

Rex P. Shipp proposes the following substitute bill:

**School Board Referendum Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor: Lincoln Fillmore

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**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;
- includes a coordination clause to add a reference to a referable local school tax law being enacted in this bill to similar language being enacted in H.B. 32, Signature Gathering and Verification Amendments; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a coordination clause.

**Utah Code Sections Affected:**

AMENDS:

- 10-20-102**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15
- 10-20-902**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15
- 17-79-102**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
- 17-79-803**, as renumbered and amended by Laws of Utah 2025, First Special Session,

- 29 Chapter 14
- 30 **20A-1-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6
- 31 **20A-4-301**, as last amended by Laws of Utah 2025, Chapter 448
- 32 **20A-7-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
- 33 **20A-7-102**, as last amended by Laws of Utah 1994, Chapter 272
- 34 **20A-7-401.3**, as last amended by Laws of Utah 2024, Chapter 438
- 35 **20A-7-401.5**, as last amended by Laws of Utah 2025, Chapter 448
- 36 **20A-7-402**, as last amended by Laws of Utah 2025, Chapter 448
- 37 **20A-7-405**, as enacted by Laws of Utah 2019, Chapter 203
- 38 **20A-7-601**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 39 **20A-7-602**, as last amended by Laws of Utah 2023, Chapter 107
- 40 **20A-7-602.5**, as last amended by Laws of Utah 2024, Chapter 442
- 41 **20A-7-602.7**, as last amended by Laws of Utah 2025, Chapter 448
- 42 **20A-7-603**, as last amended by Laws of Utah 2024, Chapter 442
- 43 **20A-7-604**, as last amended by Laws of Utah 2025, Chapter 448
- 44 **20A-7-607**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
- 45 **20A-7-608**, as last amended by Laws of Utah 2025, Chapter 448
- 46 **20A-7-609**, as last amended by Laws of Utah 2025, Chapter 381
- 47 **20A-7-609.5**, as last amended by Laws of Utah 2025, Chapters 381, 448
- 48 **20A-7-610**, as last amended by Laws of Utah 2025, Chapter 448
- 49 **20A-7-611**, as last amended by Laws of Utah 2025, Chapter 448
- 50 **20A-7-613**, as last amended by Laws of Utah 2025, Chapter 448
- 51 **20A-7-614**, as last amended by Laws of Utah 2024, Chapter 442
- 52 **63G-30-102**, as enacted by Laws of Utah 2023, Chapter 435

**Utah Code Sections affected by Coordination Clause:**

- 53
- 54 **20A-7-603 (05/06/26)**, as last amended by Laws of Utah 2024, Chapter 442

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

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

**10-20-102 . Definitions.**

As used in this chapter:

- 60 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 61 detached from a primary single-family dwelling and contained on one lot.
- 62 (2) "Adversely affected party" means a person other than a land use applicant who:

- 63 (a) owns real property adjoining the property that is the subject of a land use application  
64 or land use decision; or
- 65 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
66 general community as a result of the land use decision.
- 67 (3) "Affected entity" means a county, municipality, special district, special service district  
68 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
69 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
70 specified public utility, property owner, property owners association, or the Department  
71 of Transportation, if:
- 72 (a) the entity's services or facilities are likely to require expansion or significant  
73 modification because of an intended use of land;
- 74 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
75 plan; or
- 76 (c) the entity has filed with the municipality a request for notice during the same  
77 calendar year and before the municipality provides notice to an affected entity in  
78 compliance with a requirement imposed under this chapter.
- 79 (4) "Affected owner" means the owner of real property that is:
- 80 (a) a single project;
- 81 (b) the subject of a land use approval that sponsors of a referendum timely challenged in  
82 accordance with [~~Section 20A-7-601~~] Subsection 20A-7-601(7); and
- 83 (c) determined to be legally referable under Section 20A-7-602.8.
- 84 (5) "Appeal authority" means the person, board, commission, agency, or other body  
85 designated by ordinance to decide an appeal of a decision of a land use application or a  
86 variance.
- 87 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
88 residential property if the sign is designed or intended to direct attention to a business,  
89 product, or service that is not sold, offered, or existing on the property where the sign is  
90 located.
- 91 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners  
92 to relocate a common boundary that results in a conveyance of property between the  
93 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 94 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 95 (i) creates an additional lot or parcel; or
- 96 (ii) is made by the Department of Transportation.

- 97 (8)(a) "Boundary establishment" means an agreement between adjoining property  
98 owners to clarify the location of an ambiguous, uncertain, or disputed common  
99 boundary.
- 100 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary  
101 that:
- 102 (i) creates an additional lot or parcel; or  
103 (ii) is made by the Department of Transportation.
- 104 (9) "Building code adoption cycle" means the period of time beginning the day on which a  
105 specific edition of a construction code from a nationally recognized code authority is  
106 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day  
107 before a new edition of a construction code is adopted and effective in Title 15A, State  
108 Construction and Fire Codes Act.
- 109 [(9)] (10)(a) "Charter school" means:
- 110 (i) an operating charter school;  
111 (ii) a charter school applicant that a charter school authorizer approves in accordance  
112 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or  
113 (iii) an entity that is working on behalf of a charter school or approved charter  
114 applicant to develop or construct a charter school building.
- 115 (b) "Charter school" does not include a therapeutic school.
- 116 [~~(10) "Building code adoption cycle" means the period of time beginning the day on which~~  
117 ~~a specific edition of a construction code from a nationally recognized code authority is~~  
118 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~  
119 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~  
120 ~~Construction and Fire Codes Act.]~~
- 121 (11) "Conditional use" means a land use that, because of the unique characteristics or  
122 potential impact of the land use on the municipality, surrounding neighbors, or adjacent  
123 land uses, may not be compatible in some areas or may be compatible only if certain  
124 conditions are required that mitigate or eliminate the detrimental impacts.
- 125 (12) "Constitutional taking" means a governmental action that results in a taking of private  
126 property so that compensation to the owner of the property is required by the:
- 127 (a) Fifth or Fourteenth Amendment [~~of the Constitution of the United States] to the~~  
128 United States Constitution; or  
129 (b) Utah Constitution, Article I, Section 22.
- 130 (13) "Conveyance document" means an instrument that:

- 131 (a) meets the definition of "document" in Section 57-1-1; and  
132 (b) meets the requirements of Section 57-1-45.5.
- 133 (14) "Conveyance of property" means the transfer of ownership of any portion of real  
134 property from one person to another person.
- 135 (15) "Culinary water authority" means the department, agency, or public entity with  
136 responsibility to review and approve the feasibility of the culinary water system and  
137 sources for the subject property.
- 138 (16) "Department of Transportation" means the entity created in Section 72-1-201.
- 139 (17) "Development activity" means:
- 140 (a) any construction or expansion of a building, structure, or use that creates additional  
141 demand and need for public facilities;
- 142 (b) any change in use of a building or structure that creates additional demand and need  
143 for public facilities; or
- 144 (c) any change in the use of land that creates additional demand and need for public  
145 facilities.
- 146 (18)(a) "Development agreement" means a written agreement or amendment to a written  
147 agreement between a municipality and one or more parties that regulates or controls  
148 the use or development of a specific area of land.
- 149 (b) "Development agreement" does not include an improvement completion assurance.
- 150 (19)(a) "Disability" means a physical or mental impairment that substantially limits one  
151 or more of a person's major life activities, including a person having a record of such  
152 an impairment or being regarded as having such an impairment.
- 153 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
154 controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. Sec. 802.
- 155 (20) "Document" means the same as that term is defined in Section 57-1-1.
- 156 (21) "Educational facility":
- 157 (a) means:
- 158 (i) a school district's building at which pupils assemble to receive instruction in a  
159 program for any combination of grades from preschool through grade 12,  
160 including kindergarten and a program for children with disabilities;
- 161 (ii) a structure or facility:
- 162 (A) located on the same property as a building described in Subsection (21)(a)(i);  
163 and  
164 (B) used in support of the use of that building; and

- 165 (iii) a building to provide office and related space to a school district's administrative  
166 personnel; and
- 167 (b) does not include:
- 168 (i) land or a structure, including land or a structure for inventory storage, equipment  
169 storage, food processing or preparing, vehicle storage or maintenance, or similar  
170 use that is:
- 171 (A) not located on the same property as a building described in Subsection  
172 (21)(a)(i); and
- 173 (B) used in support of the purposes of a building described in Subsection (21)(a)(i);  
174 or
- 175 (ii) a therapeutic school.
- 176 (22) "Establishment document" means an instrument that:
- 177 (a) meets the definition of "document" in Section 57-1-1; and  
178 (b) meets the requirements of Section 57-1-45.
- 179 [~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple  
180 boundary adjustment.~~]
- 181 [~~(24)~~ (23) "Fire authority" means the department, agency, or public entity with  
182 responsibility to review and approve the feasibility of fire protection and suppression  
183 services for the subject property.
- 184 [~~(25)~~ (24) "Flood plain" means land that:
- 185 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
186 Agency; or
- 187 (b) has not been studied or designated by the Federal Emergency Management Agency  
188 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
189 event because the land has characteristics that are similar to those of a 100-year flood  
190 plain designated by the Federal Emergency Management Agency.
- 191 (25) "Full boundary adjustment" means a boundary adjustment that is not a simple  
192 boundary adjustment.
- 193 (26) "General plan" means a document that a municipality adopts that sets forth general  
194 guidelines for proposed future development of the land within the municipality.
- 195 (27) "Geologic hazard" means:
- 196 (a) a surface fault rupture;  
197 (b) shallow groundwater;  
198 (c) liquefaction;

- 199 (d) a landslide;
- 200 (e) a debris flow;
- 201 (f) unstable soil;
- 202 (g) a rock fall; or
- 203 (h) any other geologic condition that presents a risk:
- 204 (i) to life;
- 205 (ii) of substantial loss of real property; or
- 206 (iii) of substantial damage to real property.
- 207 (28) "Historic preservation authority" means a person, board, commission, or other body
- 208 designated by a legislative body to:
- 209 (a) recommend land use regulations to preserve local historic districts or areas; and
- 210 (b) administer local historic preservation land use regulations within a local historic
- 211 district or area.
- 212 (29) "Home-based microschool" means the same as that term is defined in Section
- 213 53G-6-201.
- 214 (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 215 or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 216 utility system.
- 217 (31)(a) "Identical plans" means floor plans submitted to a municipality that:
- 218 (i) are submitted within the same building code adoption cycle as floor plans that
- 219 were previously approved by the municipality;
- 220 (ii) have no structural differences from floor plans that were previously approved by
- 221 the municipality; and
- 222 (iii) describe a building that:
- 223 (A) is located on land zoned the same as the land on which the building described
- 224 in the previously approved plans is located;
- 225 (B) has a substantially identical floor plan to a floor plan previously approved by
- 226 the municipality; and
- 227 (C) does not require any engineering or analysis beyond a review to confirm the
- 228 submitted floor plans are substantially identical to a floor plan previously
- 229 approved by the municipality or a review of the site plan and associated
- 230 geotechnical reports for the site.
- 231 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that
- 232 was previously approved by the municipality.

