

HB0408S02 compared with HB0408

~~{Omitted text}~~ shows text that was in HB0408 but was omitted in HB0408S02

inserted text shows text that was not in HB0408 but was inserted into HB0408S02

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

School Board Referendum Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:Brady Brammer



LONG TITLE

General Description:

This bill amends provisions related to local referendums.

Highlighted Provisions:

This bill:

- defines terms;
- subject to certain exceptions, establishes a process for voters who are residents of a school district to hold a local referendum on any legislative action taken by the local school board, including the local school board's decision to increase a tax or impose a new tax; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

HB0408 compared with HB0408S02

- 10-9a-103 , as last amended by Laws of Utah 2024, Chapter 464 , as last amended by Laws of Utah 2024, Chapter 464
- 21 10-9a-509 , as last amended by Laws of Utah 2024, Chapter 415 , as last amended by Laws of Utah 2024, Chapter 415
- 22 17-27a-103 , as last amended by Laws of Utah 2024, Chapter 464 , as last amended by Laws of Utah 2024, Chapter 464
- 23 17-27a-508 , as last amended by Laws of Utah 2024, Chapter 415 , as last amended by Laws of Utah 2024, Chapter 415
- 24 20A-4-301 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 25 20A-7-101 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 26 20A-7-102 , as last amended by Laws of Utah 1994, Chapter 272 , as last amended by Laws of Utah 1994, Chapter 272
- 27 20A-7-401.3 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
- 28 20A-7-401.5 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116
- 29 20A-7-402 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 30 20A-7-405 , as enacted by Laws of Utah 2019, Chapter 203 , as enacted by Laws of Utah 2019, Chapter 203
- 31 20A-7-601 , as last amended by Laws of Utah 2024, Chapters 427, 438 , as last amended by Laws of Utah 2024, Chapters 427, 438
- 32 20A-7-602.5 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
- 33 20A-7-602.7 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438
- 34 20A-7-603 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442
- 35

HB0408 compared with HB0408S02

20A-7-604 , as last amended by Laws of Utah 2024, Chapters 438, 442 , as last amended by Laws of Utah 2024, Chapters 438, 442

36 20A-7-607 , as last amended by Laws of Utah 2023, Chapters 107, 116 , as last amended by Laws of Utah 2023, Chapters 107, 116

37 20A-7-608 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442

38 20A-7-609 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107

39 20A-7-609.5 , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah 2020, Chapter 31

40 20A-7-610 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107

41 20A-7-611 , as last amended by Laws of Utah 2023, Chapter 107 , as last amended by Laws of Utah 2023, Chapter 107

42 20A-7-613 , as last amended by Laws of Utah 2023, Chapter 116 , as last amended by Laws of Utah 2023, Chapter 116

43 20A-7-614 , as last amended by Laws of Utah 2024, Chapter 442 , as last amended by Laws of Utah 2024, Chapter 442

44 63G-30-102 , as enacted by Laws of Utah 2023, Chapter 435 , as enacted by Laws of Utah 2023, Chapter 435

45

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

47 Section 1. Section **10-9a-103** is amended to read:

48 **10-9a-103. Definitions.**

As used in this chapter:

50 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

52 (2) "Adversely affected party" means a person other than a land use applicant who:

53 (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

55

HB0408 compared with HB0408S02

- (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- 57 (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:
- 62 (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- 64 (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- 66 (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- 69 (4) "Affected owner" means the owner of real property that is:
- 70 (a) a single project;
- 71 (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with ~~Subsection {f} 20A-7-601(6)~~ 20A-7-601(7) Section 20A-7-601; and
- 73 (c) determined to be legally referable under Section 20A-7-602.8.
- 74 (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- 77 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- 81 (7)
- (a) "Charter school" means:
- 82 (i) an operating charter school;
- 83 (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 85 (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- 87 (b) "Charter school" does not include a therapeutic school.
- 88

HB0408 compared with HB0408S02

- (8) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- 92 (9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
- 94 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 95 (b) Utah Constitution, Article I, Section 22.
- 96 (10) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- 99 (11) "Development activity" means:
- 100 (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- 102 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- 104 (c) any change in the use of land that creates additional demand and need for public facilities.
- 106 (12)
- (a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.
- 109 (b) "Development agreement" does not include an improvement completion assurance.
- 110 (13)
- (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
- 113 (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
- 116 (14) "Educational facility":
- 117 (a) means:
- 118

HB0408 compared with HB0408S02

- (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
- 121 (ii) a structure or facility:
 - 122 (A) located on the same property as a building described in Subsection (14)(a)(i); and
 - 124 (B) used in support of the use of that building; and
- 125 (iii) a building to provide office and related space to a school district's administrative personnel; and
- 127 (b) does not include:
 - 128 (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
 - 131 (A) not located on the same property as a building described in Subsection (14)(a)(i); and
 - 133 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
 - 135 (ii) a therapeutic school.
- 136 (15) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- 139 (16) "Flood plain" means land that:
 - 140 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
 - 142 (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
- 146 (17) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.
- 148 (18) "Geologic hazard" means:
 - 149 (a) a surface fault rupture;
 - 150 (b) shallow groundwater;
 - 151 (c) liquefaction;
 - 152 (d) a landslide;
 - 153 (e) a debris flow;
 - 154 (f) unstable soil;
 - 155 (g) a rock fall; or

HB0408 compared with HB0408S02

- 156 (h) any other geologic condition that presents a risk:
157 (i) to life;
158 (ii) of substantial loss of real property; or
159 (iii) of substantial damage to real property.
- 160 (19) "Historic preservation authority" means a person, board, commission, or other body designated by
a legislative body to:
162 (a) recommend land use regulations to preserve local historic districts or areas; and
163 (b) administer local historic preservation land use regulations within a local historic district or area.
- 165 (20) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
- 167 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or
appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.
- 170 (22) "Identical plans" means building plans submitted to a municipality that:
171 (a) are clearly marked as "identical plans";
172 (b) are substantially identical to building plans that were previously submitted to and reviewed and
approved by the municipality; and
174 (c) describe a building that:
175 (i) is located on land zoned the same as the land on which the building described in the previously
approved plans is located;
177 (ii) is subject to the same geological and meteorological conditions and the same law as the building
described in the previously approved plans;
179 (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved
by the municipality; and
181 (iv) does not require any additional engineering or analysis.
- 182 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- 184 (24) "Improvement completion assurance" means a surety bond, letter of credit, financial institution
bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to
guaranty the proper completion of landscaping or an infrastructure improvement required as a
condition precedent to:
188 (a) recording a subdivision plat; or
189 (b) development of a commercial, industrial, mixed use, or multifamily project.
190

HB0408 compared with HB0408S02

- (25) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
- 192 (a) complies with the municipality's written standards for design, materials, and workmanship; and
194 (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- 196 (26) "Improvement warranty period" means a period:
- 197 (a) no later than one year after a municipality's acceptance of required landscaping; or
198 (b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
- 200 (i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and
202 (ii) has substantial evidence, on record:
- 203 (A) of prior poor performance by the applicant; or
204 (B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- 207 (27) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:
- 209 (a) is required for human occupation; and
210 (b) an applicant must install:
- 211 (i) in accordance with published installation and inspection specifications for public improvements; and
213 (ii) whether the improvement is public or private, as a condition of:
- 214 (A) recording a subdivision plat;
215 (B) obtaining a building permit; or
216 (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.
- 218 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
- 220 (a) runs with the land; and
221 (b)
- (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
223 (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- 225

HB0408 compared with HB0408S02

- (29) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.
- 227 (30) "Land use application":
- 228 (a) means an application that is:
- 229 (i) required by a municipality; and
- 230 (ii) submitted by a land use applicant to obtain a land use decision; and
- 231 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 232 (31) "Land use authority" means:
- 233 (a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or
- 235 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.
- 237 (32) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:
- 239 (a) a land use permit; or
- 240 (b) a land use application.
- 241 (33) "Land use permit" means a permit issued by a land use authority.
- 242 (34) "Land use regulation":
- 243 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
- 245 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
- 247 (c) does not include:
- 248 (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
- 250 (ii) a temporary revision to an engineering specification that does not materially:
- 251 (A) increase a land use applicant's cost of development compared to the existing specification; or
- 253 (B) impact a land use applicant's use of land.
- 254 (35) "Legislative body" means the municipal council.
- 255 (36) "Local historic district or area" means a geographically definable area that:
- 256 (a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

HB0408 compared with HB0408S02

- 259 (b) is subject to land use regulations to preserve the historic significance of the local historic district or
area.
- 261 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision
plat that has been recorded in the office of the county recorder.
- 263 (38)
- (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a
lot and adjoining parcels in accordance with Section 10-9a-608:
- 266 (i) whether or not the lots are located in the same subdivision; and
- 267 (ii) with the consent of the owners of record.
- 268 (b) "Lot line adjustment" does not mean a new boundary line that:
- 269 (i) creates an additional lot; or
- 270 (ii) constitutes a subdivision or a subdivision amendment.
- 271 (c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of
Transportation.
- 273 (39) "Major transit investment corridor" means public transit service that uses or occupies:
- 274 (a) public transit rail right-of-way;
- 275 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 276 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or
county and:
- 278 (i) a public transit district as defined in Section 17B-2a-802; or
- 279 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 280 (40) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 281 (41) "Moderate income housing" means housing occupied or reserved for occupancy by households
with a gross household income equal to or less than 80% of the median gross income for households
of the same size in the county in which the city is located.
- 284 (42) "Municipal utility easement" means an easement that:
- 285 (a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal
utility easement granted for public use;
- 287 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
- 289

HB0408 compared with HB0408S02

- (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;
- 292 (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
- 294 (e)
- (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and
- 296 (ii) is located in a utility easement granted for public use; or
- 297 (f) is described in Section 10-9a-529 and is used by a specified public utility.
- 298 (43) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:
- 300 (a) verifying that building plans are identical plans; and
- 301 (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
- 303 (44) "Noncomplying structure" means a structure that:
- 304 (a) legally existed before the structure's current land use designation; and
- 305 (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
- 308 (45) "Nonconforming use" means a use of land that:
- 309 (a) legally existed before its current land use designation;
- 310 (b) has been maintained continuously since the time the land use ordinance governing the land changed; and
- 312 (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
- 314 (46) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:
- 316 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- 318 (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

HB0408 compared with HB0408S02

- 321 (c) has been adopted as an element of the municipality's general plan.
- 322 (47) "Parcel" means any real property that is not a lot.
- 323 (48)
- (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:
- 327 (i) none of the property identified in the agreement is a lot; or
- 328 (ii) the adjustment is to the boundaries of a single person's parcels.
- 329 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:
- 331 (i) creates an additional parcel; or
- 332 (ii) constitutes a subdivision.
- 333 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.
- 335 (49) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- 337 (50) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
- 339 (a) an estimate of the existing supply of moderate income housing located within the municipality;
- 341 (b) an estimate of the need for moderate income housing in the municipality for the next five years;
- 343 (c) a survey of total residential land use;
- 344 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- 346 (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.
- 348 (51) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.
- 351 (52) "Potential geologic hazard area" means an area that:
- 352 (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
- 355

HB0408 compared with HB0408S02

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

358 (53) "Public agency" means:

359 (a) the federal government;

360 (b) the state;

361 (c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

363 (d) a charter school.

364 (54) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

366 (55) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

368 (56) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

372 (57) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

375 (58) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

377 (59) "Residential facility for persons with a disability" means a residence:

378 (a) in which more than one person with a disability resides; and

379 (b) which is licensed or certified by the Department of Health and Human Services under:

381 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

382 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

383 (60) "Residential roadway" means a public local residential road that:

384 (a) will serve primarily to provide access to adjacent primarily residential areas and property;

386 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

387 (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

HB0408 compared with HB0408S02

- 389 (d) has a posted speed limit of 25 miles per hour or less;
- 390 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the
municipal road network;
- 392 (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for
high volume traffic or community centers, including schools, recreation centers, sports complexes,
or libraries; and
- 395 (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily
continuous through several residential areas.
- 397 (61) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- 399 (a) parliamentary order and procedure;
- 400 (b) ethical behavior; and
- 401 (c) civil discourse.
- 402 (62) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to
review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- 405 (63) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as
an area from which an owner of land may transfer a transferable development right.
- 408 (64) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities
- Special Districts, and any other governmental or quasi-governmental entity that is not a county,
municipality, school district, or the state.
- 411 (65) "Specified public agency" means:
- 412 (a) the state;
- 413 (b) a school district; or
- 414 (c) a charter school.
- 415 (66) "Specified public utility" means an electrical corporation, gas corporation, or telephone
corporation, as those terms are defined in Section 54-2-1.
- 417 (67) "State" includes any department, division, or agency of the state.
- 418 (68)
- (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or
more lots or other division of land for the purpose, whether immediate or future, for offer, sale,
lease, or development either on the installment plan or upon any and all other plans, terms, and
conditions.

