

## HB0170S01 compared with HB0170

**{Omitted text}** shows text that was in HB0170 but was omitted in HB0170S01  
**inserted text** shows text that was not in HB0170 but was inserted into HB0170S01

**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.

## 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 referendum on a law passed by the school district's local school board, including a law that increases a tax or imposes a new tax; and
- makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

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19       **10-20-102** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15  
21       **10-20-902** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15  
23       **17-79-102** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14  
25       **17-79-803** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14  
27       **20A-1-102** , as last amended by Laws of Utah 2025, First Special Session, Chapter 6  
28       **20A-4-301** , as last amended by Laws of Utah 2025, Chapter 448  
29       **20A-7-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
30       **20A-7-102** , as last amended by Laws of Utah 1994, Chapter 272  
31       **20A-7-401.3** , as last amended by Laws of Utah 2024, Chapter 438  
32       **20A-7-401.5** , as last amended by Laws of Utah 2025, Chapter 448  
33       **20A-7-402** , as last amended by Laws of Utah 2025, Chapter 448  
34       **20A-7-405** , as enacted by Laws of Utah 2019, Chapter 203  
35       **20A-7-601** , as last amended by Laws of Utah 2025, First Special Session, Chapter 15  
36       **20A-7-602** , as last amended by Laws of Utah 2023, Chapter 107  
37       **20A-7-602.5** , as last amended by Laws of Utah 2024, Chapter 442  
38       **20A-7-602.7** , as last amended by Laws of Utah 2025, Chapter 448  
39       **20A-7-603** , as last amended by Laws of Utah 2024, Chapter 442  
40       **20A-7-604** , as last amended by Laws of Utah 2025, Chapter 448  
41       **20A-7-607** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16  
42       **20A-7-608** , as last amended by Laws of Utah 2025, Chapter 448  
43       **20A-7-609** , as last amended by Laws of Utah 2025, Chapter 381  
44       **20A-7-609.5** , as last amended by Laws of Utah 2025, Chapters 381, 448  
45       **20A-7-610** , as last amended by Laws of Utah 2025, Chapter 448  
46       **20A-7-611** , as last amended by Laws of Utah 2025, Chapter 448  
47       **20A-7-613** , as last amended by Laws of Utah 2025, Chapter 448  
48       **20A-7-614** , as last amended by Laws of Utah 2024, Chapter 442  
49       **63G-30-102** , as enacted by Laws of Utah 2023, Chapter 435

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

52       Section 1. Section **10-20-102** is amended to read:

53       **10-20-102. Definitions.**

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As used in this chapter:

- 55 (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.
- 57 (2) "Adversely affected party" means a person other than a land use applicant who:
  - 58 (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
  - 60 (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.
- 62 (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:
  - 67 (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - 69 (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - 71 (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.
- 74 (4) "Affected owner" means the owner of real property that is:
  - 75 (a) a single project;
  - 76 (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with [Section 20A-7-601] Subsection 20A-7-601(7); and
  - 78 (c) determined to be legally referable under Section 20A-7-602.8.
- 79 (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.
- 82 (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.
- 86 (7)

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- (a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 89 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
  - 90 (i) creates an additional lot or parcel; or
  - 91 (ii) is made by the Department of Transportation.
- 92 (8)
  - (a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.
  - 95 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:
    - 97 (i) creates an additional lot or parcel; or
    - 98 (ii) is made by the Department of Transportation.
- 99 (9) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.
- 104 [({9})] (10)
  - (a) "Charter school" means:
    - 105 (i) an operating charter school;
    - 106 (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
    - 108 (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
  - 110 (b) "Charter school" does not include a therapeutic school.
- 111 [({10}) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.]
- 116 (11) "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

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compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

120 (12) "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:

122 (a) Fifth or Fourteenth Amendment ~~[of the Constitution of the United States]~~ to the United States Constitution; or

124 (b) Utah Constitution, Article I, Section 22.

125 (13) "Conveyance document" means an instrument that:

126 (a) meets the definition of "document" in Section 57-1-1; and

127 (b) meets the requirements of Section 57-1-45.5.

128 (14) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

130 (15) "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.

133 (16) "Department of Transportation" means the entity created in Section 72-1-201.

134 (17) "Development activity" means:

135 (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

137 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or

139 (c) any change in the use of land that creates additional demand and need for public facilities.

141 (18)

144 (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.

145 (b) "Development agreement" does not include an improvement completion assurance.

(19)

(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.

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- (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. Sec. 802.
- 150 (20) "Document" means the same as that term is defined in Section 57-1-1.
- 151 (21) "Educational facility":
  - 152 (a) means:
    - 153 (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;
    - 156 (ii) a structure or facility:
      - 157 (A) located on the same property as a building described in Subsection (21)(a)(i); and
      - 159 (B) used in support of the use of that building; and
      - 160 (iii) a building to provide office and related space to a school district's administrative personnel; and
  - 162 (b) does not include:
    - 163 (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:
      - 166 (A) not located on the same property as a building described in Subsection (21)(a)(i); and
      - 168 (B) used in support of the purposes of a building described in Subsection (21)(a)(i); or
    - 170 (ii) a therapeutic school.
  - 171 (22) "Establishment document" means an instrument that:
    - 172 (a) meets the definition of "document" in Section 57-1-1; and
    - 173 (b) meets the requirements of Section 57-1-45.
  - 174 [~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~]
  - 176 [~~(24)~~ (23) "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.
  - 179 [~~(25)~~ (24) "Flood plain" means land that:
    - 180 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
    - 182 (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.

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186 (25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary  
187 adjustment.

188 (26) "General plan" means a document that a municipality adopts that sets forth general guidelines for  
189 proposed future development of the land within the municipality.

190 (27) "Geologic hazard" means:  
191 (a) a surface fault rupture;  
192 (b) shallow groundwater;  
193 (c) liquefaction;  
194 (d) a landslide;  
195 (e) a debris flow;  
196 (f) unstable soil;  
197 (g) a rock fall; or  
198 (h) any other geologic condition that presents a risk:  
199 (i) to life;  
200 (ii) of substantial loss of real property; or  
201 (iii) of substantial damage to real property.

202 (28) "Historic preservation authority" means a person, board, commission, or other body designated by  
203 a legislative body to:  
204 (a) recommend land use regulations to preserve local historic districts or areas; and  
205 (b) administer local historic preservation land use regulations within a local historic district or area.

207 (29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

209 (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or  
210 appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

212 (31)  
213 (a) "Identical plans" means floor plans submitted to a municipality that:  
214 (i) are submitted within the same building code adoption cycle as floor plans that were previously  
215 approved by the municipality;  
216 (ii) have no structural differences from floor plans that were previously approved by the  
217 municipality; and  
218 (iii) describe a building that:

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- (A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
- (B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and
- (C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.

(32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(33) "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:

- (a) recording a subdivision plat; or
- (b) development of a commercial, industrial, mixed use, or multifamily project.

(34) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

- (a) complies with the municipality's written standards for design, materials, and workmanship; and
- (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(35) "Improvement warranty period" means a period:

- (a) no later than one year after a municipality's acceptance of required public landscaping; or
- (b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:

- (i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and
- (ii) has substantial evidence, on record:

- (A) of prior poor performance by the applicant; or
- (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.

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(36) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

257 (a) is required for human occupation; and

258 (b) an applicant shall install:

259 (i) in accordance with published installation and inspection specifications for public improvements; and

261 (ii) whether the improvement is public or private, as a condition of:

262 (A) recording a subdivision plat;

263 (B) obtaining a building permit; or

264 (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(37) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

268 (a) runs with the land; and

269 (b)

(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

271 (ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

273 (38) "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.

275 (39) "Land use application":

276 (a) means an application that is:

277 (i) required by a municipality; and

278 (ii) submitted by a land use applicant to obtain a land use decision; and

279 (b) does not mean an application to enact, amend, or repeal a land use regulation.

280 (40) "Land use authority" means:

281 (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

283 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

285 (41) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

287 (a) a land use permit; or

288 (b) a land use application.

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289 (42) "Land use permit" means a permit issued by a land use authority.

290 (43) "Land use regulation":

291 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

294 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

296 (c) does not include:

297 (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

299 (ii) a temporary revision to an engineering specification that does not materially:

300 (A) increase a land use applicant's cost of development compared to the existing specification; or

302 (B) impact a land use applicant's use of land.

303 (44) "Legislative body" means the municipal council.

304 (45) "Local historic district or area" means a geographically definable area that:

305 (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

308 (b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

310 (46) "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.

312 (47) "Major transit investment corridor" means public transit service that uses or occupies:

313 (a) public transit rail right-of-way;

314 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

315 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

317 (i) a public transit district as defined in Section 17B-2a-802; or

318 (ii) an eligible political subdivision as defined in Section 59-12-2202.

319 (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

320 (49) "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.

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323 (50) "Municipal utility easement" means an easement that:

324 (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;

326 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

328 (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;

331 (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise  
or other agreement;

333 (e)

335 (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other  
agreement; and

336 (ii) is located in a utility easement granted for public use; or

337 (f) is described in Section 10-20-615 and is used by a specified public utility.

339 (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and  
expenses incurred in:

340 (a) verifying that building plans are identical plans; and

341 (b) reviewing and approving those minor aspects of identical plans that differ from the previously  
reviewed and approved building plans.

342 (52) "Noncomplying structure" means a structure that:

343 (a) legally existed before the structure's current land use designation; and

344 (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.

347 (53) "Nonconforming use" means a use of land that:

348 (a) legally existed before its current land use designation;

349 (b) has been maintained continuously since the time the land use ordinance governing the land changed;  
and

351 (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.

353 (54) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's  
office that:

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355 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and  
356 other transportation facilities;

357 (b) provides a basis for restricting development in designated rights-of-way or between designated  
358 setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

360 (c) has been adopted as an element of the municipality's general plan.

361 (55) "Parcel" means any real property that is not a lot.

362 (56) "Person" means an individual, corporation, partnership, organization, association, trust,  
363 governmental agency, or any other legal entity.

364 (57) "Plan for moderate income housing" means a written document adopted by a municipality's  
365 legislative body that includes:

366 (a) an estimate of the existing supply of moderate income housing located within the municipality;

368 (b) an estimate of the need for moderate income housing in the municipality for the next five years;

370 (c) a survey of total residential land use;

371 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing;  
372 and

373 (e) a description of the municipality's program to encourage an adequate supply of moderate income  
374 housing.

375 (58) "Planning commission" means the commission established under Section 10-20-301.

376 (59) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical  
377 representation of lands that a licensed professional land surveyor makes and prepares in accordance  
378 with Section 10-20-803 or 57-8-13.

379 (60) "Potential geologic hazard area" means an area that:

380 (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or  
381 report as needing further study to determine the area's potential for geologic hazard; or

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

386 (61) "Public agency" means:

387 (a) the federal government;

388 (b) the state;

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- (c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or
- 391 (d) a charter school.
- 392 (62) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- 394 (63) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
- 396 (64) "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.
- 400 (65) "Receiving zone" means an area that a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
- 402 (66) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.
- 404 (67) "Residential facility for persons with a disability" means a residence:
  - 405 (a) in which more than one person with a disability resides; and
  - 406 (b) which is licensed or certified by the Department of Health and Human Services under:
    - 408 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
    - 409 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 410 (68) "Residential roadway" means a public local residential road that:
  - 411 (a) will serve primarily to provide access to adjacent primarily residential areas and property;
  - 413 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
  - 414 (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;
  - 416 (d) has a posted speed limit of 25 miles per hour or less;
  - 417 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
  - 419 (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

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422 (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily  
continuous through several residential areas.