- 233 (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact  
234 Fees Act.
- 235 (33) "Improvement completion assurance" means a surety bond, letter of credit, financial  
236 institution bond, cash, assignment of rights, lien, or other equivalent security required by  
237 a municipality to guaranty the proper completion of landscaping or an infrastructure  
238 improvement required as a condition precedent to:
- 239 (a) recording a subdivision plat; or
  - 240 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 241 (34) "Improvement warranty" means an applicant's unconditional warranty that the  
242 applicant's installed and accepted landscaping or infrastructure improvement:
- 243 (a) complies with the municipality's written standards for design, materials, and  
244 workmanship; and
  - 245 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
246 within the improvement warranty period.
- 247 (35) "Improvement warranty period" means a period:
- 248 (a) no later than one year after a municipality's acceptance of required public  
249 landscaping; or
  - 250 (b) no later than one year after a municipality's acceptance of required infrastructure,  
251 unless the municipality:
    - 252 (i) determines, based on accepted industry standards and for good cause, that a  
253 one-year period would be inadequate to protect the public health, safety, and  
254 welfare; and
    - 255 (ii) has substantial evidence, on record:
      - 256 (A) of prior poor performance by the applicant; or
      - 257 (B) that the area upon which the infrastructure will be constructed contains  
258 suspect soil and the municipality has not otherwise required the applicant to  
259 mitigate the suspect soil.
- 260 (36) "Infrastructure improvement" means permanent infrastructure that is essential for the  
261 public health and safety or that:
- 262 (a) is required for human occupation; and
  - 263 (b) an applicant shall install:
    - 264 (i) in accordance with published installation and inspection specifications for public  
265 improvements; and
    - 266 (ii) whether the improvement is public or private, as a condition of:

- 267 (A) recording a subdivision plat;
- 268 (B) obtaining a building permit; or
- 269 (C) development of a commercial, industrial, mixed use, condominium, or
- 270 multifamily project.
- 271 (37) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 272 designation that:
- 273 (a) runs with the land; and
- 274 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 275 the plat; or
- 276 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 277 described on the plat.
- 278 (38) "Land use applicant" means a property owner, or the property owner's designee, who
- 279 submits a land use application regarding the property owner's land.
- 280 (39) "Land use application":
- 281 (a) means an application that is:
- 282 (i) required by a municipality; and
- 283 (ii) submitted by a land use applicant to obtain a land use decision; and
- 284 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 285 (40) "Land use authority" means:
- 286 (a) a person, board, commission, agency, or body, including the local legislative body,
- 287 designated by the local legislative body to act upon a land use application; or
- 288 (b) if the local legislative body has not designated a person, board, commission, agency,
- 289 or body, the local legislative body.
- 290 (41) "Land use decision" means an administrative decision of a land use authority or appeal
- 291 authority regarding:
- 292 (a) a land use permit; or
- 293 (b) a land use application.
- 294 (42) "Land use permit" means a permit issued by a land use authority.
- 295 (43) "Land use regulation":
- 296 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 297 engineering or development standard, specification for public improvement, fee, or
- 298 rule that governs the use or development of land;
- 299 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 300 and

- 301 (c) does not include:
- 302 (i) a land use decision of the legislative body acting as the land use authority, even if
- 303 the decision is expressed in a resolution or ordinance; or
- 304 (ii) a temporary revision to an engineering specification that does not materially:
- 305 (A) increase a land use applicant's cost of development compared to the existing
- 306 specification; or
- 307 (B) impact a land use applicant's use of land.
- 308 (44) "Legislative body" means the municipal council.
- 309 (45) "Local historic district or area" means a geographically definable area that:
- 310 (a) contains any combination of buildings, structures, sites, objects, landscape features,
- 311 archeological sites, or works of art that contribute to the historic preservation goals of
- 312 a legislative body; and
- 313 (b) is subject to land use regulations to preserve the historic significance of the local
- 314 historic district or area.
- 315 (46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
- 316 subdivision plat that has been recorded in the office of the county recorder.
- 317 (47) "Major transit investment corridor" means public transit service that uses or occupies:
- 318 (a) public transit rail right-of-way;
- 319 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 320 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 321 municipality or county and:
- 322 (i) a public transit district as defined in Section 17B-2a-802; or
- 323 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 324 (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 325 (49) "Moderate income housing" means housing occupied or reserved for occupancy by
- 326 households with a gross household income equal to or less than 80% of the median gross
- 327 income for households of the same size in the county in which the city is located.
- 328 (50) "Municipal utility easement" means an easement that:
- 329 (a) is created or depicted on a plat recorded in a county recorder's office and is described
- 330 as a municipal utility easement granted for public use;
- 331 (b) is not a protected utility easement or a public utility easement as defined in Section
- 332 54-3-27;
- 333 (c) the municipality or the municipality's affiliated governmental entity uses and
- 334 occupies to provide a utility service, including sanitary sewer, culinary water,

- 335 electrical, storm water, or communications or data lines;
- 336 (d) is used or occupied with the consent of the municipality in accordance with an  
337 authorized franchise or other agreement;
- 338 (e)(i) is used or occupied by a specified public utility in accordance with an  
339 authorized franchise or other agreement; and
- 340 (ii) is located in a utility easement granted for public use; or
- 341 (f) is described in Section 10-20-615 and is used by a specified public utility.
- 342 (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
343 spent and expenses incurred in:
- 344 (a) verifying that building plans are identical plans; and
- 345 (b) reviewing and approving those minor aspects of identical plans that differ from the  
346 previously reviewed and approved building plans.
- 347 (52) "Noncomplying structure" means a structure that:
- 348 (a) legally existed before the structure's current land use designation; and
- 349 (b) because of one or more subsequent land use ordinance changes, does not conform to  
350 the setback, height restrictions, or other regulations, excluding those regulations,  
351 which govern the use of land.
- 352 (53) "Nonconforming use" means a use of land that:
- 353 (a) legally existed before its current land use designation;
- 354 (b) has been maintained continuously since the time the land use ordinance governing  
355 the land changed; and
- 356 (c) because of one or more subsequent land use ordinance changes, does not conform to  
357 the regulations that now govern the use of the land.
- 358 (54) "Official map" means a map drawn by municipal authorities and recorded in a county  
359 recorder's office that:
- 360 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
361 highways and other transportation facilities;
- 362 (b) provides a basis for restricting development in designated rights-of-way or between  
363 designated setbacks to allow the government authorities time to purchase or  
364 otherwise reserve the land; and
- 365 (c) has been adopted as an element of the municipality's general plan.
- 366 (55) "Parcel" means any real property that is not a lot.
- 367 (56) "Person" means an individual, corporation, partnership, organization, association, trust,  
368 governmental agency, or any other legal entity.

- 369 (57) "Plan for moderate income housing" means a written document adopted by a  
370 municipality's legislative body that includes:
- 371 (a) an estimate of the existing supply of moderate income housing located within the  
372 municipality;
  - 373 (b) an estimate of the need for moderate income housing in the municipality for the next  
374 five years;
  - 375 (c) a survey of total residential land use;
  - 376 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
377 income housing; and
  - 378 (e) a description of the municipality's program to encourage an adequate supply of  
379 moderate income housing.
- 380 (58) "Planning commission" means the commission established under Section 10-20-301.
- 381 (59) "Plat" means an instrument subdividing property into lots as depicted on a map or  
382 other graphical representation of lands that a licensed professional land surveyor makes  
383 and prepares in accordance with Section 10-20-803 or 57-8-13.
- 384 (60) "Potential geologic hazard area" means an area that:
- 385 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
386 relevant map or report as needing further study to determine the area's potential for  
387 geologic hazard; or
  - 388 (b) has not been studied by the Utah Geological Survey or a county geologist but  
389 presents the potential of geologic hazard because the area has characteristics similar  
390 to those of a designated geologic hazard area.
- 391 (61) "Public agency" means:
- 392 (a) the federal government;
  - 393 (b) the state;
  - 394 (c) a county, municipality, school district, special district, special service district, or  
395 other political subdivision of the state; or
  - 396 (d) a charter school.
- 397 (62) "Public hearing" means a hearing at which members of the public are provided a  
398 reasonable opportunity to comment on the subject of the hearing.
- 399 (63) "Public meeting" means a meeting that is required to be open to the public under Title  
400 52, Chapter 4, Open and Public Meetings Act.
- 401 (64) "Public street" means a public right-of-way, including a public highway, public  
402 avenue, public boulevard, public parkway, public road, public lane, public alley, public

- 403 viaduct, public subway, public tunnel, public bridge, public byway, other public  
404 transportation easement, or other public way.
- 405 (65) "Receiving zone" means an area that a municipality designates, by ordinance, as an  
406 area in which an owner of land may receive a transferable development right.
- 407 (66) "Record of survey map" means a map of a survey of land prepared in accordance with  
408 Section 17-73-504.
- 409 (67) "Residential facility for persons with a disability" means a residence:  
410 (a) in which more than one person with a disability resides; and  
411 (b) which is licensed or certified by the Department of Health and Human Services  
412 under:  
413 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or  
414 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 415 (68) "Residential roadway" means a public local residential road that:  
416 (a) will serve primarily to provide access to adjacent primarily residential areas and  
417 property;  
418 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;  
419 (c) is not identified as a supplementary to a collector or other higher system classified  
420 street in an approved municipal street or transportation master plan;  
421 (d) has a posted speed limit of 25 miles per hour or less;  
422 (e) does not have higher traffic volumes resulting from connecting previously separated  
423 areas of the municipal road network;  
424 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
425 intended for high volume traffic or community centers, including schools, recreation  
426 centers, sports complexes, or libraries; and  
427 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
428 necessarily continuous through several residential areas.
- 429 (69) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
430 public meeting:  
431 (a) parliamentary order and procedure;  
432 (b) ethical behavior; and  
433 (c) civil discourse.
- 434 (70) "Sanitary sewer authority" means the department, agency, or public entity with  
435 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
436 wastewater systems.

