

**Representative Brad M. Daw** proposes the following substitute bill:

**INITIATIVES, REFERENDA, AND OTHER POLITICAL ACTIVITIES**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to initiatives, referenda, and political activities of public entities.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for the publication of a proposition information pamphlet to inform voters of arguments for and against proposed and pending local initiatives and referenda;
- ▶ amends provisions relating to a local voter information pamphlet;
- ▶ enacts provisions for holding a public hearing to discuss and present arguments relating to a proposed or pending local initiative or referendum;
- ▶ requires the lieutenant governor to create instructional materials regarding local initiatives and referenda;
- ▶ modifies requirements relating to local initiatives and referenda, including:
  - petition, circulation, and signature requirements;
  - timelines; and
  - appeals and other challenges;
- ▶ enacts provisions relating to determining whether a proposed initiative or



26 referendum is legally referable to voters;

27       ▶ amends provisions regarding the use of email, and the expenditure of public funds,  
28 for political purposes relating to proposed and pending initiatives and referenda;

29       ▶ regulates the dissemination of information regarding a proposed or pending  
30 initiative or referendum by a county or municipality; and

31       ▶ makes technical and conforming amendments.

32 **Money Appropriated in this Bill:**

33       None

34 **Other Special Clauses:**

35       This bill provides revisor instructions.

36 **Utah Code Sections Affected:**

37 AMENDS:

38       11-14-301, as last amended by Laws of Utah 2014, Chapter 189

39       20A-7-101, as last amended by Laws of Utah 2017, Chapter 291

40       20A-7-402, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

41       20A-7-501, as last amended by Laws of Utah 2016, Chapter 176

42       20A-7-502, as last amended by Laws of Utah 2017, Chapter 291

43       20A-7-502.5, as last amended by Laws of Utah 2017, Chapter 291

44       20A-7-504, as last amended by Laws of Utah 2016, Chapter 365

45       20A-7-505, as last amended by Laws of Utah 2012, Chapter 72

46       20A-7-506, as last amended by Laws of Utah 2012, Chapter 72

47       20A-7-506.3, as last amended by Laws of Utah 2011, Chapter 17

48       20A-7-507, as last amended by Laws of Utah 2011, Chapter 17

49       20A-7-508, as last amended by Laws of Utah 2017, Chapter 291

50       20A-7-509, as last amended by Laws of Utah 2009, Chapter 202

51       20A-7-510, as last amended by Laws of Utah 2010, Chapter 367

52       20A-7-512, as last amended by Laws of Utah 2013, Chapter 253

53       20A-7-513, as last amended by Laws of Utah 2017, Chapter 291

54       20A-7-601, as last amended by Laws of Utah 2016, Chapter 365

55       20A-7-602, as last amended by Laws of Utah 2016, Chapter 365

56       20A-7-602.5, as enacted by Laws of Utah 2014, Chapter 364

- 57 [20A-7-603](#), as last amended by Laws of Utah 2016, Chapter 365
- 58 [20A-7-604](#), as last amended by Laws of Utah 2016, Chapter 365
- 59 [20A-7-605](#), as last amended by Laws of Utah 2012, Chapter 72
- 60 [20A-7-606.3](#), as last amended by Laws of Utah 2011, Chapter 17
- 61 [20A-7-607](#), as last amended by Laws of Utah 2014, Chapter 396
- 62 [20A-7-608](#), as last amended by Laws of Utah 2008, Chapter 315
- 63 [20A-7-609.5](#), as enacted by Laws of Utah 2014, Chapter 396
- 64 [20A-7-610](#), as last amended by Laws of Utah 2010, Chapter 367
- 65 [20A-7-612](#), as last amended by Laws of Utah 2001, Chapter 20
- 66 [20A-11-1202](#), as last amended by Laws of Utah 2017, Chapter 68
- 67 [20A-11-1203](#), as last amended by Laws of Utah 2015, Chapter 435
- 68 [20A-11-1205](#), as last amended by Laws of Utah 2017, Chapter 68
- 69 [20A-11-1206](#), as enacted by Laws of Utah 2015, Chapter 435
- 70 [63I-2-220](#), as last amended by Laws of Utah 2017, Chapters 32 and 452

71 ENACTS:

- 72 [20A-7-401.5](#), Utah Code Annotated 1953
- 73 [20A-7-405](#), Utah Code Annotated 1953
- 74 [20A-7-406](#), Utah Code Annotated 1953
- 75 [20A-7-407](#), Utah Code Annotated 1953
- 76 [20A-7-502.7](#), Utah Code Annotated 1953
- 77 [20A-7-602.7](#), Utah Code Annotated 1953

78 **Utah Code Sections Affected by Revisor Instructions:**

- 79 [20A-7-407](#), Utah Code Annotated 1953



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

82 Section 1. Section **11-14-301** is amended to read:

83 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**  
84 **under constitutional and statutory limitations.**

85 (1) If the governing body has declared the bond proposition to have carried and no  
86 contest has been filed, or if a contest has been filed and favorably terminated, the governing  
87 body may proceed to issue the bonds voted at the election.

88 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as  
89 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued  
90 more than 10 years after the day on which the election is held.

91 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the  
92 10-year period:

93 (i) an application for a referendum petition is filed with a local clerk, in accordance  
94 with Section 20A-7-602 [~~and Subsection 20A-7-601(3)(a)~~], with respect to the local obligation  
95 law relating to the bonds; or

96 (ii) the bonds are challenged in a court of law or an administrative proceeding in  
97 relation to:

98 (A) the legality or validity of the bonds, or the election or proceedings authorizing the  
99 bonds;

100 (B) the authority of the local political subdivision to issue the bonds;

101 (C) the provisions made for the security or payment of the bonds; or

102 (D) any other issue that materially and adversely affects the marketability of the bonds,  
103 as determined by the individual or body that holds the executive powers of the local political  
104 subdivision.

105 (c) [~~A~~] For a bond described in this section that was approved by voters on or after  
106 May 8, 2002, but before May 8, 2018, a tolling period described in Subsection (2)(b)(i) ends on  
107 the later of the day on which:

108 (i) the local clerk determines that the petition is insufficient, in accordance with  
109 Subsection 20A-7-607(2)(c), unless an application, described in Subsection 20A-7-607(4)(a), is  
110 made to the Supreme Court;

111 (ii) the Supreme Court determines, under Subsection 20A-7-607(4)(c), that the petition  
112 for the referendum is not legally sufficient; or

113 (iii) for a referendum petition that is sufficient, the governing body declares, as  
114 provided by law, the results of the referendum election on the local obligation law.

115 (d) For a bond described in this section that was approved by voters on or after May 8,  
116 2018, a tolling period described in Subsection (2)(b)(i) ends:

117 (i) if a county, city, town, metro township, or court determines, under Section  
118 20A-7-602.7, that the proposed referendum is not legally referable to voters, the later of:

119 (A) the day on which the county, city, town, or metro township provides the notice  
120 described in Subsection 20A-7-602.7(1)(b)(ii); or

121 (B) if a sponsor appeals, under Subsection 20A-7-602.7(4), the day on which a court  
122 decision that the proposed referendum is not legally referable to voters becomes final; or

123 (ii) if a county, city, town, metro township, or court determines, under Section  
124 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

125 (A) the day on which the local clerk determines, under Section 20A-7-607, that the  
126 number of certified names is insufficient for the proposed referendum to appear on the ballot;

127 or

128 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified  
129 names is sufficient for the proposed referendum to appear on the ballot, the day on which the  
130 governing body declares, as provided by law, the results of the referendum election on the local  
131 obligation law.

132 ~~[(d)]~~ (e) A tolling period described in Subsection (2)(b)(ii) ends after:

133 (i) there is a final settlement, a final adjudication, or another type of final resolution of  
134 all challenges described in Subsection (2)(b)(ii); and

135 (ii) the individual or body that holds the executive powers of the local political  
136 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)  
137 are resolved and final.

138 ~~[(e)]~~ (f) If the 10-year period described in Subsection (2)(a) is tolled under this  
139 Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of  
140 time remaining to issue the bonds is less than one year, the period of time remaining to issue  
141 the bonds shall be extended to one year.

142 ~~[(f)]~~ (g) The tolling provisions described in this Subsection (2) apply to all bonds  
143 described in this section that were approved by voters on or after May 8, 2002.

144 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause  
145 the indebtedness of the local political subdivision to exceed that permitted by the Utah  
146 Constitution or statutes.

147 (b) In computing the amount of indebtedness that may be incurred pursuant to  
148 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,  
149 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,

150 of the taxable property in the local political subdivision, as computed from the last applicable  
151 equalized assessment roll before the incurring of the additional indebtedness.

152 (c) In determining the fair market value of the taxable property in the local political  
153 subdivision as provided in this section, the value of all tax equivalent property, as defined in  
154 Section 59-3-102, shall be included as a part of the total fair market value of taxable property  
155 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property  
156 Act.

157 (4) Bonds of improvement districts issued in a manner that they are payable solely  
158 from the revenues to be derived from the operation of the facilities of the district may not be  
159 included as bonded indebtedness for the purposes of the computation.

160 (5) Where bonds are issued by a city, town, or county payable solely from revenues  
161 derived from the operation of revenue-producing facilities of the city, town, or county, or  
162 payable solely from a special fund into which are deposited excise taxes levied and collected by  
163 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the  
164 city, town, or county, or any combination of those excise taxes, the bonds shall be included as  
165 bonded indebtedness of the city, town, or county only to the extent required by the Utah  
166 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,  
167 town, or county need not be authorized at an election, except as otherwise provided by the Utah  
168 Constitution, the bonds being hereby expressly excluded from the election requirement of  
169 Section 11-14-201.

170 (6) A bond election is not void when the amount of bonds authorized at the election  
171 exceeded the limitation applicable to the local political subdivision at the time of holding the  
172 election, but the bonds may be issued from time to time in an amount within the applicable  
173 limitation at the time the bonds are issued.

174 Section 2. Section 20A-7-101 is amended to read:

175 **20A-7-101. Definitions.**

176 As used in this chapter:

177 (1) "Budget officer" means:

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

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

180 (c) for a town, the town council; or

181 (d) for a metro township, the person described in Subsection (1)(a) for the county in  
182 which the metro township is located.

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

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

187 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
188 city, or town that is holding an election on a ballot proposition.

189 (5) "Final fiscal impact statement" means a financial statement prepared after voters  
190 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or  
191 [20A-7-502.5\(2\)](#).

192 (6) "Initial fiscal impact estimate" means:

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

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

197 (7) "Initiative" means a new law proposed for adoption by the public as provided in  
198 this chapter.

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

201 (9) "Legal signatures" means the number of signatures of legal voters that:

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

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

204 (10) "Legal voter" means a person who:

205 (a) is registered to vote; or

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

208 (11) "Legally referable to voters" means:

209 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
210 to voters under Section [20A-7-502.7](#); or

211 (b) for a proposed local referendum, that the proposed local referendum is legally

212 referable to voters under Section 20A-7-602.7.

213 [~~(11)~~] (12) "Local attorney" means the county attorney, city attorney, or town attorney  
214 in whose jurisdiction a local initiative or referendum petition is circulated.

215 [~~(12)~~] (13) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
216 jurisdiction a local initiative or referendum petition is circulated.

217 [~~(13)~~] (14) (a) "Local law" includes:

218 (i) an ordinance;

219 (ii) a resolution;

220 (iii) a master plan;

221 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

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

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

224 [~~(14)~~] (15) "Local legislative body" means the legislative body of a county, city, town,  
225 or metro township.

226 [~~(15)~~] (16) "Local obligation law" means a local law passed by the local legislative  
227 body regarding a bond that was approved by a majority of qualified voters in an election.

228 [~~(16)~~] (17) "Local tax law" means a law, passed by a political subdivision with an  
229 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

230 [~~(17)~~] (18) "Measure" means a proposed constitutional amendment, an initiative, or  
231 referendum.

232 [~~(18)~~] (19) "Referendum" means a process by which a law passed by the Legislature or  
233 by a local legislative body is submitted or referred to the voters for their approval or rejection.

234 [~~(19)~~] (20) "Referendum packet" means a copy of the referendum petition, a copy of  
235 the law being submitted or referred to the voters for their approval or rejection, and the  
236 signature sheets, all of which have been bound together as a unit.