424 (69) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:  
426 (a) parliamentary order and procedure;  
427 (b) ethical behavior; and  
428 (c) civil discourse.

429 (70) "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.

432 (71) "Sending zone" means an area that a municipality designates, by ordinance, as an area from which  
an owner of land may transfer a transferable development right.

434 (72) "Simple boundary adjustment" means a boundary adjustment that does not:  
435 (a) affect a public right-of-way, municipal utility easement, or other public property;  
436 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or  
437 (c) result in a lot or parcel out of conformity with land use regulations.

438 (73) "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.

441 (74) "Specified public agency" means:  
442 (a) the state;  
443 (b) a school district; or  
444 (c) a charter school.

445 (75) "Specified public utility" means an electrical corporation, gas corporation, or telephone  
corporation, as those terms are defined in Section 54-2-1.

447 (76) "State" includes any department, division, or agency of the state.

448 (77)  
(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.

452 (b) "Subdivision" includes:

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- (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
- 456 (ii) except as provided in Subsection (77)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 459 (c) "Subdivision" does not include:
  - 460 (i) a bona fide division or partition of land used for agricultural purposes as provided in Subsection 10-20-808(2);
  - 462 (ii) a recorded conveyance document:
    - 463 (A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
    - 466 (B) joining a lot to a parcel;
  - 467 (iii) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
    - 469 (A) is in anticipation of future land use approvals on the parcel or parcels;
    - 470 (B) does not confer any land use approvals; and
    - 471 (C) has not been approved by the land use authority;
    - 472 (iv) a boundary adjustment;
    - 473 (v) a boundary establishment;
    - 474 (vi) a road, street, or highway dedication plat;
    - 475 (vii) a deed or easement for a road, street, or highway purpose; or
    - 476 (viii) any other division of land authorized by law.
- 477 (78)
  - (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-20-811 that:
    - 479 (i) vacates all or a portion of the subdivision;
    - 480 (ii) increases the number of lots within the subdivision;
    - 481 (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
    - 483 (iv) alters a common area or other common amenity within the subdivision.
  - 484 (b) "Subdivision amendment" does not include a simple boundary adjustment.

## HB0170 compared with HB0170S01

485 (79) "Substantial evidence" means evidence that:

486 (a) is beyond a scintilla; and

487 (b) a reasonable mind would accept as adequate to support a conclusion.

488 (80) "Suspect soil" means soil that has:

489 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell  
potential;

491 (b) bedrock units with high shrink or swell susceptibility; or

492 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly  
associated with dissolution and collapse features.

494 (81) "Therapeutic school" means a residential group living facility:

495 (a) for four or more individuals who are not related to:

496 (i) the owner of the facility; or

497 (ii) the primary service provider of the facility;

498 (b) that serves students who have a history of failing to function:

499 (i) at home;

500 (ii) in a public school; or

501 (iii) in a nonresidential private school; and

502 (c) that offers:

503 (i) room and board; and

504 (ii) an academic education integrated with:

505 (A) specialized structure and supervision; or

506 (B) services or treatment related to a disability, an emotional development, a behavioral development, a  
familial development, or a social development.

508 (82) "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.

511 (83) "Unincorporated" means the area outside of the incorporated area of a city or town.

512 (84) "Water interest" means any right to the beneficial use of water, including:

513 (a) each of the rights listed in Section 73-1-11; and

514 (b) an ownership interest in the right to the beneficial use of water represented by:

515 (i) a contract; or

## HB0170 compared with HB0170S01

516 (ii) a share in a water company, as defined in Section 73-3-3.5.

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

519 Section 2. Section **10-20-902** is amended to read:

**10-20-902. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.**

523 (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:

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

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

528 (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:

532 (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

536 (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.

540 (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:

543 (i) 180 days have passed since the municipality initiated the proceedings; and

544 (ii)

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

546

## HB0170 compared with HB0170S01

(B) during the 12 months before 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 10-20-504.

549 (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.

552 (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 17-79-803.

555 (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.

558 (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.

561 (g) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

563 (i) this chapter;

564 (ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-20-902(1)(a)(ii); or

566 (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.

568 (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:

570 (i) in a land use permit;

571 (ii) on the subdivision plat;

572 (iii) in a document on which the land use permit or subdivision plat is based;

573 (iv) in the written record evidencing approval of the land use permit or subdivision plat;

575 (v) in this chapter;

576 (vi) in a municipal ordinance; or

577 (vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.

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579 (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:

582 (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

585 (ii) in this chapter or the municipality's ordinances.

586 (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:

589 (i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

591 (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

594 (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 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.

601 (l) A municipality:

602 (i) may require the submission of a private landscaping plan, as defined in Section 10-20-807, before landscaping is installed; and

604 (ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

606 (2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

608 (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.

612

## HB0170 compared with HB0170S01

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-20-304(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.

617 (5)

(a) If sponsors of a referendum timely challenge a project in accordance with Subsection [20A-7-601(6)] 20A-7-601(7), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(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).

623 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:

625 (i) the relevant land use approval; and

626 (ii) any land use regulation enacted specifically in relation to the land use approval.

627 (6)

(a) After issuance of a building permit, a municipality may not:

628 (i) change or add to the requirements expressed in the building permit, unless the change or addition is:

630 (A) requested by the building permit holder; or

631 (B) necessary to comply with an applicable state building code; or

632 (ii) revoke the building permit or take action that has the effect of revoking the building permit.

634 (b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

636 Section 3. Section **17-79-102** is amended to read:

### **17-79-102. Definitions.**

As used in this chapter:

639 (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.

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

## HB0170 compared with HB0170S01

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

644 (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:

646 (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

651 (b) the entity has filed with the county a copy of the entity's general or long-range plan; or

653 (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.

658 (4) "Affected owner" means the owner of real property that is:

659 (a) a single project;

660 (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection [20A-7-601(6)] 20A-7-601(7); and

662 (c) determined to be legally referable under Section 20A-7-602.8.

663 (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.

666 (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.

670 [(7) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.]

675 [(8)] (7)

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- (a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 678 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
  - 679 (i) creates an additional lot or parcel; or
  - 680 (ii) is made by the Department of Transportation.
- 681 [681] (8)
  - (a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.
  - 684 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:
    - 686 (i) creates an additional lot or parcel; or
    - 687 (ii) is made by the Department of Transportation.
- 688 (9) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.
- 693 (10)
  - (a) "Charter school" means:
    - 694 (i) an operating charter school;
    - 695 (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
    - 697 (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
  - 699 (b) "Charter school" does not include a therapeutic school.
- 700 (11) "Chief executive officer" means the person or body that exercises the executive powers of the county.
- 702 (12) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, 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.

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(13) "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:

708 (a) Fifth or Fourteenth Amendment [~~of the Constitution of the United States~~ to the United States Constitution; or

710 (b) Utah Constitution, Article I, Section 22.

711 (14) "Conveyance document" means an instrument that:

712 (a) meets the definition of "document" in Section 57-1-1; and

713 (b) meets the requirements of Section 57-1-45.5.

714 (15) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

716 (16) "County utility easement" means an easement that:

717 (a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

719 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

721 (c) the county or the county's affiliated governmental entity owns or creates; and

722 (d)

723 (i) either:

724 (A) no person uses or occupies; or

725 (B) the county or the county'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; or

727 (ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

729 (17) "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.

732 (18) "Department of Transportation" means the entity created in Section 72-1-201.

733 (19) "Development activity" means:

734 (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

736 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or

## HB0170 compared with HB0170S01

738 (c) any change in the use of land that creates additional demand and need for public facilities.

740 (20)

741 (a) "Development agreement" means a written agreement or amendment to a written agreement  
742 between a county and one or more parties that regulates or controls the use or development of a  
743 specific area of land.

744 (b) "Development agreement" does not include an improvement completion assurance.

745 (21)

746 (a) "Disability" means a physical or mental impairment that substantially limits one or more of a  
747 person's major life activities, including a person having a record of such an impairment or being  
748 regarded as having such an impairment.

749 (b) "Disability" does not include current illegal use of, or addiction to, any federally controlled  
750 substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. Sec. 802.

751 (22) "Document" means the same as that term is defined in Section 57-1-1.

752 (23) "Educational facility":

753 (a) means:

754 (i) a school district's building at which pupils assemble to receive instruction in a program for any  
755 combination of grades from preschool through grade 12, including kindergarten and a program for  
756 children with disabilities;

757 (ii) a structure or facility:

758 (A) located on the same property as a building described in Subsection (23)(a)(i); and

759 (B) used in support of the use of that building; and

760 (iii) a building to provide office and related space to a school district's administrative personnel; and

761 (b) does not include:

762 (i) land or a structure, including land or a structure for inventory storage, equipment storage, food  
763 processing or preparing, vehicle storage or maintenance, or similar use that is:

764 (A) not located on the same property as a building described in Subsection (23)(a)(i); and

765 (B) used in support of the purposes of a building described in Subsection (23)(a)(i); or

766 (ii) a therapeutic school.

767 (24) "Establishment document" means an instrument that:

768 (a) meets the definition of "document" in Section 57-1-1; and

769 (b) meets the requirements of Section 57-1-45.

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774 [({25}) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary  
775 adjustment.]

776 [({26}) (25) "Fire authority" means the department, agency, or public entity with responsibility to review  
777 and approve the feasibility of fire protection and suppression services for the subject property.

779 [({27}) (26) "Flood plain" means land that:

780 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

782 (b) has not been studied or designated by the Federal Emergency Management Agency but presents  
783 a likelihood of experiencing chronic flooding or a catastrophic flood event because the land  
784 has characteristics that are similar to those of a 100-year flood plain designated by the Federal  
785 Emergency Management Agency.

786 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary  
787 adjustment.

788 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.

789 (29) "General plan" means a document that a county adopts that sets forth general guidelines for  
790 proposed future development of:

791 (a) the unincorporated land within the county; or

792 (b) for a mountainous planning district, the land within the mountainous planning district.

794 (30) "Geologic hazard" means:

795 (a) a surface fault rupture;

796 (b) shallow groundwater;

797 (c) liquefaction;

798 (d) a landslide;

799 (e) a debris flow;

800 (f) unstable soil;

801 (g) a rock fall; or

802 (h) any other geologic condition that presents a risk:

803 (i) to life;

804 (ii) of substantial loss of real property; or

805 (iii) of substantial damage to real property.

806 (31) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

808

## **HB0170 compared with HB0170S01**

(32) "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.

811 (33)

812 (a) "Identical plans" means floor plans submitted to a county that:

812 (i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the county;

814 (ii) have no structural differences from floor plans that were previously approved by the county; and

816 (iii) describe a building that:

817 (A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

819 (B) has a substantially identical floor plan to a floor plan previously approved by the county; and

821 (C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the county or a review of the site plan and associated geotechnical reports for the site.

825 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the county.

827 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

829 (35) "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:

833 (a) recording a subdivision plat; or

834 (b) development of a commercial, industrial, mixed use, or multifamily project.