- 437 (71) "Sending zone" means an area that a municipality designates, by ordinance, as an area  
438 from which an owner of land may transfer a transferable development right.
- 439 (72) "Simple boundary adjustment" means a boundary adjustment that does not:  
440 (a) affect a public right-of-way, municipal utility easement, or other public property;  
441 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or  
442 (c) result in a lot or parcel out of conformity with land use regulations.
- 443 (73) "Special district" means an entity under Title 17B, Limited Purpose Local Government  
444 Entities - Special Districts, and any other governmental or quasi-governmental entity  
445 that is not a county, municipality, school district, or the state.
- 446 (74) "Specified public agency" means:  
447 (a) the state;  
448 (b) a school district; or  
449 (c) a charter school.
- 450 (75) "Specified public utility" means an electrical corporation, gas corporation, or telephone  
451 corporation, as those terms are defined in Section 54-2-1.
- 452 (76) "State" includes any department, division, or agency of the state.
- 453 (77)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
454 divided into two or more lots or other division of land for the purpose, whether  
455 immediate or future, for offer, sale, lease, or development either on the installment  
456 plan or upon any and all other plans, terms, and conditions.
- 457 (b) "Subdivision" includes:  
458 (i) the division or development of land, whether by deed, metes and bounds  
459 description, devise and testacy, map, plat, or other recorded instrument, regardless  
460 of whether the division includes all or a portion of a parcel or lot; and  
461 (ii) except as provided in Subsection (77)(c), divisions of land for residential and  
462 nonresidential uses, including land used or to be used for commercial, agricultural,  
463 and industrial purposes.
- 464 (c) "Subdivision" does not include:  
465 (i) a bona fide division or partition of land used for agricultural purposes as provided  
466 in Subsection 10-20-808(2);  
467 (ii) a recorded conveyance document:  
468 (A) consolidating multiple lots or parcels into one legal description encompassing  
469 all lots by reference to a recorded plat and all parcels by metes and bounds  
470 description; or

- 471 (B) joining a lot to a parcel;
- 472 (iii) a bona fide division of land by deed or other instrument if the deed or other  
473 instrument states in writing that the division:
- 474 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 475 (B) does not confer any land use approvals; and
- 476 (C) has not been approved by the land use authority;
- 477 (iv) a boundary adjustment;
- 478 (v) a boundary establishment;
- 479 (vi) a road, street, or highway dedication plat;
- 480 (vii) a deed or easement for a road, street, or highway purpose; or
- 481 (viii) any other division of land authorized by law.
- 482 (78)(a) "Subdivision amendment" means an amendment to a recorded subdivision in  
483 accordance with Section 10-20-811 that:
- 484 (i) vacates all or a portion of the subdivision;
- 485 (ii) increases the number of lots within the subdivision;
- 486 (iii) alters a public right-of-way, a public easement, or public infrastructure within the  
487 subdivision; or
- 488 (iv) alters a common area or other common amenity within the subdivision.
- 489 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 490 (79) "Substantial evidence" means evidence that:
- 491 (a) is beyond a scintilla; and
- 492 (b) a reasonable mind would accept as adequate to support a conclusion.
- 493 (80) "Suspect soil" means soil that has:
- 494 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
495 3% swell potential;
- 496 (b) bedrock units with high shrink or swell susceptibility; or
- 497 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
498 commonly associated with dissolution and collapse features.
- 499 (81) "Therapeutic school" means a residential group living facility:
- 500 (a) for four or more individuals who are not related to:
- 501 (i) the owner of the facility; or
- 502 (ii) the primary service provider of the facility;
- 503 (b) that serves students who have a history of failing to function:
- 504 (i) at home;

- 505 (ii) in a public school; or  
 506 (iii) in a nonresidential private school; and  
 507 (c) that offers:  
 508 (i) room and board; and  
 509 (ii) an academic education integrated with:  
 510 (A) specialized structure and supervision; or  
 511 (B) services or treatment related to a disability, an emotional development, a  
 512 behavioral development, a familial development, or a social development.
- 513 (82) "Transferable development right" means a right to develop and use land that originates  
 514 by an ordinance that authorizes a land owner in a designated sending zone to transfer  
 515 land use rights from a designated sending zone to a designated receiving zone.
- 516 (83) "Unincorporated" means the area outside of the incorporated area of a city or town.
- 517 (84) "Water interest" means any right to the beneficial use of water, including:  
 518 (a) each of the rights listed in Section 73-1-11; and  
 519 (b) an ownership interest in the right to the beneficial use of water represented by:  
 520 (i) a contract; or  
 521 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 522 (85) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land  
 523 use zones, overlays, or districts.
- 524 Section 2. Section **10-20-902** is amended to read:  
 525 **10-20-902 . Applicant's entitlement to land use application approval --**  
 526 **Municipality's requirements and limitations -- Vesting upon submission of development**  
 527 **plan and schedule.**
- 528 (1)(a)(i) An applicant who has submitted a complete land use application as  
 529 described in Subsection (1)(c), including the payment of all application fees, is  
 530 entitled to substantive review of the application under the land use regulations:  
 531 (A) in effect on the date that the application is complete; and  
 532 (B) applicable to the application or to the information shown on the application.
- 533 (ii) An applicant is entitled to approval of a land use application if the application  
 534 conforms to the requirements of the applicable land use regulations, land use  
 535 decisions, and development standards in effect when the applicant submits a  
 536 complete application and pays application fees, unless:  
 537 (A) the land use authority, on the record, formally finds that a compelling,  
 538 countervailing public interest would be jeopardized by approving the

- 539 application and specifies the compelling, countervailing public interest in  
540 writing; or
- 541 (B) in the manner provided by local ordinance and before the applicant submits  
542 the application, the municipality formally initiates proceedings to amend the  
543 municipality's land use regulations in a manner that would prohibit approval of  
544 the application as submitted.
- 545 (b) The municipality shall process an application without regard to proceedings the  
546 municipality initiated to amend the municipality's ordinances as described in  
547 Subsection (1)(a)(ii)(B) if:
- 548 (i) 180 days have passed since the municipality initiated the proceedings; and  
549 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
550 of the application as submitted; or  
551 (B) during the 12 months before the municipality processing the application, or  
552 multiple applications of the same type, are impaired or prohibited under the  
553 terms of a temporary land use regulation adopted under Section 10-20-504.
- 554 (c) A land use application is considered submitted and complete when the applicant  
555 provides the application in a form that complies with the requirements of applicable  
556 ordinances and pays all applicable fees.
- 557 (d) A subsequent incorporation of a municipality or a petition that proposes the  
558 incorporation of a municipality does not affect a land use application approved by a  
559 county in accordance with Section 17-79-803.
- 560 (e) Unless a phasing sequence is required in an executed development agreement, a  
561 municipality shall, without regard to any other separate and distinct land use  
562 application, accept and process a complete land use application.
- 563 (f) The continuing validity of an approval of a land use application is conditioned upon  
564 the applicant proceeding after approval to implement the approval with reasonable  
565 diligence.
- 566 (g) A municipality may not impose on an applicant who has submitted a complete  
567 application a requirement that is not expressed in:
- 568 (i) this chapter;  
569 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
570 application, subject to Subsection 10-20-902(1)(a)(ii); or  
571 (iii) a municipal specification for public improvements applicable to a subdivision or  
572 development that is in effect on the date that the applicant submits an application.

- 573 (h) A municipality may not impose on a holder of an issued land use permit or a final,  
574 unexpired subdivision plat a requirement that is not expressed:  
575 (i) in a land use permit;  
576 (ii) on the subdivision plat;  
577 (iii) in a document on which the land use permit or subdivision plat is based;  
578 (iv) in the written record evidencing approval of the land use permit or subdivision  
579 plat;  
580 (v) in this chapter;  
581 (vi) in a municipal ordinance; or  
582 (vii) in a municipal specification for residential roadways in effect at the time a  
583 residential subdivision was approved.
- 584 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold  
585 issuance of a certificate of occupancy or acceptance of subdivision improvements  
586 because of an applicant's failure to comply with a requirement that is not expressed:  
587 (i) in the building permit or subdivision plat, documents on which the building permit  
588 or subdivision plat is based, or the written record evidencing approval of the land  
589 use permit or subdivision plat; or  
590 (ii) in this chapter or the municipality's ordinances.
- 591 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy  
592 where an applicant has met all requirements essential for the public health, public  
593 safety, and general welfare of the occupants, in accordance with this chapter, unless:  
594 (i) the applicant and the municipality have agreed in a written document to the  
595 withholding of a certificate of occupancy; or  
596 (ii) the applicant has not provided a financial assurance for required and uncompleted  
597 public landscaping improvements or infrastructure improvements in accordance  
598 with an applicable local ordinance.
- 599 (k) A municipality may not conduct a final inspection required before issuing a  
600 certificate of occupancy for a residential unit that is within the boundary of an  
601 infrastructure financing district, as defined in Section 17B-1-102, until the applicant  
602 for the certificate of occupancy provides adequate proof to the municipality that any  
603 lien on the unit arising from the infrastructure financing district's assessment against  
604 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after  
605 payment in full of the infrastructure financing district's assessment against that unit.
- 606 (l) A municipality:

