

BALLOT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions relating initiatives and referenda on ballots.

Highlighted Provisions:

This bill:

- ▶ replaces a ballot title for an initiative or referendum with a short title and summary;
- ▶ establishes requirements for the short title and summary;
- ▶ provides for the ballot to include the short title of initiatives and referenda and to refer to a ballot proposition insert, included with the ballot, for a voter to review information relating to the initiatives and referenda;
- ▶ describes the content of a ballot proposition insert; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

20A-7-209, as last amended by Laws of Utah 2021, Chapter 140

20A-7-308, as last amended by Laws of Utah 2021, Chapter 140

20A-7-508, as last amended by Laws of Utah 2021, Chapter 140

20A-7-608, as last amended by Laws of Utah 2021, Chapter 140

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

Section 1. Section **20A-7-209** is amended to read:

20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) On or before June 5 before the regular general election, the lieutenant governor

shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state initiative that has qualified for the ballot "Proposition Number ____" and give it a number as assigned under Section 20A-6-107;

~~[(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and]~~

(ii) prepare for each initiative:

(A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(B) an impartial summary of the contents of the measure, not exceeding 125 words; and

(iii) return each petition ~~[and ballot title]~~, short title, and summary to the lieutenant governor on or before June 26.

(b) The ~~[ballot title]~~ short title and summary may be distinct from the title of the proposed law attached to the initiative petition~~[- and may not exceed 100 words]~~.

(c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the ~~[ballot title]~~ summary:

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

(d) For each state initiative, the official ballot shall show, in the following order:

(i) the number of the initiative, determined in accordance with Section 20A-6-107;

(ii) the short title; and

~~[(ii)]~~ (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1~~[- and]~~.

~~[(iii) the ballot title described in this section.]~~

(e) For each ballot that includes an initiative or referendum, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative and referendum on the ballot and a link to a website where a voter may review additional information relating to each initiative or referendum.

64 (f) For each ballot that includes an initiative or referendum, the ballot shall include the
65 following statement at the beginning of the portion of the ballot that includes ballot measures,
66 "The ballot proposition sheet included with this ballot contains an impartial summary of each
67 initiative and referendum on this ballot."

68 (3) On or before June 27, the lieutenant governor shall mail a copy of the [ballot title]
69 short title and summary to any sponsor of the petition.

70 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,
71 challenge the wording of the [ballot title] short title and summary prepared by the Office of
72 Legislative Research and General Counsel to the appropriate court.

73 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send
74 notice of the challenge to:

75 (A) any person or group that has filed an argument for or against the measure that is the
76 subject of the challenge; or

77 (B) any political issues committee established under Section 20A-11-801 that has filed
78 written or electronic notice with the lieutenant governor that identifies the name, mailing or
79 email address, and telephone number of the individual designated to receive notice about any
80 issues relating to the initiative.

81 (b) (i) There is a presumption that the [ballot] short title prepared by the Office of
82 Legislative Research and General Counsel is an impartial [summary] description of the
83 contents of the initiative.

84 (ii) The court may not revise the wording of the [ballot] short title unless the plaintiffs
85 rebut the presumption by clearly and convincingly establishing that the [ballot] short title is
86 patently false or biased.

87 (iii) There is a presumption that the summary prepared by the Office of Legislative
88 Research and General Counsel is an impartial summary of the contents of the initiative.

89 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
90 the presumption by clearly and convincingly establishing that the summary is patently false or
91 biased.

92 (c) The court shall:

93 (i) examine the [ballot] short title and summary;

94 (ii) hear arguments; and

(iii) ~~[certify to the lieutenant governor a ballot title for the measure that meets]~~ enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the ~~[title verified by the court to the county clerks to be printed on the official ballot]~~ short title and summary to the county clerks for inclusion in the ballot and ballot proposition insert, as required by this section.

Section 2. Section **20A-7-308** is amended to read:

20A-7-308. Short title and summary of referendum -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state referendum that qualifies for the ballot "Proposition Number ___" and assign a number to the referendum in accordance with Section 20A-6-107;

~~[(ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and]~~

(ii) prepare for each referendum:

(A) an impartial short title, not exceeding 25 words, that generally describes the measure; and

(B) an impartial summary of the contents of the measure, not exceeding 125 words;

(iii) submit the ~~[ballot title]~~ short title and summary to the lieutenant governor within 15 days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).

(b) The ~~[ballot title]~~ short title and summary may be distinct from the title of the law that is the subject of the petition~~[, and may not exceed 100 words]~~.