835 (36) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

837 (a) complies with the county's written standards for design, materials, and workmanship; and

839 (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

841 (37) "Improvement warranty period" means a period:

842 (a) no later than one year after a county's acceptance of required public landscaping; or

## HB0170 compared with HB0170S01

843 (b) no later than one year after a county's acceptance of required infrastructure, unless the county:

845 (i) determines, based on accepted industry standards and for good cause, that a one-year period would  
be inadequate to protect the public health, safety, and welfare; and

848 (ii) has substantial evidence, on record:

849 (A) of prior poor performance by the applicant; or

850 (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.

853 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the public health  
and safety or that:

855 (a) is required for human consumption; and

856 (b) an applicant shall install:

857 (i) in accordance with published installation and inspection specifications for public improvements; and

859 (ii) as a condition of:

860 (A) recording a subdivision plat;

861 (B) obtaining a building permit; or

862 (C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

864 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

866 (a) runs with the land; and

867 (b)

869 (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

871 (ii) designates a development condition that is enclosed within the perimeter of a lot described on the  
plat.

871 (40) "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.

874 (41) "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.

877 (42) "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.

879 (43) "Land use application":

## HB0170 compared with HB0170S01

880 (a) means an application that is:

881 (i) required by a county; and

882 (ii) submitted by a land use applicant to obtain a land use decision; and

883 (b) does not mean an application to enact, amend, or repeal a land use regulation.

884 (44) "Land use authority" means:

885 (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

887 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the  
local legislative body.

889 (45) "Land use decision" means an administrative decision of a land use authority or appeal authority  
regarding:

891 (a) a land use permit;

892 (b) a land use application; or

893 (c) the enforcement of a land use regulation, land use permit, or development agreement.

894 (46) "Land use permit" means a permit issued by a land use authority.

895 (47) "Land use regulation":

896 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or  
development standard, specification for public improvement, fee, or rule that governs the use or  
development of land;

899 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

901 (c) does not include:

902 (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

904 (ii) a temporary revision to an engineering specification that does not materially:

905 (A) increase a land use applicant's cost of development compared to the existing specification; or

907 (B) impact a land use applicant's use of land.

908 (48) "Legislative body" means the county legislative body, or for a county that has adopted an  
alternative form of government, the body exercising legislative powers.

910 (49) "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.

912 (50) "Major transit investment corridor" means public transit service that uses or occupies:

## HB0170 compared with HB0170S01

- 913 (a) public transit rail right-of-way;
- 914 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 915 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
  - 917 (i) a public transit district as defined in Section 17B-2a-802; or
  - 918 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 919 (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 920 (52) "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.
- 923 (53) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-79-408.
- 925 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
  - 927 (a) verifying that building plans are identical plans; and
  - 928 (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
- 930 (55) "Noncomplying structure" means a structure that:
  - 931 (a) legally existed before the structure's current land use designation; and
  - 932 (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.
- 935 (56) "Nonconforming use" means a use of land that:
  - 936 (a) legally existed before the current land use designation;
  - 937 (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
  - 939 (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.
- 941 (57) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:
  - 943 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

## HB0170 compared with HB0170S01

945 (b) provides a basis for restricting development in designated rights-of-way or between designated  
946 setbacks to allow the government authorities time to purchase or otherwise reserve the land; and  
948 (c) has been adopted as an element of the county's general plan.

949 (58) "Parcel" means any real property that is not a lot.

950 (59) "Person" means an individual, corporation, partnership, organization, association, trust,  
951 governmental agency, or any other legal entity.

952 (60) "Plan for moderate income housing" means a written document adopted by a county legislative  
953 body that includes:

954 (a) an estimate of the existing supply of moderate income housing located within the county;

955 (b) an estimate of the need for moderate income housing in the county for the next five years;

956 (c) a survey of total residential land use;

957 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing;  
958 and

959 (e) a description of the county's program to encourage an adequate supply of moderate income housing.

960 (61) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated  
961 area of a county established under this part with planning and zoning functions as exercised through  
962 the planning advisory area planning commission, as provided in this chapter, but with no legal or  
963 political identity separate from the county and no taxing authority.

964 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical  
965 representation of lands that a licensed professional land surveyor makes and prepares in accordance  
966 with Section 17-79-703 or 57-8-13.

967 (63) "Potential geologic hazard area" means an area that:

968 (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or  
969 report as needing further study to determine the area's potential for geologic hazard; or

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

973 (64) "Public agency" means:

974 (a) the federal government;

975 (b) the state;

976

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- (c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or
- (d) a charter school.

983 (65) "Public hearing" means a hearing at which members of the public are provided a reasonable

984 opportunity to comment on the subject of the hearing.

985 (66) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter

986 4, Open and Public Meetings Act.

987 (67) "Public street" means a public right-of-way, including a public highway, public avenue, public

988 boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway,

989 public tunnel, public bridge, public byway, other public transportation easement, or other public

990 way.

991 (68) "Receiving zone" means an unincorporated area that a county designates, by ordinance, as an area

992 in which an owner of land may receive a transferable development right.

993 (69) "Record of survey map" means a map of a survey of land prepared in accordance with Section

994 17-73-504.

995 (70) "Residential facility for persons with a disability" means a residence:

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

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

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

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

1000 (71) "Residential roadway" means a public local residential road that:

1001 (a) will serve primarily to provide access to adjacent primarily residential areas and property;

1002 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1003 (c) is not identified as a supplementary to a collector or other higher system classified street in an

1004 approved municipal street or transportation master plan;

1005 (d) has a posted speed limit of 25 miles per hour or less;

1006 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the

1007 municipal road network;

1008 (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for

1009 high volume traffic or community centers, including schools, recreation centers, sports complexes,

1010 or libraries; and

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1015 (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily  
continuous through several residential areas.

1017 (72) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:  
1019 (a) parliamentary order and procedure;  
1020 (b) ethical behavior; and  
1021 (c) civil discourse.

1022 (73) "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.

1025 (74) "Sending zone" means an unincorporated area that a county designates, by ordinance, as an area  
from which an owner of land may transfer a transferable development right.

1027 (75) "Simple boundary adjustment" means a boundary adjustment that does not:  
1028 (a) affect a public right-of-way, county utility easement, or other public property;  
1029 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or  
1030 (c) result in a lot or parcel out of conformity with land use regulations.

1031 (76) "Site plan" means a document or map that may be required by a county during a preliminary  
review before the issuance of a building permit to demonstrate that an owner's or developer's  
proposed development activity meets a land use requirement.

1034 (77)  
(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities -  
Special Districts.  
1036 (b) "Special district" includes a governmental or quasi-governmental entity that is not a county,  
municipality, school district, or the state.

1038 (78) "Specified public agency" means:  
1039 (a) the state;  
1040 (b) a school district; or  
1041 (c) a charter school.

1042 (79) "Specified public utility" means an electrical corporation, gas corporation, or telephone  
corporation, as those terms are defined in Section 54-2-1.

1044 (80) "State" includes any department, division, or agency of the state.

1045 (81)

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- (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.
- 1049 (b) "Subdivision" includes:
  - 1050 (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
  - 1053 (ii) except as provided in Subsection (81)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 1056 (c) "Subdivision" does not include:
  - 1057 (i) a bona fide division or partition of agricultural land for agricultural purposes;
  - 1058 (ii) a recorded conveyance document:
    - 1059 (A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
    - 1062 (B) joining a lot to a parcel;
  - 1063 (iii) 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:
    - 1065 (A) an electrical transmission line or a substation;
    - 1066 (B) a natural gas pipeline or a regulation station; or
    - 1067 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
  - 1070 (iv) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
    - 1072 (A) is in anticipation of future land use approvals on the parcel or parcels;
    - 1073 (B) does not confer any land use approvals; and
    - 1074 (C) has not been approved by the land use authority;
  - 1075 (v) a boundary adjustment;
  - 1076 (vi) a boundary establishment;
  - 1077 (vii) a road, street, or highway dedication plat;
  - 1078 (viii) a deed or easement for a road, street, or highway purpose; or

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1079 (ix) any other division of land authorized by law.

1080 (82)

1082 (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with  
1083 Section 17-79-711 that:

1084 (i) vacates all or a portion of the subdivision;

1085 (ii) increases the number of lots within the subdivision;

1086 (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision;  
1087 or  
1088 (iv) alters a common area or other common amenity within the subdivision.

1089 (b) "Subdivision amendment" does not include a simple boundary adjustment.

1090 (83) "Substantial evidence" means evidence that:

1091 (a) is beyond a scintilla; and

1092 (b) a reasonable mind would accept as adequate to support a conclusion.

1093 (84) "Suspect soil" means soil that has:

1094 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell  
1095 potential;

1096 (b) bedrock units with high shrink or swell susceptibility; or

1097 (c) gypsumiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly  
1098 associated with dissolution and collapse features.

1099 (85) "Therapeutic school" means a residential group living facility:

1100 (a) for four or more individuals who are not related to:

1101 (i) the owner of the facility; or

1102 (ii) the primary service provider of the facility;

1103 (b) that serves students who have a history of failing to function:

1104 (i) at home;

1105 (ii) in a public school; or

1106 (iii) in a nonresidential private school; and

1107 (c) that offers:

1108 (i) room and board; and

1109 (ii) an academic education integrated with:  
1110 (A) specialized structure and supervision; or

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1109 (B) services or treatment related to a disability, an emotional development, a behavioral development, a  
familial development, or a social development.

1111 (86) "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.

1114 (87) "Unincorporated" means the area outside of the incorporated area of a municipality.

1115 (88) "Water interest" means any right to the beneficial use of water, including:  
(a) each of the rights listed in Section 73-1-11; and  
(b) an ownership interest in the right to the beneficial use of water represented by:  
(i) a contract; or  
(ii) a share in a water company, as defined in Section 73-3-3.5.

1119 (89) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones,  
overlays, or districts.

1122 Section 4. Section **17-79-803** is amended to read:

1123 **17-79-803. 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.**

1127 (1)  
(a)  
(i) Subject to Subsection (7), 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:  
(A) in effect on the date that the application is complete; and  
(B) applicable to the application or to the information shown on the submitted application.

1130 (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:  
(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

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1141 (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.

1145 (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:

1147 (i) 180 days have passed since the county initiated the proceedings; and

1148 (ii)

1149 (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

1150 (B) during the 12 months before 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 17-79-504.

1153 (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.

1156 (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 in accordance with this chapter.

1159 (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.

1162 (f) Subject to Subsection (7), a county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

1164 (i) this chapter;

1165 (ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

1167 (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.

1169 (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:

1171 (i) in a land use permit;

1172 (ii) on the subdivision plat;

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- 1173        (iii) in a document on which the land use permit or subdivision plat is based;
- 1174        (iv) in the written record evidencing approval of the land use permit or subdivision plat;
- 1176        (v) in this chapter;
- 1177        (vi) in a county ordinance; or
- 1178        (vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.
- 1180        (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:
  - 1183        (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 building permit or subdivision plat; or
  - 1186        (ii) in this chapter or the county's ordinances.
- 1187        (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:
  - 1190        (i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or
  - 1192        (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.
- 1195        (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.
- 1202        (k) A county:
  - 1203        (i) may require the submission of a private landscaping plan, as defined in Section 17-79-707, before landscaping is installed; and
  - 1205        (ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

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1207 (2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

1209 (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.