HB0408 compared with HB0408S02

- 422 (b) "Subdivision" includes:
- 423 (i) the division or development of land, whether by deed, metes and bounds description, devise and
testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a
portion of a parcel or lot; and
- 426 (ii) except as provided in Subsection (68)(c), divisions of land for residential and nonresidential uses,
including land used or to be used for commercial, agricultural, and industrial purposes.
- 429 (c) "Subdivision" does not include:
- 430 (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting
separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting
combined parcel nor the parcel remaining from the division or partition violates an applicable land
use ordinance;
- 434 (ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining
parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is
created;
- 437 (iii) a recorded document, executed by the owner of record:
- 438 (A) revising the legal descriptions of multiple parcels into one legal description encompassing all such
parcels; or
- 440 (B) joining a lot to a parcel;
- 441 (iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual
lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 444 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 445 (B) the adjustment will not violate any applicable land use ordinance;
- 446 (v) a bona fide division of land by deed or other instrument if the deed or other instrument states in
writing that the division:
- 448 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 449 (B) does not confer any land use approvals; and
- 450 (C) has not been approved by the land use authority;
- 451 (vi) a parcel boundary adjustment;
- 452 (vii) a lot line adjustment;
- 453 (viii) a road, street, or highway dedication plat;
- 454 (ix) a deed or easement for a road, street, or highway purpose; or

HB0408 compared with HB0408S02

- 455 (x) any other division of land authorized by law.
456 (69)
- (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:
- 458 (i) vacates all or a portion of the subdivision;
459 (ii) alters the outside boundary of the subdivision;
460 (iii) changes the number of lots within the subdivision;
461 (iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;
or
463 (v) alters a common area or other common amenity within the subdivision.
- 464 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 466 (70) "Substantial evidence" means evidence that:
- 467 (a) is beyond a scintilla; and
468 (b) a reasonable mind would accept as adequate to support a conclusion.
- 469 (71) "Suspect soil" means soil that has:
- 470 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
472 (b) bedrock units with high shrink or swell susceptibility; or
473 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- 475 (72) "Therapeutic school" means a residential group living facility:
- 476 (a) for four or more individuals who are not related to:
477 (i) the owner of the facility; or
478 (ii) the primary service provider of the facility;
479 (b) that serves students who have a history of failing to function:
480 (i) at home;
481 (ii) in a public school; or
482 (iii) in a nonresidential private school; and
483 (c) that offers:
484 (i) room and board; and

HB0408 compared with HB0408S02

- 485 (ii) an academic education integrated with:
486 (A) specialized structure and supervision; or
487 (B) services or treatment related to a disability, an emotional development, a behavioral development, a
familial development, or a social development.
- 489 (73) "Transferable development right" means a right to develop and use land that originates by an
ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from
a designated sending zone to a designated receiving zone.
- 492 (74) "Unincorporated" means the area outside of the incorporated area of a city or town.
- 493 (75) "Water interest" means any right to the beneficial use of water, including:
494 (a) each of the rights listed in Section 73-1-11; and
495 (b) an ownership interest in the right to the beneficial use of water represented by:
496 (i) a contract; or
497 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 498 (76) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones,
overlays, or districts.

500 Section 2. Section **10-9a-509** is amended to read:

501 **10-9a-509. Applicant's entitlement to land use application approval -- Municipality's**
requirements and limitations -- Vesting upon submission of development plan and schedule.

- 504 (1)
(a)
(i) An applicant who has submitted a complete land use application as described in Subsection
(1)(c), including the payment of all application fees, is entitled to substantive review of the
application under the land use regulations:
507 (A) in effect on the date that the application is complete; and
508 (B) applicable to the application or to the information shown on the application.
- 509 (ii) An applicant is entitled to approval of a land use application if the application conforms to
the requirements of the applicable land use regulations, land use decisions, and development
standards in effect when the applicant submits a complete application and pays application fees,
unless:

513

HB0408 compared with HB0408S02

- (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
- 517 (B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
- 521 (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
- 524 (i) 180 days have passed since the municipality initiated the proceedings; and
- 525 (ii)
- (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
- 527 (B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.
- 530 (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
- 533 (d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.
- 536 (e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
- 539 (f) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- 542 (g) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
- 544 (i) this chapter;
- 545 (ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-9a-509(1)(a)(ii); or

HB0408 compared with HB0408S02

- 547 (iii) a municipal specification for public improvements applicable to a subdivision or development that
is in effect on the date that the applicant submits an application.
- 549 (h) A municipality may not impose on a holder of an issued land use permit or a final, unexpired
subdivision plat a requirement that is not expressed:
- 551 (i) in a land use permit;
- 552 (ii) on the subdivision plat;
- 553 (iii) in a document on which the land use permit or subdivision plat is based;
- 554 (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- 556 (v) in this chapter;
- 557 (vi) in a municipal ordinance; or
- 558 (vii) in a municipal specification for residential roadways in effect at the time a residential subdivision
was approved.
- 560 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold issuance of a
certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure
to comply with a requirement that is not expressed:
- 563 (i) in the building permit or subdivision plat, documents on which the building permit or subdivision
plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
- 566 (ii) in this chapter or the municipality's ordinances.
- 567 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an
applicant has met all requirements essential for the public health, public safety, and general welfare
of the occupants, in accordance with this chapter, unless:
- 570 (i) the applicant and the municipality have agreed in a written document to the withholding of a
certificate of occupancy; or
- 572 (ii) the applicant has not provided a financial assurance for required and uncompleted public
landscaping improvements or infrastructure improvements in accordance with an applicable
ordinance that the legislative body adopts under this chapter.
- 575 (k) A municipality may not conduct a final inspection required before issuing a certificate of occupancy
for a residential unit that is within the boundary of an infrastructure financing district, as defined
in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof
to the municipality that any lien on the unit arising from the infrastructure financing district's

HB0408 compared with HB0408S02

assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

- 582 (2) A municipality is bound by the terms and standards of applicable land use regulations and shall
comply with mandatory provisions of those regulations.
- 584 (3) A municipality may not, as a condition of land use application approval, require a person filing a
land use application to obtain documentation regarding a school district's willingness, capacity, or
ability to serve the development proposed in the land use application.
- 588 (4) Upon a specified public agency's submission of a development plan and schedule as required in
Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public
agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees,
other applicable development fees, and land use regulations in effect on the date of submission.
- 593 (5)
- (a) If sponsors of a referendum timely challenge a project in accordance with ~~Subsection (f)~~
20A-7-601(6)] {20A-7-601(7)} Section 20A-7-601, the project's affected owner may rescind the
project's land use approval by delivering a written notice:
- 596 (i) to the local clerk as defined in Section 20A-7-101; and
- 597 (ii) no later than seven days after the day on which a petition for a referendum is determined
sufficient under Subsection 20A-7-607(5).
- 599 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are
of no further force or effect:
- 601 (i) the relevant land use approval; and
- 602 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 603 (6)
- (a) After issuance of a building permit, a municipality may not:
- 604 (i) change or add to the requirements expressed in the building permit, unless the change or addition
is:
- 606 (A) requested by the building permit holder; or
- 607 (B) necessary to comply with an applicable state building code; or
- 608 (ii) revoke the building permit or take action that has the effect of revoking the building permit.
- 610 (b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that contains an
expiration date defined in the building permit.

HB0408 compared with HB0408S02

612 Section 3. Section **17-27a-103** is amended to read:

613 **17-27a-103. Definitions.**

As used in this chapter:

- 615 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a
primary single-family dwelling and contained on one lot.
- 617 (2) "Adversely affected party" means a person other than a land use applicant who:
- 618 (a) owns real property adjoining the property that is the subject of a land use application or land use
decision; or
- 620 (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community
as a result of the land use decision.
- 622 (3) "Affected entity" means a county, municipality, special district, special service district under
Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity
established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner,
property owner's association, public utility, or the Department of Transportation, if:
- 627 (a) the entity's services or facilities are likely to require expansion or significant modification because
of an intended use of land;
- 629 (b) the entity has filed with the county a copy of the entity's general or long-range plan; or
- 631 (c) the entity has filed with the county a request for notice during the same calendar year and before the
county provides notice to an affected entity in compliance with a requirement imposed under this
chapter.
- 634 (4) "Affected owner" means the owner of real property that is:
- 635 (a) a single project;
- 636 (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance
with ~~Subsection {f} 20A-7-601(6)~~ ~~{20A-7-601(7)}~~ Section 20A-7-601; and
- 638 (c) determined to be legally referable under Section 20A-7-602.8.
- 639 (5) "Appeal authority" means the person, board, commission, agency, or other body designated by
ordinance to decide an appeal of a decision of a land use application or a variance.
- 642 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential
property if the sign is designed or intended to direct attention to a business, product, or service that
is not sold, offered, or existing on the property where the sign is located.
- 646 (7)

HB0408 compared with HB0408S02

- 647 (a) "Charter school" means:
- 648 (i) an operating charter school;
- 649 (ii) a charter school applicant that a charter school authorizer approves in accordance with Title
- 650 53G, Chapter 5, Part 3, Charter School Authorization; or
- 651 (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop
- 652 or construct a charter school building.
- 653 (b) "Charter school" does not include a therapeutic school.
- 654 (8) "Chief executive officer" means the person or body that exercises the executive powers of the
- 655 county.
- 656 (9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of
- 657 the land use on the county, surrounding neighbors, or adjacent land uses, may not be compatible in
- 658 some areas or may be compatible only if certain conditions are required that mitigate or eliminate
- 659 the detrimental impacts.
- 660 (10) "Constitutional taking" means a governmental action that results in a taking of private property so
- 661 that compensation to the owner of the property is required by the:
- 662 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 663 (b) Utah Constitution, Article I, Section 22.
- 664 (11) "County utility easement" means an easement that:
- 665 (a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a
- 666 utility easement;
- 667 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
- 668 (c) the county or the county's affiliated governmental entity owns or creates; and
- 669 (d)
- 670 (i) either:
- 671 (A) no person uses or occupies; or
- 672 (B) the county or the county's affiliated governmental entity uses and occupies to provide a utility
- 673 service, including sanitary sewer, culinary water, electrical, storm water, or communications or
- 674 data lines; or
- 675 (ii) a person uses or occupies with or without an authorized franchise or other agreement with the
- 676 county.

HB0408 compared with HB0408S02

- (12) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- 679 (13) "Development activity" means:
- 680 (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- 682 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- 684 (c) any change in the use of land that creates additional demand and need for public facilities.
- 686 (14)
- (a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.
- 689 (b) "Development agreement" does not include an improvement completion assurance.
- 690 (15)
- (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
- 693 (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.
- 696 (16) "Educational facility":
- 697 (a) means:
- 698 (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
- 701 (ii) a structure or facility:
- 702 (A) located on the same property as a building described in Subsection (16)(a)(i); and
- 704 (B) used in support of the use of that building; and
- 705 (iii) a building to provide office and related space to a school district's administrative personnel; and
- 707 (b) does not include:
- 708 (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

HB0408 compared with HB0408S02

- 711 (A) not located on the same property as a building described in Subsection (16)(a)(i); and
713 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or
715 (ii) a therapeutic school.
- 716 (17) "Fire authority" means the department, agency, or public entity with responsibility to review and
approve the feasibility of fire protection and suppression services for the subject property.
- 719 (18) "Flood plain" means land that:
720 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
722 (b) has not been studied or designated by the Federal Emergency Management Agency but presents
a likelihood of experiencing chronic flooding or a catastrophic flood event because the land
has characteristics that are similar to those of a 100-year flood plain designated by the Federal
Emergency Management Agency.
- 726 (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 727 (20) "General plan" means a document that a county adopts that sets forth general guidelines for
proposed future development of:
729 (a) the unincorporated land within the county; or
730 (b) for a mountainous planning district, the land within the mountainous planning district.
- 732 (21) "Geologic hazard" means:
733 (a) a surface fault rupture;
734 (b) shallow groundwater;
735 (c) liquefaction;
736 (d) a landslide;
737 (e) a debris flow;
738 (f) unstable soil;
739 (g) a rock fall; or
740 (h) any other geologic condition that presents a risk:
741 (i) to life;
742 (ii) of substantial loss of real property; or
743 (iii) of substantial damage to real property.
- 744 (22) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
- 746 (23) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or
appurtenance to connect to a county water, sewer, storm water, power, or other utility system.

