for a political subdivision, with a local legislative body described in Subsection
76 (13)(b), in whose jurisdiction a local initiative or referendum petition is circulated:

77 (i) if the political subdivision is located entirely within a town, the town clerk;

78 (ii) if Subsection (11)(b)(i) does not apply and the political subdivision is located
79 entirely within a city, the city recorder;

80 (iii) if Subsections (11)(b)(i) and (ii) do not apply and the political subdivision is
81 located entirely within a county, the county clerk; or

82 (iv) if Subsections (11)(b)(i) through (iii) do not apply, the county clerk of each county
83 in which the political subdivision is located.

84 (12) (a) "Local law" includes an ordinance, resolution, master plan, [~~and~~] any
85 comprehensive zoning regulation adopted by ordinance or resolution, or other legislative
86 action.

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

88 (13) "Local legislative body" means:

89 (a) the legislative body of a county, city, or town[-]; or

90 (b) a political subdivision, or a person or body within a political subdivision, with
91 authority to pass a local law.

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

94 (15) "Local tax law" means a local law^[5] passed by a political subdivision [~~with an~~
95 ~~annual or biannual calendar fiscal year,~~] that increases a tax or imposes a new tax.

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

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

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

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

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

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

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

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

111 (23) "Verified" means acknowledged by the person circulating the petition as required
112 in Sections [20A-7-205](#) and [20A-7-305](#).

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

114 **20A-7-203. Form of initiative petition and signature sheets.**

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

117 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

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

121 Each signer says:
122 I have personally signed this petition;
123 I am registered to vote in Utah or intend to become registered to vote in Utah before the
124 certification of the petition names by the county clerk; and
125 My residence and post office address are written correctly after my name.

126 NOTICE TO SIGNERS:

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

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

131 (2) Each signature sheet shall:

132 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

133 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
134 that line blank for the purpose of binding;

135 (c) contain the title of the initiative printed below the horizontal line;

136 (d) contain the initial fiscal impact estimate's summary statement issued by the
137 Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b),
138 including any update according to Subsection 20A-7-204.1(4), and the cost estimate for
139 printing and distributing information related to the initiative petition according to Subsection
140 20A-7-202.5(3), printed or typed in not less than 12 point, bold type, at the top of each
141 signature sheet under the title of the initiative;

142 (e) contain the word "Warning" printed or typed at the top of each signature sheet
143 under the initial fiscal impact estimate's summary statement;

144 (f) contain, to the right of the word "Warning," the following statement printed or
145 typed in not less than eight-point, single-leaded type:

146 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
147 name than his own, or knowingly to sign his name more than once for the same measure, or to
148 sign an initiative petition when he knows he is not a registered voter and knows that he does
149 not intend to become registered to vote before the certification of the petition names by the
150 county clerk."; [and]

151 (g) be vertically divided into columns as follows:

152 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
153 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
154 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

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

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

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

160 and

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

163 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may
164 submit the information described in Subsection (2)(g), contain the following statement printed
165 or typed in not less than eight-point, single-leaded type:]~~

166 ~~["By signing this petition, you are stating that you have read and understand the law
167 proposed by this petition."; and]~~

168 [(†)] (h) at the bottom of the sheet, contain the following statement: "Birth date or age
169 information is not required, but it may be used to verify your identity with voter registration
170 records. If you choose not to provide it, your signature may not be verified as a valid signature
171 if you change your address before petition signatures are verified or if the information you
172 provide does not match your voter registration records."

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

175 "Verification

176 State of Utah, County of ____

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

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

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

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

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

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

186 _____

187 (Name) (Residence Address) (Date)"

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

191 Section 3. Section **20A-7-303** is amended to read:

192 **20A-7-303. Form of referendum petition and signature sheets.**

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

195 "REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

196 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.
197 ____, entitled (title of act, and, if the petition is against less than the whole act, set forth here
198 the part or parts on which the referendum is sought), passed by the ____ Session of the
199 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection
200 at a regular general election or a statewide special election;

201 Each signer says:

202 I have personally signed this petition;

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

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

206 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
207 referendum to each referendum petition.