1213 (4) Subject to Subsection (7), a specified public agency's submission of a development plan and schedule as required in Subsection 17-79-305(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.

1218 (5)

1221 (a) If sponsors of a referendum timely challenge a project in accordance with Subsection [20A-7-601(6)] 20A-7-601(7), the project's affected owner may rescind the project's land use approval by delivering a written notice:

1222 (i) to the local clerk as defined in Section 20A-7-101; and

1222 (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).

1224 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:

1226 (i) the relevant land use approval; and

1227 (ii) any land use regulation enacted specifically in relation to the land use approval.

1228 (6)

1229 (a) After issuance of a building permit, a county may not:

1231 (i) change or add to the requirements expressed in the building permit, unless the change or addition is:

1232 (A) requested by the building permit holder; or

1232 (B) necessary to comply with an applicable state building code; or

1233 (ii) revoke the building permit or take action that has the effect of revoking the building permit.

1235 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

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(7) A county shall comply with the provisions of this chapter regarding all pending land use applications and new land use applications submitted under this chapter.

1239       Section 5. Section **20A-1-102** is amended to read:

1240       **20A-1-102. Definitions.**

1242       As used in this title:

1242       (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

1244       (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

1246       (3)

1248           (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

1248           (b) "Ballot" does not include a record to tally multiple votes.

1249       (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

1251           (a) an opinion question specifically authorized by the Legislature;

1252           (b) a constitutional amendment;

1253           (c) an initiative;

1254           (d) a referendum;

1255           (e) a bond proposition;

1256           (f) a judicial retention question;

1257           (g) an incorporation of a city or town; or

1258           (h) any other ballot question specifically authorized by the Legislature.

1259       (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

1262       (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

1264       (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

1266       (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.

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1268 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

1270 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business day, or any other type of day.

1272 (11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

1274 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

1276 (13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

1278 (14) "Convention" means the political party convention at which party officers and delegates are selected.

1280 (15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

1282 (16) "Counting judge" means a poll worker designated to count the ballots during election day.

1284 (17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

1286 (18) "County officers" means those county officers that are required by law to be elected.

1287 (19) "Date of the election" or "election day" or "day of the election":

1288 (a) means the day that is specified in the calendar year as the day on which the election occurs; and

1290 (b) does not include:

1291 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

1293 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

1295 (20) "Elected official" means:

1296 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

1298 (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

1300 (c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

1302 (21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

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1305 (22) "Election Assistance Commission" means the commission established by the Help America Vote  
Act of 2002, Pub. L. No. 107-252.

1307 (23) "Election cycle" means the period beginning on the first day on which individuals are eligible to  
file declarations of candidacy and ending when the canvass is completed.

1309 (24) "Election judge" means a poll worker that is assigned to:

1310 (a) preside over other poll workers at a polling place;

1311 (b) act as the presiding election judge; or

1312 (c) serve as a canvassing judge, counting judge, or receiving judge.

1313 (25) "Election material" includes:

1314 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);

1315 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

1316 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);

1317 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:

1318 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and

1319 (ii) the batch log described in Subsection 20A-3a-401.1(5);

1320 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);

1321 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);

1322 (g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);

1324 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;

1325 (i) the record of voter database access described in Subsection 20A-5-905(2);

1326 (j) the reports on military and overseas voters described in Section 20A-16-202;

1327 (k) scanned copies of return envelopes;

1328 (l) a copy of the final election results database described in Section 20A-5-802.5; and

1329 (m) the materials used in the programming of the automatic tabulating equipment.

1330 (26) "Election officer" means:

1331 (a) the lieutenant governor, for all statewide ballots and elections;

1332 (b) the county clerk for:

1333 (i) a county ballot and election; and

1334 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;

1336 (c) the municipal clerk for:

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1337 (i) a municipal ballot and election; and

1338 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5;

1340 (d) the special district clerk or chief executive officer for:

1341 (i) a special district ballot and election; and

1342 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5; or

1344 (e) the business administrator or superintendent of a school district for:

1345 (i) a school district ballot and election; [and]

1346 (ii) a referendum petition as provided in Chapter 7, Issues Submitted to the Voters; and

1348 [(ii)] (iii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or  
20A-5-400.5.

1350 (27) "Election official" means any election officer, election judge, or poll worker.

1351 (28) "Election results" means:

1352 (a) for an election other than a bond election, the count of votes cast in the election and the election  
returns requested by the board of canvassers; or

1354 (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all  
of the election returns that the board of canvassers may request.

1356 (29) "Election results database" means the following information generated by voting equipment:

1358 (a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an  
election;

1360 (b) a ballot image; and

1361 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.

1362 (30) "Election returns" means:

1363 (a) the pollbook;

1364 (b) the military and overseas absentee voter registration and voting certificates;

1365 (c) one of the tally sheets;

1366 (d) any unprocessed ballots;

1367 (e) all counted ballots;

1368 (f) all excess ballots;

1369 (g) all unused ballots;

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1370 (h) all spoiled ballots;

1371 (i) all ballot disposition forms, including any provisional ballot disposition forms;

1372 (j) the final election results database described in Section 20A-5-802.5;

1373 (k) all return envelopes;

1374 (l) any provisional ballot envelopes; and

1375 (m) the total votes cast form.

1376 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

1379 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).

1380 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

1382 (34) "Judicial office" means the office filled by any judicial officer.

1383 (35) "Judicial officer" means any justice or judge of a court of record or any county court judge.

1385 (36) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.

1388 (37) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

1390 (38) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

1393 (39) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

1396 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

1398 (a) is created via electronic or mechanical means; and

1399 (b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1402 (41) "Municipal executive" means:

1403 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

1404 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

1406

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(42) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

1409 (43) "Municipal legislative body" means the council of the city or town in any form of municipal government.

1411 (44) "Municipal office" means an elective office in a municipality.

1412 (45) "Municipal officers" means those municipal officers that are required by law to be elected.

1414 (46) "Municipal primary election" means an election held to nominate candidates for municipal office.

1416 (47) "Municipality" means a city or town.

1417 (48) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

1419 (49) "Official endorsement" means the information on the ballot that identifies:

1420 (a) the ballot as an official ballot;

1421 (b) the date of the election; and

1422 (c)

(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

1424 (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

1426 (50) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

1428 (51) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

1431 (52)

(a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

1433 (b) "Poll worker" includes election judges.

1434 (c) "Poll worker" does not include a watcher.

1435 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.

1437 (54) "Polling place" means a building where voting is conducted.

1438 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

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1440 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

1442 (57) "Primary convention" means the political party conventions held during the year of the regular general election.

1444 (58) "Protective counter" means a separate counter, which cannot be reset, that:

1445 (a) is built into a voting machine; and

1446 (b) records the total number of movements of the operating lever.

1447 (59) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

1451 (60) "Provisional ballot" means a ballot voted provisionally by a person:

1452 (a) whose name is not listed on the official register at the polling place;

1453 (b) whose legal right to vote is challenged as provided in this title; or

1454 (c) whose identity was not sufficiently established by a poll worker.

1455 (61) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

1458 (62)

1459 (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

1462 (b) "Public figure" does not include an individual:

1463 (i) elected to public office; or

1464 (ii) appointed to fill a vacancy in an elected public office.

1465 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

1467 (64) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.

1469 (65) "Registration form" means a form by which an individual may register to vote under this title.

1471 (66) "Regular ballot" means a ballot that is not a provisional ballot.

1472

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(67) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

1475 (68) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

1478 (69) "Resident" means a person who resides within a specific voting precinct in Utah.

1479 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

1481 (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

1483 (b) that includes the voter affidavit and a place for the voter's signature.

1484 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

1486 (72) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

1489 (73) "Special district officers" means those special district board members who are required by law to be elected.

1491 (74) "Special election" means an election held as authorized by Section 20A-1-203.

1492 (75) "Spoiled ballot" means each ballot that:

1493 (a) is spoiled by the voter;

1494 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1495 (c) lacks the official endorsement.

1496 (76) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

1498 (77) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.

1500 (78) "Ticket" means a list of:

1501 (a) political parties;

1502 (b) candidates for an office; or

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1503 (c) ballot propositions.

1504 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

1506 (80) "Vacancy" means:

1507 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a position created  
by state constitution or state statute, whether that absence occurs because of death, disability,  
disqualification, resignation, or other cause; or

1510 (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a  
candidate due to the candidate's death, resignation, or disqualification.

1513 (81) "Valid voter identification" means:

1514 (a) a form of identification that bears the name and photograph of the voter which may include:

1516 (i) a currently valid Utah driver license;

1517 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;

1519 (iii) a currently valid identification card that is issued by:

1520 (A) the state; or

1521 (B) a branch, department, or agency of the United States;

1522 (iv) a currently valid Utah permit to carry a concealed weapon;

1523 (v) a currently valid United States passport; or

1524 (vi) a currently valid United States military identification card;

1525 (b) one of the following identification cards, regardless of whether the card includes a photograph of the  
voter:

1527 (i) a valid tribal identification card;

1528 (ii) a Bureau of Indian Affairs card; or

1529 (iii) a tribal treaty card; or

1530 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the name of the  
voter and provide evidence that the voter resides in the voting precinct, which may include:

1533 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more than 90 calendar  
days before the date of the election;

1535 (ii) before January 1, 2029, an original or copy of a bank or other financial account statement, dated no  
more than 90 calendar days before the date of the election;

1537 (iii) a certified birth certificate;

1538 (iv) a valid social security card;

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1539 (v) an original or copy of a check issued by the state or the federal government, dated no more than 90  
calendar days before the date of the election;

1541 (vi) an original or copy of a paycheck from the voter's employer, dated no more than 90 calendar days  
before the date of the election;

1543 (vii) a currently valid Utah hunting or fishing license;

1544 (viii) certified naturalization documentation;

1545 (ix) a currently valid license issued by an authorized agency of the United States;

1546 (x) a certified copy of court records showing the voter's adoption or name change;

1547 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer [Card] card;

1548 (xii) a currently valid identification card issued by:  
1549 (A) a local government within the state;  
1550 (B) an employer for an employee; or  
1551 (C) a college, university, technical school, or professional school located within the state; or  
1553 (xiii) a current Utah vehicle registration.

1554 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by  
following the procedures and requirements of this title.

1556 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:  
1557 (a) mailing the ballot to the location designated in the mailing; or  
1558 (b) depositing the ballot in a ballot drop box designated by the election officer.

1559 (84) "Voter" means an individual who:  
1560 (a) meets the requirements for voting in an election;  
1561 (b) meets the requirements of election registration;  
1562 (c) is registered to vote; and  
1563 (d) is listed in the official register.

1564 (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

1566 (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

1568 (87) "Voting booth" means:  
1569 (a) the space or compartment within a polling place that is provided for the preparation of ballots,  
including the voting enclosure or curtain; or  
1571 (b) a voting device that is free standing.

1572

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(88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

1574 (89) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3,  
Duties of the County and Municipal Legislative Bodies.

1576 (90) "Watcher" means an individual who complies with the requirements described in Section  
20A-3a-801 to become a watcher for an election.

1578 (91) "Write-in ballot" means a ballot containing any write-in votes.

