

## HB0246S03 compared with HB0246S02

~~text~~ shows text that was in HB0246S02 but was deleted in HB0246S03.

text shows text that was not in HB0246S02 but was inserted into HB0246S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve R. Christiansen proposes the following substitute bill:

### BALLOT MEASURE TRANSPARENCY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve R. Christiansen**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill requires the Office of Legislative Research and General Counsel to prepare ~~a~~ short,an impartial ~~summary~~statement of the effect of a ballot measure.

##### Highlighted Provisions:

This bill:

- ▶ requires the Office of Legislative Research and General Counsel to prepare ~~a~~ short,an impartial ~~summary~~statement of the effect of a ballot measure;
- ▶ requires a ballot to contain a statement with a URL where a voter can access certain information about ballot measures, including the ~~short,~~impartial ~~summary~~statement; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**20A-6-301**, as last amended by Laws of Utah 2020, Chapters 31, 49, and 344

**20A-6-304**, as last amended by Laws of Utah 2020, Chapter 31

**20A-7-703**, as last amended by Laws of Utah 2020, Chapter 277

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

Section 1. Section **20A-6-301** is amended to read:

**20A-6-301. Paper ballots -- Regular general election.**

(1) Each election officer shall ensure that:

(a) all manual ballots furnished for use at the regular general election contain:

(i) no captions or other endorsements except as provided in this section;

(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and

(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) at the top of the ballot, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for \_\_\_\_ County, Utah";

(ii) the date of the election; and

(iii) the words "certified by the Clerk of \_\_\_\_\_ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;

(c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party

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name or title;

(d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and

(g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:

(i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

(ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.

(2) An election officer shall ensure that:

(a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

(i) under the registered political party's name, if any; or

(ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;

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- (b) the words designating the office are printed flush with the left-hand margin;
- (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
- (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
- (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)," according to the number to be elected.

(4) Each election officer shall ensure that:

- (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;
- (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; [~~and~~]
- (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206[-]; and
- (d) the ballot contains the statement described in Subsection 20A-7-703(8) at the beginning of the portion of the ballot that contains ballot measures.

Section 2. Section **20A-6-304** is amended to read:

### **20A-6-304. Regular general election -- Mechanical ballots.**

- (1) Each election officer shall ensure that:
  - (a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;
  - (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;
  - (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
    - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
    - (ii) any ballot propositions submitted to the voters for their approval or rejection;
  - (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

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(e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and

(f) if possible, all candidates for one office are grouped in one column or upon one display screen.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107; ~~[and]~~

(c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206~~[-]; and~~

(d) the ballot contains the statement described in Subsection 20A-7-703(8) at the beginning of the portion of the ballot that contains ballot measures.

Section 3. Section **20A-7-703** is amended to read:

**20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) in accordance with Subsection (2), prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; ~~[and]~~

(b) in accordance with Subsection (3), prepare an impartial ~~{summary}~~ ballot statement of the effect of each measure described in Subsection (1)(a); and

~~[(b)]~~ (c) submit the impartial analysis and the impartial ~~{summary}~~ ballot statement to the lieutenant governor no later than the day that falls 90 days before the date of the election in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) ~~[is not more than]~~ does not exceed 1,000 words ~~[long];~~

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) to the extent possible, avoids the use of technical terms ~~[as much as possible];~~

(d) ~~[shows]~~ describes the effect of the measure on existing law;

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(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects over the time period or time periods determined by the director to be most useful in understanding the estimated fiscal impact of the proposed law; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

(3) The director shall ensure that the impartial ~~{summary}~~ ballot statement of the effect of the ballot measure:

(a) does not exceed 200 words;

(b) is printed in bullet-point format;

(c) is prepared in clear and concise language that will easily be understood by the average voter;

(d) to the extent possible, avoids the use of technical terms; ~~{and}~~

(e) ~~{fairly}~~ describes the ~~{effect}~~ likely impact of the ballot measure on:

(i) state and local revenue, taxes, and expenditures;

(ii) the regulatory burden on individuals and businesses;

(iii) constitutional rights; and

(iv) other provisions of law; and

(f) explains constitutional issues raised by the measure.

~~[(3)] (4)~~ (4) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

~~[(4)] (5)~~ (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.

(b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

~~[(5)] (6)~~ (6) If the director requests the assistance of any state department, agency, or official in preparing the director's analysis, that department, agency, or official shall assist the

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director.

(7) The lieutenant governor shall post each impartial analysis and each impartial ~~{summary}~~ ballot statement on the lieutenant governor's website in a location accessed by a uniform resource locator that begins with "www.vote.utah.gov/".

(8) At the beginning of the portion of the ballot that contains ballot measures, the ballot shall include the following statement, "For more information on the likely impact of a measure passing or not passing, go to [insert the uniform resource locator that links to the documents described in Subsection (7)].".