208 (2) Each signature sheet shall:

209 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

210 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
211 that line blank for the purpose of binding;

212 (c) contain the title of the referendum printed below the horizontal line;

213 (d) contain the word "Warning" printed or typed at the top of each signature sheet

214 under the title of the referendum;

215 (e) contain, to the right of the word "Warning," the following statement printed or
216 typed in not less than eight-point, single-leaded type:

217 "It is a class A misdemeanor for anyone to sign any referendum petition with any other
218 name than his own, or knowingly to sign his name more than once for the same measure, or to
219 sign a referendum petition when he knows he is not a registered voter and knows that he does
220 not intend to become registered to vote before the certification of the petition names by the
221 county clerk.";

222 (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"
223 statement required by this section; ~~and~~

224 (g) be vertically divided into columns as follows:

225 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
226 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
227 the middle;

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

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

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

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

236 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may
237 submit the information described in Subsection (2)(g), contain the following statement printed
238 or typed in not less than eight-point, single-leaded type:]~~

239 ~~["By signing this petition, you are stating that you have read and understand the law this
240 petition seeks to overturn."; and]~~

241 ~~[(i) (h) at the bottom of the sheet, contain the following statement: "Birth date or age
242 information is not required, but it may be used to verify your identity with voter registration
243 records. If you choose not to provide it, your signature may not be verified as a valid signature
244 if you change your address before petition signatures are verified or if the information you~~

245 provide does not match your voter registration records."

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

248 "Verification

249 State of Utah, County of ____

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

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

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

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

257 _____
258 (Name) (Residence Address) (Date)"

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

262 Section 4. Section **20A-7-503** is amended to read:

263 **20A-7-503. Form of initiative petitions and signature sheets.**

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

266 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
267 Clerk:

268 We, the undersigned citizens of Utah, respectfully demand that the following proposed
269 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
270 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
271 no action on it.

272 Each signer says:

273 I have personally signed this petition;

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

276 My residence and post office address are written correctly after my name."
277 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
278 initiative petition.
279 (2) Each signature sheet shall:
280 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
281 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
282 that line blank for the purpose of binding;
283 (c) contain the title of the initiative printed below the horizontal line;
284 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
285 officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
286 distributing information related to the initiative petition according to Subsection
287 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each
288 signature sheet under the title of the initiative;
289 (e) contain the word "Warning" printed or typed at the top of each signature sheet
290 under the initial fiscal impact estimate's summary statement;
291 (f) contain, to the right of the word "Warning," the following statement printed or
292 typed in not less than eight-point, single-leaded type:
293 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
294 name than his own, or knowingly to sign his name more than once for the same measure, or to
295 sign an initiative petition when he knows he is not a registered voter and knows that he does
296 not intend to become registered to vote before the certification of the petition names by the
297 county clerk.";
298 (g) contain horizontally ruled lines three-eighths inch apart under the "Warning"
299 statement required by this section;
300 (h) be vertically divided into columns as follows:
301 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
302 wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down
303 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;
304 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
305 Name (must be legible to be counted)";
306 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered

307 Voter";

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

309 and

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

311 Code"; and

312 ~~[(i) spanning the sheet horizontally beneath each row on which a registered voter may~~
313 ~~submit the information described in Subsection (2)(h), contain the following statement printed~~
314 ~~or typed in not less than eight-point, single-leaded type:]~~

315 ~~["By signing this petition, you are stating that you have read and understand the law~~
316 ~~proposed by this petition."]; and]~~

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

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

324 "Verification

325 State of Utah, County of ____

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

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

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

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

334 _____"

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

338 Section 5. Section **20A-7-504** is amended to read:

339 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**
340 **materials.**

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

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

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

347 (b) one signature sheet.

348 (3) The sponsors of the petition shall:

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

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

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

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

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

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

362 (b) The local clerk shall:

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

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

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

367 **20A-7-603. Form of referendum petition and signature sheets.**

368 (1) (a) Each proposed referendum petition shall be printed in substantially the

369 following form:

370 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
371 Recorder/Town Clerk:

372 We, the undersigned citizens of Utah, respectfully order that Ordinance No. ____,
373 entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth
374 here the part or parts on which the referendum is sought), passed by the ____ be referred to the
375 voters for their approval or rejection at the regular/municipal general election to be held on
376 _____(month\day\year);

377 Each signer says:

378 I have personally signed this petition;

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

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

382 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
383 referendum to each referendum petition.