(c) For each state referendum, the official ballot shall show, in the following order:

(i) the number of the referendum, determined in accordance with Section 20A-6-107;
and

(ii) the ~~[ballot]~~ short title described in this section.

(d) For each ballot that includes an initiative or referendum, the election officer shall

126 include with the ballot a separate ballot proposition insert that includes the short title and
127 summary for each initiative and referendum on the ballot and a link to a website where a voter
128 may review additional information relating to each initiative or referendum.

129 (e) For each ballot that includes an initiative or referendum, the ballot shall include the
130 following statement at the beginning of the portion of the ballot that includes ballot measures,
131 "The ballot proposition sheet included with this ballot contains an impartial summary of each
132 initiative and referendum on this ballot."

133 (3) Immediately after the Office of Legislative Research and General Counsel submits
134 the ballot title to the lieutenant governor, the lieutenant governor shall mail or email a copy of
135 the ~~[ballot title]~~ short title and summary to any of the sponsors of the petition.

136 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days after the day
137 on which the lieutenant governor mails the ballot title, challenge the wording of the ~~[ballot~~
138 ~~title]~~ short title and summary prepared by the Office of Legislative Research and General
139 Counsel to the appropriate court.

140 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
141 notice of the appeal to:

142 (A) any person or group that has filed an argument for or against the measure that is the
143 subject of the challenge; and

144 (B) any political issues committee established under Section 20A-11-801 that has filed
145 written or electronic notice with the lieutenant governor that identifies the name, mailing or
146 email address, and telephone number of the person designated to receive notice about any
147 issues relating to the referendum.

148 (b) (i) There is a presumption that the ~~[ballot]~~ short title prepared by the Office of
149 Legislative Research and General Counsel is an impartial ~~[summary]~~ description of the
150 contents of the referendum.

151 (ii) The court may not revise the wording of the ~~[ballot]~~ short title unless the plaintiffs
152 rebut the presumption by clearly and convincingly establishing that the ~~[ballot]~~ short title is
153 patently false or biased.

154 (iii) There is a presumption that the summary prepared by the Office of Legislative
155 Research and General Counsel is an impartial summary of the contents of the measure.

156 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut

157 the presumption by clearly and convincingly establishing that the summary is patently false or
 158 biased.

159 (c) The court shall:

160 (i) examine the [~~ballot~~] short title and summary;

161 (ii) hear arguments; and

162 (iii) enter an order consistent with the requirements of this section.

163 (d) The lieutenant governor shall, in accordance with the court's order, certify the

164 [~~ballot title to the county clerks to be printed on the official ballot~~] short title and summary to

165 the county clerks for inclusion in the ballot or ballot proposition insert, as required by this
 166 section.

167 Section 3. Section **20A-7-508** is amended to read:

168 **20A-7-508. Short title and summary of initiative -- Duties of local clerk and local**
 169 **attorney.**

170 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the
 171 petition and the proposed law to the local attorney.

172 (2) The local attorney shall:

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

174 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

175 (b) prepare [~~a proposed ballot title~~] for the initiative[;];

176 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
 177 of the initiative; and

178 (ii) an impartial summary of the contents of the measure, not exceeding 125 words;

179 (c) file the proposed [~~ballot title~~] short title, summary, and the numbered initiative
 180 titles with the local clerk within 20 days after the day on which an eligible voter submits the
 181 initiative petition to the local clerk; and

182 (d) promptly provide notice of the filing of the proposed [~~ballot title~~] short title and
 183 summary to:

184 (i) the sponsors of the petition; and

185 (ii) the local legislative body for the jurisdiction where the initiative petition was
 186 circulated.

187 (3) (a) The [~~ballot title~~] short title and summary may be distinct from the title of the

188 proposed law attached to the initiative petition[, and shall express, in not exceeding 100 words,
189 the purpose of the measure].

190 (b) In preparing a ~~[ballot]~~ short title, the local attorney shall, to the best of the local
191 attorney's ability, give a true and impartial ~~[statement of the purpose of the measure.]~~
192 description of the subject of the initiative.

193 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
194 ability, give a true and impartial summary of the contents of the measure.

195 ~~[(c)]~~ (d) The ~~[ballot title]~~ short title and summary may not intentionally be an
196 argument, or likely to create prejudice, for or against the measure.

