

1 **Process for Submitting Nonbinding Opinion Question**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the Election Code to establish a procedure for the Legislature to submit a
6 nonbinding opinion question to the voters of Utah.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ establishes a procedure for the Legislature to submit a nonbinding opinion question to the
11 voters of Utah;
- 12 ▶ describes the duties of the lieutenant governor and county clerks in submitting the
13 nonbinding opinion question to voters; and
- 14 ▶ establishes procedures for the ballot form, voter information pamphlet, public notice,
15 manner of voting, and canvass of returns in relation to the nonbinding opinion question.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-6-107**, as last amended by Laws of Utah 2018, Chapter 458

23 **20A-6-301**, as last amended by Laws of Utah 2021, Chapter 136

24 **20A-6-304**, as last amended by Laws of Utah 2021, Chapter 136

25 **20A-7-101**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

26 **20A-7-702**, as last amended by Laws of Utah 2024, Chapter 465

27 ENACTS:

28 **36-16c-101**, Utah Code Annotated 1953

29 **36-16c-102**, Utah Code Annotated 1953

30 **36-16c-201**, Utah Code Annotated 1953

31 **36-16c-202**, Utah Code Annotated 1953
 32 **36-16c-203**, Utah Code Annotated 1953
 33 **36-16c-301**, Utah Code Annotated 1953
 34 **36-16c-302**, Utah Code Annotated 1953
 35 **36-16c-303**, Utah Code Annotated 1953

36

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

38 Section 1. Section **20A-6-107** is amended to read:

39 **20A-6-107 . Numbering of ballot propositions and bond propositions -- Duties of**
 40 **election officer and lieutenant governor.**

41 (1)(a) Except as provided in Subsections [~~(1)(b)~~ and ~~(1)(e)~~] (1)(b), (1)(c), and (2), each
 42 ballot proposition shall be listed on the ballot under the heading "Proposition #___",
 43 with the number of the ballot proposition placed in the blank.

44 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot
 45 under the heading "Constitutional Amendment ___", with a letter placed in the blank.

46 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot
 47 under the title assigned to each bond proposition under Section 11-14-206.

48 (2) Each nonbinding opinion question submitted by the Legislature to a vote of the people
 49 under Title 36, Chapter 16c, Nonbinding Statewide Public Opinion Questions, shall be
 50 listed on the ballot under the heading "Nonbinding Opinion Question # ___," with the
 51 number of the nonbinding opinion question placed in the blank.

52 [~~(2)~~] (3)(a) When an election officer or other person given authority to prepare or
 53 number ballot propositions receives a ballot proposition that is eligible for inclusion
 54 on the ballot, they shall ask the lieutenant governor to assign a number to the ballot
 55 proposition.

56 (b)(i) Upon request from an election officer or other person given authority to
 57 prepare or number ballot propositions, the lieutenant governor shall assign each
 58 ballot proposition a unique number, except as provided under Subsection [
 59 ~~(2)(b)(iii)~~] (3)(b)(iii).

60 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests
 61 for ballot proposition numbers are received.

62 (iii) The same ballot proposition number may be assigned to multiple ballot
 63 propositions if:

64 (A) the sponsors of each ballot proposition agree, in writing, to share the number;

65 and
 66 (B) the ballot propositions sharing the same number are identical in their terms,
 67 purpose, and effect, with jurisdiction being the only significant difference
 68 between the ballot propositions.

69 (4) When the lieutenant governor receives a joint resolution for a nonbinding opinion
 70 question under Section 36-16c-201, the lieutenant governor shall:

71 (a) assign a number to the nonbinding opinion question that is unique to the nonbinding
 72 opinion question; and

73 (b) assign numbers to each nonbinding opinion question sequentially, in the order in
 74 which the lieutenant governor receives the joint resolutions.