- 607 (i) may require the submission of a private landscaping plan, as defined in Section  
608 10-20-807, before landscaping is installed; and
- 609 (ii) may not withhold an applicant's building permit or certificate of occupancy  
610 because the applicant has not submitted a private landscaping plan.
- 611 (2) A municipality is bound by the terms and standards of applicable land use regulations  
612 and shall comply with mandatory provisions of those regulations.
- 613 (3) A municipality may not, as a condition of land use application approval, require a  
614 person filing a land use application to obtain documentation regarding a school district's  
615 willingness, capacity, or ability to serve the development proposed in the land use  
616 application.
- 617 (4) Upon a specified public agency's submission of a development plan and schedule as  
618 required in Subsection 10-20-304(8) that complies with the requirements of that  
619 subsection, the specified public agency vests in the municipality's applicable land use  
620 maps, zoning map, hookup fees, impact fees, other applicable development fees, and  
621 land use regulations in effect on the date of submission.
- 622 (5)(a) If sponsors of a referendum timely challenge a project in accordance with  
623 Subsection [~~20A-7-601(6)~~] 20A-7-601(7), the project's affected owner may rescind  
624 the project's land use approval by delivering a written notice:
- 625 (i) to the local clerk as defined in Section 20A-7-101; and  
626 (ii) no later than seven days after the day on which a petition for a referendum is  
627 determined sufficient under Subsection 20A-7-607(5).
- 628 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
629 rescinded and are of no further force or effect:
- 630 (i) the relevant land use approval; and  
631 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 632 (6)(a) After issuance of a building permit, a municipality may not:
- 633 (i) change or add to the requirements expressed in the building permit, unless the  
634 change or addition is:
- 635 (A) requested by the building permit holder; or  
636 (B) necessary to comply with an applicable state building code; or  
637 (ii) revoke the building permit or take action that has the effect of revoking the  
638 building permit.
- 639 (b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that  
640 contains an expiration date defined in the building permit.

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

642 **17-79-102 . Definitions.**

643 As used in this chapter:

- 644 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
645 detached from a primary single-family dwelling and contained on one lot.
- 646 (2) "Adversely affected party" means a person other than a land use applicant who:  
647 (a) owns real property adjoining the property that is the subject of a land use application  
648 or land use decision; or  
649 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
650 general community as a result of the land use decision.
- 651 (3) "Affected entity" means a county, municipality, special district, special service district  
652 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
653 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
654 specified property owner, property owner's association, public utility, or the Department  
655 of Transportation, if:  
656 (a) the entity's services or facilities are likely to require expansion or significant  
657 modification because of an intended use of land;  
658 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
659 or  
660 (c) the entity has filed with the county a request for notice during the same calendar year  
661 and before the county provides notice to an affected entity in compliance with a  
662 requirement imposed under this chapter.
- 663 (4) "Affected owner" means the owner of real property that is:  
664 (a) a single project;  
665 (b) the subject of a land use approval that sponsors of a referendum timely challenged in  
666 accordance with Subsection [~~20A-7-601(6)~~] 20A-7-601(7); and  
667 (c) determined to be legally referable under Section 20A-7-602.8.
- 668 (5) "Appeal authority" means the person, board, commission, agency, or other body  
669 designated by ordinance to decide an appeal of a decision of a land use application or a  
670 variance.
- 671 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
672 residential property if the sign is designed or intended to direct attention to a business,  
673 product, or service that is not sold, offered, or existing on the property where the sign is  
674 located.

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

680 [(8)] (7)(a) "Boundary adjustment" means an agreement between adjoining property  
 681 owners to relocate a common boundary that results in a conveyance of property  
 682 between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

683 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

684 (i) creates an additional lot or parcel; or

685 (ii) is made by the Department of Transportation.

686 [(9)] (8)(a) "Boundary establishment" means an agreement between adjoining property  
 687 owners to clarify the location of an ambiguous, uncertain, or disputed common  
 688 boundary.

689 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary  
 690 that:

691 (i) creates an additional lot or parcel; or

692 (ii) is made by the Department of Transportation.

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

698 (10)(a) "Charter school" means:

699 (i) an operating charter school;

700 (ii) a charter school applicant that a charter school authorizer approves in accordance  
 701 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

702 (iii) an entity that is working on behalf of a charter school or approved charter  
 703 applicant to develop or construct a charter school building.

704 (b) "Charter school" does not include a therapeutic school.

705 (11) "Chief executive officer" means the person or body that exercises the executive powers  
 706 of the county.

707 (12) "Conditional use" means a land use that, because of the unique characteristics or  
 708 potential impact of the land use on the county, surrounding neighbors, or adjacent land

- 709 uses, may not be compatible in some areas or may be compatible only if certain  
710 conditions are required that mitigate or eliminate the detrimental impacts.
- 711 (13) "Constitutional taking" means a governmental action that results in a taking of private  
712 property so that compensation to the owner of the property is required by the:
- 713 (a) Fifth or Fourteenth Amendment [~~of the Constitution of the United States~~] to the  
714 United States Constitution; or
- 715 (b) Utah Constitution, Article I, Section 22.
- 716 (14) "Conveyance document" means an instrument that:
- 717 (a) meets the definition of "document" in Section 57-1-1; and  
718 (b) meets the requirements of Section 57-1-45.5.
- 719 (15) "Conveyance of property" means the transfer of ownership of any portion of real  
720 property from one person to another person.
- 721 (16) "County utility easement" means an easement that:
- 722 (a) a plat recorded in a county recorder's office described as a county utility easement or  
723 otherwise as a utility easement;
- 724 (b) is not a protected utility easement or a public utility easement as defined in Section  
725 54-3-27;
- 726 (c) the county or the county's affiliated governmental entity owns or creates; and  
727 (d)(i) either:
- 728 (A) no person uses or occupies; or  
729 (B) the county or the county's affiliated governmental entity uses and occupies to  
730 provide a utility service, including sanitary sewer, culinary water, electrical,  
731 storm water, or communications or data lines; or
- 732 (ii) a person uses or occupies with or without an authorized franchise or other  
733 agreement with the county.
- 734 (17) "Culinary water authority" means the department, agency, or public entity with  
735 responsibility to review and approve the feasibility of the culinary water system and  
736 sources for the subject property.
- 737 (18) "Department of Transportation" means the entity created in Section 72-1-201.
- 738 (19) "Development activity" means:
- 739 (a) any construction or expansion of a building, structure, or use that creates additional  
740 demand and need for public facilities;
- 741 (b) any change in use of a building or structure that creates additional demand and need  
742 for public facilities; or

- 743 (c) any change in the use of land that creates additional demand and need for public  
744 facilities.
- 745 (20)(a) "Development agreement" means a written agreement or amendment to a written  
746 agreement between a county and one or more parties that regulates or controls the use  
747 or development of a specific area of land.
- 748 (b) "Development agreement" does not include an improvement completion assurance.
- 749 (21)(a) "Disability" means a physical or mental impairment that substantially limits one  
750 or more of a person's major life activities, including a person having a record of such  
751 an impairment or being regarded as having such an impairment.
- 752 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
753 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21  
754 U.S.C. Sec. 802.
- 755 (22) "Document" means the same as that term is defined in Section 57-1-1.
- 756 (23) "Educational facility":
- 757 (a) means:
- 758 (i) a school district's building at which pupils assemble to receive instruction in a  
759 program for any combination of grades from preschool through grade 12,  
760 including kindergarten and a program for children with disabilities;
- 761 (ii) a structure or facility:
- 762 (A) located on the same property as a building described in Subsection (23)(a)(i);  
763 and  
764 (B) used in support of the use of that building; and
- 765 (iii) a building to provide office and related space to a school district's administrative  
766 personnel; and
- 767 (b) does not include:
- 768 (i) land or a structure, including land or a structure for inventory storage, equipment  
769 storage, food processing or preparing, vehicle storage or maintenance, or similar  
770 use that is:
- 771 (A) not located on the same property as a building described in Subsection  
772 (23)(a)(i); and  
773 (B) used in support of the purposes of a building described in Subsection (23)(a)(i);  
774 or
- 775 (ii) a therapeutic school.
- 776 (24) "Establishment document" means an instrument that:

- 777 (a) meets the definition of "document" in Section 57-1-1; and  
778 (b) meets the requirements of Section 57-1-45.
- 779 [~~(25)~~ "Full boundary adjustment" means a boundary adjustment that is not a simple  
780 boundary adjustment.]
- 781 [~~(26)~~ (25) "Fire authority" means the department, agency, or public entity with  
782 responsibility to review and approve the feasibility of fire protection and suppression  
783 services for the subject property.
- 784 [~~(27)~~ (26) "Flood plain" means land that:  
785 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
786 Agency; or  
787 (b) has not been studied or designated by the Federal Emergency Management Agency  
788 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
789 event because the land has characteristics that are similar to those of a 100-year flood  
790 plain designated by the Federal Emergency Management Agency.
- 791 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple  
792 boundary adjustment.
- 793 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 794 (29) "General plan" means a document that a county adopts that sets forth general  
795 guidelines for proposed future development of:  
796 (a) the unincorporated land within the county; or  
797 (b) for a mountainous planning district, the land within the mountainous planning  
798 district.
- 799 (30) "Geologic hazard" means:  
800 (a) a surface fault rupture;  
801 (b) shallow groundwater;  
802 (c) liquefaction;  
803 (d) a landslide;  
804 (e) a debris flow;  
805 (f) unstable soil;  
806 (g) a rock fall; or  
807 (h) any other geologic condition that presents a risk:  
808 (i) to life;  
809 (ii) of substantial loss of real property; or  
810 (iii) of substantial damage to real property.

