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Ballot Title Amendments
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Mike Schultz
 Senate Sponsor:

2

3 **LONG TITLE**4 **General Description:**

5 This bill modifies provisions governing the process for submitting proposed constitutional
 6 amendments to the voters.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ changes the person responsible for preparing the ballot title and analysis for any proposed
 10 constitutional amendment submitted to the voters.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **20A-7-103**, as last amended by Laws of Utah 2024, Chapter 46518 **20A-7-702**, as last amended by Laws of Utah 2024, Chapter 46519 **20A-7-703.1**, as enacted by Laws of Utah 2024, Chapter 465

20

21 *Be it enacted by the Legislature of the state of Utah:*22 Section 1. Section **20A-7-103** is amended to read:

23 **20A-7-103 . Constitutional amendments and other questions submitted by the**
 24 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

25 (1) The procedures contained in this section govern when the Legislature submits a
 26 proposed constitutional amendment or other question to the voters.

27 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the
 28 date of the election, publish the full text of the amendment, question, or statute for the
 29 state, as a class A notice under Section 63G-30-102, through the date of the election.

30 (3)(a) The [~~presiding officers~~] legislative general counsel shall:

- 31 ~~[(a)]~~ (i) entitle each proposed constitutional amendment "Constitutional Amendment
 32 ___" and assign a letter to the constitutional amendment in accordance with the
 33 requirements of Section 20A-6-107;
- 34 ~~[(b)]~~ (ii) entitle each proposed question "Proposition Number ___" with the number
 35 assigned to the proposition under Section 20A-6-107 placed in the blank;
- 36 ~~[(c)]~~ (iii) draft and designate a ballot title for each proposed amendment or question
 37 submitted by the Legislature that:
- 38 ~~[(i)]~~ (A) summarizes the subject matter of the amendment or question; and
 39 ~~[(ii)]~~ (B) for a proposed constitutional amendment, summarizes any legislation that
 40 is enacted and will become effective upon the voters' adoption of the proposed
 41 constitutional amendment; and
- 42 ~~[(d)]~~ (iv) deliver each letter or number and ballot title to the lieutenant governor.
- 43 (b) Consistent with Section 36-12-12, the legislative general counsel performs the duties
 44 in this section as counsel for the presiding officers.
- 45 (4) The lieutenant governor shall certify the letter or number and ballot title of each
 46 amendment or question to the county clerk of each county no later than 65 days before
 47 the date of the election.
- 48 (5) The county clerk of each county shall:
- 49 (a) ensure that the letter or number and the ballot title of each amendment and question
 50 prepared in accordance with this section are included in the sample ballots and
 51 official ballots; and
- 52 (b) publish the sample ballots and official ballots as provided by law.
- 53 Section 2. Section **20A-7-702** is amended to read:
- 54 **20A-7-702 . Voter information pamphlet -- Form -- Contents.**
- 55 The voter information pamphlet shall contain the following items in this order:
- 56 (1) a cover title page;
- 57 (2) an introduction to the pamphlet by the lieutenant governor;
- 58 (3) a table of contents;
- 59 (4) a list of all candidates for constitutional offices;
- 60 (5) a list of candidates for each legislative district;
- 61 (6) a 100-word statement of qualifications for each candidate for the office of governor,
 62 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
 63 candidate to the lieutenant governor's office before 5 p.m. on the first business day in
 64 August before the date of the election;

- 65 (7) information pertaining to all measures to be submitted to the voters, beginning a new
66 page for each measure and containing, in the following order for each measure:
- 67 (a) a copy of the number and ballot title of the measure;
- 68 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
69 the Legislature or by referendum;
- 70 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
71 impartial analysis of the measure prepared by the Office of Legislative Research
72 and General Counsel; or
- 73 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
74 prepared by the [~~presiding officers~~] legislative general counsel;
- 75 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
76 measure, the arguments against the measure, and the rebuttal to the arguments against
77 the measure, with the name and title of the authors at the end of each argument or
78 rebuttal;
- 79 (e) for each constitutional amendment, a complete copy of the text of the constitutional
80 amendment, with all new language underlined, and all deleted language placed within
81 brackets;
- 82 (f) for each initiative qualified for the ballot:
- 83 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
84 initial fiscal impact statement prepared according to Section 20A-7-202.5; and
- 85 (ii) if the initiative proposes a tax increase, the following statement in bold type:
86 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
87 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
88 increase in the current tax rate."; and
- 89 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
90 being submitted to the voters for their approval or rejection, with all new language
91 underlined and all deleted language placed within brackets, as applicable;
- 92 (8) a description provided by the Judicial Performance Evaluation Commission of the
93 selection and retention process for judges, including, in the following order:
- 94 (a) a description of the judicial selection process;
- 95 (b) a description of the judicial performance evaluation process;
- 96 (c) a description of the judicial retention election process;
- 97 (d) a list of the criteria of the judicial performance evaluation and the certification
98 standards;