75 Section 2. Section **20A-6-301** is amended to read:

76 **20A-6-301 . Manual ballots -- Regular general election.**

77 (1) Each election officer shall ensure that:

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

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

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

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

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

88 (i) "Official Ballot for ____ County, Utah";

89 (ii) the date of the election; and

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

92 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and
 93 all other candidates for elective office who were not nominated by a registered
 94 political party in accordance with Subsection 20A-9-202(4) or Subsection
 95 20A-9-403(5), are listed with the other candidates for the same office in accordance
 96 with Section 20A-6-305, without a party name or title;

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

- 99 (e) the offices to be filled are plainly printed immediately above the names of the
100 candidates for those offices;
- 101 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
102 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
103 between lines or rules three-eighths of an inch apart; and
- 104 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
105 which a write-in candidate is qualified under Section 20A-9-601:
- 106 (i) the ballot includes a space for a write-in candidate immediately following the last
107 candidate listed on that ticket; or
- 108 (ii) for the offices of president and vice president and governor and lieutenant
109 governor, the ballot includes two spaces for write-in candidates immediately
110 following the last candidates on that ticket, one placed above the other, to enable
111 the entry of two valid write-in candidates.
- 112 (2) An election officer shall ensure that:
- 113 (a) each individual nominated by any registered political party under Subsection
114 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the
115 ballot:
- 116 (i) under the registered political party's name, if any; or
- 117 (ii) under the title of the registered political party as designated by them in their
118 certificates of nomination or petition, or, if none is designated, then under some
119 suitable title;
- 120 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,
121 Candidates not Affiliated with a Party, are placed on the ballot;
- 122 (c) the names of the candidates for president and vice president are used on the ballot
123 instead of the names of the presidential electors; and
- 124 (d) the ballots contain no other names.
- 125 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 126 (a) the designation of the office to be filled in the election and the number of candidates
127 to be elected are printed in type not smaller than eight point;
- 128 (b) the words designating the office are printed flush with the left-hand margin;
- 129 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
130 which the voter may vote)" extend to the extreme right of the column;
- 131 (d) the nonpartisan candidates are grouped according to the office for which they are
132 candidates;

- 133 (e) the names in each group are placed in the order specified under Section 20A-6-305
 134 with the surnames last; and
- 135 (f) each group is preceded by the designation of the office for which the candidates seek
 136 election, and the words, "Vote for one" or "Vote for up to ____ (the number of
 137 candidates for which the voter may vote)," according to the number to be elected.
- 138 (4) Each election officer shall ensure that:
- 139 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance
 140 with Section 20A-6-107;
- 141 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with
 142 Section 20A-6-107;
- 143 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
 144 title assigned to each bond proposition under Section 11-14-206;[~~and~~]
- 145 (d) nonbinding opinion questions submitted by the Legislature for the regular general
 146 election are listed on the ballot in accordance with Title 36, Chapter 16c, Nonbinding
 147 Statewide Public Opinion Questions; and
- 148 [~~(d)~~] (e) the judicial retention section of the ballot includes a statement at the beginning
 149 directing voters to the Judicial Performance Evaluation Commission's website in
 150 accordance with Subsection 20A-12-201(4).

151 Section 3. Section **20A-6-304** is amended to read:

152 **20A-6-304 . Regular general election -- Mechanical ballots.**

- 153 (1) Each election officer shall ensure that:
- 154 (a) the format and content of a mechanical ballot is arranged in approximately the same
 155 order as manual ballots;
- 156 (b) the titles of offices and the names of candidates are displayed in vertical columns or
 157 in a series of separate displays;
- 158 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
- 159 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
 160 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 161 (d) the office titles are displayed above or at the side of the names of candidates so as to
 162 indicate clearly the candidates for each office and the number to be elected;
- 163 (e) the party designation of each candidate who has been nominated by a registered
 164 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is
 165 displayed adjacent to the candidate's name; and
- 166 (f) if possible, all candidates for one office are grouped in one column or upon one

167 display screen.

168 (2) Each election officer shall ensure that:

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

171 (b) ballot propositions submitted to the voters are displayed in accordance with Section
172 20A-6-107;

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

175 (d) nonbinding opinion questions submitted by the Legislature for the regular general
176 election are listed on the ballot in accordance with Title 36, Chapter 16c, Nonbinding
177 Statewide Public Opinion Questions; and

178 [~~(d)~~] (e) the judicial retention section of the ballot includes a statement at the beginning
179 directing voters to the Judicial Performance Evaluation Commission's website in
180 accordance with Subsection 20A-12-201(4).

181 Section 4. Section **20A-7-101** is amended to read:

182 **20A-7-101 . Definitions.**

183 As used in this chapter:

184 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to
185 gather signatures for the electronic initiative process, the electronic referendum process,
186 or the electronic candidate qualification process.

187 (2) "Budget officer" means:

188 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;

189 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or

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

191 (3) "Certified" means that the county clerk has acknowledged a signature as being the
192 signature of a registered voter.