HB0408 compared with HB0408S02

- 749 (24) "Identical plans" means building plans submitted to a county that:
- 750 (a) are clearly marked as "identical plans";
- 751 (b) are substantially identical building plans that were previously submitted to and reviewed and
approved by the county; and
- 753 (c) describe a building that:
- 754 (i) is located on land zoned the same as the land on which the building described in the previously
approved plans is located;
- 756 (ii) is subject to the same geological and meteorological conditions and the same law as the building
described in the previously approved plans;
- 758 (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved
by the county; and
- 760 (iv) does not require any additional engineering or analysis.
- 761 (25) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- 763 (26) "Improvement completion assurance" means a surety bond, letter of credit, financial institution
bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty
the proper completion of landscaping or an infrastructure improvement required as a condition
precedent to:
- 767 (a) recording a subdivision plat; or
- 768 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 769 (27) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed
and accepted landscaping or infrastructure improvement:
- 771 (a) complies with the county's written standards for design, materials, and workmanship; and
- 773 (b) will not fail in any material respect, as a result of poor workmanship or materials, within the
improvement warranty period.
- 775 (28) "Improvement warranty period" means a period:
- 776 (a) no later than one year after a county's acceptance of required landscaping; or
- 777 (b) no later than one year after a county's acceptance of required infrastructure, unless the county:
- 779 (i) determines for good cause that a one-year period would be inadequate to protect the public health,
safety, and welfare; and
- 781 (ii) has substantial evidence, on record:
- 782 (A) of prior poor performance by the applicant; or

HB0408 compared with HB0408S02

- 783 (B) that the area upon which the infrastructure will be constructed contains suspect soil and the county
has not otherwise required the applicant to mitigate the suspect soil.
- 786 (29) "Infrastructure improvement" means permanent infrastructure that is essential for the public health
and safety or that:
- 788 (a) is required for human consumption; and
- 789 (b) an applicant must install:
- 790 (i) in accordance with published installation and inspection specifications for public improvements; and
- 792 (ii) as a condition of:
- 793 (A) recording a subdivision plat;
- 794 (B) obtaining a building permit; or
- 795 (C) developing a commercial, industrial, mixed use, condominium, or multifamily project.
- 797 (30) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
- 799 (a) runs with the land; and
- 800 (b)
- (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
- 802 (ii) designates a development condition that is enclosed within the perimeter of a lot described on the
plat.
- 804 (31) "Interstate pipeline company" means a person or entity engaged in natural gas transportation
subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act,
15 U.S.C. Sec. 717 et seq.
- 807 (32) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is
not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas
Act, 15 U.S.C. Sec. 717 et seq.
- 810 (33) "Land use applicant" means a property owner, or the property owner's designee, who submits a
land use application regarding the property owner's land.
- 812 (34) "Land use application":
- 813 (a) means an application that is:
- 814 (i) required by a county; and
- 815 (ii) submitted by a land use applicant to obtain a land use decision; and
- 816 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 817 (35) "Land use authority" means:

HB0408 compared with HB0408S02

- 818 (a) a person, board, commission, agency, or body, including the local legislative body, designated by
the local legislative body to act upon a land use application; or
- 820 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the
local legislative body.
- 822 (36) "Land use decision" means an administrative decision of a land use authority or appeal authority
regarding:
- 824 (a) a land use permit;
- 825 (b) a land use application; or
- 826 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 827 (37) "Land use permit" means a permit issued by a land use authority.
- 828 (38) "Land use regulation":
- 829 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or
rule that governs the use or development of land;
- 831 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
- 833 (c) does not include:
- 834 (i) a land use decision of the legislative body acting as the land use authority, even if the decision is
expressed in a resolution or ordinance; or
- 836 (ii) a temporary revision to an engineering specification that does not materially:
- 837 (A) increase a land use applicant's cost of development compared to the existing specification; or
- 839 (B) impact a land use applicant's use of land.
- 840 (39) "Legislative body" means the county legislative body, or for a county that has adopted an
alternative form of government, the body exercising legislative powers.
- 842 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision
plat that has been recorded in the office of the county recorder.
- 844 (41)
- (a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a
lot and adjoining parcels in accordance with Section 17-27a-608:
- 847 (i) whether or not the lots are located in the same subdivision; and
- 848 (ii) with the consent of the owners of record.
- 849 (b) "Lot line adjustment" does not mean a new boundary line that:
- 850 (i) creates an additional lot; or

HB0408 compared with HB0408S02

- 851 (ii) constitutes a subdivision or a subdivision amendment.
- 852 (c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of
Transportation.
- 854 (42) "Major transit investment corridor" means public transit service that uses or occupies:
- 855 (a) public transit rail right-of-way;
- 856 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 857 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or
county and:
- 859 (i) a public transit district as defined in Section 17B-2a-802; or
- 860 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 861 (43) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 862 (44) "Moderate income housing" means housing occupied or reserved for occupancy by households
with a gross household income equal to or less than 80% of the median gross income for households
of the same size in the county in which the housing is located.
- 865 (45) "Mountainous planning district" means an area designated by a county legislative body in
accordance with Section 17-27a-901.
- 867 (46) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses
incurred in:
- 869 (a) verifying that building plans are identical plans; and
- 870 (b) reviewing and approving those minor aspects of identical plans that differ from the previously
reviewed and approved building plans.
- 872 (47) "Noncomplying structure" means a structure that:
- 873 (a) legally existed before the structure's current land use designation; and
- 874 (b) because of one or more subsequent land use ordinance changes, does not conform to the setback,
height restrictions, or other regulations, excluding those regulations that govern the use of land.
- 877 (48) "Nonconforming use" means a use of land that:
- 878 (a) legally existed before the current land use designation;
- 879 (b) has been maintained continuously since the time the land use ordinance regulation governing the
land changed; and
- 881 (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations
that now govern the use of the land.

HB0408 compared with HB0408S02

- 883 (49) "Official map" means a map drawn by county authorities and recorded in the county recorder's
office that:
- 885 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and
other transportation facilities;
- 887 (b) provides a basis for restricting development in designated rights-of-way or between designated
setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- 890 (c) has been adopted as an element of the county's general plan.
- 891 (50) "Parcel" means any real property that is not a lot.
- 892 (51)
- (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels
adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with
Section 17-27a-523, if no additional parcel is created and:
- 896 (i) none of the property identified in the agreement is a lot; or
- 897 (ii) the adjustment is to the boundaries of a single person's parcels.
- 898 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:
- 900 (i) creates an additional parcel; or
- 901 (ii) constitutes a subdivision.
- 902 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department
of Transportation.
- 904 (52) "Person" means an individual, corporation, partnership, organization, association, trust,
governmental agency, or any other legal entity.
- 906 (53) "Plan for moderate income housing" means a written document adopted by a county legislative
body that includes:
- 908 (a) an estimate of the existing supply of moderate income housing located within the county;
- 910 (b) an estimate of the need for moderate income housing in the county for the next five years;
- 912 (c) a survey of total residential land use;
- 913 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing;
and
- 915 (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- 917 (54) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated
area of a county established under this part with planning and zoning functions as exercised through

HB0408 compared with HB0408S02

the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

- 922 (55) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical
representation of lands that a licensed professional land surveyor makes and prepares in accordance
with Section 17-27a-603 or 57-8-13.
- 925 (56) "Potential geologic hazard area" means an area that:
- 926 (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or
report as needing further study to determine the area's potential for geologic hazard; or
- 929 (b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential
of geologic hazard because the area has characteristics similar to those of a designated geologic
hazard area.
- 932 (57) "Public agency" means:
- 933 (a) the federal government;
- 934 (b) the state;
- 935 (c) a county, municipality, school district, special district, special service district, or other political
subdivision of the state; or
- 937 (d) a charter school.
- 938 (58) "Public hearing" means a hearing at which members of the public are provided a reasonable
opportunity to comment on the subject of the hearing.
- 940 (59) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter
4, Open and Public Meetings Act.
- 942 (60) "Public street" means a public right-of-way, including a public highway, public avenue, public
boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway,
public tunnel, public bridge, public byway, other public transportation easement, or other public
way.
- 946 (61) "Receiving zone" means an unincorporated area of a county that the county designates, by
ordinance, as an area in which an owner of land may receive a transferable development right.
- 949 (62) "Record of survey map" means a map of a survey of land prepared in accordance with Section
10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
- 951 (63) "Residential facility for persons with a disability" means a residence:
- 952 (a) in which more than one person with a disability resides; and

HB0408 compared with HB0408S02

- 953 (b) which is licensed or certified by the Department of Health and Human Services under:
955 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
956 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 957 (64) "Residential roadway" means a public local residential road that:
958 (a) will serve primarily to provide access to adjacent primarily residential areas and property;
960 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
961 (c) is not identified as a supplementary to a collector or other higher system classified street in an
approved municipal street or transportation master plan;
963 (d) has a posted speed limit of 25 miles per hour or less;
964 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the
municipal road network;
966 (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for
high volume traffic or community centers, including schools, recreation centers, sports complexes,
or libraries; and
969 (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily
continuous through several residential areas.
- 971 (65) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
973 (a) parliamentary order and procedure;
974 (b) ethical behavior; and
975 (c) civil discourse.
- 976 (66) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to
review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- 979 (67) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance,
as an area from which an owner of land may transfer a transferable development right.
- 982 (68) "Site plan" means a document or map that may be required by a county during a preliminary
review preceding the issuance of a building permit to demonstrate that an owner's or developer's
proposed development activity meets a land use requirement.
- 985 (69)
(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities -
Special Districts.

987

HB0408 compared with HB0408S02

- (b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- 989 (70) "Specified public agency" means:
- 990 (a) the state;
- 991 (b) a school district; or
- 992 (c) a charter school.
- 993 (71) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- 995 (72) "State" includes any department, division, or agency of the state.
- 996 (73)
- (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- 1000 (b) "Subdivision" includes:
- 1001 (i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- 1004 (ii) except as provided in Subsection (73)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 1007 (c) "Subdivision" does not include:
- 1008 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1009 (ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;
- 1012 (iii) a recorded document, executed by the owner of record:
- 1013 (A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
- 1015 (B) joining a lot to a parcel;
- 1016 (iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

HB0408 compared with HB0408S02

- 1018 (A) an electrical transmission line or a substation;
- 1019 (B) a natural gas pipeline or a regulation station; or
- 1020 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service
regeneration, transformation, retransmission, or amplification facility;
- 1023 (v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual
lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:
- 1026 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1027 (B) the adjustment will not violate any applicable land use ordinance;
- 1028 (vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in
writing that the division:
- 1030 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1031 (B) does not confer any land use approvals; and
- 1032 (C) has not been approved by the land use authority;
- 1033 (vii) a parcel boundary adjustment;
- 1034 (viii) a lot line adjustment;
- 1035 (ix) a road, street, or highway dedication plat;
- 1036 (x) a deed or easement for a road, street, or highway purpose; or
- 1037 (xi) any other division of land authorized by law.
- 1038 (74)
- (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with
Section 17-27a-608 that:
- 1040 (i) vacates all or a portion of the subdivision;
- 1041 (ii) alters the outside boundary of the subdivision;
- 1042 (iii) changes the number of lots within the subdivision;
- 1043 (iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;
- or
- 1045 (v) alters a common area or other common amenity within the subdivision.
- 1046 (b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an
adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1048 (75) "Substantial evidence" means evidence that:
- 1049 (a) is beyond a scintilla; and

HB0408 compared with HB0408S02

- 1050 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1051 (76) "Suspect soil" means soil that has:
- 1052 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- 1054 (b) bedrock units with high shrink or swell susceptibility; or
- 1055 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- 1057 (77) "Therapeutic school" means a residential group living facility:
- 1058 (a) for four or more individuals who are not related to:
- 1059 (i) the owner of the facility; or
- 1060 (ii) the primary service provider of the facility;
- 1061 (b) that serves students who have a history of failing to function:
- 1062 (i) at home;
- 1063 (ii) in a public school; or
- 1064 (iii) in a nonresidential private school; and
- 1065 (c) that offers:
- 1066 (i) room and board; and
- 1067 (ii) an academic education integrated with:
- 1068 (A) specialized structure and supervision; or
- 1069 (B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.
- 1071 (78) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.
- 1074 (79) "Unincorporated" means the area outside of the incorporated area of a municipality.
- 1075 (80) "Water interest" means any right to the beneficial use of water, including:
- 1076 (a) each of the rights listed in Section 73-1-11; and
- 1077 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1078 (i) a contract; or
- 1079 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1080

HB0408 compared with HB0408S02

(81) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

1082 Section 4. Section **17-27a-508** is amended to read:

1083 **17-27a-508. Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.**

1087 (1)

(a)

(i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

1090 (A) in effect on the date that the application is complete; and

1091 (B) applicable to the application or to the information shown on the submitted application.