- 811 (31) "Home-based microschool" means the same as that term is defined in Section  
812 53G-6-201.
- 813 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,  
814 or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
815 system.
- 816 (33)(a) "Identical plans" means floor plans submitted to a county that:
- 817 (i) are submitted within the same building code adoption cycle as floor plans that  
818 were previously approved by the county;
- 819 (ii) have no structural differences from floor plans that were previously approved by  
820 the county; and
- 821 (iii) describe a building that:
- 822 (A) is located on land zoned the same as the land on which the building described  
823 in the previously approved plans is located;
- 824 (B) has a substantially identical floor plan to a floor plan previously approved by  
825 the county; and
- 826 (C) does not require any engineering or analysis beyond a review to confirm the  
827 submitted floor plans are substantially identical to a floor plan previously  
828 approved by the county or a review of the site plan and associated geotechnical  
829 reports for the site.
- 830 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that  
831 was previously approved by the county.
- 832 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact  
833 Fees Act.
- 834 (35) "Improvement completion assurance" means a surety bond, letter of credit, financial  
835 institution bond, cash, assignment of rights, lien, or other equivalent security required by  
836 a county to guaranty the proper completion of landscaping or an infrastructure  
837 improvement required as a condition precedent to:
- 838 (a) recording a subdivision plat; or
- 839 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 840 (36) "Improvement warranty" means an applicant's unconditional warranty that the  
841 applicant's installed and accepted landscaping or infrastructure improvement:
- 842 (a) complies with the county's written standards for design, materials, and workmanship;  
843 and
- 844 (b) will not fail in any material respect, as a result of poor workmanship or materials,

- 845 within the improvement warranty period.
- 846 (37) "Improvement warranty period" means a period:
- 847 (a) no later than one year after a county's acceptance of required public landscaping; or
- 848 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 849 the county:
- 850 (i) determines, based on accepted industry standards and for good cause, that a
- 851 one-year period would be inadequate to protect the public health, safety, and
- 852 welfare; and
- 853 (ii) has substantial evidence, on record:
- 854 (A) of prior poor performance by the applicant; or
- 855 (B) that the area upon which the infrastructure will be constructed contains
- 856 suspect soil and the county has not otherwise required the applicant to mitigate
- 857 the suspect soil.
- 858 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the
- 859 public health and safety or that:
- 860 (a) is required for human consumption; and
- 861 (b) an applicant shall install:
- 862 (i) in accordance with published installation and inspection specifications for public
- 863 improvements; and
- 864 (ii) as a condition of:
- 865 (A) recording a subdivision plat;
- 866 (B) obtaining a building permit; or
- 867 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 868 project.
- 869 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 870 designation that:
- 871 (a) runs with the land; and
- 872 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 873 the plat; or
- 874 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 875 described on the plat.
- 876 (40) "Interstate pipeline company" means a person or entity engaged in natural gas
- 877 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
- 878 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

- 879 (41) "Intrastate pipeline company" means a person or entity engaged in natural gas  
880 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
881 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 882 (42) "Land use applicant" means a property owner, or the property owner's designee, who  
883 submits a land use application regarding the property owner's land.
- 884 (43) "Land use application":
- 885 (a) means an application that is:
- 886 (i) required by a county; and
- 887 (ii) submitted by a land use applicant to obtain a land use decision; and
- 888 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 889 (44) "Land use authority" means:
- 890 (a) a person, board, commission, agency, or body, including the local legislative body,  
891 designated by the local legislative body to act upon a land use application; or
- 892 (b) if the local legislative body has not designated a person, board, commission, agency,  
893 or body, the local legislative body.
- 894 (45) "Land use decision" means an administrative decision of a land use authority or appeal  
895 authority regarding:
- 896 (a) a land use permit;
- 897 (b) a land use application; or
- 898 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 899 (46) "Land use permit" means a permit issued by a land use authority.
- 900 (47) "Land use regulation":
- 901 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
902 engineering or development standard, specification for public improvement, fee, or  
903 rule that governs the use or development of land;
- 904 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
905 and
- 906 (c) does not include:
- 907 (i) a land use decision of the legislative body acting as the land use authority, even if  
908 the decision is expressed in a resolution or ordinance; or
- 909 (ii) a temporary revision to an engineering specification that does not materially:
- 910 (A) increase a land use applicant's cost of development compared to the existing  
911 specification; or
- 912 (B) impact a land use applicant's use of land.

- 913 (48) "Legislative body" means the county legislative body, or for a county that has adopted  
914 an alternative form of government, the body exercising legislative powers.
- 915 (49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a  
916 subdivision plat that has been recorded in the office of the county recorder.
- 917 (50) "Major transit investment corridor" means public transit service that uses or occupies:  
918 (a) public transit rail right-of-way;  
919 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or  
920 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
921 municipality or county and:  
922 (i) a public transit district as defined in Section 17B-2a-802; or  
923 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 924 (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 925 (52) "Moderate income housing" means housing occupied or reserved for occupancy by  
926 households with a gross household income equal to or less than 80% of the median gross  
927 income for households of the same size in the county in which the housing is located.
- 928 (53) "Mountainous planning district" means an area designated by a county legislative body  
929 in accordance with Section 17-79-408.
- 930 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and  
931 expenses incurred in:  
932 (a) verifying that building plans are identical plans; and  
933 (b) reviewing and approving those minor aspects of identical plans that differ from the  
934 previously reviewed and approved building plans.
- 935 (55) "Noncomplying structure" means a structure that:  
936 (a) legally existed before the structure's current land use designation; and  
937 (b) because of one or more subsequent land use ordinance changes, does not conform to  
938 the setback, height restrictions, or other regulations, excluding those regulations that  
939 govern the use of land.
- 940 (56) "Nonconforming use" means a use of land that:  
941 (a) legally existed before the current land use designation;  
942 (b) has been maintained continuously since the time the land use ordinance regulation  
943 governing the land changed; and  
944 (c) because of one or more subsequent land use ordinance changes, does not conform to  
945 the regulations that now govern the use of the land.
- 946 (57) "Official map" means a map drawn by county authorities and recorded in the county

- 947 recorder's office that:
- 948 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
949 highways and other transportation facilities;
- 950 (b) provides a basis for restricting development in designated rights-of-way or between  
951 designated setbacks to allow the government authorities time to purchase or  
952 otherwise reserve the land; and
- 953 (c) has been adopted as an element of the county's general plan.
- 954 (58) "Parcel" means any real property that is not a lot.
- 955 (59) "Person" means an individual, corporation, partnership, organization, association, trust,  
956 governmental agency, or any other legal entity.
- 957 (60) "Plan for moderate income housing" means a written document adopted by a county  
958 legislative body that includes:
- 959 (a) an estimate of the existing supply of moderate income housing located within the  
960 county;
- 961 (b) an estimate of the need for moderate income housing in the county for the next five  
962 years;
- 963 (c) a survey of total residential land use;
- 964 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
965 income housing; and
- 966 (e) a description of the county's program to encourage an adequate supply of moderate  
967 income housing.
- 968 (61) "Planning advisory area" means a contiguous, geographically defined portion of the  
969 unincorporated area of a county established under this part with planning and zoning  
970 functions as exercised through the planning advisory area planning commission, as  
971 provided in this chapter, but with no legal or political identity separate from the county  
972 and no taxing authority.
- 973 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or  
974 other graphical representation of lands that a licensed professional land surveyor makes  
975 and prepares in accordance with Section 17-79-703 or 57-8-13.
- 976 (63) "Potential geologic hazard area" means an area that:
- 977 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
978 relevant map or report as needing further study to determine the area's potential for  
979 geologic hazard; or
- 980 (b) has not been studied by the Utah Geological Survey or a county geologist but

981 presents the potential of geologic hazard because the area has characteristics similar  
982 to those of a designated geologic hazard area.

983 (64) "Public agency" means:

984 (a) the federal government;

985 (b) the state;

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

988 (d) a charter school.

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

991 (66) "Public meeting" means a meeting that is required to be open to the public under Title  
992 52, Chapter 4, Open and Public Meetings Act.

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

997 (68) "Receiving zone" means an unincorporated area that a county designates, by  
998 ordinance, as an area in which an owner of land may receive a transferable development  
999 right.

1000 (69) "Record of survey map" means a map of a survey of land prepared in accordance with  
1001 Section 17-73-504.

1002 (70) "Residential facility for persons with a disability" means a residence:

1003 (a) in which more than one person with a disability resides; and

1004 (b) which is licensed or certified by the Department of Health and Human Services  
1005 under:

1006 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1007 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1008 (71) "Residential roadway" means a public local residential road that:

1009 (a) will serve primarily to provide access to adjacent primarily residential areas and  
1010 property;

1011 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1012 (c) is not identified as a supplementary to a collector or other higher system classified  
1013 street in an approved municipal street or transportation master plan;

1014 (d) has a posted speed limit of 25 miles per hour or less;

- 1015 (e) does not have higher traffic volumes resulting from connecting previously separated  
1016 areas of the municipal road network;
- 1017 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
1018 intended for high volume traffic or community centers, including schools, recreation  
1019 centers, sports complexes, or libraries; and
- 1020 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
1021 necessarily continuous through several residential areas.
- 1022 (72) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
1023 public meeting:
- 1024 (a) parliamentary order and procedure;
- 1025 (b) ethical behavior; and
- 1026 (c) civil discourse.
- 1027 (73) "Sanitary sewer authority" means the department, agency, or public entity with  
1028 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1029 wastewater systems.
- 1030 (74) "Sending zone" means an unincorporated area that a county designates, by ordinance,  
1031 as an area from which an owner of land may transfer a transferable development right.
- 1032 (75) "Simple boundary adjustment" means a boundary adjustment that does not:
- 1033 (a) affect a public right-of-way, county utility easement, or other public property;
- 1034 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 1035 (c) result in a lot or parcel out of conformity with land use regulations.
- 1036 (76) "Site plan" means a document or map that may be required by a county during a  
1037 preliminary review before the issuance of a building permit to demonstrate that an  
1038 owner's or developer's proposed development activity meets a land use requirement.
- 1039 (77)(a) "Special district" means an entity under Title 17B, Limited Purpose Local  
1040 Government Entities - Special Districts.
- 1041 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
1042 county, municipality, school district, or the state.
- 1043 (78) "Specified public agency" means:
- 1044 (a) the state;
- 1045 (b) a school district; or
- 1046 (c) a charter school.
- 1047 (79) "Specified public utility" means an electrical corporation, gas corporation, or telephone  
1048 corporation, as those terms are defined in Section 54-2-1.