- 99 (e) the names of the judges standing for retention election; and
100 (f) for each judge:
- 101 (i) a list of the counties in which the judge is subject to retention election;
 - 102 (ii) a short biography of professional qualifications and a recent photograph;
 - 103 (iii) a narrative concerning the judge's performance;
 - 104 (iv) for each certification standard under Section 78A-12-205, a statement identifying
105 whether, under Section 78A-12-205, the judge met the standard and, if not, the
106 manner in which the judge failed to meet the standard;
 - 107 (v) a statement that the Judicial Performance Evaluation Commission:
 - 108 (A) has determined that the judge meets or exceeds minimum performance
109 standards;
 - 110 (B) has determined that the judge does not meet or exceed minimum performance
111 standards; or
 - 112 (C) has not made a determination regarding whether the judge meets or exceeds
113 minimum performance standards;
 - 114 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
115 whom the Judicial Performance Evaluation Commission determines does not meet
116 or exceed minimum performance standards;
 - 117 (vii) in a bar graph, the average of responses to each survey category, displayed with
118 an identification of the minimum acceptable score as set by Section 78A-12-205
119 and the average score of all judges of the same court level; and
 - 120 (viii) a website address that contains the Judicial Performance Evaluation
121 Commission's report on the judge's performance evaluation;
- 122 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
123 cumulative number of informal reprimands, when consented to by the judge in
124 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
125 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
126 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
127 immediately preceding term, and a detailed summary of the supporting reasons for each
128 violation of the Code of Judicial Conduct that the judge has received;
- 129 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
130 indicating the ballot marking procedure used by each county and explaining how to
131 mark the ballot for each procedure;
- 132 (11) voter registration information, including information on how to obtain a ballot;

- 133 (12) a list of all county clerks' offices and phone numbers;
- 134 (13) the address of the Statewide Electronic Voter Information Website, with a statement
- 135 indicating that the election officer will post on the website any changes to the location of
- 136 a polling place and the location of any additional polling place;
- 137 (14) a phone number that a voter may call to obtain information regarding the location of a
- 138 polling place; and
- 139 (15) on the back cover page, a printed copy of the following statement signed by the lieutenant
- 140 governor:

141 "I, _____ (print name), Lieutenant Governor of Utah, certify that the

142 measures contained in this pamphlet will be submitted to the voters of Utah at the election to

143 be held throughout the state on ____ (date of election), and that this pamphlet is complete and

144 correct according to law.

145 SEAL

146 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

147 of ____ (month), ____ (year)

148

(signed) _____

149

Lieutenant Governor".

150 Section 3. Section **20A-7-703.1** is amended to read:

151 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

152 **Determination of fiscal effects.**

153 [~~(1) The presiding officers shall:~~]

154 [~~(a) prepare an analysis of each measure, described in Section 20A-7-103, that is~~

155 ~~submitted to the voters by the Legislature; and]~~

156 [~~(b) submit the analysis to the lieutenant governor no later than the day that falls 90 days~~

157 ~~before the date of the election in which the measure will appear on the ballot.]~~

158 (1) As provided in this section, the legislative general counsel shall prepare an analysis of

159 each measure described in Section 20A-7-103 that the Legislature submits to the voters.

160 (2) The [~~presiding officers~~] legislative general counsel shall ensure that the analysis:

161 (a) is not more than 1,000 words long;

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

163 average voter;

164 (c) to the extent possible, avoids the use of technical terms;

- 165 (d) shows the effect of the measure on existing law;
166 (e) describes the measure;
167 (f) identifies the measure's fiscal effects over the time period or time periods determined
168 by the ~~[presiding officers]~~ legislative general counsel to be most useful in
169 understanding the estimated fiscal impact of the measure; and
170 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
171 government.
- 172 (3) The ~~[presiding officers]~~ legislative general counsel shall analyze the measure as the
173 measure is proposed to be adopted, without considering any implementing legislation,
174 unless the implementing legislation has been enacted and will become effective upon the
175 adoption of the measure by the voters.
- 176 (4)(a) In determining the fiscal effects of a measure, the ~~[presiding officers]~~ legislative
177 general counsel shall confer with the legislative fiscal analyst.
- 178 (b) The ~~[presiding officers]~~ legislative general counsel shall consider any measure that
179 requires implementing legislation in order to take effect to have no financial effect,
180 unless implementing legislation has been enacted that will become effective upon
181 adoption of the measure by the voters.
- 182 (5) If the ~~[presiding officers request]~~ legislative general counsel requests the assistance of
183 any state department, agency, or official in preparing the analysis described in this
184 section, that department, agency, or official shall assist the ~~[presiding officers]~~ legislative
185 general counsel.
- 186 (6) The legislative general counsel shall submit the analysis to the lieutenant governor no
187 later than the day that falls 90 days before the date of the election in which the measure
188 will appear on the ballot.
- 189 (7) Consistent with Section 36-12-12, the legislative general counsel performs the duties in
190 this section as counsel for the presiding officers.

191 **Section 4. Effective Date.**

192 This bill takes effect on May 7, 2025.