237 [~~(20)~~] (21) (a) "Signature" means a holographic signature.

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

239 [~~(21)~~] (22) "Signature sheets" means sheets in the form required by this chapter that are  
240 used to collect signatures in support of an initiative or referendum.

241 (23) "Special local ballot proposition" means a local ballot proposition that is not a  
242 standard local ballot proposition.



243 ~~[(22)]~~ (24) "Sponsors" means the legal voters who support the initiative or referendum  
244 and who sign the application for petition copies.

245 (25) (a) "Standard local ballot proposition" means a local ballot proposition for an  
246 initiative or a referendum.

247 (b) "Standard local ballot proposition" does not include a property tax referendum  
248 described in Section 20A-7-613.

249 ~~[(23)]~~ (26) "Sufficient" means that the signatures submitted in support of an initiative  
250 or referendum petition have been certified and verified as required by this chapter.

251 ~~[(24)]~~ (27) "Tax percentage difference" means the difference between the tax rate  
252 proposed by an initiative or an initiative petition and the current tax rate.

253 ~~[(25)]~~ (28) "Tax percentage increase" means a number calculated by dividing the tax  
254 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

255 ~~[(26)]~~ (29) "Verified" means acknowledged by the person circulating the petition as  
256 required in Sections 20A-7-205 and 20A-7-305.

257 Section 3. Section 20A-7-401.5 is enacted to read:

258 **20A-7-401.5. Proposition information pamphlet.**

259 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
260 circulate an initiative petition under Section 20A-7-502 or an application to circulate a  
261 referendum petition under Section 20A-7-602:

262 (A) the sponsors of the proposed initiative or referendum may submit a written  
263 argument in favor of the proposed initiative or referendum to the election officer of the county  
264 or municipality to which the petition relates; and

265 (B) the county or municipality to which the application relates may submit a written  
266 argument in favor of, or against, the proposed initiative or referendum to the county's or  
267 municipality's election officer.

268 (ii) If a county or municipality submits more than one written argument under  
269 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving  
270 preference to a written argument submitted by a member of a local legislative body.

271 (b) Within one business day after the day on which an election officer receives an  
272 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the  
273 argument to the county or municipality described in Subsection (1)(a)(i)(B).

274 (c) Within one business day after the day on which an election officer receives an  
275 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the  
276 argument to the first three sponsors of the proposed initiative or referendum described in  
277 Subsection (1)(a)(i)(A).

278 (d) The sponsors of the proposed initiative or referendum may submit a revised version  
279 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the  
280 county or municipality to which the petition relates:

281 (i) within five days after the day on which the county or municipality determines that  
282 the proposed initiative or referendum is legally referable to voters; or

283 (ii) if a court determines that the proposed initiative or referendum is legally referable  
284 to voters, within five days after the day on which the determination is final.

285 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
286 a county or municipality may submit a revised version of the written argument to the county's  
287 or municipality's election officer:

288 (i) within five days after the day on which the county or municipality determines that  
289 the proposed initiative or referendum is legally referable to voters; or

290 (ii) if a court determines that the proposed initiative or referendum is legally referable  
291 to voters, within five days after the day on which the determination is final.

292 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

293 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
294 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
295 election officer.

296 (c) The election officer and the person that submits the written argument described in  
297 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

298 (i) correct factual, grammatical, or spelling errors; or

299 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

300 (d) An election officer shall refuse to include a written argument in the proposition  
301 information pamphlet described in this section if the person who submits the argument:

302 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
303 Subsection (2)(c); or

304 (ii) does not timely submit the written argument to the election officer.

305 (e) An election officer shall make a good faith effort to negotiate a modification  
306 described in Subsection (2)(c) in an expedited manner.

307 (3) An election officer who receives a written argument described in Subsection (1)  
308 shall prepare a proposition information pamphlet for publication that includes:

309 (a) a copy of the application for the proposed initiative or referendum;

310 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
311 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
312 referendum, if any; and

313 (c) except as provided in Subsection (2)(d), immediately after the argument described  
314 in Subsection (3)(b), the argument prepared by the county or municipality, if any.

315 (4) Before an election officer publishes a proposition information pamphlet under  
316 Subsection (5) or (6), the proposition information pamphlet is a draft for purposes of Title 63G,  
317 Chapter 2, Government Records Access and Management Act.

318 (5) An election officer for a municipality shall publish the proposition information  
319 pamphlet as follows:

320 (a) within the later of 10 days after the day on which the municipality or a court  
321 determines that the proposed initiative or referendum is legally referable to voters, or, if the  
322 election officer modifies an argument under Subsection (2)(c), three days after the day on  
323 which the election officer and the person that submitted the argument agree on the  
324 modification:

325 (i) by sending the proposition information pamphlet electronically to each individual in  
326 the municipality for whom the municipality has an email address obtained via voter  
327 registration; and

328 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
329 Website, created in Section [63F-1-701](#), and the home page of the municipality's website, if the  
330 municipality has a website, until:

331 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any  
332 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under  
333 Section [20A-7-606](#), the day after the day of the deadline for delivery of the verified initiative  
334 packets or verified referendum packets;

335 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the

336 number of signatures necessary to qualify the proposed initiative or referendum for placement  
337 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
338 appeal; or

339 (C) the day after the day of the election at which the proposed initiative or referendum  
340 appears on the ballot; and

341 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
342 municipality's residents, including an Internet address, where a resident may view the  
343 proposition information pamphlet, in the next mailing, for which the municipality has not  
344 begun preparation, that falls on or after the later of:

345 (i) 10 days after the day on which the municipality or a court determines that the  
346 proposed initiative or referendum is legally referable to voters; or

347 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
348 after the day on which the election officer and the person that submitted the argument agree on  
349 the modification.

350 (6) An election officer for a county shall, within the later of 10 days after the day on  
351 which the county or a court determines that the proposed initiative or referendum is legally  
352 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
353 three days after the day on which the election officer and the person that submitted the  
354 argument agree on the modification, publish the proposition information pamphlet as follows:

355 (a) by sending the proposition information pamphlet electronically to each individual  
356 in the county for whom the county has an email address obtained via voter registration; and

357 (b) by posting the proposition information pamphlet on the Utah Public Notice  
358 Website, created in Section [63F-1-701](#), and the home page of the county's website, until:

359 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any  
360 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under  
361 Section [20A-7-606](#), the day after the day of the deadline for delivery of the verified initiative  
362 packets or verified referendum packets;

363 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number  
364 of signatures necessary to qualify the proposed initiative or referendum for placement on the  
365 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

366 (iii) the day after the day of the election at which the proposed initiative or referendum

367 appears on the ballot.

368 Section 4. Section **20A-7-402** is amended to read:

369 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**  
 370 **Preparation -- Statement on front cover.**

371 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
 372 local voter information pamphlet that complies with the requirements of this part.

373 ~~[(2) The arguments for or against a ballot proposition shall conform to the~~  
 374 ~~requirements of this section.]~~

375 ~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a  
 376 municipality that is subject to a special local ballot proposition shall provide a notice that  
 377 complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

378 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the  
 379 municipality's residents, including the notice with a newsletter, utility bill, or other material;

380 (ii) posting the notice, until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has  
 381 passed, on:

382 (A) the Utah Public Notice Website created in Section 63F-1-701; and

383 (B) the home page of the municipality's website, if the municipality has a website; and

384 (iii) sending the notice electronically to each individual in the municipality for whom  
 385 the municipality has an email address.

386 (b) A county that is subject to a special local ballot proposition shall:

387 (i) send an electronic notice that complies with the requirements of Subsection ~~[(3)]~~  
 388 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

389 (ii) until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has passed, post a notice  
 390 that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) on:

391 (A) the Utah Public Notice Website created in Section 63F-1-701; and

392 (B) the home page of the county's website.

393 (c) A municipality or county that mails, sends, or posts a notice under Subsection ~~[(3)]~~  
 394 (2)(a) or (b) shall:

395 (i) mail, send, or post the notice:

396 (A) not less than 90 days before the date of the election at which a special local ballot  
 397 proposition will be voted upon; or

398 (B) if the requirements of Subsection ~~[(3)]~~ (2)(c)(i)(A) cannot be met, as soon as  
399 practicable after the special local ballot proposition is approved to be voted upon in an election;  
400 and

401 (ii) ensure that the notice contains:

402 (A) the ballot title for the special local ballot proposition;

403 (B) instructions on how to file a request under Subsection ~~[(3)]~~ (2)(d); and

404 (C) the deadline described in Subsection ~~[(3)]~~ (2)(d).

405 (d) To prepare ~~[an]~~ a written argument for or against a special local ballot proposition,  
406 an eligible voter shall file a request with the election officer at least 65 days before the election  
407 at which the special local ballot proposition is to be voted on.

408 (e) If more than one eligible voter requests the opportunity to prepare ~~[an]~~ a written  
409 argument for or against a special local ballot proposition, the election officer shall make the  
410 final designation according to the following criteria:

411 (i) sponsors have priority in preparing an argument regarding a special local ballot  
412 proposition; and

413 (ii) members of the local legislative body have priority over others.

414 (f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot  
415 proposition may prepare ~~[an]~~ a written argument in favor of the special local ballot proposition.

416 (ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection ~~[(3)]~~  
417 (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request  
418 under Subsection ~~[(3)]~~ (2)(d) may prepare ~~[an]~~ a written argument against the special local  
419 ballot proposition.

420 ~~[(g)(i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor~~  
421 ~~of a law that is referred to the voters and who submits a request under Subsection (3)(d) may~~  
422 ~~prepare an argument for adoption of the law.]~~

423 ~~[(ii) The sponsors of a referendum may prepare an argument against the adoption of a~~  
424 ~~law that is referred to the voters.]~~

425 ~~[(h)]~~ (g) An eligible voter who submits ~~[an]~~ a written argument under this section in  
426 relation to a special local ballot proposition shall:

427 (i) ensure that the written argument does not exceed 500 words in length;

428 (ii) ensure that the written argument does not list more than five names as sponsors;

429 (iii) submit the written argument to the election officer no later than 60 days before the  
430 election day on which the ballot proposition will be submitted to the voters; and

431 (iv) include with the written argument the eligible voter's name, residential address,  
432 postal address, email address if available, and phone number.

433 [(i)] (h) An election officer shall refuse to accept and publish an argument that is  
434 submitted after the deadline described in Subsection [(3)(h)] (2)(g)(iii).

435 [(4)] (3) (a) An election officer who timely receives the written arguments in favor of  
436 and against a special local ballot proposition shall, within one business day after the day on  
437 which the election office receives both written arguments, send, via mail or email:

438 (i) a copy of the written argument in favor of the special local ballot proposition to the  
439 eligible voter who submitted the written argument against the special local ballot proposition;  
440 and

441 (ii) a copy of the written argument against the special local ballot proposition to the  
442 eligible voter who submitted the written argument in favor of the special local ballot  
443 proposition.

444 (b) The eligible voter who submitted a timely written argument in favor of the special  
445 local ballot proposition:

446 (i) may submit to the election officer a written rebuttal argument of the written  
447 argument against the special local ballot proposition;

448 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
449 and

450 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
451 day on which the special local ballot proposition will be submitted to the voters.

452 (c) The eligible voter who submitted a timely written argument against the special local  
453 ballot proposition:

454 (i) may submit to the election officer a written rebuttal argument of the written  
455 argument in favor of the special local ballot proposition;

456 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
457 and

458 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
459 day on which the special local ballot proposition will be submitted to the voters.

460 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
461 relation to a special local ballot proposition that is submitted after the deadline described in  
462 Subsection [~~(4)~~] (3)(b)(iii) or [~~(4)~~] (3)(c)(iii).

463 [~~(5)~~] (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), in relation to a special local  
464 ballot proposition:

465 (i) an eligible voter may not modify [~~an~~] a written argument or a written rebuttal  
466 argument after the eligible voter submits the written argument or written rebuttal argument to  
467 the election officer; and

468 (ii) a person other than the eligible voter described in Subsection [~~(5)~~] (4)(a)(i) may not  
469 modify [~~an~~] a written argument or a written rebuttal argument.