1579 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in  
accordance with the procedures established in this title.

1581 Section 6. Section **20A-4-301** is amended to read:

### **20A-4-301. Board of canvassers.**

1583 (1)

(a) Each county legislative body is the board of county canvassers for:

1584 (i) the county; and

1585 (ii) each special district whose election is conducted by the county if:

1586 (A) the election relates to the creation of the special district;

1587 (B) the county legislative body serves as the governing body of the special district; or

1589 (C) there is no duly constituted governing body of the special district.

1590 (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 calendar days after the day of the election and no later than 14 calendar days after the day of  
the election.

1594 (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:

1597 (i) the county treasurer;

1598 (ii) the county assessor; or

1599 (iii) the county sheriff.

1600 (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.

1603 (e) The county clerk is the clerk of the board of county canvassers.

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1604 (2)

- (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

1606 (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:

- (i) for canvassing of returns from a municipal general election, 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; or
- (ii) for canvassing of returns from a municipal primary election, no sooner than seven calendar days after the day of the election and no later than 14 calendar days after the election.

1608 (c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

1614 (3)

- (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.

1618 (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.

1620 (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.

1622 (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.

1625 (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 calendar days after the day of the election and no later than 14 calendar days after the day of the election.

1630 (c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.

1632 (5)

- (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).

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1634 (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.

1637 (c) Attendance of a simple majority of the local school board shall constitute a quorum for conducting  
the canvass.

1639 [(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:

1643 (a) if the voters permitted to vote in the election are all residents of the same municipality, the mayor  
and the municipal legislative body;

1645 (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

1647 (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.

1651 Section 7. Section **20A-7-101** is amended to read:

1652 **20A-7-101. Definitions.**

As used in this chapter:

1654 (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.

1657 (2) "Budget officer" means:

1658 (a) for a county, the person designated as finance officer as defined in Section 17-63-101;

1659 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4):~~[-{F}] or~~

1660 (c) for a town, the town council~~[-]~~ ; or

1661 (d) for a school district, the individual appointed business administrator under Section 53G-4-302.

1663 (3) "Certified" means that the county clerk has acknowledged a signature as being the signature of a  
registered voter.

1665 (4) "Circulation" means the process of submitting an initiative petition or a referendum petition to legal  
voters for their signature.

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1667 (5) "Electronic initiative process" means:

1668 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215 and 20A-21-201,  
for gathering signatures; or

1670 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and 20A-21-201, for  
gathering signatures.

1672 (6) "Electronic referendum process" means:

1673 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313 and  
20A-21-201, for gathering signatures; or

1675 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and 20A-21-201,  
for gathering signatures.

1677 (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.

1679 (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).

1682 (9) "Initial fiscal impact statement" means a financial statement prepared under Section 20A-7-202.5  
after the filing of a statewide initiative application.

1684 (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.

1687 (11) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

1689 (12) "Initiative application" means:

1690 (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

1693 (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).

1696 (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.

1698 (14) "Initiative petition":

1699 (a) as it relates to a statewide initiative, using the manual initiative process:

1700

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- (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
- 1702 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-203(2)(b);
- 1704 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1705 (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
- 1707 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-215(5)(b);
- 1709 (c) as it relates to a local initiative, using the manual initiative process:
- 1710 (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
- 1712 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-503(2)(b); or
- 1714 (d) as it relates to a local initiative, using the electronic initiative process:
- 1715 (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
- 1717 (ii) if the initiative proposes a tax increase, includes the statement described in Subsection 20A-7-514(4)(a).
- 1719 (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 a 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.
  - 1724 (b) "Land use law" does not include a land use decision, as defined in Section 10-20-102 or 17-79-102.
  - 1726 (16) "Legal signatures" means the number of signatures of legal voters that:
  - 1727 (a) meet the numerical requirements of this chapter; and
  - 1728 (b) have been obtained, certified, and verified as provided in this chapter.
  - 1729 (17) "Legal voter" means an individual who is registered to vote in Utah.
  - 1730 (18) "Legally referable to voters" means:
- 1731

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(a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or

1733 (b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.

1735 (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.

1738 ~~[20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local~~  
~~initiative or referendum petition is circulated.]~~

1740 (20) "Local clerk" means:

1741 (a)

(i) for a local initiative or referendum that is a county initiative or referendum, the county clerk in  
whose jurisdiction the local initiative or referendum petition is circulated; or

1744 (ii) for a local referendum that is a school district referendum, the county clerk of the county where a  
majority of the voters in the school district reside; or

1746 (b) for a local initiative or referendum that is a municipal initiative or referendum, the city recorder or  
town clerk in whose jurisdiction the local initiative or referendum petition is circulated.

1749 (21)

(a) "Local law" includes:

(i) an ordinance;

(ii) a resolution;

(iii) a land use law;

1753 (iv) a land use regulation, as defined in Section 10-20-102;~~[-{F}] or~~

1754 (v) other legislative action of a local legislative body~~[.]~~ ; or

1755 (vi) any legislative action of a local school board, other than legislative action described in  
Subsection (21)(b)(ii).

1757 (b) "Local law" does not include:

1758 (i) a land use decision, as defined in Section 10-20-102~~[.]~~ ; or

1759 (ii) a local school tax law.

1760 (22)

(a) "Local legislative body" means the legislative body of a county, city, or town.

1761 (b) "Local legislative body" does not include the local school board of a school district.

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1762 (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.

1764 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of Members of Local Board of Education.

1766 {(24)} }

1766 (25)

"Local school tax law" means legislative action of a local school board that:

1767 (i) increases a tax or imposes a new tax; or

1768 (ii) otherwise imposes a payment obligation on property.

1769 (b) "Local school tax law" includes:

1770 (i) a board local levy under Section 53F-8-302;

1771 (ii) a capital local levy under Section 53F-8-303;

1772 (iii) a judgment levy imposed by a local school board under Section 59-2-1330; or

1773 (iv) any other tax or levy that is within a school district's discretion to impose.

1774 (c) "Local school tax law" does not include legislative action of a local school board that increases a tax or imposes a new tax, if the increased tax or new tax:

1776 (i) relates to a voted local levy under Section 53G-8-301;

1777 (ii) relates to a bond election under Section 53G-4-603; or

1778 (iii) is required to be imposed by state law, or is otherwise not within a local school board's discretion to impose.

1780 [(24)] (26)

(a) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax. {}

1768 (25){(b)}

{(a)} "Local {school} tax law" {means legislative action of} does not include a local school {board that:} tax law.

1783 [(25)] (27) {increases a tax or imposes a new tax; or}

1770 (ii) {otherwise imposes a payment obligation on property.}

1771 {(b)} {"Local school tax law" includes:}

1772 {(i)} {a board local levy under Section 53F-8-302;}

1773 {(ii)} {a capital local level under Section 53F-8-303;}

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1774 {(iii)} {~~a judgment levy imposed by a local school board under Section 59-2-1330; or~~}  
1775 {(iv)} {~~any other tax or levy that is within a school district's discretion to impose.~~}  
1776 {(e)} {"Local school tax law" does not include legislative action of a local school board that increases a tax or imposes a new tax, if the increased tax or new tax:}  
1778 {(f)} {~~relates to a voted local levy under Section 53G-8-301;~~}  
1779 {(ii)} {~~relates to a bond election under Section 53G-4-603; or~~}  
1780 {(iii)} {~~is required to be imposed by state law, or is otherwise not within a local school board's discretion to impose.~~}  
1782 {(26)}  
    {(a)} {"~~Local tax law~~" means a law, passed by a county, city, or town with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.}  
1784 {(b)} {"~~Local tax law~~" does not include a local school tax law.}  
1785 {(25)} {(27)} "Manual initiative process" means the process for gathering signatures for an initiative using paper signature packets that a signer physically signs.  
1787 [(26)] {(28)} "Manual referendum process" means the process for gathering signatures for a referendum using paper signature packets that a signer physically signs.  
1789 [(27)] {(29)}  
    (a) "Measure" means a proposed constitutional amendment, an initiative, or referendum.  
1791 (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.  
1793 [(28)] {(30)} "Presiding officers" means the president of the Senate and the speaker of the House of Representatives.  
1795 [(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.  
1798 [(30)] {(32)} "Referendum application" means:  
1799 (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  
1802

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(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).

1805 [34] (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.

1808 [32] (34) "Referendum petition" means:

1809 (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;

1812 (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;

1815 (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

1818 (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.

1821 [33] (35) "Signature":

1822 (a) for a statewide initiative:

1823 (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

1825 (ii) as it relates to the manual initiative process:

1826 (A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-203;

1828 (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

1833 (C) does not include an electronic signature;

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1834 (b) for a statewide referendum:

1835 (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

1837 (ii) as it relates to the manual referendum process:

1838 (A) means a holographic signature collected physically on a signature sheet described in Section  
20A-7-303;

1840 (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

1845 (C) does not include an electronic signature;

1846 (c) for a local initiative:

1847 (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

1849 (ii) as it relates to the manual initiative process:

1850 (A) means a holographic signature collected physically on a signature sheet described in Section  
20A-7-503;

1852 (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

1857 (C) does not include an electronic signature; or

1858 (d) for a local referendum:

1859 (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

1861 (ii) as it relates to the manual referendum process:

1862 (A) means a holographic signature collected physically on a signature sheet described in Section  
20A-7-603;

1864 (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

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

1869 (C) does not include an electronic signature.

1870 [~~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.

1873 [~~35~~] (37) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

1875 [~~36~~] (38) "Sponsors" means the legal voters who support the initiative or referendum and who sign the initiative application or referendum application.

1877 [~~37~~] (39)

(a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

1879 (b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.

1881 [~~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.

1883 [~~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.

1886 [~~40~~] (42) "Verified" means acknowledged by the person circulating the petition as required in Section 20A-7-105.

1886 Section 8. Section **20A-7-102** is amended to read:

### **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 Article VI, See. 1, Utah Constitution~~] of Utah Constitution, Article VI, Section 1, and this chapter:

1893 (1) initiate any desired legislation and cause it to be submitted to:

1894 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed state law; or

1896 (b) a local legislative body or to a vote of the people if it is a local law;

1897 (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; ~~[-{F}] and~~

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1900 (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

1902 (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:

1905 (a) the local school board is comprised of five members and four members or more voted in favor of the local law or local school tax law;

1907 (b) the local school board is comprised of seven members and five members or more voted in favor of the local law or local school tax law; or

1909 (c) the local school board is comprised of nine members and seven members or more voted in favor of the local law or local school tax law.

1909 Section 9. Section **20A-7-401.3** is amended to read:

1910 **20A-7-401.3. Voter participation areas.**

1913 (1)

1914 (a) Except as provided in Subsection (2):

1914 (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

1918 (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.

1922 (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.

1924 (2)

1924 (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.

1926 (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.

1927 Section 10. Section **20A-7-401.5** is amended to read:

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1928                   **20A-7-401.5. Proposition information pamphlet.**

1931                   (1)

                         (a)

                         (i) Within 15 calendar 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:

1934                   (A) the sponsors of the proposed initiative or referendum may electronically 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

                         (B) the ~~county or municipality~~ county, municipality, or school district to which the application relates may electronically submit a written argument in favor of, or against, the proposed initiative or referendum to the county's~~or municipality's~~, ~~municipality's, or school district's~~ election officer.