1093 (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

1097 (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

1101 (B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

1105 (b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

1107 (i) 180 days have passed since the county initiated the proceedings; and

1108 (ii)

(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

1110

HB0408 compared with HB0408S02

- (B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.
- 1114 (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
- 1117 (d) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
- 1120 (e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
- 1123 (f) A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
- 1125 (i) this chapter;
- 1126 (ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or
- 1128 (iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
- 1130 (g) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
- 1132 (i) in a land use permit;
- 1133 (ii) on the subdivision plat;
- 1134 (iii) in a document on which the land use permit or subdivision plat is based;
- 1135 (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- 1137 (v) in this chapter;
- 1138 (vi) in a county ordinance; or
- 1139 (vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.
- 1141 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

HB0408 compared with HB0408S02

- 1144 (i) in the building permit or subdivision plat, documents on which the building permit or subdivision
1147 plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
1148 (ii) in this chapter or the county's ordinances.
- 1148 (i) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant
has met all requirements essential for the public health, public safety, and general welfare of the
occupants, in accordance with this chapter, unless:
- 1151 (i) the applicant and the county have agreed in a written document to the withholding of a certificate of
occupancy; or
- 1153 (ii) the applicant has not provided a financial assurance for required and uncompleted public
landscaping improvements or infrastructure improvements in accordance with an applicable
ordinance that the legislative body adopts under this chapter.
- 1156 (j) A county may not conduct a final inspection required before issuing a certificate of occupancy for
a residential unit that is within the boundary of an infrastructure financing district, as defined in
Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to
the county that any lien on the unit arising from the infrastructure financing district's assessment
against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment
in full of the infrastructure financing district's assessment against that unit.
- 1163 (2) A county is bound by the terms and standards of applicable land use regulations and shall comply
with mandatory provisions of those regulations.
- 1165 (3) A county may not, as a condition of land use application approval, require a person filing a land use
application to obtain documentation regarding a school district's willingness, capacity, or ability to
serve the development proposed in the land use application.
- 1169 (4) Upon a specified public agency's submission of a development plan and schedule as required in
Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified
public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees,
other applicable development fees, and land use regulations in effect on the date of submission.
- 1174 (5)
- (a) If sponsors of a referendum timely challenge a project in accordance with ~~Subsection {f}~~
~~20A-7-601(6)~~ 20A-7-601(7) Section 20A-7-601, the project's affected owner may rescind the
project's land use approval by delivering a written notice:
- 1177 (i) to the local clerk as defined in Section 20A-7-101; and

HB0408 compared with HB0408S02

- 1178 (ii) no later than seven days after the day on which a petition for a referendum is determined
sufficient under Subsection 20A-7-607(4).
- 1180 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are rescinded and are
of no further force or effect:
- 1182 (i) the relevant land use approval; and
- 1183 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1184 (6)
- (a) After issuance of a building permit, a county may not:
- 1185 (i) change or add to the requirements expressed in the building permit, unless the change or addition
is:
- 1187 (A) requested by the building permit holder; or
- 1188 (B) necessary to comply with an applicable state building code; or
- 1189 (ii) revoke the building permit or take action that has the effect of revoking the building permit.
- 1191 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an
expiration date defined in the building permit.
- 1193 Section 5. Section **20A-4-301** is amended to read:
- 1194 **20A-4-301. Board of canvassers.**
- 1195 (1)
- (a) Each county legislative body is the board of county canvassers for:
- 1196 (i) the county; and
- 1197 (ii) each special district whose election is conducted by the county if:
- 1198 (A) the election relates to the creation of the special district;
- 1199 (B) the county legislative body serves as the governing body of the special district; or
- 1201 (C) there is no duly constituted governing body of the special district.
- 1202 (b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of
the county legislative body, at a date and time determined by the county clerk that is no sooner than
seven days after the election and no later than 14 days after the election.
- 1206 (c) If one or more of the county legislative body fails to attend the meeting of the board of county
canvassers, the remaining members shall replace the absent member by appointing in the order
named:
- 1209 (i) the county treasurer;

HB0408 compared with HB0408S02

- 1210 (ii) the county assessor; or
- 1211 (iii) the county sheriff.
- 1212 (d) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.
- 1215 (e) The county clerk is the clerk of the board of county canvassers.
- 1216 (2)
- (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.
- 1218 (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:
- 1220 (i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or
- 1222 (ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.
- 1224 (c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.
- 1226 (3)
- (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.
- 1228 (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.
- 1230 (c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.
- 1232 (4)
- (a) If a board of trustees or an administrative control board is the governing body of a special district, the board of trustees or the administrative control board is the board of special district canvassers for the special district.
- 1235 (b) The board of special district canvassers shall meet to canvass the returns at the usual place of meeting for the board of trustees or the administrative control board, as applicable, at a date and time determined by the special district clerk that is no sooner than seven days after the day of the election and no later than 14 days after the day of the election.

HB0408 compared with HB0408S02

- 1240 (c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.
- 1242 ~~(5)~~
- 1242 (a) The local school board of a school district is the board of school district canvassers for a referendum election under Subsection 20A-7-102(4).
- 1244 (b) The board of school district canvassers shall meet to canvass the returns at the usual place of meeting of the local school board no sooner than seven calendar days after the day of the election and no later than 14 calendar days after the day of the election.
- 1247 (c) Attendance of a simple majority of the local school board shall constitute a quorum for conducting the canvass.
- 1249 [~~(5)~~] (6) In relation to an election for the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a local school board for a new school district or a reorganized new school district under Section 53G-3-302, the board of canvassers is:
- 1253 (a) if the voters permitted to vote in the election are all residents of the same municipality, the mayor and the municipal legislative body;
- 1255 (b) if the voters permitted to vote in the election are not all residents of the same municipality, but are all residents of the same county, the county legislative body; or
- 1257 (c) if the voters permitted to vote in the election are not all residents of the same municipality and are not all residents of the same county, the county legislative body of the county where the majority of the voters permitted to vote in the election are residents.
- 1261 Section 6. Section **20A-7-101** is amended to read:
- 1262 **20A-7-101. Definitions.**
- As used in this chapter:
- 1264 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to gather signatures for the electronic initiative process, the electronic referendum process, or the electronic candidate qualification process.
- 1267 (2) "Budget officer" means:
- 1268 (a) for a county, the person designated as finance officer as defined in Section 17-36-3;
- 1269 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); [~~or~~]
- 1270 (c) for a town, the town council[-] ; or

HB0408 compared with HB0408S02

- 1271 (d) for a school district, the person appointed business administrator under Section 53G-4-302.
- 1273 (3) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.
- 1275 (4) "Circulation" means the process of submitting an initiative petition or a referendum petition to legal voters for their signature.
- 1277 (5) "Electronic initiative process" means:
- 1278 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215 and 20A-21-201, for gathering signatures; or
- 1280 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and 20A-21-201, for gathering signatures.
- 1282 (6) "Electronic referendum process" means:
- 1283 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313 and 20A-21-201, for gathering signatures; or
- 1285 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and 20A-21-201, for gathering signatures.
- 1287 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.
- 1289 (8) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).
- 1292 (9) "Initial fiscal impact statement" means a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide initiative application.
- 1294 (10) "Initial fiscal impact and legal statement" means a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local referendum.
- 1297 (11) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.
- 1299 (12) "Initiative application" means:
- 1300 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-202(2); or
- 1303 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-502(2).

HB0408 compared with HB0408S02

- 1306 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the
signature sheets, all of which have been bound together as a unit.
- 1308 (14) "Initiative petition":
- 1309 (a) as it relates to a statewide initiative, using the manual initiative process:
- 1310 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for submission of the initiative
to the Legislature or the legal voters; and
- 1312 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection
20A-7-203(2)(b);
- 1314 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1315 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for submission of the
initiative to the Legislature or the legal voters; and
- 1317 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection
20A-7-215(5)(b);
- 1319 (c) as it relates to a local initiative, using the manual initiative process:
- 1320 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for submission of the initiative
to the legislative body or the legal voters; and
- 1322 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection
20A-7-503(2)(b); or
- 1324 (d) as it relates to a local initiative, using the electronic initiative process:
- 1325 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for submission of the initiative
to the legislative body or the legal voters; and
- 1327 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection
20A-7-514(4)(a).
- 1329 (15)
- (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad,
competing policy considerations, that relates to the use of land, including land use regulation,
a general plan, a land use development code, an annexation ordinance, the rezoning of a single
property or multiple properties, or a comprehensive zoning ordinance or resolution.
- 1334 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.
- 1336 (16) "Legal signatures" means the number of signatures of legal voters that:
- 1337 (a) meet the numerical requirements of this chapter; and

HB0408 compared with HB0408S02

- 1338 (b) have been obtained, certified, and verified as provided in this chapter.
- 1339 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1340 (18) "Legally referable to voters" means:
- 1341 (a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under
Section 20A-7-502.7; or
- 1343 (b) for a proposed local referendum, that the proposed local referendum is legally referable to voters
under Section 20A-7-602.7.
- 1345 (19) "Local attorney" means the county attorney, city attorney, ~~[or]town attorney,~~ or local school
district attorney in whose jurisdiction a local initiative or referendum petition is circulated.
- 1348 (20) "Local clerk" means:
- 1349 (a) the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum
petition is circulated~~[-] ; or~~
- 1351 (b) for a referendum petition under Subsection 20A-7-102(4), the business administrator or
superintendent of the school district in which the referendum petition is circulated.
- 1353 (21)
- (a) "Local law" includes:
- 1354 (i) an ordinance;
- 1355 (ii) a resolution;
- 1356 (iii) a land use law;
- 1357 (iv) a land use regulation, as defined in Section 10-9a-103; ~~[or]~~
- 1358 (v) any legislative action of a local {tax law;} school board, other than a legislative action described
in Subsection (21)(b)(ii); or
- 1359 (vi) ~~{any legislative action of a local school board, other than a legislative action that: }~~
- 1360 ~~{(A) } {increases a tax or levy or imposes a new tax or levy; or }~~
- 1361 ~~{(B) } otherwise imposes a payment obligation on property; or }~~
- 1362 ~~[(v)] { (vii) } (vi) other legislative action of a local legislative body.~~
- 1363 (b) "Local law" does not include:
- 1362 (i) a land use decision, as defined in Section 10-9a-103~~[-] ; or~~
- 1363 (ii) a local school tax law.
- 1364 (22)
- (a) "Local legislative body" means the legislative body of a county, city, or town.

HB0408 compared with HB0408S02

- 1365 (b) "Local legislative body" does not include the local school board of a school district.
- 1366 (23) "Local obligation law" means a local law passed by the local legislative body regarding a bond that
was approved by a majority of qualified voters in an election.
- 1368 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of Members of
Local Boards of Education.
- 1370 [(24)] (25)
- (a) "Local tax law" means a law, passed by a [political subdivision] county, city, or town with an annual
or biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 1373 (b) "Local tax law" does not include a local school tax law.
- 1374 (26)
- (a) "Local school tax law" means a {law passed by} legislative action of a local school board that
{increases a tax or levy or imposes a new tax or levy.} :
- 1376 {(b)} (i) "Local school tax law" includes: increases a tax rate or imposes a new tax rate; or
- 1377 {(f)} (ii) otherwise imposes a {board local levy under Section 53F-8-302;} payment obligation on
property.
- 1378 {(ii)} (b) {a capital local levy under Section 53F-8-303;} "Local school tax law" includes:
- 1379 {(iii)} (i) a {judgment levy imposed by a local school} board local levy under Section {59-2-1330}
53F-8-302; {or}
- 1380 {(iv)} (ii) {any other tax or levy that is within} a capital local {school board's discretion to impose;} levy
under Section 53F-8-303;
- 1381 {(e)} (iii) "Local school tax law" does not include} a {law passed} judgment levy imposed by a local
school board {that increases a tax or levy or imposes a new tax or levy, if the increased tax or levy
or new tax or levy;} under Section 59-2-1330; or
- 1384 {(f)} (iv) {relates to a voted local levy under Section 53F-8-301,} any other tax or {to the issuance of
a bond} levy that {was approved by a majority of the qualified voters} is within a {school district;
or} local school board's discretion to impose.
- 1386 {(ii)} (c) {is required to be imposed by state law or rule, or is otherwise} "Local school tax law" does
not {within} include a legislative action of a local school {board's discretion to impose;} board that
increases a tax rate or imposes a new tax rate, if the increased tax rate or new tax rate:
- 1385 (i) relates to a voted local levy under Section 53F-8-301, or to the issuance of a bond that was approved
by a majority of the qualified voters within a school district; or

HB0408 compared with HB0408S02

- 1387 (ii) is required to be imposed by state law or rule, or is otherwise not within a local school board's discretion to impose.
- 1388 [(25)] (27) "Manual initiative process" means the process for gathering signatures for an initiative using paper signature packets that a signer physically signs.
- 1390 [(26)] (28) "Manual referendum process" means the process for gathering signatures for a referendum using paper signature packets that a signer physically signs.
- 1392 [(27)] (29)
- (a) "Measure" means a proposed constitutional amendment, an initiative, or referendum.
- 1394 (b) "Measure" does not include a ballot proposition for the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1396 [(28)] (30) "Presiding officers" means the president of the Senate and the speaker of the House of Representatives.
- 1398 [(29)] (31) "Referendum" means a process by which a law passed by the ~~[Legislature or by a local legislative body]~~ Legislature, a local legislative body, or a local school board is submitted or referred to the voters for their approval or rejection.
- 1401 [(30)] (32) "Referendum application" means:
- 1402 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-302(2); or
- 1405 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that includes all the information, statements, documents, and notarized signatures required under Subsection 20A-7-602(2).
- 1408 [(31)] (33) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.
- 1411 [(32)] (34) "Referendum petition" means:
- 1412 (a) as it relates to a statewide referendum, using the manual referendum process, the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;
- 1415