470 (b) The election officer, and the eligible voter who submits [~~an~~] a written argument or  
471 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
472 modify [~~an~~] a written argument or written rebuttal argument in order to:

473 (i) correct factual, grammatical, or spelling errors; and

474 (ii) reduce the number of words to come into compliance with the requirements of this  
475 section.

476 (c) An election officer shall refuse to accept and publish [~~an~~] a written argument or  
477 written rebuttal argument in relation to a special local ballot proposition if the eligible voter  
478 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,  
479 to modify the written argument or written rebuttal argument in accordance with Subsection  
480 [~~(5)~~] (4)(b).

481 [~~(6)~~] (5) [~~An~~] In relation to a special local ballot proposition, an election officer may  
482 designate another eligible voter to take the place of an eligible voter described in this section if  
483 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
484 continue to fulfill the duties of an eligible voter described in this section.

485 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
486 included in a proposition information pamphlet under Section [20A-7-401.5](#):

487 (a) may, if a written argument against the standard local ballot proposition is included  
488 in the proposition information pamphlet, submit a written rebuttal argument to the election  
489 officer;

490 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;



491 and

492 (c) shall submit the written rebuttal argument no later than 45 days before the election  
493 day on which the standard local ballot proposition will be submitted to the voters.

494 (7) (a) A county or municipality that submitted a written argument against a standard  
495 local ballot proposition that is included in a proposition information pamphlet under Section  
496 20A-7-401.5:

497 (i) may, if a written argument in favor of the standard local ballot proposition is  
498 included in the proposition information pamphlet, submit a written rebuttal argument to the  
499 election officer;

500 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;

501 and

502 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
503 day on which the ballot proposition will be submitted to the voters.

504 (b) If a county or municipality submits more than one written rebuttal argument under  
505 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,  
506 giving preference to a written rebuttal argument submitted by a member of a local legislative  
507 body.

508 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument  
509 that is submitted after the deadline described in Subsection (6)(c) or (7)(c).

510 (b) Before an election officer publishes a local voter information pamphlet under this  
511 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government  
512 Records Access and Management Act.

513 (c) An election officer who receives a written rebuttal argument described in this  
514 section may not, before publishing the local voter information pamphlet described in this  
515 section, disclose the written rebuttal argument, or any information contained in the written  
516 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
517 rebuttal argument.

518 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
519 rebuttal argument after the written rebuttal argument is submitted to the election officer.

520 (b) The election officer, and the person who submits a written rebuttal argument, may  
521 jointly agree to modify a written rebuttal argument in order to:

522 (i) correct factual, grammatical, or spelling errors; or  
523 (ii) reduce the number of words to come into compliance with the requirements of this  
524 section.

525 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
526 the person who submits the written rebuttal argument:

527 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
528 accordance with Subsection (9)(b); or

529 (ii) does not timely submit the written rebuttal argument to the election officer.

530 (d) An election officer shall make a good faith effort to negotiate a modification  
531 described in Subsection (9)(b) in an expedited manner.

532 (10) An election officer may designate another person to take the place of a person who  
533 submits a written rebuttal argument in relation to a standard local ballot proposition if the  
534 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the  
535 person's duties.

536 [~~7~~] (11) (a) The local voter information pamphlet shall include a copy of the initial  
537 fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

538 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
539 include the following statement in bold type:

540 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
541 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
542 increase in the current tax rate."

543 [~~8~~] (12) (a) In preparing the local voter information pamphlet, the election officer  
544 shall:

545 (i) ensure that the written arguments are printed on the same sheet of paper upon which  
546 the ballot proposition is also printed;

547 (ii) ensure that the following statement is printed on the front cover or the heading of  
548 the first page of the printed written arguments:

549 "The arguments for or against a ballot proposition are the opinions of the authors.";

550 (iii) pay for the printing and binding of the local voter information pamphlet; and

551 (iv) not less than 15 days before, but not more than 45 days before, the election at  
552 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered

553 voter entitled to vote on the ballot proposition:

554 (A) a voter information pamphlet; or

555 (B) the notice described in Subsection ~~[(8)]~~ (12)(c).

556 (b) (i) If the ~~[proposed measure]~~ language of the ballot proposition exceeds 500 words  
557 in length, the election officer may summarize the ~~[measure]~~ ballot proposition in 500 words or  
558 less.

559 (ii) The summary shall state where a complete copy of the ballot proposition is  
560 available for public review.

561 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
562 preaddressed return form that a person may use to request delivery of a voter information  
563 pamphlet by mail.

564 (ii) The notice described in Subsection ~~[(8)]~~ (12)(c)(i) shall include:

565 (A) the address of the Statewide Electronic Voter Information Website authorized by  
566 Section [20A-7-801](#); and

567 (B) the phone number a voter may call to request delivery of a voter information  
568 pamphlet by mail or carrier.

569 Section 5. Section [20A-7-405](#) is enacted to read:

570 **[20A-7-405. Public meeting.](#)**

571 (1) A county or municipality may not discuss a proposed initiative, an initiative, a  
572 proposed referendum, or a referendum at a public meeting unless the county or municipality  
573 complies with the requirements of this section.

574 (2) The legislative body of a county or municipality may hold a public meeting to  
575 discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the  
576 legislative body:

577 (a) allows equal time, within a reasonable limit, for presentations on both sides of the  
578 proposed initiative, initiative, proposed referendum, or referendum;

579 (b) provides each interested party desiring to be heard an opportunity to present oral  
580 testimony within reasonable time limits; and

581 (c) holds the public meeting beginning at or after 6 p.m.

582 (3) This section does not prohibit a working group meeting from being held before 6  
583 p.m.

584 Section 6. Section **20A-7-406** is enacted to read:

585 **20A-7-406. Informational materials.**

586 The lieutenant governor shall create and publish to the lieutenant governor's website  
587 instructions on how a person may:

588 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures;

589 or

590 (2) qualify a local referendum for the ballot under Part 6, Local Referenda -  
591 Procedures.

592 Section 7. Section **20A-7-407** is enacted to read:

593 **20A-7-407. Applicability of statute to pending processes.**

594 (1) If a local initiative or local referendum process is pending as described in  
595 Subsection (2), that local initiative or local referendum process:

596 (a) is subject to the provisions of law that were in effect on May 7, 2018; and

597 (b) is not subject to the provisions of this bill.

598 (2) A local initiative or local referendum process is pending under Subsection (1) if, on  
599 or before May 7, 2018:

600 (a) (i) sponsors have filed an application to circulate the initiative petition under  
601 Section [20A-7-502](#); or

602 (ii) sponsors have filed an application to circulate the referendum petition under  
603 Section [20A-7-602](#); and

604 (b) the process described in Subsection (2)(a) has not concluded.

605 Section 8. Section **20A-7-501** is amended to read:

606 **20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

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

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

613 ~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all~~  
614 ~~candidates for President of the United States at the last election at which a President of the~~

615 United States was elected if the total number of votes does not exceed 25,000 but is more than  
616 10,000;]

617 ~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all  
618 candidates for President of the United States at the last election at which a President of the  
619 United States was elected if the total number of votes does not exceed 10,000 but is more than  
620 2,500;]~~

621 ~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all  
622 candidates for President of the United States at the last election at which a President of the  
623 United States was elected if the total number of votes does not exceed 2,500 but is more than  
624 500;]~~

625 ~~[(v) 25% of all the votes cast in the county, city, town, or metro township for all  
626 candidates for President of the United States at the last election at which a President of the  
627 United States was elected if the total number of votes does not exceed 500 but is more than  
628 250; and]~~

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

632 ~~[(b) In addition to the signature requirements of Subsection (1)(a), a person seeking to  
633 have an initiative submitted to a local legislative body or to a vote of the people for approval or  
634 rejection in a county, city, town, or metro township where the local legislative body is elected  
635 from council districts shall obtain, from each of a majority of council districts, legal signatures  
636 equal to the percentages established in Subsection (1)(a).]~~

637 (1) As used in this section, "number of active voters" means the number of active  
638 voters in the county, city, or town on the immediately preceding January 1.

639 (2) An eligible voter seeking to have an initiative submitted to a local legislative body  
640 or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

641 (a) for a metro township with a population of 100,000 or more, a city of the first class,  
642 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or  
643 county;

644 (b) for a metro township with a population of 65,000 or more but less than 100,000, a  
645 city of the second class, or a county of the second class, 11% of the number of active voters in

646 the metro township, city, or county;

647 (c) for a metro township with a population of 30,000 or more but less than 65,000, a  
648 city of the third class, or a county of the third class, 13% of the number of active voters in the  
649 metro township, city, or county;

650 (d) for a metro township with a population of 10,000 or more but less than 30,000, a  
651 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in  
652 the metro township, city, or county;

653 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city  
654 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro  
655 township, city, or county; or

656 (f) for a metro township with a population of less than 1,000, a town, or a county of the  
657 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

658 ~~[(2)]~~ (3) If the total number of certified names from each verified signature sheet  
659 equals or exceeds the number of names required by this section, the clerk or recorder shall  
660 deliver the proposed law to the local legislative body at ~~[its]~~ the local legislative body's next  
661 meeting.

662 ~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law  
663 without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local  
664 legislative body receives the proposed law under Subsection (3).

665 (b) The local legislative body may:

666 (i) adopt the proposed law and refer ~~[it]~~ the proposed law to the people;

667 (ii) adopt the proposed law without referring ~~[it]~~ the proposed law to the people; or

668 (iii) reject the proposed law.

669 (c) If the local legislative body adopts the proposed law but does not refer ~~[it]~~ the  
670 proposed law to the people, ~~[it]~~ the proposed law is subject to referendum as with other local  
671 laws.

672 (d) (i) If a county legislative body rejects a proposed ~~[county ordinance or amendment]~~  
673 law, or takes no action on ~~[it]~~ a proposed law, the county clerk shall submit ~~[it]~~ the proposed  
674 law to the voters of the county at the next regular general election immediately after the  
675 petition for the proposed law is filed under Section 20A-7-502.

676 (ii) If a local legislative body of a municipality rejects a proposed ~~[municipal ordinance~~

677 ~~or amendment]~~ law, or takes no action on ~~[it]~~ a proposed law, the municipal recorder or clerk  
 678 shall submit ~~[it]~~ the proposed law to the voters of the municipality at the next municipal  
 679 general election immediately after the petition is filed under Section 20A-7-502.

680 (e) (i) If ~~[the]~~ a local legislative body rejects ~~[the]~~ a proposed ~~[ordinance or~~  
 681 ~~amendment]~~ law, or takes no action on ~~[it]~~ a proposed law, the local legislative body may adopt  
 682 a competing local law.

683 (ii) The local legislative body shall prepare and adopt the competing local law within  
 684 the ~~[30 days allowed for its action on the measure proposed by initiative petition]~~ 30-day  
 685 period described in Subsection (4)(a).

686 (iii) If ~~[the]~~ a local legislative body adopts a competing local law, the clerk or recorder  
 687 shall ~~[submit it]~~ refer the competing local law to the voters of the county or municipality at the  
 688 same election at which the initiative proposal is submitted under Subsection (4)(d).

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

692 Section 9. Section **20A-7-502** is amended to read:

693 **20A-7-502. Local initiative process -- Application procedures.**

694 (1) ~~[Persons]~~ An eligible voter wishing to circulate an initiative petition shall file an  
 695 application with the local clerk.

696 (2) The application shall contain:

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

698 (b) a statement indicating that each of the sponsors~~[-(i)]~~ is a registered voter; ~~[and]~~

699 ~~[(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular~~  
 700 ~~general election in Utah within the last three years; or]~~

701 ~~[(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular~~  
 702 ~~municipal election in Utah;]~~

703 ~~[(F) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~

704 ~~[(H) within the last five years, if the sponsor's failure to vote within the last three years~~  
 705 ~~is due to the sponsor's residing in a municipal district that participates in a municipal election~~  
 706 ~~every four years;]~~

707 (c) a statement indicating that each of the sponsors has voted in an election in Utah in

708 the last three years;

709 ~~[(e)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary  
710 public;

711 ~~[(d)]~~ (e) a copy of the proposed law that includes:

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

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

714 ~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This  
715 initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax  
716 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
717 increase in the current tax rate."