- 1049 (80) "State" includes any department, division, or agency of the state.
- 1050 (81)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
1051 divided into two or more lots or other division of land for the purpose, whether  
1052 immediate or future, for offer, sale, lease, or development either on the installment  
1053 plan or upon any and all other plans, terms, and conditions.
- 1054 (b) "Subdivision" includes:
- 1055 (i) the division or development of land, whether by deed, metes and bounds  
1056 description, devise and testacy, map, plat, or other recorded instrument, regardless  
1057 of whether the division includes all or a portion of a parcel or lot; and
- 1058 (ii) except as provided in Subsection (81)(c), divisions of land for residential and  
1059 nonresidential uses, including land used or to be used for commercial, agricultural,  
1060 and industrial purposes.
- 1061 (c) "Subdivision" does not include:
- 1062 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1063 (ii) a recorded conveyance document:
- 1064 (A) consolidating multiple lots or parcels into one legal description encompassing  
1065 all lots by reference to a recorded plat and all parcels by metes and bounds  
1066 description; or
- 1067 (B) joining a lot to a parcel;
- 1068 (iii) a bona fide division or partition of land in a county other than a first class county  
1069 for the purpose of siting, on one or more of the resulting separate parcels:
- 1070 (A) an electrical transmission line or a substation;
- 1071 (B) a natural gas pipeline or a regulation station; or
- 1072 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
1073 utility service regeneration, transformation, retransmission, or amplification  
1074 facility;
- 1075 (iv) a bona fide division of land by deed or other instrument if the deed or other  
1076 instrument states in writing that the division:
- 1077 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1078 (B) does not confer any land use approvals; and
- 1079 (C) has not been approved by the land use authority;
- 1080 (v) a boundary adjustment;
- 1081 (vi) a boundary establishment;
- 1082 (vii) a road, street, or highway dedication plat;

- 1083 (viii) a deed or easement for a road, street, or highway purpose; or  
1084 (ix) any other division of land authorized by law.
- 1085 (82)(a) "Subdivision amendment" means an amendment to a recorded subdivision in  
1086 accordance with Section 17-79-711 that:
- 1087 (i) vacates all or a portion of the subdivision;
  - 1088 (ii) increases the number of lots within the subdivision;
  - 1089 (iii) alters a public right-of-way, a public easement, or public infrastructure within the  
1090 subdivision; or
  - 1091 (iv) alters a common area or other common amenity within the subdivision.
- 1092 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 1093 (83) "Substantial evidence" means evidence that:
- 1094 (a) is beyond a scintilla; and
  - 1095 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1096 (84) "Suspect soil" means soil that has:
- 1097 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1098 3% swell potential;
  - 1099 (b) bedrock units with high shrink or swell susceptibility; or
  - 1100 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1101 commonly associated with dissolution and collapse features.
- 1102 (85) "Therapeutic school" means a residential group living facility:
- 1103 (a) for four or more individuals who are not related to:
    - 1104 (i) the owner of the facility; or
    - 1105 (ii) the primary service provider of the facility;
  - 1106 (b) that serves students who have a history of failing to function:
    - 1107 (i) at home;
    - 1108 (ii) in a public school; or
    - 1109 (iii) in a nonresidential private school; and
  - 1110 (c) that offers:
    - 1111 (i) room and board; and
    - 1112 (ii) an academic education integrated with:
      - 1113 (A) specialized structure and supervision; or
      - 1114 (B) services or treatment related to a disability, an emotional development, a  
1115 behavioral development, a familial development, or a social development.
- 1116 (86) "Transferable development right" means a right to develop and use land that originates

1117 by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1118 land use rights from a designated sending zone to a designated receiving zone.

1119 (87) "Unincorporated" means the area outside of the incorporated area of a municipality.

1120 (88) "Water interest" means any right to the beneficial use of water, including:

1121 (a) each of the rights listed in Section 73-1-11; and

1122 (b) an ownership interest in the right to the beneficial use of water represented by:

1123 (i) a contract; or

1124 (ii) a share in a water company, as defined in Section 73-3-3.5.

1125 (89) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land  
1126 use zones, overlays, or districts.

1127 Section 4. Section **17-79-803** is amended to read:

1128 **17-79-803 . Applicant's entitlement to land use application approval --**

1129 **Application relating to land in a high priority transportation corridor -- County's**  
1130 **requirements and limitations -- Vesting upon submission of development plan and**  
1131 **schedule.**

1132 (1)(a)(i) Subject to Subsection (7), an applicant who has submitted a complete land  
1133 use application, including the payment of all application fees, is entitled to  
1134 substantive review of the application under the land use regulations:

1135 (A) in effect on the date that the application is complete; and

1136 (B) applicable to the application or to the information shown on the submitted  
1137 application.

1138 (ii) An applicant is entitled to approval of a land use application if the application  
1139 conforms to the requirements of the applicable land use regulations, land use  
1140 decisions, and development standards in effect when the applicant submits a  
1141 complete application and pays all application fees, unless:

1142 (A) the land use authority, on the record, formally finds that a compelling,  
1143 countervailing public interest would be jeopardized by approving the  
1144 application and specifies the compelling, countervailing public interest in  
1145 writing; or

1146 (B) in the manner provided by local ordinance and before the applicant submits  
1147 the application, the county formally initiates proceedings to amend the county's  
1148 land use regulations in a manner that would prohibit approval of the  
1149 application as submitted.

1150 (b) The county shall process an application without regard to proceedings the county

- 1151 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
- 1152 (i) 180 days have passed since the county initiated the proceedings; and
- 1153 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
- 1154 of the application as submitted; or
- 1155 (B) during the 12 months before the county processing the application or multiple
- 1156 applications of the same type, the application is impaired or prohibited under
- 1157 the terms of a temporary land use regulation adopted under Section 17-79-504.
- 1158 (c) A land use application is considered submitted and complete when the applicant
- 1159 provides the application in a form that complies with the requirements of applicable
- 1160 ordinances and pays all applicable fees.
- 1161 (d) Unless a phasing sequence is required in an executed development agreement, a
- 1162 county shall, without regard to any other separate and distinct land use application,
- 1163 accept and process a complete land use application in accordance with this chapter.
- 1164 (e) The continuing validity of an approval of a land use application is conditioned upon
- 1165 the applicant proceeding after approval to implement the approval with reasonable
- 1166 diligence.
- 1167 (f) Subject to Subsection (7), a county may not impose on an applicant who has
- 1168 submitted a complete application a requirement that is not expressed in:
- 1169 (i) this chapter;
- 1170 (ii) a county ordinance in effect on the date that the applicant submits a complete
- 1171 application, subject to Subsection (1)(a)(ii); or
- 1172 (iii) a county specification for public improvements applicable to a subdivision or
- 1173 development that is in effect on the date that the applicant submits an application.
- 1174 (g) A county may not impose on a holder of an issued land use permit or a final,
- 1175 unexpired subdivision plat a requirement that is not expressed:
- 1176 (i) in a land use permit;
- 1177 (ii) on the subdivision plat;
- 1178 (iii) in a document on which the land use permit or subdivision plat is based;
- 1179 (iv) in the written record evidencing approval of the land use permit or subdivision
- 1180 plat;
- 1181 (v) in this chapter;
- 1182 (vi) in a county ordinance; or
- 1183 (vii) in a county specification for residential roadways in effect at the time a
- 1184 residential subdivision was approved.

- 1185 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of  
1186 a certificate of occupancy or acceptance of subdivision improvements because of an  
1187 applicant's failure to comply with a requirement that is not expressed:
- 1188 (i) in the building permit or subdivision plat, documents on which the building permit  
1189 or subdivision plat is based, or the written record evidencing approval of the  
1190 building permit or subdivision plat; or  
1191 (ii) in this chapter or the county's ordinances.
- 1192 (i) A county may not unreasonably withhold issuance of a certificate of occupancy  
1193 where an applicant has met all requirements essential for the public health, public  
1194 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 1195 (i) the applicant and the county have agreed in a written document to the withholding  
1196 of a certificate of occupancy; or  
1197 (ii) the applicant has not provided a financial assurance for required and uncompleted  
1198 public landscaping improvements or infrastructure improvements in accordance  
1199 with an applicable local ordinance.
- 1200 (j) A county may not conduct a final inspection required before issuing a certificate of  
1201 occupancy for a residential unit that is within the boundary of an infrastructure  
1202 financing district, as defined in Section 17B-1-102, until the applicant for the  
1203 certificate of occupancy provides adequate proof to the county that any lien on the  
1204 unit arising from the infrastructure financing district's assessment against the unit  
1205 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in  
1206 full of the infrastructure financing district's assessment against that unit.
- 1207 (k) A county:
- 1208 (i) may require the submission of a private landscaping plan, as defined in Section  
1209 17-79-707, before landscaping is installed; and  
1210 (ii) may not withhold an applicant's building permit or certificate of occupancy  
1211 because the applicant has not submitted a private landscaping plan.
- 1212 (2) A county is bound by the terms and standards of applicable land use regulations and  
1213 shall comply with mandatory provisions of those regulations.
- 1214 (3) A county may not, as a condition of land use application approval, require a person  
1215 filing a land use application to obtain documentation regarding a school district's  
1216 willingness, capacity, or ability to serve the development proposed in the land use  
1217 application.
- 1218 (4) Subject to Subsection (7), a specified public agency's submission of a development plan