193 (4) "Circulation" means the process of submitting an initiative petition or a referendum
194 petition to legal voters for their signature.

195 (5) "Electronic initiative process" means:

196 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
197 and 20A-21-201, for gathering signatures; or

198 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
199 20A-21-201, for gathering signatures.

200 (6) "Electronic referendum process" means:

- 201 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
202 and 20A-21-201, for gathering signatures; or
- 203 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
204 20A-21-201, for gathering signatures.
- 205 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
206 town that is holding an election on a ballot proposition.
- 207 (8) "Final fiscal impact statement" means a financial statement prepared after voters
208 approve an initiative that contains the information required by Subsection 20A-7-202.5
209 (2) or 20A-7-502.5(2).
- 210 (9) "Initial fiscal impact statement" means a financial statement prepared under Section
211 20A-7-202.5 after the filing of a statewide initiative application.
- 212 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
213 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
214 referendum.
- 215 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
216 chapter.
- 217 (12) "Initiative application" means:
- 218 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
219 includes all the information, statements, documents, and notarized signatures
220 required under Subsection 20A-7-202(2); or
- 221 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
222 includes all the information, statements, documents, and notarized signatures
223 required under Subsection 20A-7-502(2).
- 224 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
225 and the signature sheets, all of which have been bound together as a unit.
- 226 (14) "Initiative petition":
- 227 (a) as it relates to a statewide initiative, using the manual initiative process:
- 228 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
229 submission of the initiative to the Legislature or the legal voters; and
- 230 (ii) if the initiative proposes a tax increase, includes the statement described in
231 Subsection 20A-7-203(2)(b);
- 232 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 233 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
234 submission of the initiative to the Legislature or the legal voters; and

- 235 (ii) if the initiative proposes a tax increase, includes the statement described in
236 Subsection 20A-7-215(5)(b);
- 237 (c) as it relates to a local initiative, using the manual initiative process:
- 238 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
239 submission of the initiative to the legislative body or the legal voters; and
- 240 (ii) if the initiative proposes a tax increase, includes the statement described in
241 Subsection 20A-7-503(2)(b); or
- 242 (d) as it relates to a local initiative, using the electronic initiative process:
- 243 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
244 submission of the initiative to the legislative body or the legal voters; and
- 245 (ii) if the initiative proposes a tax increase, includes the statement described in
246 Subsection 20A-7-514(4)(a).
- 247 (15)(a) "Land use law" means a law of general applicability, enacted based on the
248 weighing of broad, competing policy considerations, that relates to the use of land,
249 including land use regulation, a general plan, a land use development code, an
250 annexation ordinance, the rezoning of a single property or multiple properties, or a
251 comprehensive zoning ordinance or resolution.
- 252 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
253 or 17-27a-103.
- 254 (16) "Legal signatures" means the number of signatures of legal voters that:
- 255 (a) meet the numerical requirements of this chapter; and
- 256 (b) have been obtained, certified, and verified as provided in this chapter.
- 257 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 258 (18) "Legally referable to voters" means:
- 259 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
260 voters under Section 20A-7-502.7; or
- 261 (b) for a proposed local referendum, that the proposed local referendum is legally
262 referable to voters under Section 20A-7-602.7.
- 263 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose
264 jurisdiction a local initiative or referendum petition is circulated.
- 265 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction
266 a local initiative or referendum petition is circulated.
- 267 (21)(a) "Local law" includes:
- 268 (i) an ordinance;