HB0408 compared with HB0408S02

- (b) as it relates to a statewide referendum, using the electronic referendum process, the form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the Legislature to legal voters for their approval or rejection;
- 1418 (c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or a local school tax law to legal voters for their approval or rejection; or
- 1421 (d) as it relates to a local referendum, using the electronic referendum process, the form described in Subsection 20A-7-614(2), petitioning for submission of a local law or a local school tax law to legal voters for their approval or rejection.
- 1424 [~~(33)~~] (35) "Signature":
- 1425 (a) for a statewide initiative:
- 1426 (i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
- 1428 (ii) as it relates to the manual initiative process:
- 1429 (A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203;
- 1431 (B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and
- 1436 (C) does not include an electronic signature;
- 1437 (b) for a statewide referendum:
- 1438 (i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1440 (ii) as it relates to the manual referendum process:
- 1441 (A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-303;
- 1443 (B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and

HB0408 compared with HB0408S02

- 1448 (C) does not include an electronic signature;
- 1449 (c) for a local initiative:
- 1450 (i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1452 (ii) as it relates to the manual initiative process:
- 1453 (A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-503;
- 1455 (B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and
- 1460 (C) does not include an electronic signature; or
- 1461 (d) for a local referendum:
- 1462 (i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1464 (ii) as it relates to the manual referendum process:
- 1465 (A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-603;
- 1467 (B) as it relates to an individual who, due to a qualifying disability under the Americans with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's name consistently, the initials "AV," indicating that the voter's identity will be verified by an alternate verification process described in Section 20A-7-106; and
- 1472 (C) does not include an electronic signature.
- 1473 [~~(34)~~] (36) "Signature sheets" means sheets in the form required by this chapter that are used under the manual initiative process or the manual referendum process to collect signatures in support of an initiative or referendum.
- 1476 [~~(35)~~] (37) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.
- 1478 [~~(36)~~] (38) "Sponsors" means the legal voters who support the initiative or referendum and who sign the initiative application or referendum application.
- 1480 [~~(37)~~] (39)

HB0408 compared with HB0408S02

(a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.
1482 (b) "Standard local ballot proposition" does not include a property tax referendum described in Section
20A-7-613.

1484 [(38)] (40) "Tax percentage difference" means the difference between the tax rate proposed by an
initiative or an initiative petition and the current tax rate.

1486 [(39)] (41) "Tax percentage increase" means a number calculated by dividing the tax percentage
difference by the current tax rate and rounding the result to the nearest thousandth.

1489 [(40)] (42) "Verified" means acknowledged by the person circulating the petition as required in Section
20A-7-105.

1492 Section 7. Section **20A-7-102** is amended to read:

1493 **20A-7-102. Initiatives and referenda authorized -- Restrictions.**

By following the procedures and requirements of this chapter, Utah voters may, subject
to the restrictions of Utah Constitution, Article VI, [Sec. 1, Utah Constitution] Section 1, and
this chapter:

1496 (1) initiate any desired legislation and cause it to be submitted to:

1497 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed state law; or

1499 (b) a local legislative body or to a vote of the people if it is a local law;

1500 (2) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the
members elected to each house of the Legislature, to be referred to the voters for their approval or
rejection before the law takes effect; [and]

1503 (3) require any [~~law or ordinance~~] local law passed by a local legislative body to be referred to the
voters for their approval or rejection before the law takes effect[-] ; or

1505 (4) require any local law or local school tax law passed by a local school board to be referred to the
voters for their approval or rejection before the local law or local school tax law takes effect, unless
the local school board is comprised of:

1508 (a) five members and four members or more voted in favor of the local law or local school tax law;

1510 (b) seven members and five members or more voted in favor of the local law or local school tax law; or

1512 (c) nine members and seven members or more voted in favor of the local law or local school tax law.

1515 Section 8. Section **20A-7-401.3** is amended to read:

1516 **20A-7-401.3. Voter participation areas.**

1516 (1)

HB0408 compared with HB0408S02

- (a) Except as provided in Subsection (2):
- 1517 (i) a city of the first or second class or a county of the first or second class shall, no later than
January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the
city or county into eight contiguous and compact voter participation areas of substantially equal
population; and
- 1521 (ii) a city of the third or fourth class or a county of the third or fourth class shall, no later than
January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the
city or county into four contiguous and compact voter participation areas of substantially equal
population.
- 1525 (b) A city or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for
the purpose described in Sections 20A-7-501 and 20A-7-601.
- 1527 (2)
- (a) This section does not apply to a county of the fifth or sixth class, a city of the fifth class, [~~or a
town~~] a town, or a school district.
- 1529 (b) A city or county that has established council districts that are not at-large districts may, regardless
of the number of council districts that are not at-large districts, use the council districts as voter
participation areas under this section.
- 1533 Section 9. Section **20A-7-401.5** is amended to read:
- 1534 **20A-7-401.5. Proposition information pamphlet.**
- 1534 (1)
- (a)
- (i) Within 15 days after the day on which an eligible voter files an application to circulate an
initiative petition under Section 20A-7-502 or an application to circulate a referendum petition
under Section 20A-7-602:
- 1537 (A) the sponsors of the proposed initiative or referendum may submit a written argument
in favor of the proposed initiative or referendum to the election officer of the [~~county or
municipality~~] county, municipality, or school district to which the petition relates; and
- 1541 (B) the [~~county or municipality~~] county, municipality, or school district to which the
application relates may submit a written argument in favor of, or against, the proposed
initiative or referendum to the [~~county's or municipality's~~] county's, municipality's, or
school district's election officer.

HB0408 compared with HB0408S02

- 1545 (ii) If a [~~county or municipality~~] county, municipality, or school district submits more than one written argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving preference to a written argument submitted by a member of a local legislative body or a local school board, as applicable, if a majority of the local legislative body or the local school board supports the written argument.
- 1551 (b) Within one business day after the day on which an election officer receives an argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the [~~county or municipality~~] county, municipality, or school district described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
- 1555 (c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).
- 1559 (d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the [~~county or municipality~~] county, municipality, or school district to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.
- 1565 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [~~county or municipality~~] county, municipality, or school district may submit a revised version of the written argument to the [~~county's or municipality's~~] county's, municipality's, or school district's election officer within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.
- 1572 (2)
- (a) A written argument described in Subsection (1) may not exceed 500 words.
- 1573 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.
- 1576 (c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
- 1578 (i) correct factual, grammatical, or spelling errors; or
- 1579 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

HB0408 compared with HB0408S02

- 1580 (d) An election officer shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:
- 1583 (i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or
- 1585 (ii) does not timely submit the written argument to the election officer.
- 1586 (e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.
- 1588 (3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:
- 1590 (a) a copy of the application for the proposed initiative or referendum;
- 1591 (b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;
- 1594 (c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 1596 (d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.
- 1598 (4)
- (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:
- 1601 (i) complies with Subsection (4)(b); or
- 1602 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 1603 (b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.
- 1609 (5) An election officer for a municipality shall publish the proposition information pamphlet as follows:
- 1611 (a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:

1616

HB0408 compared with HB0408S02

- 1620 (i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and
- 1620 (ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the municipality's website, if the municipality has a website, until:
- 1623 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets or any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
- 1628 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- 1632 (C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and
- 1634 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:
- 1638 (i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or
- 1640 (ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.
- 1643 (6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:
- 1649 (a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

1652

HB0408 compared with HB0408S02

- (b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the county's website, until:
- 1654 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets or any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
- 1658 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- 1662 (iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.
- 1664 (7) An election officer for a school district shall, within the later of 10 **calendar** days after the day on which the school district or a court determines that the proposed referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three **calendar** days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:
- 1670 (a) by sending the proposition information pamphlet electronically to each individual in the school district for whom the school district has an email address, unless the individual has indicated that the school district is prohibited from using the individual's email address for that purpose;
- 1674 (b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the school district's website, if the school district has a website, until:
- 1677 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not timely deliver any verified referendum packets under Section 20A-7-105, the day after the date of the deadline for delivery of the verified referendum packets;
- 1680 (ii) the local clerk determines, under Section 20A-7-607, that the number of signatures necessary to qualify the proposed referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- 1684 (iii) the day after the date of the election at which the proposed referendum appears on the ballot; and
- 1686 (c) if the school district regularly mails a newsletter or other material to the school district's residents, including an Internet address, where a resident may view the proposition information pamphlet, in

HB0408 compared with HB0408S02

the next mailing, for which the school district has not begun preparation, that falls on or after the later of:

1690 (i) 10 ~~calendar~~ days after the day on which the school district or a court determines that the proposed referendum is legally referable to voters; or

1692 (ii) if the election officer modifies an argument under Subsection (2)(c), three ~~calendar~~ days after the day on which the election officer and the person that submitted the argument agree on the modification.

1696 Section 10. Section **20A-7-402** is amended to read:

1697 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations -- Preparation -- Statement on front cover.**

1698 (1)

(a) ~~The [county or municipality] county, municipality, or school district that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.~~

1701 (b) Each county or municipality that contains all or part of a proposed new school district or a reorganized new school district that will appear on a regular general election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall prepare a local voter information pamphlet that complies with the requirements of this part.

1706 (2)

(a) ~~[Within the time requirements described in Subsection (2)(e)(i), a municipality described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(e)(ii) to the municipality's residents by publishing the notice for the municipality, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(e)(i)]~~ A county, municipality, or school district described in Subsection (1) shall provide a notice that complies with the requirements of Subsection (2)(b)(ii) to the county's, municipality's, or school district's residents by publishing the notice for the county, municipality, or school district, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(b)(i).

1715 (b) ~~A county described in Subsection (1) shall publish a notice that complies with the requirements of Subsection (2)(e)(ii) for the county, as a class A notice under Section 63G-30-102.]~~

1718 (e) (b) ~~[A municipality or county that publishes a notice under Subsection (2)(a) or (b)]~~ A county, municipality, or school district that publishes a notice under Subsection (2)(a) shall:

HB0408 compared with HB0408S02

- 1721 (i) publish the notice:
- 1722 (A) not less than 90 days before the date of the election at which a special local ballot proposition will
be voted upon; or
- 1724 (B) if the requirements of Subsection [~~(2)(e)(i)(A)~~] (2)(b)(i)(A) cannot be met, as soon as practicable
after the special local ballot proposition is approved to be voted upon in an election; and
- 1727 (ii) ensure that the notice contains:
- 1728 (A) the ballot title for the special local ballot proposition;
- 1729 (B) instructions on how to file a request under Subsection [~~(2)(d)~~] (2)(c); and
- 1730 (C) the deadline described in Subsection [~~(2)(d)~~] (2)(c).
- 1731 [~~(d)~~] (c) Except as provided in Subsection (13), to prepare a written argument for or against a special
local ballot proposition, an eligible voter shall file a request with the election officer before 5 p.m.
no later than 64 days before the day of the election at which the special local ballot proposition is to
be voted on.
- 1735 [~~(e)~~] (d) If more than one eligible voter requests the opportunity to prepare a written argument for or
against a special local ballot proposition, the election officer shall make the final designation in
accordance with the following order of priority:
- 1738 (i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and
- 1740 (ii) members of the local legislative body or the local school board have priority over others if a
majority of the local legislative body or the local school board supports the written argument.
- 1743 [~~(f)~~] (e) Except as provided in Subsection (13), the election officer shall grant a request described in
Subsection [~~(2)(d) or (e)~~] (2)(c) or (d) no later than 60 days before the day of the election at which
the ballot proposition is to be voted on.
- 1746 [~~(g)~~] (f)
- (i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special
local ballot proposition.
- 1748 (ii) Subject to Subsection [~~(2)(e)~~] (2)(d), an eligible voter opposed to the special local ballot proposition
who submits a request under Subsection [~~(2)(d)~~] (2)(c) may prepare a written argument against the
special local ballot proposition.
- 1751 [~~(h)~~] (g) An eligible voter who submits a written argument under this section in relation to a special
local ballot proposition shall:
- 1753

HB0408 compared with HB0408S02

- (i) ensure that the written argument does not exceed 500 words in length, not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv);
- 1755 (ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;
- 1757 (iii) except as provided in Subsection (13), submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;
- 1760 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and
- 1762 (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.
- 1764 ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection [~~(2)(h)(ii)~~] (2)(g)(iii).
- 1766 (3)
 - (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:
 - 1769 (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and
 - 1772 (ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.
 - 1775 (b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:
 - 1777 (i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;
 - 1779 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and
 - 1782 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.
 - 1785 (c) The eligible voter who submitted a timely written argument against the special local ballot proposition:

HB0408 compared with HB0408S02

- 1787 (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;
- 1789 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection [~~(2)(h)(ii)~~] (2)(g)(ii) or (iv); and
- 1792 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.
- 1795 (d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 1798 (4)
- (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:
- 1800 (i) an eligible voter may not modify a written argument or a written rebuttal argument after the eligible voter submits the written argument or written rebuttal argument to the election officer; and
- 1803 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a written argument or a written rebuttal argument.
- 1805 (b) The election officer, and the eligible voter who submits a written argument or written rebuttal argument in relation to a special local ballot proposition, may jointly agree to modify a written argument or written rebuttal argument in order to:
- 1808 (i) correct factual, grammatical, or spelling errors; and
- 1809 (ii) reduce the number of words to come into compliance with the requirements of this section.
- 1811 (c) An election officer shall refuse to accept and publish a written argument or written rebuttal argument in relation to a special local ballot proposition if the eligible voter who submits the written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).
- 1816 (5) In relation to a special local ballot proposition, an election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

1820

HB0408 compared with HB0408S02

- (6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a proposition information pamphlet under Section 20A-7-401.5:
- 1822 (a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
- 1825 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
- 1827 (c) shall submit the written rebuttal argument no later than 45 days before the election day on which the standard local ballot proposition will be submitted to the voters.
- 1829 (7)
- (a) A [~~county or municipality~~] county, municipality, or school district that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:
- 1832 (i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
- 1835 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
- 1837 (iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.
- 1839 (b) If a [~~county or municipality~~] county, municipality, or school district submits more than one written rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body or a local school board.
- 1844 (8)
- (a) An election officer shall refuse to accept and publish a written rebuttal argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 1846 (b) Before an election officer publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 1849 (c) An election officer who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.
- 1854 (9)

HB0408 compared with HB0408S02

- (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.
- 1857 (b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:
- 1859 (i) correct factual, grammatical, or spelling errors; or
- 1860 (ii) reduce the number of words to come into compliance with the requirements of this section.
- 1862 (c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:
- 1864 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or
- 1866 (ii) does not timely submit the written rebuttal argument to the election officer.
- 1867 (d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.
- 1869 (10) An election officer may designate another person to take the place of a person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.
- 1873 (11)
- (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.
- 1876 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:
- 1878 "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."
- 1881 (12)
- (a) In preparing the local voter information pamphlet, the election officer shall:
- 1882 (i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;
- 1884 (ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:
- 1886 "The arguments for or against a ballot proposition are the opinions of the authors.";

HB0408 compared with HB0408S02

- 1887 (iii) pay for the printing and binding of the local voter information pamphlet; and
- 1888 (iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:
- 1891 (A) a voter information pamphlet; or
- 1892 (B) the notice described in Subsection (12)(c).
- 1893 (b)
- (i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.
- 1895 (ii) The summary shall state where a complete copy of the ballot proposition is available for public review.
- 1897 (c)
- (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.
- 1900 (ii) The notice described in Subsection (12)(c)(i) shall include:
- 1901 (A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and
- 1903 (B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.
- 1905 (13) For 2024 only, in relation to an election that will appear on the regular general election ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72 days before the day of the election:
- 1909 (a) the deadline to file a request described in Subsection [~~(2)(d)~~] (2)(c) is before 5 p.m. no later than five business days after the notice is published;
- 1911 (b) the deadline to grant a request under Subsection [~~(2)(f)~~] (2)(e) is no later than seven business days after the notice is published;
- 1913 (c) the deadline to submit the written argument to the election officer under Subsection [~~(2)(h)(iii)~~] (2)(g)(iii) is before 5 p.m. no later than 12 business days after the notice is published; and
- 1916 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or (c)(iii) is no later than 17 business days after the notice is published.
- 1919 Section 11. Section **20A-7-405** is amended to read:

HB0408 compared with HB0408S02

1920 **20A-7-405. Public meeting.**

1920 (1) A [~~county or municipality~~] county, municipality, or school district may not discuss a proposed initiative, an initiative, a proposed referendum, or a referendum at a public meeting unless the [~~county or municipality~~] county, municipality, or school district complies with the requirements of this section.

1924 (2) The legislative body of a [~~county or municipality~~] county, municipality, or school district may hold a public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the legislative body:

1927 (a) allows equal time, within a reasonable limit, for presentations on both sides of the proposed initiative, initiative, proposed referendum, or referendum;

1929 (b) provides interested parties an opportunity to present oral testimony within reasonable time limits; and

1931 (c) holds the public meeting:

1932 (i) during the legislative body's normal meeting time; or

1933 (ii) for a meeting time other than the legislative body's normal meeting time, beginning at or after 6 p.m.

1935 (3) This section does not prohibit a working group meeting from being held before 6 p.m.

1937 Section 12. Section **20A-7-601** is amended to read:

1938 **20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.**

1940 (1) As used in this section:

1941 (a) "Number of active voters" means the number of active voters in the county, city, [~~or town~~] town, or school district on the immediately preceding January 1.

1943 (b) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

1945 (c) "Qualifying transit area" means:

1946 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or

1950 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

HB0408 compared with HB0408S02

- 1952 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
- 1954 (e)
- (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town.
- 1958 (ii) "Subjurisdictional law" does not include a land use law.
- 1959 (f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.
- 1961 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- 1963 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
- 1966 (a) for a county of the first class:
- 1967 (i) 7.75% of the number of active voters in the county; and
- 1968 (ii) [~~beginning on January 1, 2020,~~]7.75% of the number of active voters in at least 75% of the county's voter participation areas;
- 1970 (b) for a city of the first class:
- 1971 (i) 7.5% of the number of active voters in the city; and
- 1972 (ii) [~~beginning on January 1, 2020,~~]7.5% of the number of active voters in at least 75% of the city's voter participation areas;
- 1974 (c) for a county of the second class:
- 1975 (i) 8% of the number of active voters in the county; and
- 1976 (ii) [~~beginning on January 1, 2020,~~]8% of the number of active voters in at least 75% of the county's voter participation areas;
- 1978 (d) for a city of the second class:
- 1979 (i) 8.25% of the number of active voters in the city; and
- 1980 (ii) [~~beginning on January 1, 2020,~~]8.25% of the number of active voters in at least 75% of the city's voter participation areas;
- 1982 (e) for a county of the third class:
- 1983 (i) 9.5% of the number of active voters in the county; and

HB0408 compared with HB0408S02

- 1984 (ii) [~~beginning on January 1, 2020,~~]9.5% of the number of active voters in at least 75% of the county's voter participation areas;
- 1986 (f) for a city of the third class:
- 1987 (i) 10% of the number of active voters in the city; and
- 1988 (ii) [~~beginning on January 1, 2020,~~]10% of the number of active voters in at least 75% of the city's voter participation areas;
- 1990 (g) for a county of the fourth class:
- 1991 (i) 11.5% of the number of active voters in the county; and
- 1992 (ii) [~~beginning on January 1, 2020,~~]11.5% of the number of active voters in at least 75% of the county's voter participation areas;
- 1994 (h) for a city of the fourth class:
- 1995 (i) 11.5% of the number of active voters in the city; and
- 1996 (ii) [~~beginning on January 1, 2020,~~]11.5% of the number of active voters in at least 75% of the city's voter participation areas;
- 1998 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active voters in the city or county; or
- 2000 (j) for a town or a county of the sixth class, 35% of the number of active voters in the town or county.
- 2002 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
- 2005 (a) for a county of the first, second, third, or fourth class:
- 2006 (i) 16% of the number of active voters in the county; and
- 2007 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least 75% of the county's voter participation areas;
- 2009 (b) for a county of the fifth or sixth class:
- 2010 (i) 16% of the number of active voters in the county; and
- 2011 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least 75% of the county's voter participation areas;
- 2013 (c) for a city of the first class:
- 2014 (i) 15% of the number of active voters in the city; and
- 2015

HB0408 compared with HB0408S02

- (ii) [~~beginning on January 1, 2020,~~]15% of the number of active voters in at least 75% of the city's voter participation areas;
- 2017 (d) for or a city of the second class:
- 2018 (i) 16% of the number of active voters in the city; and
- 2019 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least 75% of the city's voter participation areas;
- 2021 (e) for a city of the third class:
- 2022 (i) 27.5% of the number of active voters in the city; and
- 2023 (ii) [~~beginning on January 1, 2020,~~]27.5% of the number of active voters in at least 75% of the city's voter participation areas;
- 2025 (f) for a city of the fourth class:
- 2026 (i) 29% of the number of active voters in the city; and
- 2027 (ii) [~~beginning on January 1, 2020,~~]29% of the number of active voters in at least 75% of the city's voter participation areas;
- 2029 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 2030 (h) for a town, 40% of the number of active voters in the town.
- 2031 (4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures of the residents in the subjurisdiction equal to:
- 2034 (a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;
- 2036 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;
- 2038 (c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;
- 2040 (d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;
- 2042 (e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; [~~and~~] or
- 2044 (f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

HB0408 compared with HB0408S02

- 2046 (5) An eligible voter seeking to have a transit area land use law passed by the local legislative body
submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures
equal to:
- 2049 (a) for a county:
- 2050 (i) 20% of the number of active voters in the county; and
- 2051 (ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;
- 2053 (b) for a city of the first class:
- 2054 (i) 20% of the number of active voters in the city; and
- 2055 (ii) 20% of the number of active voters in at least 75% of the city's voter participation areas;
- 2057 (c) for a city of the second class:
- 2058 (i) 20% of the number of active voters in the city; and
- 2059 (ii) 21% of the number of active voters in at least 75% of the city's voter participation areas;
- 2061 (d) for a city of the third class:
- 2062 (i) 34% of the number of active voters in the city; and
- 2063 (ii) 34% of the number of active voters in at least 75% of the city's voter participation areas;
- 2065 (e) for a city of the fourth class:
- 2066 (i) 36% of the number of active voters in the city; and
- 2067 (ii) 36% of the number of active voters in at least 75% of the city's voter participation areas; or
- 2069 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or town.
- 2071 (6) An eligible voter seeking to have a local law or local school tax law passed by the local school
board of a school district submitted to a vote of the people shall, after filing a referendum
application, obtain legal signatures equal to:
- 2074 (a) 10% of the number of active voters in the school district if the number of active voters exceeds
25,000;
- 2076 (b) 12.5% of the number of active voters in the school district if the number of active voters does not
exceed 25,000 but is more than 10,000;
- 2078 (c) 15% of the number of active voters in the school district if the number of active voters does not
exceed 10,000 but is more than 2,500;
- 2080 (d) 20% of the number of active voters in the school district if the number of active voters does not
exceed 2,500 but is more than 500;

2082

HB0408 compared with HB0408S02

- (e) 25% of the number of active voters in the school district if the number of active voters does not exceed 500 but is more than 250; or
- 2084 (f) 30% of the number of active voters in the school district if the number of active voters does not exceed 250.
- 2086 [~~(6)~~] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), [~~or (5)~~] (5), or (6), any local law or local school tax law passed by a local legislative body or a local school board, as applicable, shall file the application before 5 p.m. within five days after the day on which the local law or local school tax law was passed.
- 2090 [~~(7)~~] (8) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.
- 2094 Section 13. Section **20A-7-602.5** is amended to read:
- 2095 **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**
- 2095 (1) Within three business days after the day on which the local clerk receives a referendum application, the local clerk shall submit a copy of the referendum application to the [~~county, city, or town's~~] county's, city's, town's, or school district's budget officer.
- 2098 (2)
- (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith initial fiscal and legal impact statement for repealing the law the referendum proposes to repeal that contains:
- 2101 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
- 2102 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;
- 2106 (iii) if repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt that would result;
- 2109 (iv) a listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source;
- 2112 (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;

HB0408 compared with HB0408S02

- 2114 (vi) the legal impacts that would result from repealing the law, including:
- 2115 (A) any significant effects on a person's vested property rights;
- 2116 (B) any significant effects on other laws or ordinances;
- 2117 (C) any significant legal liability the city, county, or town may incur; and
- 2118 (D) any other significant legal impact as determined by the budget officer and the legal counsel; and
- 2120 (vii) a concise explanation, not exceeding 100 words, of the information described in this
Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were repealed.
- 2123 (b)
- (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact and legal statement in substantially the following form:
- 2126 "The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
- 2129 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal and legal impact statement describing the fiscal impact.
- 2132 (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.
- 2136 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:
- 2138 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office; and
- 2140 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors named in the referendum application.
- 2143 Section 14. Section **20A-7-602.7** is amended to read:
- 2144 **20A-7-602.7. Referability to voters of a local school tax law or a local law other than a land use law.**
- 2145 (1) Within 20 days after the day on which an eligible voter files a referendum application under Section 20A-7-602 for a local school tax law, or a local law other than a land use law, counsel for the ~~[county, city, or town]~~ county, city, town, or school district to which the referendum pertains shall:
- 2149

HB0408 compared with HB0408S02

- (a) review the referendum application to determine whether the proposed referendum is legally referable to voters; and
- 2151 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 2152 (i) legally referable to voters; or
- 2153 (ii) rejected as not legally referable to voters.
- 2154 (2) For a local school tax law, or a local law other than a land use law, a proposed referendum is legally referable to voters unless:
- 2156 (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
- 2158 (b) the proposed referendum challenges more than one law passed by the local legislative body or the local school board; or
- 2160 (c) the referendum application was not timely filed or does not comply with the requirements of this part.
- 2162 (3) After the end of the 20-day period described in Subsection (1), a [~~county, city, or town may not, for a local law other than a land use law~~] county, city, town, or school district may not, for a local school tax law, or a local law other than a land use law:
- 2165 (a) reject a proposed referendum as not legally referable to voters; or
- 2166 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.
- 2169 (4)
- (a) If, under Subsection (1)(b)(ii), a [~~county, city, or town~~] county, city, town, or school district rejects a proposed referendum concerning a local school tax law, or a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
- 2174 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 2175 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).
- 2177 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.
- 2179 (5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection

HB0408 compared with HB0408S02

20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

2185 Section 15. Section **20A-7-603** is amended to read:

2186 **20A-7-603. Manual referendum process -- Form of referendum petition and signature sheet.**

2187 (1) This section applies only to the manual referendum process.