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

721 Section 10. Section **20A-7-502.5** is amended to read:

722 **20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

723 (1) Within three working days ~~[of receipt of an application for an initiative petition]~~  
724 after the day on which the local clerk receives an application for an initiative petition, the local  
725 clerk shall submit a copy of the ~~[application]~~ proposed law to the county, city, or town's budget  
726 officer.

727 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
728 faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

729 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

730 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing  
731 the total estimated increase or decrease for each type of tax affected under the proposed law  
732 and a dollar amount representing the total estimated increase or decrease in taxes under the  
733 proposed law;

734 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax  
735 percentage increase;

736 (iv) if the proposed law would result in the issuance or a change in the status of bonds,  
737 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
738 decrease in public debt under the proposed law;



739 (v) a listing of all sources of funding for the estimated costs associated with the  
740 proposed law showing each source of funding and the percentage of total funding provided  
741 from each source;

742 (vi) a dollar amount representing the estimated costs or savings, if any, to state and  
743 local government entities under the proposed law;

744 (vii) the proposed law's legal impact, including:

745 (A) any significant effects on a person's vested property rights;

746 (B) any significant effects on other laws or ordinances;

747 (C) any significant legal liability the city, county, or town may incur; and

748 (D) any other significant legal impact as determined by the budget officer and the legal  
749 counsel; and

750 (viii) a concise explanation, not exceeding 100 words, of the above information and of  
751 the estimated fiscal impact, if any, under the proposed law.

752 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer  
753 shall include a summary statement in the initial fiscal impact statement in substantially the  
754 following form:

755 "The (title of the local budget officer) estimates that the law proposed by this initiative  
756 would have no significant fiscal impact and would not result in either an increase or decrease in  
757 taxes or debt."

758 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer  
759 shall include a summary statement in the initial fiscal impact estimate in substantially the  
760 following form:

761 "The (title of the local budget officer) estimates that the law proposed by this initiative  
762 would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type of tax or  
763 taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in public debt."

764 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise  
765 difficult to reasonably express in a summary statement, the local budget officer may include in  
766 the summary statement a brief explanation that identifies those factors affecting the variability  
767 or difficulty of the estimate.

768 (iv) If the proposed law would increase taxes, the local budget officer shall include a  
769 summary statement in the initial fiscal impact statement in substantially the following form:

770 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
771 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
772 percent increase in the current tax rate."

773 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of  
774 printing and distributing information related to the initiative petition in the voter information  
775 pamphlet as required by Section [20A-7-402](#).

776 (4) Within 25 calendar days [~~from the date that the local clerk delivers a copy of the~~  
777 ~~application~~] after the day on which the local clerk submits a copy of the proposed law under  
778 Subsection (1), the budget officer shall:

779 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact  
780 estimate, to the local clerk's office; and

781 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,  
782 to the first [~~five~~] three sponsors named in the application.

783 [~~(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of~~  
784 ~~the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition~~  
785 ~~with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal~~  
786 ~~impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the~~  
787 ~~initiative.]~~

788 [~~(b) (i) There is a presumption that the initial fiscal impact estimate, including the legal~~  
789 ~~impact estimate, prepared by the budget officer and legal counsel is based upon reasonable~~  
790 ~~assumptions, uses reasonable data, and applies accepted analytical methods to present the~~  
791 ~~estimated fiscal and legal impact of the initiative.]~~

792 [~~(ii) The Supreme Court may not revise the contents of, or direct the revision of, the~~  
793 ~~initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the~~  
794 ~~presumption by clear and convincing evidence that establishes that the fiscal estimate,~~  
795 ~~including the legal impact estimate, taken as a whole, is an inaccurate statement of the~~  
796 ~~estimated fiscal or legal impact of the initiative.]~~

797 [~~(iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate,~~  
798 ~~including the legal impact estimate, to a master to examine the issue and make a report in~~  
799 ~~accordance with Utah Rules of Civil Procedure, Rule 53.]~~

800 [~~(e) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate,~~

801 ~~including the legal impact estimate, for the measure that meets the requirements of this~~  
802 ~~section.]~~

803 Section 11. Section **20A-7-502.7** is enacted to read:

804 **20A-7-502.7. Referability to voters.**

805 (1) Within 20 days after the day on which an eligible voter files an application to  
806 circulate an initiative petition under Section 20A-7-502, the county, city, town, or metro  
807 township to which the initiative pertains shall:

808 (a) review the proposed law in the initiative application to determine whether the law is  
809 legally referable to voters; and

810 (b) notify the first three sponsors, in writing, whether the proposed law is:

811 (i) legally referable to voters; or

812 (ii) rejected as not legally referable to voters.

813 (2) A proposed law in an initiative application is legally referable to voters unless:

814 (a) the proposed law is patently unconstitutional;

815 (b) the proposed law is nonsensical;

816 (c) the proposed law is administrative, rather than legislative, in nature;

817 (d) the proposed law could not become law if passed;

818 (e) the proposed law contains more than one subject as evaluated in accordance with

819 Subsection 20A-7-502(3);

820 (f) the subject of the proposed law is not clearly expressed in the law's title;

821 (g) the proposed law is identical or substantially similar to a legally referable proposed  
822 law sought by an initiative application submitted to the local clerk, under Section 20A-7-502,  
823 within two years before the day on which the application for the current proposed initiative is  
824 filed; or

825 (h) the application for the proposed law was not timely filed or does not comply with  
826 the requirements of this part.

827 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
828 or metro township may not:

829 (a) reject a proposed initiative as not legally referable to voters; or

830 (b) bring a legal action, other than to appeal a court decision, challenging a proposed  
831 initiative on the grounds that the proposed initiative is not legally referable to voters.

832 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of  
833 the proposed initiative may, within 10 days after the day on which a sponsor is notified under  
834 Subsection (1)(b), appeal the decision to:

835 (a) district court; or

836 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

837 (5) If, on appeal, the court determines that the law proposed in the initiative petition is  
838 legally referable to voters, the local clerk shall comply with Subsection [20A-7-504\(2\)](#) within  
839 five days after the day on which the determination, and any appeal of the determination, is  
840 final.

841 Section 12. Section [20A-7-504](#) is amended to read:

842 **[20A-7-504. Circulation requirements -- Local clerk to provide sponsors with](#)**  
843 **[materials.](#)**

844 (1) In order to obtain the necessary number of signatures required by this part, the  
845 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and  
846 (b), circulate initiative packets that meet the form requirements of this part.

847 (2) Within five days after the day on which a [~~local clerk receives an application that~~  
848 ~~complies with the requirements of Section [20A-7-502](#)]~~ county, city, town, metro township, or  
849 court determines, in accordance with Section [20A-7-502.7](#), that a law proposed in an initiative  
850 petition is legally referable to voters, the local clerk shall furnish to the sponsors:

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

852 (b) one signature sheet.

853 (3) The sponsors of the petition shall:

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

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

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

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

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

865 ~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return~~  
866 ~~them to the local clerk.]~~

867 ~~[(b) The local clerk shall:]~~

868 ~~[(i) number each of the initiative packets and return them to the sponsors within five~~  
869 ~~working days; and]~~

870 ~~[(ii) keep a record of the numbers assigned to each packet.]~~

871 Section 13. Section **20A-7-505** is amended to read:

872 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

873 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and  
874 resides in the local jurisdiction.

875 (2) (a) The sponsors shall ensure that the [~~person~~] individual in whose presence each  
876 signature sheet was signed:

877 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;  
878 and

879 (ii) verifies each signature sheet by completing the verification printed on the last page  
880 of each initiative packet.

881 (b) [~~A person~~] An individual may not sign the verification printed on the last page of  
882 the initiative packet if the [~~person~~] individual signed a signature sheet in the initiative packet.

883 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature  
884 removed from the petition by submitting a notarized statement to that effect to the local clerk.

885 (ii) In order for the signature to be removed, the statement must be received by the  
886 local clerk before [~~he~~] the local clerk delivers the petition to the county clerk to be certified.

887 (b) Upon receipt of the statement, the local clerk shall remove the signature of the  
888 [~~person~~] individual submitting the statement from the initiative petition.

889 (c) No one may remove signatures from an initiative petition after the petition is  
890 submitted to the county clerk to be certified.

891 Section 14. Section **20A-7-506** is amended to read:

892 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
893 **county clerks -- Transfer to local clerk.**

- 894 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the  
895 county clerk of the county in which the packet was circulated on or before the sooner of:  
896 (i) for county initiatives:  
897 (A) 316 days after the day on which the application is filed; or  
898 (B) the April 15 immediately before the next regular general election immediately after  
899 the application is filed under Section 20A-7-502; or  
900 (ii) for municipal initiatives:  
901 (A) 316 days after the day on which the application is filed; or  
902 (B) the April 15 immediately before the next municipal general election immediately  
903 after the application is filed under Section 20A-7-502.  
904 (b) A sponsor may not submit an initiative packet after the deadline established in this  
905 Subsection (1).  
906 (2) (a) No later than May 1, the county clerk shall:  
907 (i) check the names of all [persons] individuals completing the verification on the last  
908 page of each initiative packet to determine whether those [persons] individuals are residents of  
909 Utah and are at least 18 years old; and  
910 (ii) submit the name of each of those [persons] individuals who is not a Utah resident  
911 or who is not at least 18 years old to the attorney general and county attorney.  
912 (b) The county clerk may not certify a signature under Subsection (3) on an initiative  
913 packet that is not verified in accordance with Section 20A-7-505.  
914 (3) No later than May 15, the county clerk shall:  
915 (a) determine whether or not each signer is a voter according to the requirements of  
916 Section 20A-7-506.3;  
917 (b) certify on the petition whether or not each name is that of a voter; and  
918 (c) deliver all of the verified packets to the local clerk.  
919 Section 15. Section 20A-7-506.3 is amended to read:  
920 **20A-7-506.3. Verification of petition signatures.**  
921 (1) (a) For the purposes of this section, "substantially similar name" means:  
922 (i) the given name and surname shown on the petition, or both, contain only minor  
923 spelling differences when compared to the given name and surname shown on the official  
924 register;

925 (ii) the surname shown on the petition exactly matches the surname shown on the  
926 official register, and the given names differ only because one of the given names shown is a  
927 commonly used abbreviation or variation of the other;

928 (iii) the surname shown on the petition exactly matches the surname shown on the  
929 official register, and the given names differ only because one of the given names shown is  
930 accompanied by a first or middle initial or a middle name which is not shown on the other  
931 record; or

932 (iv) the surname shown on the petition exactly matches the surname shown on the  
933 official register, and the given names differ only because one of the given names shown is an  
934 alphabetically corresponding initial that has been provided in the place of a given name shown  
935 on the other record.

936 (b) For the purposes of this section, "substantially similar name" does not mean a name  
937 having an initial or a middle name shown on the petition that does not match a different initial  
938 or middle name shown on the official register.

939 (2) The county clerk shall use the following procedures in determining whether or not a  
940 signer is a registered voter:

941 (a) When a signer's name and address shown on the petition exactly match a name and  
942 address shown on the official register and the signer's signature appears substantially similar to  
943 the signature on the statewide voter registration database, the county clerk shall declare the  
944 signature valid.

945 (b) When there is no exact match of an address and a name, the county clerk shall  
946 declare the signature valid if:

947 (i) the address on the petition matches the address of [~~a person~~] an individual on the  
948 official register with a substantially similar name; and

949 (ii) the signer's signature appears substantially similar to the signature on the statewide  
950 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

951 (c) When there is no match of an address and a substantially similar name, the county  
952 clerk shall declare the signature valid if:

953 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an  
954 individual on the official register with a substantially similar name; and

955 (ii) the signer's signature appears substantially similar to the signature on the statewide

956 voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i).

957 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the  
958 county clerk shall declare the signature to be invalid.

959 Section 16. Section **20A-7-507** is amended to read:

960 **20A-7-507. Evaluation by the local clerk.**

961 (1) When each initiative packet is received from a county clerk, the local clerk shall  
962 check off from the local clerk's record the number of each initiative packet filed.

963 (2) (a) After all of the initiative packets have been received by the local clerk, the local  
964 clerk shall count the number of the names certified by the county clerk that appear on each  
965 verified signature sheet.