- 269 (ii) a resolution;
- 270 (iii) a land use law;
- 271 (iv) a land use regulation, as defined in Section 10-9a-103; or
- 272 (v) other legislative action of a local legislative body.
- 273 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
- 274 (22) "Local legislative body" means the legislative body of a county, city, or town.
- 275 (23) "Local obligation law" means a local law passed by the local legislative body
- 276 regarding a bond that was approved by a majority of qualified voters in an election.
- 277 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
- 278 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 279 (25) "Manual initiative process" means the process for gathering signatures for an initiative
- 280 using paper signature packets that a signer physically signs.
- 281 (26) "Manual referendum process" means the process for gathering signatures for a
- 282 referendum using paper signature packets that a signer physically signs.
- 283 (27)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 284 referendum.
- 285 (b) "Measure" does not include[-] :
- 286 (i) a nonbinding opinion question, defined in Section 36-16c-101; or
- 287 (ii) a ballot proposition for the creation of a new school district under Section
- 288 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 289 (28) "Presiding officers" means the president of the Senate and the speaker of the House of
- 290 Representatives.
- 291 (29) "Referendum" means a process by which a law passed by the Legislature or by a local
- 292 legislative body is submitted or referred to the voters for their approval or rejection.
- 293 (30) "Referendum application" means:
- 294 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
- 295 includes all the information, statements, documents, and notarized signatures
- 296 required under Subsection 20A-7-302(2); or
- 297 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
- 298 includes all the information, statements, documents, and notarized signatures
- 299 required under Subsection 20A-7-602(2).
- 300 (31) "Referendum packet" means a copy of the referendum petition, a copy of the law being
- 301 submitted or referred to the voters for their approval or rejection, and the signature
- 302 sheets, all of which have been bound together as a unit.

- 303 (32) "Referendum petition" means:
- 304 (a) as it relates to a statewide referendum, using the manual referendum process, the
- 305 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law
- 306 passed by the Legislature to legal voters for their approval or rejection;
- 307 (b) as it relates to a statewide referendum, using the electronic referendum process, the
- 308 form described in Subsection 20A-7-313(2), petitioning for submission of a law
- 309 passed by the Legislature to legal voters for their approval or rejection;
- 310 (c) as it relates to a local referendum, using the manual referendum process, the form
- 311 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to
- 312 legal voters for their approval or rejection; or
- 313 (d) as it relates to a local referendum, using the electronic referendum process, the form
- 314 described in Subsection 20A-7-614(2), petitioning for submission of a local law to
- 315 legal voters for their approval or rejection.
- 316 (33) "Signature":
- 317 (a) for a statewide initiative:
- 318 (i) as it relates to the electronic initiative process, means an electronic signature
- 319 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
- 320 (ii) as it relates to the manual initiative process:
- 321 (A) means a holographic signature collected physically on a signature sheet
- 322 described in Section 20A-7-203;
- 323 (B) as it relates to an individual who, due to a qualifying disability under the
- 324 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 325 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 326 identity will be verified by an alternate verification process described in
- 327 Section 20A-7-106; and
- 328 (C) does not include an electronic signature;
- 329 (b) for a statewide referendum:
- 330 (i) as it relates to the electronic referendum process, means an electronic signature
- 331 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 332 (ii) as it relates to the manual referendum process:
- 333 (A) means a holographic signature collected physically on a signature sheet
- 334 described in Section 20A-7-303;
- 335 (B) as it relates to an individual who, due to a qualifying disability under the
- 336 Americans with Disabilities Act, is unable to fill out the signature sheet or to

337 sign the voter's name consistently, the initials "AV," indicating that the voter's
338 identity will be verified by an alternate verification process described in
339 Section 20A-7-106; and

340 (C) does not include an electronic signature;

341 (c) for a local initiative:

342 (i) as it relates to the electronic initiative process, means an electronic signature
343 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

344 (ii) as it relates to the manual initiative process:

345 (A) means a holographic signature collected physically on a signature sheet
346 described in Section 20A-7-503;

347 (B) as it relates to an individual who, due to a qualifying disability under the
348 Americans with Disabilities Act, is unable to fill out the signature sheet or to
349 sign the voter's name consistently, the initials "AV," indicating that the voter's
350 identity will be verified by an alternate verification process described in
351 Section 20A-7-106; and

352 (C) does not include an electronic signature; or

353 (d) for a local referendum:

354 (i) as it relates to the electronic referendum process, means an electronic signature
355 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

356 (ii) as it relates to the manual referendum process:

357 (A) means a holographic signature collected physically on a signature sheet
358 described in Section 20A-7-603;

359 (B) as it relates to an individual who, due to a qualifying disability under the
360 Americans with Disabilities Act, is unable to fill out the signature sheet or to
361 sign the voter's name consistently, the initials "AV," indicating that the voter's
362 identity will be verified by an alternate verification process described in
363 Section 20A-7-106; and

364 (C) does not include an electronic signature.

365 (34) "Signature sheets" means sheets in the form required by this chapter that are used
366 under the manual initiative process or the manual referendum process to collect
367 signatures in support of an initiative or referendum.