2188 (2)

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

2189 "REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town
Clerk/Business Administrator/Superintendent:

2191 We, the undersigned citizens of Utah, respectfully order that (description of the local law or local school tax law, or portion of the local law or local school tax law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

2195 Each signer says:

2196 I have personally signed this referendum petition or, if I am an individual with a qualifying disability, I have signed this referendum petition by directing the signature gatherer to enter the initials "AV" as my signature;

2199 The date next to my signature correctly reflects the date that I actually signed the petition;

2201 I have personally read the entire statement included with this packet;

2202 I am registered to vote in Utah; and

2203 My residence and post office address are written correctly after my name."

2204 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

2206 (3) Each referendum signature sheet shall:

2207 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2208 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

2210 (c) include the title of the referendum printed below the horizontal line, in at least 14-point type;

2212 (d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

HB0408 compared with HB0408S02

- 2214 (i) the first column shall be .5 inch wide and include three rows;
- 2215 (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
- 2217 (iii) the second row of the first column shall be .35 inch tall;
- 2218 (iv) the third row of the first column shall be .5 inch tall;
- 2219 (v) the second column shall be 2.75 inches wide;
- 2220 (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 2223 (vii) the second row of the second column shall be .5 inch tall;
- 2224 (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
- 2226 (ix) the fourth row of the second column shall be .5 inch tall;
- 2227 (x) the third column shall be 2.75 inches wide;
- 2228 (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- 2230 (xii) the second row of the third column shall be .5 inch tall;
- 2231 (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- 2233 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2234 (xv) the fourth column shall be one inch wide;
- 2235 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- 2237 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2238 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- 2240 (xix) the fourth row of the third column shall be .5 inch tall; and
- 2241 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words, "By signing this referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;
- 2245 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (3)(f); and

HB0408 compared with HB0408S02

2247 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the
2248 following statement in not less than eight-point type:

2249 "It is a class A misdemeanor for an individual to sign a referendum petition with a name other
than the individual's own name, or to knowingly sign the individual's name more than once for
the same referendum petition, or to sign a referendum petition when the individual knows that the
individual is not a registered voter.

2253 Birth date or age information is not required, but it may be used to verify your identity with
voter registration records. If you choose not to provide it, your signature may not be verified
as a valid signature if you change your address before petition signatures are verified or if the
information you provide does not match your voter registration records."

2257 (4) The final page of each referendum packet shall contain the following printed or typed statement:

2259 "Verification of signature collector

2260 State of Utah, County of ____

2261 I, _____, of _____, hereby state, under penalty of perjury, that:

2262 I am at least 18 years old;

2263 All the names that appear in this packet were signed by individuals who professed to be the
individuals whose names appear in it, and each of the individuals signed the individual's name
on it in my presence or, in the case of an individual with a qualifying disability, I have signed
this referendum petition on the individual's behalf, at the direction of the individual and in the
individual's presence, by entering the initials "AV" as the individual's signature;

2268 I certify that, for each individual whose signature is represented in this referendum packet
by the initials "AV":

2270 I obtained the individual's voluntary direction or consent to sign the referendum
petition on the individual's behalf;

2272 I do not believe, or have reason to believe, that the individual lacked the mental
capacity to give direction or consent;

2274 I do not believe, or have reason to believe, that the individual did not understand the
purpose or nature of my signing the referendum petition on the individual's behalf;

2277 I did not intentionally or knowingly deceive the individual into directing me to, or
consenting for me to, sign the referendum petition on the individual's behalf; and

2279 I did not intentionally or knowingly enter false information on the signature sheet;

HB0408 compared with HB0408S02

2281 I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to
overturn; and

2283 I believe that each individual's name, post office address, and residence is written correctly, that
each signer has read the law that the referendum seeks to overturn, and that each signer is registered
to vote in Utah.

2286 _____

2287 (Name)

(Residence Address) (Date)

2288 The correct date of signature appears next to each individual's name.

2289 I have not paid or given anything of value to any individual who signed this referendum packet
to encourage that individual to sign it.

2291 _____

2292 (Name)

(Residence Address) (Date)".

2293 (5) If the forms described in this section are substantially followed, the referendum petitions are
sufficient, notwithstanding clerical and merely technical errors.

2296 Section 16. Section **20A-7-604** is amended to read:

2297 **20A-7-604. Manual referendum process -- Circulation requirements -- Local clerk to
provide sponsors with materials.**

2298 (1) This section applies only to the manual referendum process.

2299 (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent
of the sponsors shall, after the sponsors receive the documents described in Subsections (3) and
20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

2303 (3) Within five days after the day on which a county, city, town, school district, or court determines, in
accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the
local clerk shall provide the sponsors with:

2306 (a) a copy of the referendum petition;

2307 (b) a signature sheet; and

2308 (c) a copy of the proposition information pamphlet provided to the sponsors under Subsection
20A-7-401.5(4)(b).

2310 (4) The sponsors of the referendum petition shall:

HB0408 compared with HB0408S02

- 2311 (a) arrange and pay for the printing of all documents that are part of the referendum packets; and
- 2313 (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.
- 2315 (5)
- (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by creating multiple referendum packets.
- 2317 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum petition with the text of the law that is the subject of the referendum and no more than 50 signature sheets together at the top in a manner that the referendum packets may be conveniently opened for signing.
- 2321 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 2322 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- 2325 (6)
- (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 2326 (i) contact the county clerk to receive a range of numbers that the sponsors may use to number referendum packets;
- 2328 (ii) sign an agreement with the local clerk, specifying the range of numbers that the sponsor will use to number the referendum packets; and
- 2330 (iii) number each referendum packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.
- 2332 (b) The sponsors or an agent of the sponsors may not:
- 2333 (i) number a referendum packet in a manner not directed by the county clerk; or
- 2334 (ii) circulate or submit a referendum packet that is not numbered in the manner directed by the county clerk.
- 2338 Section 17. Section **20A-7-607** is amended to read:
- 2339 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.**
- 2339 (1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.
- 2342 (2) The county clerk shall:

HB0408 compared with HB0408S02

- 2343 (a) in relation to the manual referendum process:
- 2344 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and
- 2348 (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or
- 2350 (b) in relation to the electronic referendum process:
- 2351 (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and
- 2354 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- 2356 (3) The local clerk:
- 2357 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:
- 2359 (i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or
- 2362 (ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or
- 2365 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
- 2367 (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;
- 2372 (ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or
- 2377 (iii) a requirement of this part has not been met.
- 2378 (4)

HB0408 compared with HB0408S02

- (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."
- 2382 (b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."
- 2386 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- 2388 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- 2390 (5)
- (a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.
- 2394 (b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the local clerk's office.
- 2398 (c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:
- 2400 (i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or
- 2402 (ii) {as it relates to a local tax law }or a local school tax law {that is conducted entirely by mail{}} if the referendum petition relates to a local tax law or local school tax law that is conducted entirely by mail}, certifying, printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.
- 2406 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.
- 2408 (7)
- (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

HB0408 compared with HB0408S02

- 2412 (b) The election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:
- 2416 (i) the local clerk;
- 2417 (ii) the county clerk; and
- 2418 (iii) the attorney for the [~~county or municipality~~] county, municipality, or school district that took the legislative action.
- 2420 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for:
- 2424 (i) the next general election; or
- 2425 (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:
- 2427 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- 2429 (B) the local clerk;
- 2430 (C) the county clerk; and
- 2431 (D) the attorney for the county or municipality that took the legislative action.
- 2433 Section 18. Section **20A-7-608** is amended to read:
- 2434 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.**
- 2435 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the law to which the referendum relates to the local attorney.
- 2437 (2) The local attorney shall:
- 2438 (a) entitle each [~~county or municipal~~] county, municipal, or school district referendum that qualifies for the ballot "Proposition Number ___" and give the referendum a number assigned in accordance with Section 20A-6-107;
- 2441 (b) prepare for the referendum:
- 2442 (i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and
- 2444 (ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;

HB0408 compared with HB0408S02

- 2446 (c) file the proposed short title, summary, and the numbered referendum title with the local clerk within
20 days after the day on which an eligible voter submits the referendum petition to the local clerk;
and
- 2449 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 2450 (i) the sponsors of the petition; and
- 2451 (ii) the local legislative body or the local school board for the jurisdiction where the referendum petition
was circulated.
- 2453 (3)
- (a) The short title and summary may be distinct from the title of the law that is the subject of the
referendum petition.
- 2455 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true
and impartial description of the subject of the referendum.
- 2457 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true
and impartial summary of the contents of the referendum.
- 2459 (d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for
or against the referendum.
- 2461 (4)
- (a) Within five calendar days after the day on which the local attorney files a proposed short title and
summary under Subsection (2)(c), the local legislative body or local school board for the jurisdiction
where the referendum petition was circulated and the sponsors of the referendum petition may file
written comments in response to the proposed short title and summary with the local clerk.
- 2466 (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the
local attorney shall:
- 2468 (i) review any written comments filed in accordance with Subsection (4)(a);
- 2469 (ii) prepare a final short title and summary that meets the requirements of Subsection (3); and
- 2471 (iii) return the referendum petition and file the short title and summary with the local clerk.
- 2473 (c) Subject to Subsection (6), for each [~~county or municipal~~] county, municipal, or school district
referendum, the following shall be printed on the official ballot:
- 2475 (i) the short title; and
- 2476 (ii) except as provided in Subsection (4)(d):
- 2477 (A) the summary;

HB0408 compared with HB0408S02

- 2478 (B) a copy of the ordinance, resolution, or written description of the local law or local school tax law;
and
- 2480 (C) a link to a location on the election officer's website where a voter may review additional
information relating to each referendum, including the information described in Subsection
20A-7-602(2) and the arguments relating to the referendum that are included in the local voter
information pamphlet.
- 2484 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election
officer shall include with the ballot a separate ballot proposition insert that includes the short title
and summary for each referendum on the ballot and a link to a location on the election officer's
website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).
- 2489 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot,
and the information described in Subsection (4)(c)(ii) for all referenda on the ballot, is printed on the
ballot, 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, unless the summary is printed
directly on the ballot."
- 2496 (5) Immediately after the local attorney files a copy of the short title and summary with the local clerk,
the local clerk shall send a copy of the short title and summary to the sponsors of the referendum
petition and the local legislative body or the local school board for the jurisdiction where the
referendum petition was circulated.
- 2500 (6)
- (a) If the short title or summary provided 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:
- 2503 (i) at least three sponsors of the referendum petition; or
- 2504 (ii) a majority of the local legislative body or the local school board for the jurisdiction where the
referendum petition was circulated.
- 2506 (b) The court:
- 2507 (i) shall examine the short title and summary and consider the arguments; and
- 2508 (ii) enter an order consistent with the requirements of this section.
- 2509

HB0408 compared with HB0408S02

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

2512 Section 19. Section **20A-7-609** is amended to read:

2513 **20A-7-609. Form of ballot -- Manner of voting.**

2513 (1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

2517 (2)

(a) Except as provided in Subsection [~~(2)(e)(i)~~] (2)(d)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that a county referenda that [have] has qualified for the ballot [appear] appears on the next regular general election ballot.

2521 (b) Except as provided in Subsection [~~(2)(e)(ii)~~] (2)(d)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that a municipal referenda that [have] has qualified for the ballot [appear] appears on the next regular municipal election ballot.

2525 (c) Except as provided in Subsection (2)(d)(iii) or Section 20A-7-609.5, and unless the local school board calls a special election, the business administrator or superintendent shall ensure that a school district referenda that has qualified for the ballot appears on the next regular general election ballot.

2529 [(e)

(i) ~~Except as provided in Section 20A-7-609.5;~~

2530 (d)

(i) [~~if~~] If a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.

2535 (ii) [~~Except as provided in Section 20A-7-609.5, if~~] If a local law passes after January 30 of the year in which there is a municipal general election, the municipal recorder or clerk shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.