966 (b) If the total number of certified names from each verified signature sheet equals or  
967 exceeds the number of names required by Section **20A-7-501** and the requirements of this part  
968 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

969 (c) If the total number of certified names from each verified signature sheet does not  
970 equal or exceed the number of names required by Section **20A-7-501** or a requirement of this  
971 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

972 (d) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
973 finding.

974 (3) If the local clerk finds the total number of certified signatures from each verified  
975 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk  
976 for a recount of the signatures appearing on the initiative petition in the presence of any  
977 sponsor.

978 (4) Once a petition is declared insufficient, the sponsors may not submit additional  
979 signatures to qualify the petition for the ballot.

980 ~~[(5)(a) If the local clerk refuses to accept and file any initiative petition, any voter may  
981 apply to the supreme court for an extraordinary writ to compel him to do so within 10 days  
982 after the refusal.]~~

983 ~~[(b) If the supreme court determines that the initiative petition is legally sufficient, the  
984 local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on  
985 which it was originally offered for filing in the local clerk's office.]~~

986 ~~[(c) If the supreme court determines that any petition filed is not legally sufficient, the~~



987 ~~supreme court may enjoin the local clerk and all other officers from certifying or printing the~~  
988 ~~ballot title and numbers of that measure on the official ballot.]~~

989 [(6)] (5) A petition determined to be sufficient in accordance with this section is  
990 qualified for the ballot.

991 Section 17. Section **20A-7-508** is amended to read:

992 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

993 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the  
994 people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
995 attorney.

996 (2) The local attorney shall:

997 (a) entitle each county or municipal initiative that has qualified for the ballot

998 "Proposition Number \_\_\_" and give it a number as assigned under Section [20A-6-107](#);

999 (b) prepare a proposed ballot title for the initiative;

1000 (c) file the proposed ballot title and the numbered initiative titles with the local clerk  
1001 within 15 days after the date the initiative petition is declared sufficient for submission to a  
1002 vote of the people; and

1003 (d) promptly provide notice of the filing of the proposed ballot title to:

1004 (i) the sponsors of the petition; and

1005 (ii) the local legislative body for the jurisdiction where the initiative petition was  
1006 circulated.

1007 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the  
1008 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1009 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's  
1010 ability, give a true and impartial statement of the purpose of the measure.

1011 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,  
1012 for or against the measure.

1013 (d) If the initiative proposes a tax increase, the local attorney shall include the  
1014 following statement, in bold, in the ballot title:

1015 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
1016 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
1017 increase in the current tax rate."

1018 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot  
1019 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative  
1020 petition was circulated and the sponsors of the petition may file written comments in response  
1021 to the proposed ballot title with the local clerk.

1022 (b) Within five calendar days after the last date to submit written comments under  
1023 Subsection (4)(a), the local attorney shall:

1024 (i) review any written comments filed in accordance with Subsection (4)(a);

1025 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1026 (iii) return the petition and file the ballot title with the local clerk.

1027 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall  
1028 be printed on the official ballot.

1029 (5) Immediately after the local attorney files a copy of the ballot title with the local  
1030 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the  
1031 petition and the local legislative body for the jurisdiction where the initiative petition was  
1032 circulated.

1033 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not  
1034 comply with the requirements of this section, the decision of the local attorney may be  
1035 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,  
1036 to the Supreme Court [that is], brought by:

1037 (i) at least three sponsors of the initiative petition; or

1038 (ii) a majority of the local legislative body for the jurisdiction where the initiative  
1039 petition was circulated.

1040 (b) The ~~[Supreme Court]~~ court:

1041 (i) shall examine the measures and consider arguments~~[, and, in its decision,]; and~~

1042 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of  
1043 this section.

1044 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the  
1045 official ballot.

1046 Section 18. Section **20A-7-509** is amended to read:

1047 **20A-7-509. Form of ballot -- Manner of voting.**

1048 (1) The local clerk shall ensure that the number and ballot title are presented upon the

1049 official ballot with, immediately adjacent to them, the words "For" and "Against," each word  
1050 presented with an adjacent square in which the [~~elector~~] voter may indicate [~~his~~] the voter's  
1051 vote.

1052 (2) [~~Electors~~] Voters desiring to vote in favor of enacting the law proposed by the  
1053 initiative petition shall mark the square adjacent to the word "For," and [~~those~~] voters desiring  
1054 to vote against enacting the law proposed by the initiative petition shall mark the square  
1055 adjacent to the word "Against."

1056 Section 19. Section **20A-7-510** is amended to read:

1057 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**  
1058 **proclamation.**

1059 (1) The votes on the law proposed by the initiative petition shall be counted,  
1060 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1061 (2) After the local board of canvassers completes its canvass, the local clerk shall  
1062 certify to the local legislative body the vote for and against the law proposed by the initiative  
1063 petition.

1064 (3) (a) The local legislative body shall immediately issue a proclamation that:

1065 (i) gives the total number of votes cast in the local jurisdiction for and against each law  
1066 proposed by an initiative petition; and

1067 (ii) declares those laws proposed by an initiative petition that were approved by  
1068 majority vote to be in full force and effect as the law of the local jurisdiction.

1069 (b) When the local legislative body determines that two proposed laws, or that parts of  
1070 two proposed laws approved by the people at the same election are entirely in conflict, they  
1071 shall proclaim that measure to be law that has received the greatest number of affirmative  
1072 votes, regardless of the difference in the majorities which those measures have received.

1073 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified  
1074 voter who signed the initiative petition proposing the law that is declared by the local  
1075 legislative body to be superseded by another measure approved at the same election may apply  
1076 to the district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to  
1077 review the decision.

1078 (ii) The court shall:

1079 (A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict;

1080 and

1081 (B) certify ~~[its]~~ the court's decision to the local legislative body.

1082 (4) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court  
1083 certifies the decision, the local legislative body shall:

1084 (a) proclaim as law all ~~[those]~~ measures approved by the people ~~[as law]~~ that the  
1085 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1086 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~  
1087 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure  
1088 that received the greatest number of affirmative votes, regardless of the difference in  
1089 majorities.

1090 Section 20. Section **20A-7-512** is amended to read:

1091 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1092 (1) It is unlawful for any ~~[person]~~ individual to:

1093 (a) sign any name other than the ~~[person's own]~~ individual's own name to any initiative  
1094 petition;

1095 (b) knowingly sign the ~~[person's]~~ individual's name more than once for the same  
1096 measure at one election;

1097 (c) sign an initiative knowing the ~~[person]~~ individual is not a legal voter; or

1098 (d) knowingly and willfully violate any provision of this part.

1099 (2) It is unlawful for any ~~[person]~~ individual to sign the verification for an initiative  
1100 packet knowing that:

1101 (a) the ~~[person]~~ individual does not meet the residency requirements of Section  
1102 **20A-2-105**;

1103 (b) the ~~[person]~~ individual has not witnessed the signatures of ~~[those persons]~~ the  
1104 individuals whose names appear in the initiative packet; or

1105 (c) one or more ~~[persons]~~ individuals whose signatures appear in the initiative packet is  
1106 either:

1107 (i) not registered to vote in Utah; or

1108 (ii) does not intend to become registered to vote in Utah.

1109 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A  
1110 misdemeanor.

1111 Section 21. Section **20A-7-513** is amended to read:

1112 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1113 (1) No later than 60 days after the date of an election in which the voters approve an  
1114 initiative petition, the budget officer shall:

1115 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,  
1116 using current financial information and containing the information required by Subsection  
1117 **20A-7-502.5(2)**, except for the information required by Subsection **20A-7-502.5(2)(a)(vii)**; and

1118 (b) deliver a copy of the final fiscal impact statement to:

1119 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1120 (ii) the local clerk; and

1121 (iii) the first ~~five~~ three sponsors listed on the initiative application.

1122 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%  
1123 or more, the local legislative body shall review the final fiscal impact statement and may, by a  
1124 majority vote:

1125 (a) repeal the law established by passage of the initiative;

1126 (b) amend the law established by the passage of the initiative; or

1127 (c) pass a resolution informing the voters that they may file an initiative petition to  
1128 repeal the law enacted by the passage of the initiative.

1129 Section 22. Section **20A-7-601** is amended to read:

1130 **20A-7-601. Referenda -- General signature requirements -- Signature**

1131 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1132 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~  
1133 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~  
1134 ~~signatures equal to:]~~

1135 ~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president~~  
1136 ~~of the United States at the last election at which a president of the United States was elected if~~  
1137 ~~the total number of votes exceeds 25,000;]~~

1138 ~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for~~  
1139 ~~president of the United States at the last election at which a president of the United States was~~  
1140 ~~elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1141 ~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president~~

1142 of the United States at the last election at which a president of the United States was elected if  
1143 the total number of votes does not exceed 10,000 but is more than 2,500;]

1144 [~~(d) 20% of all the votes cast in the county, city, or town for all candidates for president  
1145 of the United States at the last election at which a president of the United States was elected if  
1146 the total number of votes does not exceed 2,500 but is more than 500;~~]

1147 [~~(e) 25% of all the votes cast in the county, city, or town for all candidates for president  
1148 of the United States at the last election at which a president of the United States was elected if  
1149 the total number of votes does not exceed 500 but is more than 250; and]~~

1150 [~~(f) 30% of all the votes cast in the county, city, or town for all candidates for president  
1151 of the United States at the last election at which a president of the United States was elected if  
1152 the total number of votes does not exceed 250;~~]

1153 [~~(2) (a) As used in this Subsection (2), "land use law" includes a land use development  
1154 code, an annexation ordinance, and comprehensive zoning ordinances;~~]

1155 [~~(b) Except as provided in Subsection (3), a person seeking to have a land use law or  
1156 local obligation law passed by the local legislative body submitted to a vote of the people shall  
1157 obtain legal signatures equal to:~~]

1158 [~~(i) in a county or in a city of the first or second class, 20% of all votes cast in the  
1159 county or city for all candidates for president of the United States at the last election at which a  
1160 president of the United States was elected; and]~~

1161 [~~(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the  
1162 city or town for all candidates for president of the United States at the last election at which a  
1163 president of the United States was elected;~~]

1164 [~~(3) (a) As used in this Subsection (3):~~]

1165 [~~(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
1166 jurisdiction of a county, city, or town that are subject to a subjurisdictional law;~~]

1167 [~~(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local  
1168 legislative body that imposes a tax or other payment obligation on property in an area that does  
1169 not include all precincts and subprecincts under the jurisdiction of the county, city, or town;~~]

1170 [~~(b) A person seeking to have a subjurisdictional law passed by the local legislative  
1171 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
1172 subjurisdiction equal to:~~]

1173 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~  
1174 ~~the United States at the last election at which a president of the United States was elected if the~~  
1175 ~~total number of votes exceeds 25,000;]~~

1176 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~  
1177 ~~of the United States at the last election at which a president of the United States was elected if~~  
1178 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]~~

1179 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1180 ~~the United States at the last election at which a president of the United States was elected if the~~  
1181 ~~total number of votes does not exceed 10,000 but is more than 2,500;]~~

1182 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1183 ~~the United States at the last election at which a president of the United States was elected if the~~  
1184 ~~total number of votes does not exceed 2,500 but is more than 500;]~~

1185 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1186 ~~the United States at the last election at which a president of the United States was elected if the~~  
1187 ~~total number of votes does not exceed 500 but is more than 250; and]~~

1188 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~  
1189 ~~the United States at the last election at which a president of the United States was elected if the~~  
1190 ~~total number of votes does not exceed 250;]~~

1191 (1) As used in this section:

1192 (a) "Land use law" includes a land use development code, an annexation ordinance,  
1193 and comprehensive zoning ordinances.

1194 (b) "Number of active voters" means the number of active voters in the county, city, or  
1195 town on the immediately preceding January 1.