368 (35) "Special local ballot proposition" means a local ballot proposition that is not a standard
369 local ballot proposition.

370 (36) "Sponsors" means the legal voters who support the initiative or referendum and who

- 371 sign the initiative application or referendum application.
- 372 (37)(a) "Standard local ballot proposition" means a local ballot proposition for an
373 initiative or a referendum.
- 374 (b) "Standard local ballot proposition" does not include a property tax referendum
375 described in Section 20A-7-613.
- 376 (38) "Tax percentage difference" means the difference between the tax rate proposed by an
377 initiative or an initiative petition and the current tax rate.
- 378 (39) "Tax percentage increase" means a number calculated by dividing the tax percentage
379 difference by the current tax rate and rounding the result to the nearest thousandth.
- 380 (40) "Verified" means acknowledged by the person circulating the petition as required in
381 Section 20A-7-105.
- 382 Section 5. Section **20A-7-702** is amended to read:
- 383 **20A-7-702 . Voter information pamphlet -- Form -- Contents.**
- 384 The voter information pamphlet shall contain the following items in this order:
- 385 (1) a cover title page;
- 386 (2) an introduction to the pamphlet by the lieutenant governor;
- 387 (3) a table of contents;
- 388 (4) a list of all candidates for constitutional offices;
- 389 (5) a list of candidates for each legislative district;
- 390 (6) a 100-word statement of qualifications for each candidate for the office of governor,
391 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
392 candidate to the lieutenant governor's office before 5 p.m. on the first business day in
393 August before the date of the election;
- 394 (7) information pertaining to all measures to be submitted to the voters, beginning a new
395 page for each measure and containing, in the following order for each measure:
- 396 (a) a copy of the number and ballot title of the measure;
- 397 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
398 the Legislature or by referendum;
- 399 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
400 impartial analysis of the measure prepared by the Office of Legislative Research
401 and General Counsel; or
- 402 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
403 prepared by the presiding officers;
- 404 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the

405 measure, the arguments against the measure, and the rebuttal to the arguments against
406 the measure, with the name and title of the authors at the end of each argument or
407 rebuttal;

408 (e) for each constitutional amendment, a complete copy of the text of the constitutional
409 amendment, with all new language underlined, and all deleted language placed within
410 brackets;

411 (f) for each initiative qualified for the ballot:

412 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
413 initial fiscal impact statement prepared according to Section 20A-7-202.5; and

414 (ii) if the initiative proposes a tax increase, the following statement in bold type:

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

418 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
419 being submitted to the voters for their approval or rejection, with all new language
420 underlined and all deleted language placed within brackets, as applicable;

421 (8) for each nonbinding opinion question authorized by the Legislature under Section
422 36-16c-201, the information described in Section 36-16c-302;

423 [(8)] (9) a description provided by the Judicial Performance Evaluation Commission of the
424 selection and retention process for judges, including, in the following order:

425 (a) a description of the judicial selection process;

426 (b) a description of the judicial performance evaluation process;

427 (c) a description of the judicial retention election process;

428 (d) a list of the criteria of the judicial performance evaluation and the certification
429 standards;

430 (e) the names of the judges standing for retention election; and

431 (f) for each judge:

432 (i) a list of the counties in which the judge is subject to retention election;

433 (ii) a short biography of professional qualifications and a recent photograph;

434 (iii) a narrative concerning the judge's performance;

435 (iv) for each certification standard under Section 78A-12-205, a statement identifying
436 whether, under Section 78A-12-205, the judge met the standard and, if not, the
437 manner in which the judge failed to meet the standard;

438 (v) a statement that the Judicial Performance Evaluation Commission:

- 439 (A) has determined that the judge meets or exceeds minimum performance
 440 standards;
- 441 (B) has determined that the judge does not meet or exceed minimum performance
 442 standards; or
- 443 (C) has not made a determination regarding whether the judge meets or exceeds
 444 minimum performance standards;
- 445 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
 446 whom the Judicial Performance Evaluation Commission determines does not meet
 447 or exceed minimum performance standards;
- 448 (vii) in a bar graph, the average of responses to each survey category, displayed with
 449 an identification of the minimum acceptable score as set by Section 78A-12-205
 450 and the average score of all judges of the same court level; and
- 451 (viii) a website address that contains the Judicial Performance Evaluation
 452 Commission's report on the judge's performance evaluation;
- 453 ~~[(9)]~~ (10) for each judge, a statement provided by the Utah Supreme Court identifying the
 454 cumulative number of informal reprimands, when consented to by the judge in
 455 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
 456 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
 457 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
 458 immediately preceding term, and a detailed summary of the supporting reasons for each
 459 violation of the Code of Judicial Conduct that the judge has received;
- 460 ~~[(10)]~~ (11) an explanation of ballot marking procedures prepared by the lieutenant governor,
 461 indicating the ballot marking procedure used by each county and explaining how to
 462 mark the ballot for each procedure;
- 463 ~~[(11)]~~ (12) voter registration information, including information on how to obtain a ballot;
- 464 ~~[(12)]~~ (13) a list of all county clerks' offices and phone numbers;
- 465 ~~[(13)]~~ (14) the address of the Statewide Electronic Voter Information Website, with a
 466 statement indicating that the election officer will post on the website any changes to the
 467 location of a polling place and the location of any additional polling place;
- 468 ~~[(14)]~~ (15) a phone number that a voter may call to obtain information regarding the
 469 location of a polling place; and
- 470 ~~[(15)]~~ (16) on the back cover page, a printed copy of the following statement signed by the
 471 lieutenant governor:
- 472 "I, _____ (print name), Lieutenant Governor of Utah, certify that the

473 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
 474 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
 475 correct according to law.

476 SEAL

477 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
 478 of ____ (month), ____ (year)

479 (signed) _____

480 Lieutenant Governor".

481 Section 6. Section **36-16c-101** is enacted to read:

482 **CHAPTER 16c. NONBINDING STATEWIDE PUBLIC OPINION QUESTIONS**

483 **Part 1. General Provisions**

484 **36-16c-101 . Definitions.**

485 As used in this chapter:

486 (1) "Nonbinding opinion question" means a question or series of questions, including each
 487 possible response to the question or series of questions, that the Legislature submits to
 488 all legal voters of the state, in accordance with this chapter, for the sole purpose of
 489 determining the opinion of the voters upon the matter presented in the question or series
 490 of questions.

491 (2) "Originating house" means:

492 (a) the Utah House of Representatives if the resolution is a House joint resolution; or

493 (b) the Utah State Senate if the resolution is a Senate joint resolution.

494 (3) "Regular general election" means the same as that term is defined in Section 20A-1-102.

495 Section 7. Section **36-16c-102** is enacted to read:

496 **36-16c-102 . Applicability -- Effect of nonbinding opinion question.**

497 (1)(a) Except as provided in Subsection (1)(b), Title 20A, Chapter 7, Issues Submitted
 498 to the Voters, does not apply to a nonbinding opinion question.

499 (b) Subsection 20A-7-702(7) applies to a nonbinding opinion question.

500 (2) Regardless of the outcome of a vote on a nonbinding opinion question:

501 (a) the vote:

502 (i) does not enact, amend, or repeal law; and

503 (ii) has no legal effect;

504 (b) the Legislature is not required to take any action in response to the vote or the
 505 outcome of the vote; and

506 (c) the Legislature may take action on the subject matter of the nonbinding opinion
 507 question, regardless of whether the action is consistent with, in conflict with, or in
 508 opposition to, the outcome of the vote.

509 Section 8. Section **36-16c-201** is enacted to read:

510 **Part 2. Submission of Nonbinding Opinion Questions to Voters**

511 **36-16c-201 . Resolution to submit nonbinding opinion questions to voters.**

512 (1) The Legislature may submit a nonbinding opinion question to the legal voters of the
 513 state by passing a joint resolution in accordance with the requirements of this section.

514 (2) The joint resolution described in Subsection (1) shall include:

515 (a) the language of the nonbinding opinion question, including each possible response to
 516 the nonbinding opinion question, as it will appear on the ballot;

517 (b) a statement directing that the lieutenant governor submit the language of the
 518 nonbinding opinion question to the legal voters of the state; and

519 (c) language designating the date of the regular general election in which the nonbinding
 520 opinion question shall be submitted to the voters.

521 (3) After passage by both houses of the Legislature, the originating house shall submit the
 522 joint resolution to the lieutenant governor with instructions that the nonbinding opinion
 523 question specified in the joint resolution be submitted to the legal voters of the state on
 524 the regular general election date specified in the resolution.