1942                   (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 the local school board~~ if a majority of the local legislative body ~~or the local school board~~ supports the written argument.

1948                   (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.

1952                   (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).

1956                   (d) The sponsors of the proposed initiative or referendum may electronically 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 calendar days after the day on which the eligible voter files an application to circulate an initiative

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petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

1963 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [eounty or municipality] county, municipality, or school district may electronically submit a revised version of the written argument to the county's[ ~~or municipality's~~ ] , municipality's, or school district's election officer within 20 calendar 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.

1970 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

1971 (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.

1974 (c) The election officer and the person [that] who submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

1976 (i) correct factual, grammatical, or spelling errors; or

1977 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

1978 (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:

1981 (i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

1983 (ii) does not timely submit the written argument to the election officer.

1984 (e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

1986 (3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

1988 (a) a copy of the application for the proposed initiative or referendum;

1989 (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;

1992 (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

1994 (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.

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1996 (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:

(i) complies with Subsection (4)(b); or

(ii) publishes the proposition information pamphlet under Subsection (5) or (6).

1999

2000

2001 (b) Within 21 calendar 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.

2007 (5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

2009 (a) within the later of 10 calendar 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 calendar days after the day on which the election officer and the person [that] who submitted the argument agree on the modification:

2014 (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

(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:

2021 (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;

(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

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

2032

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(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an [Internet] 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:

2036 (i) 10 calendar days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or

2038 (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] who submitted the argument agree on the modification.

2041 (6) An election officer for a county shall, within the later of 10 calendar 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 calendar days after the day on which the election officer and the person [that] who submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

2047 (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

2050 (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:

2052 (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;

2056 (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

2060 (iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

2062 (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

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after the day on which the election officer and the person who submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

2068 (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;

2072 (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:

2075 (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;

2078 (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

2082 (iii) the day after the date of the election at which the proposed referendum appears on the ballot.

2084 (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 the next mailing, for which the school district has not begun preparation, that falls on or after the later of:

2088 (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

2090 (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 who submitted the argument agree on the modification.

2091 Section 11. Section **20A-7-402** is amended to read:

2092 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations -- Preparation -- Statement on front cover.**

2096 (1) (a) The county[or municipality] , 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.

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(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.

2104 (2)

(a) ~~[Within the time requirements described in Subsection (2)(e)(i), a municipality described in Subseetion (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 Subseetion (2)(e)(i)]~~ A county, municipality, or school district described in Subsection (1) shall provide a notice that complies with the requirements described in 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 described in Subsection (2)(b)(i).

2113 [(b) ~~A county described in Subseetion (1) shall publish a notice that complies with the requirements of Subseetion (2)(e)(ii) for the county, as a class A notice under Seetion 63G-30-102.]~~

2116 [(e)] ~~(b) [A municipality or county that publishes a notice under Subseetion (2)(a) or (b) shall]~~ A county, municipality, or school district that publishes a notice under Subseetion (2)(a) shall:

2119 (i) publish the notice:

2120 (A) not less than 90 calendar days before the date of the election at which a special local ballot proposition will be voted upon; or

2122 (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

2125 (ii) ensure that the notice contains:

2126 (A) the ballot title for the special local ballot proposition;

2127 (B) instructions on how to file a request under Subsection ~~[(2)(d)] (2)(c)~~; and

2128 (C) the deadline described in Subsection ~~[(2)(d)] (2)(c)~~.

2129 [(d)] ~~(c) [Except as provided in Subseetion (13), to]~~ To prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer no later than 5 p.m. on the last business day that is at least 64 calendar days before the day of the election at which the special local ballot proposition is to be voted on.

2134

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[{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:

2137 (i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and  
2139 (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.

2142 [{f}] (e) [Except as provided in Subseetion (13), the] The election officer shall grant a request described in Subsection [(2)(d) or (e)] (2)(c) or (d) no later than 60 calendar days before the day of the election at which the ballot proposition is to be voted on.

2145 [{g}] (f)

(i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.

2147 (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.

2150 [{h}] (g) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:

2152 (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);

2154 (ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;

2156 (iii) [except as provided in Subseetion (13),] submit the written argument to the election officer no later than 5 p.m. on the last business day that is at least 55 calendar days before the election day on which the ballot proposition will be submitted to the voters;

2160 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and

2162 (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

2164 [{i}] (h) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection [(2)(h)(iii)] (2)(g)(iii).

2166 (3)

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(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:

2169 (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter  
2170 who submitted the written argument against the special local ballot proposition; and

2172 (ii) a copy of the written argument against the special local ballot proposition to the eligible voter  
2173 who submitted the written argument in favor of the special local ballot proposition.

2175 (b) The eligible voter who submitted a timely written argument in favor of the special local ballot  
2176 proposition:

2177 (i) may submit to the election officer a written rebuttal argument of the written argument against the  
2178 special local ballot proposition;

2179 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the  
2180 information described in Subsection [(2)(h)(ii)] (2)(g)(ii) or (iv); and

2182 (iii) [except as provided in Subsection (13),] shall submit the written rebuttal argument no later than 5  
2183 p.m. on the last business day that is at least 45 calendar days before the election day on which the  
2184 special local ballot proposition will be submitted to the voters.

2186 (c) The eligible voter who submitted a timely written argument against the special local ballot  
2187 proposition:

2188 (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the  
2189 special local ballot proposition;

2190 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the  
2191 information described in Subsection [(2)(h)(ii)] (2)(g)(ii) or (iv); and

2193 (iii) [except as provided in Subsection (13),] shall submit the written rebuttal argument no later than 5  
2194 p.m. on the last business day that is at least 45 calendar days before the election day on which the  
2195 special local ballot proposition will be submitted to the voters.

2197 (d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a  
2198 special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii)  
2199 or (3)(c)(iii).

2200 (4)

2201 (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:

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- (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
- 2205 (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.
- 2207 (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:
  - 2210 (i) correct factual, grammatical, or spelling errors; and
  - 2211 (ii) reduce the number of words to come into compliance with the requirements of this section.
- 2213 (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).
- 2218 (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.
- 2222 (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:
  - 2224 (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;
  - 2227 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
  - 2229 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business day that is at least 45 calendar days before the election day on which the standard local ballot proposition will be submitted to the voters.
- 2232 (7)
  - (a) A county[~~or municipality~~], 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:

2235

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- (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;
- (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
- (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last business day that is at least 45 calendar days before the election day on which the ballot proposition will be submitted to the voters.

(b) If a county[~~or municipality~~] , 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 local school board.

(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).
- (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.
- (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.

(9)

- (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.
- (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:
  - (i) correct factual, grammatical, or spelling errors; or
  - (ii) reduce the number of words to come into compliance with the requirements of this section.
- (c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:
  - (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or

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2269 (ii) does not timely submit the written rebuttal argument to the election officer.

2270 (d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

2272 (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.

2276 (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.

2279 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

2281     "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."

2284 (12)

(a) In preparing the local voter information pamphlet, the election officer shall:

2285     (i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;

2287     (ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:

2289         "The arguments for or against a ballot proposition are the opinions of the authors.";

2290     (iii) pay for the printing and binding of the local voter information pamphlet; and

2291     (iv) not less than 15 calendar days before, but not more than 45 calendar 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:

2294     (A) a voter information pamphlet; or

2295     (B) the notice described in Subsection (12)(c).

2296 (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.

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(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

2300 (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.

2303 (ii) The notice described in Subsection (12)(c)(i) shall include:

2304 (A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

2306 (B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

2308 [(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 calendar days before the day of the election:]

2312 [(a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later than five business days after the notice is published;]

2314 [(b) the deadline to grant a request under Subsection (2)(f) is no later than seven business days after the notice is published;]

2316 [(e) the deadline to submit the written argument to the election officer under Subsection (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published; and]

2319 [(d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or (e)(iii) is no later than 17 business days after the notice is published.]

2319 Section 12. Section **20A-7-405** is amended to read:

2320 **20A-7-405. Public meeting.**

2323 (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.

2327 (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:

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2330 (a) allows equal time, within a reasonable limit, for presentations on both sides of the proposed  
initiative, initiative, proposed referendum, or referendum;

2332 (b) provides interested parties an opportunity to present oral testimony within reasonable time limits;  
and

2334 (c) holds the public meeting:  
(i) during the legislative body's normal meeting time; or  
2336 (ii) for a meeting time other than the legislative body's normal meeting time, beginning at or after 6  
p.m.

2338 (3) This section does not prohibit a working group meeting from being held before 6 p.m.

2337 Section 13. Section **20A-7-601** is amended to read:

2338 **20A-7-601. Referenda -- General signature requirements -- Signature requirements for land  
use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.**

2343 (1) As used in this section:

2344 (a) "Number of active voters" means the number of active voters in the county, city, [or]town, or  
school district on the immediately preceding January 1.

2346 (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.

2348 (c) "Qualifying transit area" means:  
(i) a station area, as defined in Section 10-21-101, for which the municipality with jurisdiction over the  
station area has satisfied the requirements of Subsection 10-21-203(1)(a)(i), as demonstrated by the  
adoption of a station area plan or resolution under Subsection 10-21-203(1); or  
2353 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a  
qualifying county.

2355 (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.

2357 (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.  
2361 (ii) "Subjurisdictional law" does not include a land use law.

2362

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- (f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.
- (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- (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:
  - (a) for a county of the first class:
    - (i) 7.75% of the number of active voters in the county; and
    - (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;
  - (b) for a city of the first class:
    - (i) 7.5% of the number of active voters in the city; and
    - (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;
  - (c) for a county of the second class:
    - (i) 8% of the number of active voters in the county; and
    - (ii) ~~[beginning on January 1, 2020,]~~ 8% of the number of active voters in at least 75% of the county's voter participation areas;
  - (d) for a city of the second class:
    - (i) 8.25% of the number of active voters in the city; and
    - (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;
  - (e) for a county of the third class:
    - (i) 9.5% of the number of active voters in the county; and
    - (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;
  - (f) for a city of the third class:
    - (i) 10% of the number of active voters in the city; and
    - (ii) ~~[beginning on January 1, 2020,]~~ 10% of the number of active voters in at least 75% of the city's voter participation areas;
  - (g) for a county of the fourth class:

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2394 (i) 11.5% of the number of active voters in the county; and

2395 (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;

2397 (h) for a city of the fourth class:

2398 (i) 11.5% of the number of active voters in the city; and

2399 (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;

2401 (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

2403 (j) for a town or a county of the sixth class, 35% of the number of active voters in the town or county.

2405 (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:

2408 (a) for a county of the first, second, third, or fourth class:

2409 (i) 16% of the number of active voters in the county; and

2410 (ii) [beginning on January 1, 2020,] 16% of the number of active voters in at least 75% of the county's  
voter participation areas;

2412 (b) for a county of the fifth or sixth class:

2413 (i) 16% of the number of active voters in the county; and

2414 (ii) [beginning on January 1, 2020,] 16% of the number of active voters in at least 75% of the county's  
voter participation areas;

2416 (c) for a city of the first class:

2417 (i) 15% of the number of active voters in the city; and

2418 (ii) [beginning on January 1, 2020,] 15% of the number of active voters in at least 75% of the city's  
voter participation areas;

2420 (d) for or a city of the second class:

2421 (i) 16% of the number of active voters in the city; and

2422 (ii) [beginning on January 1, 2020,] 16% of the number of active voters in at least 75% of the city's  
voter participation areas;

2424 (e) for a city of the third class:

2425 (i) 27.5% of the number of active voters in the city; and

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2426 (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;

2428 (f) for a city of the fourth class:

2429 (i) 29% of the number of active voters in the city; and

2430 (ii) [beginning on January 1, 2020,]29% of the number of active voters in at least 75% of the city's voter participation areas;

2432 (g) for a city of the fifth class, 35% of the number of active voters in the city; or

2433 (h) for a town, 40% of the number of active voters in the town.