384 (2) Each signature sheet shall:

385 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

386 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
387 that line blank for the purpose of binding;

388 (c) contain the title of the referendum printed below the horizontal line;

389 (d) contain the word "Warning" printed or typed at the top of each signature sheet
390 under the title of the referendum;

391 (e) contain, to the right of the word "Warning," the following statement printed or
392 typed in not less than eight-point, single-leaded type:

393 "It is a class A misdemeanor for anyone to sign any referendum petition with any other
394 name than his own, or knowingly to sign his name more than once for the same measure, or to
395 sign a referendum petition when he knows he is not a registered voter and knows that he does
396 not intend to become registered to vote before the certification of the petition names by the
397 county clerk.";

398 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
399 statement required by this section;

400 (g) be vertically divided into columns as follows:

401 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch
402 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down
403 the middle;

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

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

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

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

412 [~~(h) spanning the sheet horizontally beneath each row on which a registered voter may~~
413 ~~submit the information described in Subsection (2)(g), contain the following statement printed~~
414 ~~or typed in not less than eight-point, single-leaded type:]~~

415 [~~"By signing this petition, you are stating that you have read and understand the law this~~
416 ~~petition seeks to overturn."; and]~~

417 [(~~†~~) (h) at the bottom of the sheet, contain the following statement: "Birth date or age
418 information is not required, but it may be used to verify your identity with voter registration
419 records. If you choose not to provide it, your signature may not be verified as a valid signature
420 if you change your address before petition signatures are verified or if the information you
421 provide does not match your voter registration records."

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

424 "Verification

425 State of Utah, County of _____

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

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

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

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

434 _____"

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

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

439 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**
440 **materials.**

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

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

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

447 (b) five signature sheets.

448 (3) The sponsors of the petition shall:

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

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

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

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

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

461 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall

462 return them to the local clerk.

463 (b) The local clerk shall:

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

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

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

468 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
469 **the county clerks -- Transfer to local clerk.**

470 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
471 county clerk of the county in which the packet was circulated no later than 45 days after the day
472 on which the ~~[local law is passed]~~ sponsors receive the items described in Subsection
473 20A-7-604(2) from the local clerk.

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

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

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

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

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

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

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

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

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

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

493 **20A-7-613. Property tax referendum petition.**

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

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

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

501 (3) Notwithstanding Subsection [20A-7-604\(5\)](#), the local clerk shall number each of the
502 referendum packets and return them to the sponsors within two working days.

503 (4) Notwithstanding Subsection [20A-7-606\(1\)](#), the sponsors shall deliver each signed
504 and verified referendum packet to the county clerk of the county in which the packet was
505 circulated no later than 40 days after the day on which the local clerk complies with Subsection
506 (3).

507 (5) Notwithstanding Subsections [20A-7-606\(2\)](#) and (3), the county clerk shall take the
508 actions required in Subsections [20A-7-606\(2\)](#) and (3) within 10 working days after the day on
509 which the county clerk receives the signed and verified referendum packet as described in
510 Subsection (4).

511 (6) The local clerk shall take the actions required by Section [20A-7-607](#) within two
512 working days after the day on which the local clerk receives the referendum packets from the
513 county clerk.

514 (7) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the
515 ballot title within two working days after the day on which the referendum petition is declared
516 sufficient for submission to a vote of the people.

517 (8) Notwithstanding Subsection [20A-7-609\(2\)\(c\)](#), a referendum that qualifies for the
518 ballot under this section shall appear on the ballot for the earlier of the next regular general
519 election or the next municipal general election unless a special election is called.

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

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

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

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

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

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

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

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

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

538 (b) If a majority of voters votes against imposing a tax at the rate established by the
539 vote of the [~~fiscal year taxing entity's~~] local legislative body, the certified tax rate for the [~~fiscal~~
540 ~~year taxing entity is its~~] political subdivision is the political subdivision's most recent certified
541 tax rate.

542 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a [~~fiscal year taxing~~
543 ~~entity~~] political subdivision is not required to comply with the notice and public hearing
544 requirements of Section 59-2-919 if the [~~fiscal year taxing entity~~] political subdivision
545 complies with those notice and public hearing requirements before the referendum petition is
546 filed.

547 (12) The ballot title shall, at a minimum, include in substantially this form the
548 following: "Shall the [name of the [~~taxing entity~~] political subdivision] be authorized to levy a
549 tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for
550 fiscal year [year] as budgeted, adopted, and approved by the [name of the [~~taxing entity~~]
551 political subdivision?]".

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

555 (14) (a) An election officer shall include on a ballot a referendum that has not yet
556 qualified for placement on the ballot, if:
557 (i) sponsors file an application for a referendum described in this section;
558 (ii) the ballot will be used for the election for which the sponsors are attempting to
559 qualify the referendum; and
560 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
561 the day on which the ballot will be printed.
562 (b) If an election officer includes on a ballot a referendum described in Subsection
563 (14)(a), the ballot title shall comply with Subsection (12).
564 (c) If an election officer includes on a ballot a referendum described in Subsection
565 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the
566 voters by any practicable method that the referendum has not qualified for the ballot and that
567 votes cast in relation to the referendum will not be counted.

Legislative Review Note
Office of Legislative Research and General Counsel