- 1219 and schedule as required in Subsection 17-79-305(8) that complies with the  
 1220 requirements of that subsection, the specified public agency vests in the county's  
 1221 applicable land use maps, zoning map, hookup fees, impact fees, other applicable  
 1222 development fees, and land use regulations in effect on the date of submission.
- 1223 (5)(a) If sponsors of a referendum timely challenge a project in accordance with  
 1224 Subsection [~~20A-7-601(6)~~] 20A-7-601(7), the project's affected owner may rescind  
 1225 the project's land use approval by delivering a written notice:
- 1226 (i) to the local clerk as defined in Section 20A-7-101; and
  - 1227 (ii) no later than seven days after the day on which a petition for a referendum is  
 1228 determined sufficient under Subsection 20A-7-607(4).
- 1229 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
 1230 rescinded and are of no further force or effect:
- 1231 (i) the relevant land use approval; and
  - 1232 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1233 (6)(a) After issuance of a building permit, a county may not:
- 1234 (i) change or add to the requirements expressed in the building permit, unless the  
 1235 change or addition is:  
 1236 (A) requested by the building permit holder; or  
 1237 (B) necessary to comply with an applicable state building code; or
  - 1238 (ii) revoke the building permit or take action that has the effect of revoking the  
 1239 building permit.
- 1240 (b) Subsection (6)(a) does not prevent a county from issuing a building permit that  
 1241 contains an expiration date defined in the building permit.
- 1242 (7) A county shall comply with the provisions of this chapter regarding all pending land use  
 1243 applications and new land use applications submitted under this chapter.
- 1244 Section 5. Section **20A-1-102** is amended to read:
- 1245 **20A-1-102 . Definitions.**
- 1246 As used in this title:
- 1247 (1) "Active voter" means a registered voter who has not been classified as an inactive voter  
 1248 by the county clerk.
  - 1249 (2) "Automatic tabulating equipment" means apparatus that automatically examines and  
 1250 counts votes recorded on ballots and tabulates the results.
  - 1251 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
 1252 storage medium, that records an individual voter's vote.

- 1253 (b) "Ballot" does not include a record to tally multiple votes.
- 1254 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on  
1255 the ballot for their approval or rejection including:
- 1256 (a) an opinion question specifically authorized by the Legislature;
- 1257 (b) a constitutional amendment;
- 1258 (c) an initiative;
- 1259 (d) a referendum;
- 1260 (e) a bond proposition;
- 1261 (f) a judicial retention question;
- 1262 (g) an incorporation of a city or town; or
- 1263 (h) any other ballot question specifically authorized by the Legislature.
- 1264 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together  
1265 using staples or another means in at least three places across the top of the paper in the  
1266 blank space reserved for securing the paper.
- 1267 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
1268 20A-4-306 to canvass election returns.
- 1269 (7) "Bond election" means an election held for the purpose of approving or rejecting the  
1270 proposed issuance of bonds by a government entity.
- 1271 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not  
1272 a holiday.
- 1273 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by  
1274 the sender.
- 1275 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,  
1276 a business day, or any other type of day.
- 1277 (11) "Canvass" means the review of election returns and the official declaration of election  
1278 results by the board of canvassers.
- 1279 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the  
1280 canvass.
- 1281 (13) "Contracting election officer" means an election officer who enters into a contract or  
1282 interlocal agreement with a provider election officer.
- 1283 (14) "Convention" means the political party convention at which party officers and  
1284 delegates are selected.
- 1285 (15) "Counting center" means one or more locations selected by the election officer in  
1286 charge of the election for the automatic counting of ballots.

- 1287 (16) "Counting judge" means a poll worker designated to count the ballots during election  
1288 day.
- 1289 (17) "Counting room" means a suitable and convenient private place or room for use by the  
1290 poll workers and counting judges to count ballots.
- 1291 (18) "County officers" means those county officers that are required by law to be elected.
- 1292 (19) "Date of the election" or "election day" or "day of the election":
- 1293 (a) means the day that is specified in the calendar year as the day on which the election  
1294 occurs; and
- 1295 (b) does not include:
- 1296 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
1297 voting; or
- 1298 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,  
1299 Early Voting.
- 1300 (20) "Elected official" means:
- 1301 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,  
1302 Municipal Alternate Voting Methods Pilot Project;
- 1303 (b) a person who is considered to be elected to a municipal office in accordance with  
1304 Subsection 20A-1-206(1)(c)(ii); or
- 1305 (c) a person who is considered to be elected to a special district office in accordance  
1306 with Subsection 20A-1-206(3)(b)(ii).
- 1307 (21) "Election" means a regular general election, a municipal general election, a statewide  
1308 special election, a local special election, a regular primary election, a municipal primary  
1309 election, and a special district election.
- 1310 (22) "Election Assistance Commission" means the commission established by the Help  
1311 America Vote Act of 2002, Pub. L. No. 107-252.
- 1312 (23) "Election cycle" means the period beginning on the first day on which individuals are  
1313 eligible to file declarations of candidacy and ending when the canvass is completed.
- 1314 (24) "Election judge" means a poll worker that is assigned to:
- 1315 (a) preside over other poll workers at a polling place;
- 1316 (b) act as the presiding election judge; or
- 1317 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1318 (25) "Election material" includes:
- 1319 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
- 1320 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

- 1321 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);  
1322 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:  
1323 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and  
1324 (ii) the batch log described in Subsection 20A-3a-401.1(5);  
1325 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);  
1326 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);  
1327 (g) the physical and electronic log of replicated ballots described in Subsection  
1328 20A-4-104(3);  
1329 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;  
1330 (i) the record of voter database access described in Subsection 20A-5-905(2);  
1331 (j) the reports on military and overseas voters described in Section 20A-16-202;  
1332 (k) scanned copies of return envelopes;  
1333 (l) a copy of the final election results database described in Section 20A-5-802.5; and  
1334 (m) the materials used in the programming of the automatic tabulating equipment.
- 1335 (26) "Election officer" means:
- 1336 (a) the lieutenant governor, for all statewide ballots and elections;  
1337 (b) the county clerk for:  
1338 (i) a county ballot and election; and  
1339 (ii) a ballot and election as a provider election officer as provided in Section  
1340 20A-5-400.1 or 20A-5-400.5;
- 1341 (c) the municipal clerk for:  
1342 (i) a municipal ballot and election; and  
1343 (ii) a ballot and election as a provider election officer as provided in Section  
1344 20A-5-400.1 or 20A-5-400.5;
- 1345 (d) the special district clerk or chief executive officer for:  
1346 (i) a special district ballot and election; and  
1347 (ii) a ballot and election as a provider election officer as provided in Section  
1348 20A-5-400.1 or 20A-5-400.5; or
- 1349 (e) the business administrator or superintendent of a school district for:  
1350 (i) a school district ballot and election; [and]  
1351 (ii) a referendum petition as provided in Chapter 7, Issues Submitted to the Voters;  
1352 and  
1353 ~~(ii)~~ (iii) a ballot and election as a provider election officer as provided in Section  
1354 20A-5-400.1 or 20A-5-400.5.

- 1355 (27) "Election official" means any election officer, election judge, or poll worker.
- 1356 (28) "Election results" means:
- 1357 (a) for an election other than a bond election, the count of votes cast in the election and
- 1358 the election returns requested by the board of canvassers; or
- 1359 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 1360 plus any or all of the election returns that the board of canvassers may request.
- 1361 (29) "Election results database" means the following information generated by voting
- 1362 equipment:
- 1363 (a) one or more electronic files that contains a digital interpretation of each ballot that is
- 1364 counted in an election;
- 1365 (b) a ballot image; and
- 1366 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 1367 (30) "Election returns" means:
- 1368 (a) the pollbook;
- 1369 (b) the military and overseas absentee voter registration and voting certificates;
- 1370 (c) one of the tally sheets;
- 1371 (d) any unprocessed ballots;
- 1372 (e) all counted ballots;
- 1373 (f) all excess ballots;
- 1374 (g) all unused ballots;
- 1375 (h) all spoiled ballots;
- 1376 (i) all ballot disposition forms, including any provisional ballot disposition forms;
- 1377 (j) the final election results database described in Section 20A-5-802.5;
- 1378 (k) all return envelopes;
- 1379 (l) any provisional ballot envelopes; and
- 1380 (m) the total votes cast form.
- 1381 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or
- 1382 logically associated with a record and executed or adopted by a person with the intent to
- 1383 sign the record.
- 1384 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 1385 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk
- 1386 under Subsection 20A-2-505(4)(c)(i) or (ii).
- 1387 (34) "Judicial office" means the office filled by any judicial officer.
- 1388 (35) "Judicial officer" means any justice or judge of a court of record or any county court

- 1389 judge.
- 1390 (36) "Local election" means a regular county election, a regular municipal election, a  
1391 municipal primary election, a local special election, a special district election, and a  
1392 bond election.
- 1393 (37) "Local political subdivision" means a county, a municipality, a special district, or a  
1394 local school district.
- 1395 (38) "Local special election" means a special election called by the governing body of a  
1396 local political subdivision in which all registered voters of the local political subdivision  
1397 may vote.
- 1398 (39) "Manual ballot" means a paper document produced by an election officer on which an  
1399 individual records an individual's vote by directly placing a mark on the paper document  
1400 using a pen or other marking instrument.
- 1401 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or  
1402 mechanical record, that:
- 1403 (a) is created via electronic or mechanical means; and
- 1404 (b) records an individual voter's vote cast via a method other than an individual directly  
1405 placing a mark, using a pen or other marking instrument, to record an individual  
1406 voter's vote.
- 1407 (41) "Municipal executive" means:
- 1408 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 1409 (b) the mayor in the council-manager form of government defined in Subsection  
1410 10-3b-103(6).
- 1411 (42) "Municipal general election" means the election held in municipalities and, as  
1412 applicable, special districts on the first Tuesday after the first Monday in November of  
1413 each odd-numbered year for the purposes established in Section 20A-1-202.
- 1414 (43) "Municipal legislative body" means the council of the city or town in any form of  
1415 municipal government.
- 1416 (44) "Municipal office" means an elective office in a municipality.
- 1417 (45) "Municipal officers" means those municipal officers that are required by law to be  
1418 elected.
- 1419 (46) "Municipal primary election" means an election held to nominate candidates for  
1420 municipal office.
- 1421 (47) "Municipality" means a city or town.
- 1422 (48) "Official ballot" means the ballots distributed by the election officer for voters to