525 Section 9. Section **36-16c-202** is enacted to read:

526 **36-16c-202 . Lieutenant governor's duties.**

527 (1) After receipt of a joint resolution described in Section 36-16c-201, the lieutenant
 528 governor shall:

529 (a) submit the nonbinding opinion question to the legal voters of the state as required by
 530 the resolution;

531 (b) comply with Section 36-16c-301; and

532 (c) subject to Subsection 36-16c-102(1), comply with all relevant provisions of Title
 533 20A, Election Code, relating to the conduct of elections.

534 (2) The lieutenant governor may establish additional requirements for county clerks to
 535 facilitate the conduct of the election.

536 Section 10. Section **36-16c-203** is enacted to read:

537 **36-16c-203 . Duties of county clerks.**

538 Each county clerk shall, with respect to a nonbinding opinion question described in this
 539 chapter, comply with:

- 540 (1) subject to Subsection 36-16c-102(1), the requirements of Title 20A, Election Code,
 541 relating to regular general elections;
 542 (2) the requirements of Section 36-16c-301; and
 543 (3) any other requirement imposed by the lieutenant governor under Subsection
 544 36-16c-202(2).

545 Section 11. Section **36-16c-301** is enacted to read:

546 **Part 3. Voting and Canvassing**

547 **36-16c-301 . Procedures -- Ballot title -- Publication of nonbinding opinion**
 548 **question.**

- 549 (1) The lieutenant governor, the Office of Legislative Research and General Counsel, and
 550 each county clerk shall comply with the procedures described in this section whenever
 551 the Legislature authorizes a nonbinding opinion question under Section 36-16c-201.
 552 (2) If the Legislature passes a resolution described in Section 36-16c-201, the Office of
 553 Legislative Research and General Counsel shall, on or before July 20:
 554 (a) draft a ballot title that summarizes the subject matter of the nonbinding opinion
 555 question; and
 556 (b) deliver the ballot title to the lieutenant governor.
 557 (3) On or before August 31, the lieutenant governor shall certify the number and ballot title
 558 of the nonbinding opinion question to each county clerk in accordance with Section
 559 20A-6-107.
 560 (4) No earlier than 75 calendar days, nor less than 15 calendar days, before the date of the
 561 regular general election specified in the resolution described in Section 36-16c-201, the
 562 lieutenant governor shall cause the full text of the nonbinding opinion question to be
 563 published to the state, as a class A notice under Section 63G-30-102, for at least 14
 564 calendar days.
 565 (5) Each county clerk shall cause both the number and title of the nonbinding opinion
 566 question to be printed on:
 567 (a) the ballot for the regular general election specified in the resolution; and
 568 (b) the sample ballot.

569 Section 12. Section **36-16c-302** is enacted to read:

570 **36-16c-302 . Ballot form -- Manner of voting.**

571 The lieutenant governor shall ensure that a ballot containing a nonbinding opinion
 572 question includes:

- 573 (1) the number and ballot title of the nonbinding opinion question;

574 (2) the text of the nonbinding opinion question; and
 575 (3) in accordance with the resolution described in Section 36-16c-201, all possible
 576 responses to the nonbinding opinion question, each response presented with an adjacent
 577 square in which the voter may indicate the voter's vote.

578 Section 13. Section **36-16c-303** is enacted to read:

579 **36-16c-303 . Canvass of returns.**

580 (1) The county legislative body shall conduct a public canvass of the returns from the
 581 nonbinding opinion question election no later than 14 calendar days after the day on
 582 which the regular general election is held.

583 (2) Each county clerk shall:

584 (a) make a certified abstract of the record of the canvassers detailing the votes cast on
 585 the nonbinding opinion question; and

585a **↳ (b) immediately after the board of county canvassers adjourns, transmit the**
 585b **abstract to the lieutenant governor.**

586 ~~[(b) seal the transcript, endorse on the transcript, "Election Returns," and transmit the]~~ ←**↳**
 587 **↳ [transcript to the lieutenant governor's office so that the lieutenant governor receives**
] ←**↳**

588 **↳ [the transcript on or before the fifth day before the day designated for the meeting of**
] ←**↳**

589 **↳ [the state board of canvassers.]** ←**↳**

590 (3) The state board of canvassers established under Section 20A-4-306 shall meet to
 591 compute and determine the vote on the nonbinding opinion question.

592 Section 14. **Effective Date.**

593 This bill takes effect on May 7, 2025.