1196 (c) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
1197 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1198 (d) "Subjurisdictional law" means a local law or local obligation law passed by a local  
1199 legislative body that imposes a tax or other payment obligation on property in an area that does  
1200 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

1201 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local  
1202 law passed by the local legislative body submitted to a vote of the people shall obtain legal  
1203 signatures equal to:

1204 (a) for a metro township with a population of 100,000 or more, a city of the first class,  
1205 or a county of the first class, 8.5% of the number of active voters in the metro township, city, or  
1206 county;

1207 (b) for a metro township with a population of 65,000 or more but less than 100,000, a  
1208 city of the second class, or a county of the second class, 11% of the number of active voters in  
1209 the metro township, city, or county;

1210 (c) for a metro township with a population of 30,000 or more but less than 65,000, a  
1211 city of the third class, or a county of the third class, 13% of the number of active voters in the  
1212 metro township, city, or county;

1213 (d) for a metro township with a population of 10,000 or more but less than 30,000, a  
1214 city of the fourth class, or a county of the fourth class, 17.5% of the number of active voters in  
1215 the metro township, city, or county;

1216 (e) for a metro township with a population of 1,000 or more but less than 10,000, a city  
1217 of the fifth class, or a county of the fifth class, 22% of the number of active voters in the metro  
1218 township, city, or county; or

1219 (f) for a metro township with a population of less than 1,000, a town, or a county of the  
1220 sixth class, 25.5% of the number of active voters in the metro township, town, or county.

1221 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use  
1222 law or local obligation law passed by the local legislative body submitted to a vote of the  
1223 people shall obtain legal signatures equal to:

1224 (a) for a metro township with a population of 65,000 or more, a city of the first or  
1225 second class, or a county, 20% of the number of active voters in the metro township, city, or  
1226 county; or

1227 (b) for a metro township with a population of less than 65,000, a city of the third,  
1228 fourth, or fifth class, or a town, 35% of the number of active voters in the metro township, city,  
1229 or town.

1230 (4) An eligible voter seeking to have a subjurisdictional law passed by the local  
1231 legislative body submitted to a vote of the people shall obtain legal signatures of the residents  
1232 in the subjurisdiction equal to:

1233 (a) for a subjurisdiction with a population of 100,000 or more, 8.5% of the number of  
1234 active voters in the subjurisdiction;



1235 (b) for a subjurisdiction with a population of 65,000 or more but less than 100,000,  
1236 11% of the number of active voters in the subjurisdiction;

1237 (c) for a subjurisdiction with a population of 30,000 or more but less than 65,000, 13%  
1238 of the number of active voters in the subjurisdiction;

1239 (d) for a subjurisdiction with a population of 10,000 or more but less than 30,000,  
1240 17.5% of the number of active voters in the subjurisdiction;

1241 (e) for a subjurisdiction with a population of 1,000 or more but less than 10,000, 22%  
1242 of the number of active voters in the subjurisdiction; or

1243 (f) for a subjurisdiction with a population of less than 1,000, 25.5% of the number of  
1244 active voters in the subjurisdiction.

1245 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection ~~[(1)]~~;  
1246 ~~(2), or (3)]~~ (2), (3), or (4), any local law passed by a local legislative body shall file the  
1247 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was  
1248 passed.

1249 (b) Except as provided in Subsection ~~[(4)]~~ (5)(c), when a referendum petition has been  
1250 declared sufficient, the local law that is the subject of the petition does not take effect unless  
1251 and until the local law is approved by a vote of the people.

1252 (c) When a referendum petition challenging a subjurisdictional law has been declared  
1253 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless  
1254 and until the subjurisdictional law is approved by a vote of the people who reside in the  
1255 subjurisdiction.

1256 ~~[(5)]~~ (6) If the referendum passes, the local law that was challenged by the referendum  
1257 is repealed as of the date of the election.

1258 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or  
1259 other payment obligation on a subjurisdiction in order to benefit an area outside of the  
1260 subjurisdiction.

1261 Section 23. Section **20A-7-602** is amended to read:

1262 **20A-7-602. Local referendum process -- Application procedures.**

1263 (1) ~~[Persons]~~ An eligible voter wishing to circulate a referendum petition shall file an  
1264 application with the local clerk.

1265 (2) The application shall contain:

1266 (a) the name and residence address of at least five sponsors of the referendum petition;

1267 (b) a certification indicating that each of the sponsors~~[(+)]~~ is a resident of Utah; ~~[and]~~

1268 ~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general~~  
1269 ~~election in Utah within the last three years; or]~~

1270 ~~[(B) if the referendum challenges a municipal local law, has voted in a regular~~  
1271 ~~municipal election in Utah within the last three years;]~~

1272 (c) a statement indicating that each of the sponsors has voted in an election in Utah in  
1273 the last three years;

1274 ~~[(c)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary  
1275 public; and

1276 ~~[(d)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the  
1277 law; or

1278 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a  
1279 written description of the local law, including the result of the vote on the local law.

1280 Section 24. Section **20A-7-602.5** is amended to read:

1281 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1282 (1) Within three working days after the day on which the local clerk receives an  
1283 application for a referendum petition, the local clerk shall submit a copy of the application to  
1284 the county, city, or town's budget officer.

1285 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good  
1286 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to  
1287 repeal that contains:

1288 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1289 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing  
1290 the total estimated increase or decrease for each type of tax that would be impacted by the law's  
1291 repeal and a dollar amount representing the total estimated increase or decrease in taxes that  
1292 would result from the law's repeal;

1293 (iii) if repealing the law would result in the issuance or a change in the status of bonds,  
1294 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
1295 decrease in public debt that would result;

1296 (iv) a listing of all sources of funding for the estimated costs that would be associated

1297 with the law's repeal, showing each source of funding and the percentage of total funding that  
1298 would be provided from each source;

1299 (v) a dollar amount representing the estimated costs or savings, if any, to state and  
1300 local government entities if the law were repealed;

1301 (vi) the legal impacts that would result from repealing the law, including:

1302 (A) any significant effects on a person's vested property rights;

1303 (B) any significant effects on other laws or ordinances;

1304 (C) any significant legal liability the city, county, or town may incur; and

1305 (D) any other significant legal impact as determined by the budget officer and the legal  
1306 counsel; and

1307 (vii) a concise explanation, not exceeding 100 words, of the above information and of  
1308 the estimated fiscal impact, if any, if the law were repealed.

1309 (b) (i) If repealing the law would have no fiscal impact, the local budget officer shall  
1310 include a summary statement in the initial fiscal impact statement in substantially the following  
1311 form:

1312 "The (title of the local budget officer) estimates that repealing the law this referendum  
1313 proposes to repeal would have no significant fiscal impact and would not result in either an  
1314 increase or decrease in taxes or debt."

1315 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
1316 shall include a summary statement describing the fiscal impact.

1317 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise  
1318 difficult to reasonably express in a summary statement, the local budget officer may include in  
1319 the summary statement a brief explanation that identifies those factors impacting the variability  
1320 or difficulty of the estimate.

1321 (3) Within 25 calendar days after the day on which the local clerk submits a copy of the  
1322 application under Subsection (1), the budget officer shall:

1323 (a) deliver a copy of the initial fiscal impact estimate, including the legal impact  
1324 estimate, to the local clerk's office; and

1325 (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate,  
1326 to the first [~~five~~] three sponsors named in the application.

1327 Section 25. Section ~~20A-7-602.7~~ is enacted to read:

1328 **20A-7-602.7. Referability to voters.**

1329 (1) Within 20 days after the day on which an eligible voter files an application to  
1330 circulate a referendum petition under Section 20A-7-602, the county, city, town, or metro  
1331 township to which the initiative pertains shall:

1332 (a) review the application to determine whether the proposed referendum is legally  
1333 referable to voters; and

1334 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1335 (i) legally referable to voters; or

1336 (ii) rejected as not legally referable to voters.

1337 (2) A proposed referendum is legally referable to voters unless:

1338 (a) the proposed referendum challenges an action that is administrative, rather than  
1339 legislative, in nature;

1340 (b) the proposed referendum challenges more than one law passed by the local  
1341 legislative body; or

1342 (c) the application for the proposed referendum was not timely filed or does not  
1343 comply with the requirements of this part.

1344 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,  
1345 or metro township may not:

1346 (a) reject a proposed referendum as not legally referable to voters; or

1347 (b) challenge, in a legal action or otherwise, a proposed referendum on the grounds that  
1348 the proposed referendum is not legally referable to voters.

1349 (4) If a county, city, town, or metro township rejects a proposed referendum, a sponsor  
1350 of the proposed referendum may, within 10 days after the day on which a sponsor is notified  
1351 under Subsection (1)(b), appeal the decision to:

1352 (a) district court; or

1353 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

1354 (5) If, on appeal, the court determines that the proposed referendum is legally referable  
1355 to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the  
1356 day on which the determination, and any appeal of the determination, is final.

1357 Section 26. Section 20A-7-603 is amended to read:

1358 **20A-7-603. Form of referendum petition and signature sheets.**

1359 (1) (a) Each proposed referendum petition shall be printed in substantially the  
1360 following form:

1361 "REFERENDUM PETITION To the Honorable \_\_\_\_, County Clerk/City  
1362 Recorder/Town Clerk:

1363 We, the undersigned citizens of Utah, respectfully order that (description of local law or  
1364 portion of local law being challenged), passed by the \_\_\_\_ be referred to the voters for their  
1365 approval or rejection at the regular/municipal general election to be held on  
1366 \_\_\_\_\_(month\day\year);

1367 Each signer says:

1368 I have personally signed this petition;

1369 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
1370 certification of the petition names by the county clerk; and

1371 My residence and post office address are written correctly after my name."

1372 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
1373 referendum to each referendum petition.

1374 (2) Each signature sheet shall:

1375 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1376 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
1377 that line blank for the purpose of binding;

1378 (c) contain the title of the referendum printed below the horizontal line;

1379 (d) contain the word "Warning" printed or typed at the top of each signature sheet  
1380 under the title of the referendum;

1381 (e) contain, to the right of the word "Warning," the following statement printed or  
1382 typed in not less than eight-point, single-leaded type:

1383 "It is a class A misdemeanor for an individual to sign a referendum petition with any  
1384 other name than the individual's own name, or to knowingly sign the individual's name more  
1385 than once for the same measure, or to sign a referendum petition when the individual knows  
1386 that the individual is not a registered voter and knows that the individual does not intend to  
1387 become registered to vote before the certification of the petition names by the county clerk.";

1388 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"  
1389 statement required by this section;

1390 (g) be vertically divided into columns as follows:

1391 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch  
1392 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down  
1393 the middle;

1394 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
1395 Name (must be legible to be counted)";

1396 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
1397 Voter";

1398 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
1399 and

1400 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
1401 Code";

1402 (h) spanning the sheet horizontally beneath each row on which a registered voter may  
1403 submit the information described in Subsection (2)(g), contain the following statement printed  
1404 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are  
1405 stating that you have read and understand the law this petition seeks to overturn."; and

1406 (i) at the bottom of the sheet, contain the following statement: "Birth date or age  
1407 information is not required, but it may be used to verify your identity with voter registration  
1408 records. If you choose not to provide it, your signature may not be verified as a valid signature  
1409 if you change your address before petition signatures are verified or if the information you  
1410 provide does not match your voter registration records."

1411 (3) The final page of each referendum packet shall contain the following printed or  
1412 typed statement:

1413 "Verification

1414 State of Utah, County of \_\_\_\_\_

1415 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

1416 I am a resident of Utah and am at least 18 years old;

1417 All the names that appear in this referendum packet were signed by [~~persons~~  
1418 individuals] who professed to be the [~~persons~~] individuals whose names appear in it, and each  
1419 of [~~them signed his~~] the individuals signed the individual's name on it in my presence;

1420 I believe that each individual has printed and signed [~~his~~] the individual's name and

1421 written ~~[his]~~ the individual's post office address and residence correctly, and that each signer is  
 1422 registered to vote in Utah or intends to become registered to vote before the certification of the  
 1423 petition names by the county clerk.

1424 \_\_\_\_\_ "

1425 (4) The forms prescribed in this section are not mandatory, and, if substantially  
 1426 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical  
 1427 errors.

1428 Section 27. Section **20A-7-604** is amended to read:

1429 **20A-7-604. Circulation requirements -- Local clerk to provide sponsors with**  
 1430 **materials.**

1431 (1) In order to obtain the necessary number of signatures required by this part, the  
 1432 sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and  
 1433 (b), circulate referendum packets that meet the form requirements of this part.

1434 (2) Within five days after the day on which a ~~[local clerk receives an application that~~  
 1435 ~~complies with the requirements of Section 20A-7-602]~~ county, city, town, metro township, or  
 1436 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is  
 1437 legally referable to voters, the local clerk shall furnish to the sponsors:

1438 (a) five copies of the referendum petition; and

1439 (b) five signature sheets.