2434 (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:

2437 (a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

2439 (b) 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;

2441 (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;

2443 (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;

2445 (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

2447 (f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.

2449 (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:

2452 (a) for a county:

2453 (i) 20% of the number of active voters in the county; and

2454 (ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;

2456 (b) for a city of the first class:

2457 (i) 20% of the number of active voters in the city; and

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2458 (ii) 20% of the number of active voters in at least 75% of the city's voter participation areas;

2460 (c) for a city of the second class:

2461 (i) 20% of the number of active voters in the city; and

2462 (ii) 21% of the number of active voters in at least 75% of the city's voter participation areas;

2464 (d) for a city of the third class:

2465 (i) 34% of the number of active voters in the city; and

2466 (ii) 34% of the number of active voters in at least 75% of the city's voter participation areas;

2468 (e) for a city of the fourth class:

2469 (i) 36% of the number of active voters in the city; and

2470 (ii) 36% of the number of active voters in at least 75% of the city's voter participation areas; or

2472 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or town.

2474 (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:

2477 (a) 10% of the number of active voters in the school district if the number of active voters exceeds 25,000;

2479 (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;

2481 (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;

2483 (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;

2485 (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

2487 (f) 30% of the number of active voters in the school district if the number of active voters does not exceed 250.

2489 [(6)] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), [or] (5), or (6), any local law or local school tax law passed by a local legislative body or local school board, as applicable, shall file the application no later than the first business day that is at least five calendar days after the day on which the local law or the local school tax law was passed.

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[~~7~~] (8) This section does not authorize 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.

2495       Section 14. Section **20A-7-602** is amended to read:

2496       **20A-7-602. Local referendum process -- Application procedures.**

2499       (1) Individuals wishing to circulate a referendum petition shall file a referendum application with the local clerk.

2501       (2) The referendum application shall include:

2502           (a) the name and residence address of at least five sponsors of the referendum petition;

2503           (b) a statement indicating that each of the sponsors is registered to vote in Utah;

2504           (c) a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures;

2506           (d) the signature of each of the sponsors, acknowledged by a notary public; and

2507           (e)

2509           (i) if the referendum challenges an ordinance or resolution, a copy of the ordinance or resolution;~~[or]~~ [or]

2512           (ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the local legislative body's vote on the local law~~[.]~~ ; or

2513           (iii) if the referendum challenges a local school tax law, a written description of the local school tax law, including the results of the local school board's vote on the local school tax law.

2514       Section 15. Section **20A-7-602.5** is amended to read:

2515       **20A-7-602.5. Initial fiscal and legal impact statement -- Preparation of statement.**

2517       (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.

2520       (2)

2521           (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:

2523           (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

2524           (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

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and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;

2528 (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;

2531 (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;

2534 (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;

2536 (vi) the legal impacts that would result from repealing the law, including:

2537 (A) any significant effects on a person's vested property rights;

2538 (B) any significant effects on other laws or ordinances;

2539 (C) any significant legal liability the city, county, or town may incur; and

2540 (D) any other significant legal impact as determined by the budget officer and the legal counsel; and

2542 (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.

2545 (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: "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."

2548 (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.

2551 (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.

2558 (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:

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2560 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office; and  
2562 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors named in the  
referendum application.

2562 Section 16. Section **20A-7-602.7** is amended to read:

2563 **20A-7-602.7. Referability to voters of local law other than land use law.**

2566 (1) Within 20 calendar 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] town, or school district to which the referendum [pertains] relates  
shall:

2570 (a) review the referendum application to determine whether the proposed referendum is legally  
referable to voters; and  
2572 (b) notify the first three sponsors, in writing, whether the proposed referendum is:  
2573 (i) legally referable to voters; or  
2574 (ii) rejected as not legally referable to voters.

2575 (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:

2577 (a) the proposed referendum challenges an action that is administrative, rather than legislative, in  
nature;  
2579 (b) the proposed referendum challenges more than one law passed by the local legislative body or the  
local school board; or  
2581 (c) the referendum application was not timely filed or does not comply with the requirements of this  
part.

2583 (3) After the end of the 20-calendar-day period described in Subsection (1), [a county, city, or town  
may not, for a local law other than a land use law] a county, city, town, or school district may not,  
for a local school tax law, or a local law other than a land use law:

2586 (a) reject a proposed referendum as not legally referable to voters; or  
2587 (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.

2590 (4)  
(a) If, under Subsection (1)(b)(ii), a county, city, [or town] 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

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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:

2595 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2596 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under  
Subsection (4)(a)(i).

2598 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the  
referendum.

2600 (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  
20A-7-604(3), or give the sponsors access to the website defined in Section 20A-21-101, within  
five calendar days after the day on which the determination, and any challenge or appeal of the  
determination, is final.

2603 Section 17. Section **20A-7-603** is amended to read:

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

2604 (1) This section applies only to the manual referendum process.

2605 (2)

2606 (a) Each proposed referendum petition shall be printed in substantially the following form:

2607 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town  
2608 Clerk:

2609 We, the undersigned citizens of Utah, respectfully order that (description of the local law or  
local school tax law, or portion of local law or local school tax law being challenged), passed by the  
2610 \_\_\_\_\_ be referred to the voters for their approval or rejection at the regular/municipal general election  
2611 to be held on \_\_\_\_\_(month\day\year);

2612 Each signer says:

2613 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  
2614 initials "AV" as my signature;

2615 The date next to my signature correctly reflects the date that I actually signed the petition;

2616 I have personally read the entire statement included with this packet;

2617 I am registered to vote in Utah; and

2618 My residence and post office address are written correctly after my name."

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2625 (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.

2627 (3) Each referendum signature sheet shall:

2628 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2629 (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;

2631 (c) include the title of the referendum printed below the horizontal line, in at least 14-point type;

2633 (d) include a table immediately below the title of the referendum, and beginning .5 inch from the left  
side of the paper, as follows:

2635 (i) the first column shall be .5 inch wide and include three rows;

2636 (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;

2638 (iii) the second row of the first column shall be .35 inch tall;

2639 (iv) the third row of the first column shall be .5 inch tall;

2640 (v) the second column shall be 2.75 inches wide;

2641 (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;

2644 (vii) the second row of the second column shall be .5 inch tall;

2645 (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;

2647 (ix) the fourth row of the second column shall be .5 inch tall;

2648 (x) the third column shall be 2.75 inches wide;

2649 (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;

2651 (xii) the second row of the third column shall be .5 inch tall;

2652 (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;

2654 (xiv) the fourth row of the third column shall be .5 inch tall;

2655 (xv) the fourth column shall be one inch wide;

2656 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-  
point type;

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2658 (xvii) the second row of the fourth column shall be .5 inch tall;

2659 (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;

2661 (xix) the fourth row of the third column shall be .5 inch tall; and

2662 (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;

2666 (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

2668 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the  
following statement in not less than eight-point type:

2670 "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.

2674 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."

2678 (4) The final page of each referendum packet shall contain the following printed or typed statement:  
2680 "Verification of signature collector  
2681 State of Utah, County of \_\_\_\_  
2682 I, \_\_\_\_\_, of \_\_\_\_, hereby state, under penalty of perjury, that:  
2683 I am at least 18 years old;  
2684 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;  
2689 I certify that, for each individual whose signature is represented in this referendum packet  
by the initials "AV":

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

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

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;

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

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

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

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.

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(Residence Address) (Date)

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

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

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(Residence Address) (Date)".

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

Section 18. Section **20A-7-604** is amended to read:

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

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

(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.

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2725 (3) Within five calendar 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:

2728 (a) a copy of the referendum petition;

2729 (b) a signature sheet; and

2730 (c) a copy of the proposition information pamphlet provided to the sponsors under Subsection  
20A-7-401.5(4)(b).

2732 (4) The sponsors of the referendum petition shall:

2733 (a) arrange and pay for the printing of all documents that are part of the referendum packets; and

2735 (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form  
requirements of this section.

2737 (5)

2739 (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by  
creating multiple referendum packets.

2743 (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.

2744 (c) A referendum packet is not required to have a uniform number of signature sheets.

2747 (6)

2748 (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

2750 (i) contact the county clerk to receive a range of numbers that the sponsors may use to number  
referendum packets;

2752 (ii) sign an agreement with the local clerk, specifying the range of numbers that the sponsor will use  
to number the referendum packets; and

2754 (iii) number each referendum packet, sequentially, within the range of numbers provided by the  
county clerk, starting with the lowest number in the range.

2755 (b) The sponsors or an agent of the sponsors may not:

(i) number a referendum packet in a manner not directed by the county clerk; or

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2756 (ii) circulate or submit a referendum packet that is not numbered in the manner directed by the county  
clerk.

2756 Section 19. Section **20A-7-607** is amended to read:

2757 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on  
referendum.**

2761 (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.

2764 (2) The county clerk shall:

2765 (a) in relation to the manual referendum process:

2766 (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 calendar days; and

2770 (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or

2772 (b) in relation to the electronic referendum process:

2773 (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 calendar days; and

2776 (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the  
update.

2778 (3) The local clerk:

2779 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or  
insufficient:

2781 (i) in relation to the manual referendum process, no later than 111 calendar 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

2784 (ii) in relation to the electronic referendum process, no later than 111 calendar days after the day of the  
deadline, described in Subsection 20A-7-616(2), to collect a signature; or

2787 (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a)  
if:

2789 (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

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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;

2794 (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

2799 (iii) a requirement of this part has not been met.

2800 (4)

(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."

2804 (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."

2808 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

2810 (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.

2812 (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.

2816 (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.

2820 (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:

2822 (i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or

2824 (ii) as it 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.

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2827 (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.

2829 (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.

2833 (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:

2837 (i) the local clerk;

2838 (ii) the county clerk; and

2839 (iii) the attorney for the county[~~or~~] or municipality, or school district that took the legislative action.

2841 (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:

2845 (i) the next general election; or

2846 (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:

2848 (A) the affected owners, as defined in Section 10-20-102 or 17-79-102, as applicable;

2850 (B) the local clerk;

2851 (C) the county clerk; and

2852 (D) the attorney for the county or municipality that took the legislative action.

2851 Section 20. Section **20A-7-608** is amended to read:

2852 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.**

2856 (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.

2858 (2) The local attorney shall:

2859 (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;

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2862 (b) prepare for the referendum:

2863 (i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and

2865 (ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;

2867 (c) file the proposed short title, summary, and the numbered referendum title with the local clerk within 20 calendar days after the day on which an eligible voter submits the referendum petition to the local clerk; and

2870 (d) promptly provide notice of the filing of the proposed short title and summary to:

2871 (i) the sponsors of the petition; and

2872 (ii) the local legislative body or the local school board for the jurisdiction where the referendum petition was circulated.