2541

HB0408 compared with HB0408S02

(iii) If a local law or local school tax law passes after January 30 of the year in which there is a regular general election, the business administrator or superintendent shall ensure that a school district referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following passage of the local law or local school tax law unless the local school board calls a special election.

2547 (3)

(a)

(i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

2549 (ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."

2551 (b)

(i) A voter desiring to vote against the law that is the subject of the referendum shall mark the square following the word "Against."

2553 (ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

2556 Section 20. Section **20A-7-609.5** is amended to read:

2557 **20A-7-609.5. Election on referendum challenging a local tax law or local school tax law conducted entirely by mail.**

2558 (1) An election officer may administer an election on a referendum challenging a local tax law or a local school tax law entirely by mail.

2560 (2) For purposes of an election conducted under this section, the election officer shall:

2561 (a) designate as the election day the day that is 30 days after the day on which the election officer complies with Subsection (2)(b); and

2563 (b) within 30 days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts or school district to which the local tax law or local school tax law applies:

2566 (i) a manual ballot;

2567 (ii) a statement that there will be no polling place for the election;

2568 (iii) a statement specifying the election day described in Subsection (2)(a);

2569 (iv) a business reply mail envelope;

2570 (v) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;

HB0408 compared with HB0408S02

- 2573 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and
- 2577 (vii)
- (A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or
- 2580 (B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).
- 2582 (3) An election officer who administers an election under this section shall:
- 2583 (a)
- (i) obtain, in person, the signatures of each voter within that voting precinct or school district before the election; or
- 2585 (ii) obtain the signature of each voter within the voting precinct or school district from the county clerk; and
- 2587 (b) maintain the signatures on file in the election officer's office.
- 2588 (4)
- (a) Upon receiving a returned manual ballot under this section, the election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.
- 2591 (b) If the election officer questions the authenticity of the signature on the return envelope, the election officer shall immediately contact the voter to verify the signature.
- 2594 (c) If there is not a signature on the return envelope or if the election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the election officer shall:
- 2597 (i) disqualify the ballot; and
- 2598 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 2600 Section 21. Section **20A-7-610** is amended to read:
- 2601 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.**
- 2602 (1) The votes on the law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns.

HB0408 compared with HB0408S02

- 2605 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body or the local school board the vote for and against the law that is the subject of the referendum petition.
- 2608 (3)
- (a) The local legislative body or the local school board shall immediately issue a proclamation that:
- 2610 (i) gives the total number of votes cast in the local jurisdiction for and against each law that is the subject of a referendum petition; and
- 2612 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a referendum petition that are approved by majority vote to be in full force and effect as the law of the local jurisdiction.
- 2615 (b) When the local legislative body or the local school board determines that two laws, or that parts of two laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim to be law the law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those approved laws received.
- 2620 (4)
- (a) Within 10 days after the day on which the local legislative body or the local school board issues the proclamation described in Subsection (3), any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another law approved at the same election may bring an action in the appropriate court to review the decision.
- 2625 (b) The court shall:
- 2626 (i) consider the matter and decide whether the approved laws are entirely in conflict; and
- 2628 (ii) issue an order, consistent with the court's decision, to the local legislative body or the local school board.
- 2630 (5) Within 10 days after the day on which the court enters an order under Subsection (4)(b)(ii), the local legislative body or the local school board shall:
- 2632 (a) proclaim as law all those laws approved by the people that the court determines are not in conflict; and
- 2634 (b) of all those laws approved by the people as law that the court determines to be in conflict, proclaim as law the one that receives the greatest number of affirmative votes, regardless of the difference in majorities.
- 2638 Section 22. Section **20A-7-611** is amended to read:

HB0408 compared with HB0408S02

- 2639 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative body or**
2640 **local school board.**
- 2640 (1) Any law submitted to the people by referendum petition that is rejected by the voters at any election
 is repealed as of the date of the election.
- 2642 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk determines
 that, at that point in time, an adequate number of signatures are certified to comply with the
 signature requirements, the local clerk shall:
- 2645 (a) issue an order temporarily staying the law from going into effect; and
- 2646 (b) continue the process of certifying signatures and removing signatures as required by this part.
- 2648 (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future
 count falls below the signature threshold, until the day on which:
- 2650 (a) if the local clerk declares the referendum petition insufficient, five days after the day on which the
 local clerk declares the referendum petition insufficient; or
- 2652 (b) if the local clerk declares the referendum petition sufficient, the day on which the local legislative
 body issues the proclamation described in Section 20A-7-610.
- 2654 (4) A law submitted to the people by referendum that is approved by the voters at an election takes
 effect the later of:
- 2656 (a) five days after the date of the official proclamation of the vote by the local legislative body; or
- 2658 (b) the effective date specified in the approved law.
- 2659 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares
 the referendum petition insufficient, the law that is the subject of the referendum petition takes
 effect the later of:
- 2662 (a) five days after the day on which the local clerk declares the petition insufficient; or
- 2663 (b) the effective date specified in the proposed law.
- 2664 (6)
- 2665 (a) A law approved by the people under this part is not subject to veto.
- 2665 (b) The local legislative body or the local school board may amend any laws approved by the people
 under this part after the people approve the law.
- 2667 (7) If the local legislative body or the local school board repeals a law challenged by referendum
 petition under this part, the referendum petition is void and no further action on the referendum
 petition is required.

HB0408 compared with HB0408S02

- 2671 Section 23. Section **20A-7-613** is amended to read:
- 2672 **20A-7-613. Property tax referendum petition.**
- 2672 (1) As used in this section^[~~5~~] :
- 2673 (a) [~~"certified tax rate"~~] "Certified tax rate" means the same as that term is defined in Section 59-2-924.
- 2675 (b) "Taxing entity" means a county, city, town, or school district with the authority to levy a tax on property.
- 2677 (2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.
- 2680 (3) Notwithstanding Subsection 20A-7-105(5)(a)(iv), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
- 2683 (a) 30 days after the day on which the first individual signs the packet; or
- 2684 (b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(3).
- 2686 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the actions required in Subsections 20A-7-105(6)(a) and (9) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).
- 2690 (5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after:
- 2692 (a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or
- 2694 (b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).
- 2696 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.
- 2699 (7) Notwithstanding Subsection [~~20A-7-609(2)(e)~~] 20A-7-609(2)(d), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.
- 2703 (8) The election officer shall mail manual ballots on a referendum under this section the later of:
- 2705 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
- 2706 (b) the time that ballots are prepared for mailing under this section.
- 2707 (9) Section 20A-7-402 does not apply to a referendum described in this section.

HB0408 compared with HB0408S02

- 2708 (10)
- (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:
- 2711 (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
- 2713 (ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.
- 2717 (b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.
- 2720 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.
- 2724 (11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".
- 2728 (12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.
- 2731 (13)
- (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:
- 2733 (i) sponsors file an application for a referendum described in this section;
- 2734 (ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and
- 2736 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.
- 2738

HB0408 compared with HB0408S02

(b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

2740 (c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

2745 Section 24. Section **20A-7-614** is amended to read:

2746 **20A-7-614. Electronic referendum process -- Form of referendum petition -- Circulation requirements -- Signature collection.**

2747 (1) This section applies only to the electronic referendum process.

2748 (2)

(a) The first screen presented on the approved device shall include the following statement:

2749 "This REFERENDUM PETITION is addressed to the Honorable ____, County Clerk/City Recorder/Town Clerk/Business Administrator/Superintendent:

2751 The citizens of Utah who sign this petition respectfully order that (description of the local law or local school tax law, or portion of the local law or local school tax law being challenged), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year)."

2755 (b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

2758 (3)

(a) The second screen presented on the approved device shall include the entire text of the law that is the subject of the referendum petition.

2760 (b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the entire text of the law that is the subject of the referendum petition."

2764 (4)

(a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures.

2767

HB0408 compared with HB0408S02

(b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."

2770 (5) The fourth screen presented on the approved device shall include the following statement, followed
by links where the individual may click "yes" or "no":

2772 "I have personally read the entirety of each statement presented on this device;

2773 I am personally signing this referendum petition;

2774 I am registered to vote in Utah; and

2775 All information I enter on this device, including my residence and post office address, is
accurate.

2777 It is a class A misdemeanor for an individual to sign a referendum petition with a name other
than the individual's own name, or to knowingly sign the individual's name more than once for
the same referendum petition, or to sign a referendum petition when the individual knows that the
individual is not a registered voter.

2781 Do you wish to continue and sign this referendum petition?"

2782 (6)

(a) If the individual clicks "no" in response to the question described in Subsection (5), the next screen
shall include the following statement, "Thank you for your time. Please return this device to the
signature-gatherer."

2785 (b) If the individual clicks "yes" in response to the question described in Subsection (5), the website, or
the application that accesses the website, shall take the signature-gatherer and the individual signing
the referendum petition through the signature process described in Section 20A-21-201.

2790 Section 25. Section **63G-30-102** is amended to read:

2791 **63G-30-102. Public notice classifications and requirements.**

2791 (1) A public body or a government official that is required to provide a class A notice:

2792 (a) shall publish the public notice on the Utah Public Notice Website;

2793 (b) shall publish the public notice on the public body's or government official's official website, if the
public body or government official:

2795 (i) maintains an official website; and

2796 (ii) has an annual operating budget of \$250,000 or more; and

2797

HB0408 compared with HB0408S02

- (c) except as provided in Subsection (4), and subject to Subsection (5), post the public notice in connection with the affected area as follows:
- 2799 (i) if the affected area is a municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
- 2802 (ii) if the affected area is a proposed municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;
- 2805 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i), (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected area that is reasonably likely to be seen by:
- 2808 (A) residents of the affected area; or
- 2809 (B) if there are no residents within the affected area, individuals who pass through or near the affected area;
- 2811 (iv) if the affected area is a county, in a public location within the county that is reasonably likely to be seen by residents of the county;
- 2813 (v) if the affected area is a municipality with a population of 2,000 or more, or a proposed municipality with a population of 2,000 or more, in a public location within the municipality or proposed municipality that is reasonably likely to be seen by residents of the municipality or proposed municipality;
- 2817 (vi) if the affected area is a public street, on or adjacent to the public street;
- 2818 (vii) if the affected area is an easement:
- 2819 (A) on or adjacent to the easement; or
- 2820 (B) in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement; [or]
- 2822 (viii) if the affected area is an interlocal entity, within, or as applicable near, each jurisdiction that is part of the interlocal entity, in accordance with the provisions of this Subsection (1) that apply to that jurisdiction[-] ; or
- 2825 (ix) if the affected area is a school district, in a public location within the school district that is reasonably likely to be seen by residents of the school district.
- 2827 (2) Subject to Subsection (5), a public body or a government official that is required to provide a class B notice shall:

HB0408 compared with HB0408S02

- 2829 (a) comply with the requirements described in Subsection (1) for a class A notice;
- 2830 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be provided for a designated geographic area, mail or otherwise deliver the public notice or a notice summary statement to each residence within, and, in accordance with Subsection (3), to each owner of real property located within, the designated geographic area; and
- 2835 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or a notice summary statement, in accordance with Subsection (3), to each designated person and real property owner.
- 2839 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the public body or government official shall:
- 2841 (a) use the current residential or business address of the real property owner;
- 2842 (b) if the public body or government official is not reasonably able to obtain the address described in Subsection (3)(a), use the last known address of the real property owner that the public body or government official is able to obtain via a reasonable inquiry into public records; or
- 2846 (c) if the public body or government official is not reasonably able to obtain an address described in Subsection (3)(a) or (b), post the notice on the real property.
- 2848 (4) A government official, a public body, or any other body that is required to post notice under Subsection (1) is not required to comply with Subsection (1)(c) if:
- 2850 (a) the affected area is the state;
- 2851 (b) the body is a specified body, as defined in Section 52-4-103;
- 2852 (c) the public body is the Legislature or a public body within the state legislative branch; or
- 2854 (d) the government official is required to post the notice on behalf of a body described in Subsection (4) (b) or (c).
- 2856 (5) If a statute, ordinance, or rule requires a public body or government official to provide notice for a period of time:
- 2858 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement is not violated due to temporary technological issues that interrupt the posting, unless the posting is interrupted for more than 25% of the required posting time;
- 2861 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:
- 2862

HB0408 compared with HB0408S02

- (i) the notice is posted at or, except to the extent prohibited by law, before the beginning of the period of time;
- 2864 (ii) the public body or government official does not remove the posting before the end of the period of time; and
- 2866 (iii) until the end of the period of time, the public body or government official:
 - 2867 (A) periodically verifies that the notice remains in place; and
 - 2868 (B) replaces the notice within a reasonable time after discovering that the notice has been removed or damaged; and
- 2870 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing is made at or, except to the extent prohibited by law, before, the beginning of the period of time.

2874 Section 26. **Effective date.**

This bill takes effect on May 7, 2025.

2-24-25 12:42 PM