1440 (3) The sponsors of the petition shall:

1441 (a) arrange and pay for the printing of all additional copies of the petition and signature  
 1442 sheets; and

1443 (b) ensure that the copies of the petition and signature sheets meet the form  
 1444 requirements of this section.

1445 (4) (a) The sponsors may prepare the referendum for circulation by creating multiple  
 1446 referendum packets.

1447 (b) The sponsors shall create those packets by binding a copy of the referendum  
 1448 petition, a copy of the law that is the subject of the referendum, and no more than 50 signature  
 1449 sheets together at the top in such a way that the packets may be conveniently opened for  
 1450 signing.

1451 (c) The sponsors need not attach a uniform number of signature sheets to each

1452 referendum packet.

1453 (5) (a) After the sponsors have prepared sufficient referendum packets, they shall  
1454 return them to the local clerk.

1455 (b) The local clerk shall:

1456 (i) number each of the referendum packets and return ~~[them]~~ the packets to the  
1457 sponsors within ~~[five working days]~~ 10 days after the day on which the sponsors comply with  
1458 Subsection (5)(a); and

1459 (ii) keep a record of the numbers assigned to each packet.

1460 Section 28. Section **20A-7-605** is amended to read:

1461 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1462 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and  
1463 resides in the local jurisdiction.

1464 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each  
1465 signature sheet was signed:

1466 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;  
1467 and

1468 (ii) verifies each signature sheet by completing the verification printed on the last page  
1469 of each referendum packet.

1470 (b) ~~[A person]~~ An individual may not sign the verification printed on the last page of  
1471 the referendum packet if the ~~[person]~~ individual signed a signature sheet in the referendum  
1472 packet.

1473 (3) (a) Any voter who has signed a referendum petition may have the voter's signature  
1474 removed from the petition by submitting a notarized statement to that effect to the local clerk.

1475 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local  
1476 clerk shall remove the signature of the ~~[person]~~ individual submitting the statement from the  
1477 referendum petition.

1478 (c) A local clerk may not remove signatures from a referendum petition after the  
1479 petition has been submitted to the county clerk to be certified.

1480 Section 29. Section **20A-7-606.3** is amended to read:

1481 **20A-7-606.3. Verification of petition signatures.**

1482 (1) (a) For the purposes of this section, "substantially similar name" means:



1483 (i) the given name and surname shown on the petition, or both, contain only minor  
1484 spelling differences when compared to the given name and surname shown on the official  
1485 register;

1486 (ii) the surname shown on the petition exactly matches the surname shown on the  
1487 official register, and the given names differ only because one of the given names shown is a  
1488 commonly used abbreviation or variation of the other;

1489 (iii) the surname shown on the petition exactly matches the surname shown on the  
1490 official register, and the given names differ only because one of the given names shown is  
1491 accompanied by a first or middle initial or a middle name which is not shown on the other  
1492 record; or

1493 (iv) the surname shown on the petition exactly matches the surname shown on the  
1494 official register, and the given names differ only because one of the given names shown is an  
1495 alphabetically corresponding initial that has been provided in the place of a given name shown  
1496 on the other record.

1497 (b) For the purposes of this section, "substantially similar name" does not mean a name  
1498 having an initial or a middle name shown on the petition that does not match a different initial  
1499 or middle name shown on the official register.

1500 (2) The county clerk shall use the following procedures in determining whether or not a  
1501 signer is a registered voter:

1502 (a) When a signer's name and address shown on the petition exactly match a name and  
1503 address shown on the official register and the signer's signature appears substantially similar to  
1504 the signature on the statewide voter registration database, the county clerk shall declare the  
1505 signature valid.

1506 (b) When there is no exact match of an address and a name, the county clerk shall  
1507 declare the signature valid if:

1508 (i) the address on the petition matches the address of [~~a person~~] an individual on the  
1509 official register with a substantially similar name; and

1510 (ii) the signer's signature appears substantially similar to the signature on the statewide  
1511 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1512 (c) When there is no match of an address and a substantially similar name, the county  
1513 clerk shall declare the signature valid if:

1514 (i) the birth date or age on the petition matches the birth date or age of ~~[a person]~~ an  
1515 individual on the official register with a substantially similar name; and

1516 (ii) the signer's signature appears substantially similar to the signature on the statewide  
1517 voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i).

1518 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county  
1519 clerk shall declare the signature to be invalid.

1520 Section 30. Section **20A-7-607** is amended to read:

1521 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
1522 **referendum.**

1523 (1) When each referendum packet is received from a county clerk, the local clerk shall  
1524 check off from the local clerk's record the number of each referendum packet filed.

1525 (2) Within ~~[15]~~ two days after the day on which the local clerk receives each  
1526 referendum packet from a county clerk, the local clerk shall:

1527 (a) count the number of the names certified by the county clerks that appear on each  
1528 verified signature sheet;

1529 (b) if the total number of certified names from each verified signature sheet equals or  
1530 exceeds the number of names required by Section **20A-7-601** and the requirements of this part  
1531 are met, mark upon the front of the petition the word "sufficient";

1532 (c) if the total number of certified names from each verified signature sheet does not  
1533 equal or exceed the number of names required by Section **20A-7-601** or a requirement of this  
1534 part is not met, mark upon the front of the petition the word "insufficient"; and

1535 (d) notify any one of the sponsors of the local clerk's finding.

1536 (3) If the local clerk finds the total number of certified signatures from each verified  
1537 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk  
1538 for a recount of the signatures appearing on the referendum petition in the presence of any  
1539 sponsor.

1540 ~~[(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter~~  
1541 ~~may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so~~  
1542 ~~within 10 days after the refusal.]~~

1543 ~~[(b) If the Supreme Court determines that the referendum petition is legally sufficient,~~  
1544 ~~the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on~~

1545 ~~which it was originally offered for filing in the local clerk's office.]~~

1546 ~~[(c) If the Supreme Court determines that any petition filed is not legally sufficient, the~~  
 1547 ~~Supreme Court may enjoin the local clerk and all other officers from:]~~

1548 ~~[(i) certifying or printing the ballot title and numbers of that measure on the official~~  
 1549 ~~ballot for the next election; or]~~

1550 ~~[(ii) as it relates to a local tax law that is conducted entirely by absentee ballot,~~  
 1551 ~~certifying, printing, or mailing the ballot title and numbers of that measure under Section~~  
 1552 ~~20A-7-609.5:]~~

1553 ~~[(5)]~~ (4) A petition determined to be sufficient in accordance with this section is  
 1554 qualified for the ballot.

1555 (5) If a referendum relates to legislative action taken after April 15, the election officer  
 1556 may not place the referendum on an election ballot until the following year.

1557 Section 31. Section **20A-7-608** is amended to read:

1558 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1559 (1) Whenever a referendum petition is declared sufficient for submission to a vote of  
 1560 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
 1561 attorney.

1562 (2) The local attorney shall:

1563 (a) entitle each county or municipal referendum that has qualified for the ballot  
 1564 "Proposition Number \_\_\_" and give it a number as assigned under Section [20A-6-107](#);

1565 (b) prepare a proposed ballot title for the referendum;

1566 (c) file the proposed ballot title and the numbered referendum titles with the local clerk  
 1567 within 15 days after the date the referendum petition is declared sufficient for submission to a  
 1568 vote of the people; and

1569 (d) promptly provide notice of the filing of the proposed ballot title to:

1570 (i) the sponsors of the petition; and

1571 (ii) the local legislative body for the jurisdiction where the referendum petition was  
 1572 circulated.

1573 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the  
 1574 petition, and shall express, in not exceeding 100 words, the purpose of the measure.

1575 (b) In preparing a ballot title, the local attorney shall, to the best of ~~[his]~~ the local

1576 attorney's ability, give a true and impartial statement of the purpose of the measure.

1577 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,  
1578 for or against the measure.

1579 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot  
1580 title under Subsection (2)(c), the local legislative body for the jurisdiction where the  
1581 referendum petition was circulated and the sponsors of the petition may file written comments  
1582 in response to the proposed ballot title with the local clerk.

1583 (b) Within five calendar days after the last date to submit written comments under  
1584 Subsection (4)(a), the local attorney shall:

1585 (i) review any written comments filed in accordance with Subsection (4)(a);

1586 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

1587 (iii) return the petition and file the ballot title with the local clerk.

1588 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall  
1589 be printed on the official ballot.

1590 (5) Immediately after the local attorney files a copy of the ballot title with the local  
1591 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the  
1592 petition and the local legislative body for the jurisdiction where the referendum petition was  
1593 circulated.

1594 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not  
1595 comply with the requirements of this section, the decision of the local attorney may be  
1596 appealed [by a petition] to the district court, or, if the Supreme Court has original jurisdiction,  
1597 to the Supreme Court [that is], brought by:

1598 (i) at least three sponsors of the referendum petition; or

1599 (ii) a majority of the local legislative body for the jurisdiction where the referendum  
1600 petition was circulated.

1601 (b) The [Supreme Court] court:

1602 (i) shall examine the measures and consider the arguments~~[, and, in its decision,]; and~~

1603 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of  
1604 this section.

1605 (c) The local clerk shall print the title certified by the [Supreme Court] court on the  
1606 official ballot.

1607 Section 32. Section **20A-7-609.5** is amended to read:

1608 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**  
1609 **by absentee ballot.**

1610 (1) An election officer may administer an election on a referendum challenging a local  
1611 tax law entirely by absentee ballot.

1612 (2) For purposes of an election conducted under this section, the election officer shall:

1613 (a) designate as the election day the day that is 30 days after the day on which the  
1614 election officer complies with Subsection (2)(b); and

1615 (b) within 30 days after the day on which the referendum described in Subsection (1)  
1616 qualifies for the ballot, mail to each registered voter within the voting precincts to which the  
1617 local tax law applies:

1618 (i) an absentee ballot;

1619 (ii) a statement that there will be no polling place in the voting precinct for the  
1620 election;

1621 (iii) a statement specifying the election day described in Subsection (2)(a);

1622 (iv) a business reply mail envelope;

1623 (v) instructions for returning the ballot that include an express notice about any  
1624 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~and~~

1625 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if  
1626 the voter fails to follow the instructions included with the absentee ballot, the voter will be  
1627 unable to vote in that election because there will be no polling place in the voting precinct on  
1628 the day of the election[-]; and

1629 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a  
1630 proposition information pamphlet relating to the referendum was published under Section  
1631 20A-7-401.5; or

1632 (B) a website address where an individual may view a copy of the proposition  
1633 information pamphlet described in Subsection (2)(b)(vii)(A).

1634 (3) A voter who votes by absentee ballot under this section is not required to apply for  
1635 an absentee ballot as required by this part.

1636 (4) An election officer who administers an election under this section shall:

1637 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before

1638 the election; or

1639 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

1640 and

1641 (b) maintain the signatures on file in the election officer's office.

1642 (5) (a) Upon receiving the returned absentee ballots under this section, the election  
1643 officer shall compare the signature on each absentee ballot with the voter's signature that is  
1644 maintained on file and verify that the signatures are the same.

1645 (b) If the election officer questions the authenticity of the signature on the absentee  
1646 ballot, the election officer shall immediately contact the voter to verify the signature.

1647 (c) If the election officer determines that the signature on the absentee ballot does not  
1648 match the voter's signature that is maintained on file, the election officer shall:

1649 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has  
1650 passed, immediately send another absentee ballot and other voting materials as required by this  
1651 section to the voter; and

1652 (ii) disqualify the initial absentee ballot.

1653 Section 33. Section 20A-7-610 is amended to read:

1654 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**  
1655 **proclamation.**

1656 (1) The votes on the [~~law proposed by~~] proposed law that is the subject of the  
1657 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,  
1658 Chapter 4, Part 3, Canvassing Returns.

1659 (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall  
1660 certify to the local legislative body the vote for and against the [~~law proposed by~~] proposed law  
1661 that is the subject of the referendum petition.

1662 (3) (a) The local legislative body shall immediately issue a proclamation that:

1663 (i) gives the total number of votes cast in the local jurisdiction for and against each  
1664 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1665 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that  
1666 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1667 (b) When the local legislative body determines that two proposed laws, or that parts of  
1668 two proposed laws approved by the people at the same election are entirely in conflict, they

1669 shall proclaim that measure to be law that has received the greatest number of affirmative  
1670 votes, regardless of the difference in the majorities which those measures have received.