2874 (3)

2876 (a) The short title and summary may be distinct from the title of the law that is the subject of the referendum petition.

2878 (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.

2880 (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.

2882 (d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the referendum.

2887 (4)

2889 (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 the 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.

2890 (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

2891 (i) review any written comments filed in accordance with Subsection (4)(a);

2892 (ii) prepare a final short title and summary that meets the requirements of Subsection (3); and

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2892 (iii) return the referendum petition and file the short title and summary with the local clerk.

2894 (c) Subject to Subsection (6), for each [eounty or munieipal] county, municipal, or school district referendum, the following shall be printed on the official ballot:

2896 (i) the short title; and

2897 (ii) except as provided in Subsection (4)(d):

2898 (A) the summary;

2899 (B) a copy of the ordinance, resolution, or written description of the local law or the local school tax law; and

2901 (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.

2905 (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).

2910 (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."

2917 (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.

2921 (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:

2924 (i) at least three sponsors of the referendum petition; or

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2925 (ii) a majority of the local legislative body or the local school board for the jurisdiction where the  
referendum petition was circulated.

2927 (b) The court shall:

2928 (i) [shall] examine the short title and summary and consider the arguments; and

2929 (ii) enter an order consistent with the requirements of this section.

2930 (c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as  
required by this section.

2930       Section 21. Section **20A-7-609** is amended to read:

2931       **20A-7-609. Form of ballot -- Manner of voting.**

2934 (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.

2938 (2)

2938 (a) Except as provided in Subsection [(2)(e)(i)] (2)(d)(i), and unless the county legislative body calls a  
special election, the county clerk shall ensure that [eounty referenda that have] a county referendum  
that has qualified for the ballot [appear] appears on the next regular general election ballot.

2942 (b) Except as provided in Subsection [(2)(e)(ii)] (2)(d)(ii), and unless the municipal legislative body  
calls a special election, the municipal recorder or town clerk shall ensure that [municipal referenda  
that have] a municipal referendum that has qualified for the ballot [appear] appears on the next  
regular municipal election ballot.

2946 (c) Except as provided in Subsection (2)(d)(iii), and unless the local school board calls a special  
election, the county clerk shall ensure that a school district referendum that has qualified for the  
ballot appears on the next regular general election ballot.

2949 [(e)] (d)

2949 (i) Except as provided in Section 20A-7-609.5 or Section 20A-7-613:

2948 (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~~[-]~~;

2954 (ii) If if a local law passes after January 30 of the year in which there is a municipal general election,  
the municipal recorder or town clerk shall ensure that a municipal referendum that has qualified for

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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~~[-]~~ ; and

2959 (iii) ~~{If } 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 county clerk 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.~~

2964 (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."

2966 (ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."

2968 (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."

2970 (ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

2971 Section 22. Section **20A-7-609.5** is amended to read:

2972 **20A-7-609.5. Election on referendum challenging local tax law or local school tax law conducted entirely by mail.**

2975 (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.

2977 (2) For purposes of an election conducted under this section, the election officer shall:

2978 (a) designate as the election day the first business day that is at least 30 calendar days after the day on which the election officer complies with Subsection (2)(b); and

2980 (b) subject to Subsection (6), within 30 calendar 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 the local school tax law applies:

2984 (i) a manual ballot;

2985 (ii) a statement that there will be no polling place for the election;

2986 (iii) a statement specifying the election day described in Subsection (2)(a);

2987 (iv) a return envelope;

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2988 (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;

2991 (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

2995 (vii)

2998 (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

3000 (B) a website address where an individual may view a copy of the proposition information pamphlet  
described in Subsection (2)(b)(vii)(A).

3001 (3) An election officer who administers an election under this section shall:

3002 (a)

3003 (i) obtain, in person, the signatures of each voter within that voting precinct or school district before the  
election; or

3004 (ii) obtain the signature of each voter within the voting precinct or school district from the county clerk;  
and

3005 (b) maintain the signatures on file in the election officer's office.

3006 (4)

3007 (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.

3008 (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.

3009 (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:

3010 (i) disqualify the ballot; and

3011 (ii) notify the voter of the disqualification and the reason for the disqualification.

3012 (5) The following provisions do not apply to an election described in this section:

3013 (a) Section 20A-3a-201;

3014 (b) Subsection 20A-3a-202(2)(a)(iv);

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3020 (c) Section 20A-3a-203;  
3021 (d) Section 20A-3a-601;  
3022 (e) Section 20A-3a-603;  
3023 (f) Section 20A-3a-702;  
3024 (g) Section 20A-5-403; or  
3025 (h) Subsection 20A-7-609(2).

3026 (6) Notwithstanding Section 20A-3a-202.5, for an election described in this section, the election officer shall send a ballot by mail to all registered voters in the jurisdiction.

3027 Section 23. Section **20A-7-610** is amended to read:

3028 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

3031 (1) The votes on the law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Chapter 4, Part 3, Canvassing Returns.

3033 (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.

3036 (3)

3038 (a) The local legislative body or the local school board shall immediately issue a proclamation that:

3040 (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

3043 (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.

3048 (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.

3048 (4)

3048 (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.

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3053 (b) The court shall:

3054 (i) consider the matter and decide whether the approved laws are entirely in conflict; and

3056 (ii) issue an order, consistent with the court's decision, to the local legislative body or the local school  
board.

3058 (5) Within 10 calendar 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:

3060 (a) proclaim as law all those laws approved by the people that the court determines are not in conflict;  
and

3062 (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.

3064 Section 24. Section **20A-7-611** is amended to read:

3065 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative body.**

3068 (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.

3070 (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:

3073 (a) issue an order temporarily staying the law from going into effect; and

3074 (b) continue the process of certifying signatures and removing signatures as required by this part.

3076 (3) The temporary stay described in Subsection (2)(a) remains in effect, regardless of whether a future  
count falls below the signature threshold, until:

3078 (a) if the local clerk declares the referendum petition insufficient, five calendar days after the day on  
which the local clerk declares the referendum petition insufficient; or

3080 (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.

3082 (4) A law submitted to the people by referendum that is approved by the voters at an election takes  
effect the later of:

3084 (a) five calendar days after the date of the official proclamation of the vote by the local legislative body;  
or

3086 (b) the effective date specified in the approved law.

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3087 (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:

3090 (a) five calendar days after the day on which the local clerk declares the petition insufficient; or  
3092 (b) the effective date specified in the proposed law.

3093 (6)

3094 (a) A law approved by the people under this part is not subject to veto.  
3094 (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.

3096 (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.

3098       Section 25. Section **20A-7-613** is amended to read:

3099       **20A-7-613. Property tax referendum petition.**

3101 (1) As used in this section[;] :

3102 (a) "[~~e~~certified] Certified tax rate" means the same as that term is defined in Section 59-2-924.

3104 (b) "Taxing entity" means a county, city, town, or school district with the authority to levy a tax on  
property.

3106 (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.

3109 (3)

3113 (a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b), 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:

3115 (i) the first business day that is at least 30 calendar days after the day on which the first individual  
signs the packet; or

3115 (ii) the first business day that is at least 40 calendar days after the day on which the local clerk  
complies with Subsection 20A-7-604(3).

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- (b) For a county where the county clerk's office is closed on a business day, if the deadline described in Subsection (3)(a) is on that business day, the deadline is extended until 5 p.m. the next day that the office is open.
- 3120 (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 business days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).
- 3124 (5) The local clerk shall take the actions required by Section 20A-7-607 within two business days after:
  - 3126 (a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or
  - 3128 (b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).
- 3130 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two business days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.
- 3133 (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.
- 3137 (8) The election officer shall mail manual ballots on a referendum under this section the later of:
  - 3139 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
  - 3140 (b) the time that ballots are prepared for mailing under this section.
- 3141 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 3142 (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:
    - 3145 (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
    - 3147 (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.

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- (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.
- 3154 (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.
- 3158 (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].".[.]
- 3162 (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.
- 3165 (13)
  - (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:
    - 3167 (i) sponsors file an application for a referendum described in this section;
    - 3168 (ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and
    - 3170 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.
  - 3172 (b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).
  - 3174 (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.
- 3177 Section 26. Section **20A-7-614** is amended to read:
- 3178     **20A-7-614. Electronic referendum process -- Form of referendum petition -- Circulation requirements -- Signature collection.**
- 3181 (1) This section applies only to the electronic referendum process.

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3182 (2)

3183 (a) The first screen presented on the approved device shall include the following statement:  
"This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_, County Clerk/City  
Recorder/Town Clerk:

3185 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)."

3189 (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."

3192 (3)

3194 (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.

(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."

3198 (4)

3201 (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.

(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."

3204 (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":

3206 "I have personally read the entirety of each statement presented on this device;

3207 I am personally signing this referendum petition;

3208 I am registered to vote in Utah; and

3209 All information I enter on this device, including my residence and post office address, is  
accurate.

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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.

3215                   Do you wish to continue and sign this referendum petition?"

3216                   (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."
- (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.

3222                   Section 27. Section **63G-30-102** is amended to read:

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

- (1) A public body or a government official that is required to provide a class A notice:
  - (a) shall publish the public notice on the Utah Public Notice Website;
  - (b) shall publish the public notice on the public body's or government official's official website, if the public body or government official:
    - (i) maintains an official website; and
    - (ii) has an annual operating budget of \$250,000 or more; and
    - (c) except as provided in Subsection (4), and subject to Subsection (5), post the public notice in connection with the affected area as follows:
      - (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;
      - (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;
      - (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:
        - (A) residents of the affected area; or

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3243 (B) if there are no residents within the affected area, individuals who pass through or near the affected area;

3245 (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;

3247 (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;

3251 (vi) if the affected area is a public street, on or adjacent to the public street;

3252 (vii) if the affected area is an easement:

3253 (A) on or adjacent to the easement; or

3254 (B) in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement; ~~{-{F}}~~ or

3256 (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~~

3259 (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.

3261 (2) Subject to Subsection (5), a public body or a government official that is required to provide a class B notice shall:

3263 (a) comply with the requirements described in Subsection (1) for a class A notice;

3264 (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

3269 (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.

3273 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the public body or government official shall:

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3275 (a) use the current residential or business address of the real property owner;

3276 (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

3280 (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.

3282 (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:

3284 (a) the affected area is the state;

3285 (b) the body is a specified body, as defined in Section 52-4-103;

3286 (c) the public body is the Legislature or a public body within the state legislative branch; or

3288 (d) the government official is required to post the notice on behalf of a body described in Subsection (4) (b) or (c).

3290 (5) If a statute, ordinance, or rule requires a public body or government official to provide notice for a period of time:

3292 (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;

3295 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:

3296 (i) the notice is posted at or, except to the extent prohibited by law, before the beginning of the period of time;

3298 (ii) the public body or government official does not remove the posting before the end of the period of time; and

3300 (iii) until the end of the period of time, the public body or government official:

3301 (A) periodically verifies that the notice remains in place; and

3302 (B) replaces the notice within a reasonable time after discovering that the notice has been removed or damaged; and

3304 (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.

### 3306 Section 28. **Effective date.**

Effective Date.

## **HB0170 compared with HB0170S01**

This bill takes effect on May 6, 2026.

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