197 ~~[(d)]~~ (e) If the initiative proposes a tax increase, the local attorney shall include the
198 following statement, in bold, in the ~~[ballot title]~~ summary:

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

202 (4) (a) Within five calendar days after the date the local attorney files a proposed
203 ~~[ballot title]~~ short title and summary under Subsection (2)(c), the local legislative body for the
204 jurisdiction where the initiative petition was circulated and the sponsors of the petition may file
205 written comments in response to the proposed ~~[ballot title]~~ short title and summary with the
206 local clerk.

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

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

210 (ii) prepare a final ~~[ballot title]~~ short title and summary that meets the requirements of
211 Subsection (3); and

212 (iii) return the petition and file the ~~[ballot title]~~ short title and summary with the local
213 clerk.

214 (c) Subject to Subsection (6)~~[, the ballot]~~:

215 (i) the short title, as determined by the local attorney, shall be printed on the official
216 ballot~~[-]; and~~

217 (ii) for each ballot that includes an initiative or referendum, the election officer shall
218 include with the ballot a separate ballot proposition insert that includes the short title and

summary for each initiative and referendum on the ballot and a link to a website where a voter may review additional information relating to each initiative or referendum.

(d) For each ballot that includes an initiative or referendum, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ~~[ballot title]~~ short title and summary by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the ~~[ballot title]~~ short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

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

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

(b) The court:

(i) shall examine the ~~[measures]~~ short title and summary and consider arguments; and

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

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

(ii) enter an order consistent with the requirements of this section.

(c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 4. Section **20A-7-608** is amended to read:

20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal referendum that qualifies for the ballot

250 "Proposition Number ___" and give the referendum a number assigned in accordance with
251 Section 20A-6-107;

252 (b) prepare ~~[a proposed ballot title]~~ for the referendum~~[:]~~;

253 (i) an impartial short title, not exceeding 25 words, that generally describes the subject
254 of the measure; and

255 (ii) an impartial summary of the contents of the measure, not exceeding 125 words;

256 (c) file the proposed ~~[ballot title]~~ short title, summary and the numbered referendum
257 title with the local clerk within 20 days after the day on which an eligible voter submits the
258 referendum petition to the local clerk; and

259 (d) promptly provide notice of the filing of the proposed ~~[ballot title]~~ short title and
260 summary to:

261 (i) the sponsors of the petition; and

262 (ii) the local legislative body for the jurisdiction where the referendum petition was
263 circulated.

264 (3) (a) The ~~[ballot title]~~ short title and summary may be distinct from the title of the
265 law that is the subject of the petition~~[, and shall express, in not exceeding 100 words, the~~
266 ~~purpose of the measure]~~.

267 (b) In preparing a ~~[ballot]~~ short title, the local attorney shall, to the best of the local
268 attorney's ability, give a true and impartial ~~[statement of the purpose]~~ description of the subject
269 of the measure.

270 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
271 ability, give a true and impartial summary of the contents of the measure.

272 ~~[(c)]~~ (d) The ~~[ballot title]~~ short title and summary may not intentionally be an
273 argument, or likely to create prejudice, for or against the measure.

274 (4) (a) Within five calendar days after the day on which the local attorney files a
275 proposed ~~[ballot title]~~ short title and summary under Subsection (2)(c), the local legislative
276 body for the jurisdiction where the referendum petition was circulated and the sponsors of the
277 petition may file written comments in response to the proposed ballot title with the local clerk.

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

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

(ii) prepare a final ~~[ballot title]~~ short title and summary that meets the requirements of Subsection (3); and

(iii) return the petition and file the ~~[ballot title]~~ short title and summary with the local clerk.

(c) Subject to Subsection (6)~~[-the ballot]~~:

(i) the short title, as determined by the local attorney, shall be printed on the official ballot~~[-]; and~~

(ii) for each ballot that includes an initiative or referendum, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative and referendum on the ballot and a link to a website where a voter may review additional information relating to each initiative or referendum.

(d) For each ballot that includes an initiative or referendum, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot."

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ~~[ballot title]~~ short title and summary by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the ~~[ballot title]~~ short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

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

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

(b) The court:

(i) shall examine the ~~[measures]~~ short title and summary and consider the arguments; and

~~[(ii) may issue an order to the local clerk that includes a ballot title for the measure that fulfills the intent of this section.]~~

~~[(c) The local clerk shall print the title, as directed by the court, on the official ballot.]~~

- 312 (ii) enter an order consistent with the requirements of this section.
- 313 (c) The local clerk shall include the short title and summary in the ballot or ballot
- 314 proposition insert, as required by this section.