1671 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified  
1672 voter ~~[who signed the referendum petition proposing the]~~ residing in the jurisdiction for a law  
1673 that is declared by the local legislative body to be superseded by another measure approved at  
1674 the same election may apply to the district court, or, if the Supreme Court has original  
1675 jurisdiction, the Supreme Court to review the decision.

1676 (b) The ~~[Supreme Court]~~ court shall:

1677 (i) consider the matter and decide whether ~~[or not]~~ the proposed laws are in conflict;  
1678 and

1679 (ii) certify ~~[its]~~ the court's decision to the local legislative body.

1680 (5) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court  
1681 certifies the decision, the local legislative body shall:

1682 (a) proclaim ~~[all those]~~ as law all measures approved by the people ~~[as law]~~ that the  
1683 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1684 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~  
1685 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure  
1686 that received the greatest number of affirmative votes, regardless of the difference in  
1687 majorities.

1688 Section 34. Section **20A-7-612** is amended to read:

1689 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1690 (1) It is unlawful for ~~[any person]~~ an individual to:

1691 (a) sign any name other than ~~[his own]~~ the individual's own name to any referendum  
1692 petition;

1693 (b) knowingly sign ~~[his]~~ the individual's name more than once for the same measure at  
1694 one election;

1695 (c) sign a referendum knowing ~~[he]~~ that the individual is not a legal voter; or

1696 (d) knowingly and willfully violate any provision of this part.

1697 (2) It is unlawful for ~~[any person]~~ an individual to sign the verification for a  
1698 referendum packet knowing that:

1699 (a) ~~[he]~~ the individual does not meet the residency requirements of Section **20A-2-105**;

- 1700 (b) ~~[he]~~ the individual has not witnessed the signatures of ~~[those persons]~~ the  
1701 individuals whose names appear in the referendum packet; or
- 1702 (c) one or more ~~[persons]~~ individuals whose signatures appear in the referendum  
1703 packet is either:
- 1704 (i) not registered to vote in Utah; or
- 1705 (ii) does not intend to become registered to vote in Utah.
- 1706 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A  
1707 misdemeanor.
- 1708 (4) The county attorney or municipal attorney shall prosecute any violation of this  
1709 section.

1710 Section 35. Section **20A-11-1202** is amended to read:

1711 **20A-11-1202. Definitions.**

1712 As used in this part:

- 1713 (1) "Applicable election officer" means:
- 1714 (a) a county clerk, if the email relates only to a local election; or
- 1715 (b) the lieutenant governor, if the email relates to an election other than a local  
1716 election.
- 1717 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
1718 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
1719 the voters for their approval or rejection.
- 1720 (3) "Campaign contribution" means any of the following when done for a political  
1721 purpose or to advocate for or against a ballot proposition:
- 1722 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value  
1723 given to a filing entity;
- 1724 (b) an express, legally enforceable contract, promise, or agreement to make a gift,  
1725 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything  
1726 of value to a filing entity;
- 1727 (c) any transfer of funds from another reporting entity to a filing entity;
- 1728 (d) compensation paid by any person or reporting entity other than the filing entity for  
1729 personal services provided without charge to the filing entity;
- 1730 (e) remuneration from:



1731 (i) any organization or the organization's directly affiliated organization that has a  
1732 registered lobbyist; or

1733 (ii) any agency or subdivision of the state, including a school district; or

1734 (f) an in-kind contribution.

1735 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation  
1736 agency that receives its revenues from conduct of its commercial operations.

1737 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
1738 cooperation agency that receives some or all of its revenues from:

1739 (i) government appropriations;

1740 (ii) taxes;

1741 (iii) government fees imposed for regulatory or revenue raising purposes; or

1742 (iv) interest earned on public funds or other returns on investment of public funds.

1743 (5) "Expenditure" means:

1744 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1745 or anything of value;

1746 (b) an express, legally enforceable contract, promise, or agreement to make any  
1747 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1748 value;

1749 (c) a transfer of funds between a public entity and a candidate's personal campaign  
1750 committee;

1751 (d) a transfer of funds between a public entity and a political issues committee; or

1752 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
1753 personal campaign committee, or a political issues committee for political purposes at less than  
1754 fair market value.

1755 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).

1756 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation  
1757 agency that receives some or all of its revenues from:

1758 (a) government appropriations;

1759 (b) taxes;

1760 (c) government fees imposed for regulatory or revenue raising purposes; or

1761 (d) interest earned on public funds or other returns on investment of public funds.

1762 (8) ~~[(a)]~~ "Influence" means to campaign or advocate for or against a ballot proposition.  
1763 ~~[(b)] "Influence" does not mean providing a brief statement about a public entity's~~

1764 ~~position on a ballot proposition and the reason for that position.]~~

1765 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement  
1766 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1767 (10) "Local district" means an entity under Title 17B, Limited Purpose Local  
1768 Government Entities - Local Districts, and includes a special service district under Title 17D,  
1769 Chapter 1, Special Service District Act.

1770 (11) "Political purposes" means an act done with the intent or in a way to influence or  
1771 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1772 against any:

1773 (a) candidate for public office at any caucus, political convention, primary, or election;

1774 or

1775 (b) judge standing for retention at any election.

1776 (12) "Proposed initiative" means an initiative proposed in an application filed under  
1777 Section [20A-7-202](#) or [20A-7-502](#).

1778 (13) "Proposed referendum" means a referendum proposed in an application filed  
1779 under Section [20A-7-302](#) or [20A-7-602](#).

1780 ~~[(12)]~~ (14) (a) "Public entity" includes the state, each state agency, each county,  
1781 municipality, school district, local district, governmental interlocal cooperation agency, and  
1782 each administrative subunit of each of them.

1783 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1784 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,  
1785 Department of Health Organization.

1786 ~~[(13)]~~ (15) (a) "Public funds" means any money received by a public entity from  
1787 appropriations, taxes, fees, interest, or other returns on investment.

1788 (b) "Public funds" does not include money donated to a public entity by a person or  
1789 entity.

1790 ~~[(14)]~~ (16) (a) "Public official" means an elected or appointed member of government  
1791 with authority to make or determine public policy.

1792 (b) "Public official" includes the person or group that:

1793 (i) has supervisory authority over the personnel and affairs of a public entity; and  
1794 (ii) approves the expenditure of funds for the public entity.

1795 ~~[(+5)]~~ (17) "Reporting entity" means the same as that term is defined in Section  
1796 20A-11-101.

1797 ~~[(+6)]~~ (18) (a) "State agency" means each department, commission, board, council,  
1798 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,  
1799 library, unit, bureau, panel, or other administrative unit of the state.

1800 (b) "State agency" includes the legislative branch, the Board of Regents, the  
1801 institutional councils of each higher education institution, and each higher education  
1802 institution.

1803 Section 36. Section 20A-11-1203 is amended to read:

1804 **20A-11-1203. Public entity prohibited from expending public funds on certain**  
1805 **electoral matters.**

1806 (1) Unless specifically required by law, and except as provided in Section  
1807 20A-11-1206, a public entity may not make an expenditure from public funds for political  
1808 purposes ~~[or]~~, to influence a ballot proposition, or to influence a proposed initiative or  
1809 proposed referendum.

1810 (2) A violation of this section does not invalidate an otherwise valid election.

1811 Section 37. Section 20A-11-1205 is amended to read:

1812 **20A-11-1205. Use of public email for a political purpose.**

1813 (1) Except as provided in Subsection (5), a person may not send an email using the  
1814 email of a public entity:

1815 (a) for a political purpose;

1816 (b) to advocate for or against a ~~[ballot proposition]~~ proposed initiative, initiative,  
1817 proposed referendum, or referendum; or

1818 (c) to solicit a campaign contribution.

1819 (2) The applicable election officer shall impose a civil fine against a person who  
1820 violates Subsection (1) as follows:

1821 (a) up to \$250 for a first violation; and

1822 (b) except as provided in Subsection (3), for each subsequent violation committed after  
1823 any applicable election officer imposes a fine against the person for a first violation, \$1,000

1824 multiplied by the number of violations committed by the person.

1825 (3) The applicable election officer shall consider a violation of this section as a first  
1826 violation if the violation is committed more than seven years after the day on which the person  
1827 last committed a violation of this section.

1828 (4) For purposes of this section, one violation means one act of sending an email,  
1829 regardless of the number of recipients of the email.

1830 (5) A person does not violate this section if:

1831 (a) the lieutenant governor finds that the email described in Subsection (1) was  
1832 inadvertently sent by the person [~~described in Subsection (1);~~] using the email of a public  
1833 entity[-];

1834 (b) the person is directly providing information solely to another person or a group of  
1835 people in response to a question asked by the other person or group of people;

1836 (c) the information the person emails is an argument or rebuttal argument prepared  
1837 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and  
1838 rebuttal argument that:

1839 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
1840 referendum; and

1841 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

1842 (d) the person is engaging in internal communication regarding the preparation of:

1843 (i) a written argument described in Section 20A-7-401.5;

1844 (ii) a written rebuttal argument described in Section 20A-7-402; or

1845 (iii) an initial fiscal and legal impact estimate described in Section 20A-7-502.5 or  
1846 20A-7-602.5.

1847 (6) A violation of this section does not invalidate an otherwise valid election.

1848 Section 38. Section 20A-11-1206 is amended to read:

1849 **20A-11-1206. Exclusions.**

1850 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,  
1851 contributing personal money, or otherwise exercising the public official's individual First  
1852 Amendment rights for political purposes.

1853 (2) (a) [~~Nothing~~] Subject to Subsection (2)(b), nothing in this chapter prohibits a public  
1854 entity from providing factual information about a ballot proposition to the public, so long as the

1855 information grants equal access to both the opponents and proponents of the ballot proposition.

1856 (b) A county or municipality may not provide any information to the public about a  
1857 proposed initiative, initiative, proposed referendum, or referendum unless the county or  
1858 municipality:

1859 (i) provides the information in a manner required, or expressly permitted, by law; or

1860 (ii) is directly providing information solely to a person or a group of people in response  
1861 to a question asked by the person or group of people.

1862 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of  
1863 voters to vote.

1864 (4) Nothing in this chapter prohibits an elected official from campaigning or  
1865 advocating for or against a ballot proposition.

1866 (5) Subject to Subsection (6), a county or municipality may expend a reasonable  
1867 amount of public funds to:

1868 (a) prepare and publish a written argument or written rebuttal argument in accordance  
1869 with Section [20A-7-401.5](#), [20A-7-402](#), or [59-1-1604](#); or

1870 (b) prepare an argument for, and present an argument at, a public meeting under  
1871 Section [20A-7-405](#) or [59-1-1605](#).

1872 (6) A county or municipality may not:

1873 (a) publish an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or  
1874 [20A-7-402](#), unless, at the same time and in the same manner, the county or municipality  
1875 publishes each opposing argument and rebuttal argument that:

1876 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
1877 referendum; and

1878 (ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#);

1879 (b) publish an argument or rebuttal argument for or against a proposed initiative,  
1880 initiative, proposed referendum, or referendum that was not prepared and submitted in  
1881 accordance with Section [20A-7-401.5](#) or [20A-7-402](#); or

1882 (c) present an argument or rebuttal argument for or against a proposed initiative,  
1883 initiative, proposed referendum, or referendum at a public meeting, unless the county or  
1884 municipality provides equal opportunity for persons to present opposing arguments and rebuttal  
1885 arguments at the public meeting.

1886 Section 39. Section **63I-2-220** is amended to read:

1887 **63I-2-220. Repeal dates, Title 20A.**

1888 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.

1889 (2) Section [20A-5-804](#) is repealed July 1, 2023.

1890 (3) Section [20A-7-407](#) is repealed January 1, 2020.

1891 [~~3~~] (4) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states ",

1892 [10-2a-302](#)," is repealed.

1893 Section 40. **Revisor instructions.**

1894 The Legislature intends that the Office of Legislative Research and General Counsel, in

1895 preparing the Utah Code database for publication, replace the reference in Subsection

1896 [20A-7-407](#)(1)(b) from "this bill" to the bill's designated chapter number in the Laws of Utah.