- 1423 record their votes.
- 1424 (49) "Official endorsement" means the information on the ballot that identifies:
- 1425 (a) the ballot as an official ballot;
- 1426 (b) the date of the election; and
- 1427 (c)(i) for a ballot prepared by an election officer other than a county clerk, the
- 1428 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 1429 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 1430 20A-6-301(1)(b)(iii).
- 1431 (50) "Official register" means the official record furnished to election officials by the
- 1432 election officer that contains the information required by Section 20A-5-401.
- 1433 (51) "Political party" means an organization of registered voters that has qualified to
- 1434 participate in an election by meeting the requirements of Chapter 8, Political Party
- 1435 Formation and Procedures.
- 1436 (52)(a) "Poll worker" means a person assigned by an election official to assist with an
- 1437 election, voting, or counting votes.
- 1438 (b) "Poll worker" includes election judges.
- 1439 (c) "Poll worker" does not include a watcher.
- 1440 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to
- 1441 cast votes.
- 1442 (54) "Polling place" means a building where voting is conducted.
- 1443 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
- 1444 which the voter marks the voter's choice.
- 1445 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8,
- 1446 Presidential Primary Election.
- 1447 (57) "Primary convention" means the political party conventions held during the year of the
- 1448 regular general election.
- 1449 (58) "Protective counter" means a separate counter, which cannot be reset, that:
- 1450 (a) is built into a voting machine; and
- 1451 (b) records the total number of movements of the operating lever.
- 1452 (59) "Provider election officer" means an election officer who enters into a contract or
- 1453 interlocal agreement with a contracting election officer to conduct an election for the
- 1454 contracting election officer's local political subdivision in accordance with Section
- 1455 20A-5-400.1.
- 1456 (60) "Provisional ballot" means a ballot voted provisionally by a person:

- 1457 (a) whose name is not listed on the official register at the polling place;  
1458 (b) whose legal right to vote is challenged as provided in this title; or  
1459 (c) whose identity was not sufficiently established by a poll worker.
- 1460 (61) "Provisional ballot envelope" means an envelope printed in the form required by  
1461 Section 20A-6-105 that is used to identify provisional ballots and to provide information  
1462 to verify a person's legal right to vote.
- 1463 (62)(a) "Public figure" means an individual who, due to the individual being considered  
1464 for, holding, or having held a position of prominence in a public or private capacity,  
1465 or due to the individual's celebrity status, has an increased risk to the individual's  
1466 safety.
- 1467 (b) "Public figure" does not include an individual:  
1468 (i) elected to public office; or  
1469 (ii) appointed to fill a vacancy in an elected public office.
- 1470 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the  
1471 duties of the position for which the individual was elected.
- 1472 (64) "Receiving judge" means the poll worker that checks the voter's name in the official  
1473 register at a polling place and provides the voter with a ballot.
- 1474 (65) "Registration form" means a form by which an individual may register to vote under  
1475 this title.
- 1476 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 1477 (67) "Regular general election" means the election held throughout the state on the first  
1478 Tuesday after the first Monday in November of each even-numbered year for the  
1479 purposes established in Section 20A-1-201.
- 1480 (68) "Regular primary election" means the election, held on the date specified in Section  
1481 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
1482 local school board positions to advance to the regular general election.
- 1483 (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- 1484 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),  
1485 provided to a voter with a manual ballot:  
1486 (a) into which the voter places the manual ballot after the voter has voted the manual  
1487 ballot in order to preserve the secrecy of the voter's vote; and  
1488 (b) that includes the voter affidavit and a place for the voter's signature.
- 1489 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as  
1490 provided in Section 20A-5-405.

- 1491 (72) "Special district" means a local government entity under Title 17B, Limited Purpose  
1492 Local Government Entities - Special Districts, and includes a special service district  
1493 under Title 17D, Chapter 1, Special Service District Act.
- 1494 (73) "Special district officers" means those special district board members who are required  
1495 by law to be elected.
- 1496 (74) "Special election" means an election held as authorized by Section 20A-1-203.
- 1497 (75) "Spoiled ballot" means each ballot that:
- 1498 (a) is spoiled by the voter;
- 1499 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 1500 (c) lacks the official endorsement.
- 1501 (76) "Statewide special election" means a special election called by the governor or the  
1502 Legislature in which all registered voters in Utah may vote.
- 1503 (77) "Tabulation system" means a device or system designed for the sole purpose of  
1504 tabulating votes cast by voters at an election.
- 1505 (78) "Ticket" means a list of:
- 1506 (a) political parties;
- 1507 (b) candidates for an office; or
- 1508 (c) ballot propositions.
- 1509 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting  
1510 center.
- 1511 (80) "Vacancy" means:
- 1512 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a  
1513 position created by state constitution or state statute, whether that absence occurs  
1514 because of death, disability, disqualification, resignation, or other cause; or
- 1515 (b) in relation to a candidate for a position created by state constitution or state statute,  
1516 the removal of a candidate due to the candidate's death, resignation, or  
1517 disqualification.
- 1518 (81) "Valid voter identification" means:
- 1519 (a) a form of identification that bears the name and photograph of the voter which may  
1520 include:
- 1521 (i) a currently valid Utah driver license;
- 1522 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8,  
1523 Identification Card Act;
- 1524 (iii) a currently valid identification card that is issued by:

- 1525 (A) the state; or
- 1526 (B) a branch, department, or agency of the United States;
- 1527 (iv) a currently valid Utah permit to carry a concealed weapon;
- 1528 (v) a currently valid United States passport; or
- 1529 (vi) a currently valid United States military identification card;
- 1530 (b) one of the following identification cards, regardless of whether the card includes a
- 1531 photograph of the voter:
- 1532 (i) a valid tribal identification card;
- 1533 (ii) a Bureau of Indian Affairs card; or
- 1534 (iii) a tribal treaty card; or
- 1535 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the
- 1536 name of the voter and provide evidence that the voter resides in the voting precinct,
- 1537 which may include:
- 1538 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more
- 1539 than 90 calendar days before the date of the election;
- 1540 (ii) before January 1, 2029, an original or copy of a bank or other financial account
- 1541 statement, dated no more than 90 calendar days before the date of the election;
- 1542 (iii) a certified birth certificate;
- 1543 (iv) a valid social security card;
- 1544 (v) an original or copy of a check issued by the state or the federal government, dated
- 1545 no more than 90 calendar days before the date of the election;
- 1546 (vi) an original or copy of a paycheck from the voter's employer, dated no more than
- 1547 90 calendar days before the date of the election;
- 1548 (vii) a currently valid Utah hunting or fishing license;
- 1549 (viii) certified naturalization documentation;
- 1550 (ix) a currently valid license issued by an authorized agency of the United States;
- 1551 (x) a certified copy of court records showing the voter's adoption or name change;
- 1552 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer [~~Card~~] card;
- 1553 (xii) a currently valid identification card issued by:
- 1554 (A) a local government within the state;
- 1555 (B) an employer for an employee; or
- 1556 (C) a college, university, technical school, or professional school located within
- 1557 the state; or
- 1558 (xiii) a current Utah vehicle registration.

- 1559 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate  
1560 by following the procedures and requirements of this title.
- 1561 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:  
1562 (a) mailing the ballot to the location designated in the mailing; or  
1563 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 1564 (84) "Voter" means an individual who:  
1565 (a) meets the requirements for voting in an election;  
1566 (b) meets the requirements of election registration;  
1567 (c) is registered to vote; and  
1568 (d) is listed in the official register.
- 1569 (85) "Voter registration deadline" means the registration deadline provided in Section  
1570 20A-2-102.5.
- 1571 (86) "Voting area" means the area within six feet of the voting booths, voting machines,  
1572 and ballot box.
- 1573 (87) "Voting booth" means:  
1574 (a) the space or compartment within a polling place that is provided for the preparation  
1575 of ballots, including the voting enclosure or curtain; or  
1576 (b) a voting device that is free standing.
- 1577 (88) "Voting device" means any device provided by an election officer for a voter to vote a  
1578 mechanical ballot.
- 1579 (89) "Voting precinct" means the smallest geographical voting unit, established under  
1580 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 1581 (90) "Watcher" means an individual who complies with the requirements described in  
1582 Section 20A-3a-801 to become a watcher for an election.
- 1583 (91) "Write-in ballot" means a ballot containing any write-in votes.
- 1584 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the  
1585 ballot, in accordance with the procedures established in this title.
- 1586 Section 6. Section **20A-4-301** is amended to read:  
1587 **20A-4-301 . Board of canvassers.**
- 1588 (1)(a) Each county legislative body is the board of county canvassers for:  
1589 (i) the county; and  
1590 (ii) each special district whose election is conducted by the county if:  
1591 (A) the election relates to the creation of the special district;  
1592 (B) the county legislative body serves as the governing body of the special

- 1593 district; or
- 1594 (C) there is no duly constituted governing body of the special district.
- 1595 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
- 1596 meeting of the county legislative body, at a date and time determined by the county
- 1597 clerk that is no sooner than seven calendar days after the day of the election and no
- 1598 later than 14 calendar days after the day of the election.
- 1599 (c) If one or more of the county legislative body fails to attend the meeting of the board
- 1600 of county canvassers, the remaining members shall replace the absent member by
- 1601 appointing in the order named:
- 1602 (i) the county treasurer;
- 1603 (ii) the county assessor; or
- 1604 (iii) the county sheriff.
- 1605 (d) Attendance of the number of persons equal to a simple majority of the county
- 1606 legislative body, but not less than three persons, shall constitute a quorum for
- 1607 conducting the canvass.
- 1608 (e) The county clerk is the clerk of the board of county canvassers.
- 1609 (2)(a) The mayor and the municipal legislative body are the board of municipal
- 1610 canvassers for the municipality.
- 1611 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 1612 place of meeting of the municipal legislative body:
- 1613 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 1614 calendar days after the day of the election and no later than 14 calendar days after
- 1615 the day of the election; or
- 1616 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
- 1617 calendar days after the day of the election and no later than 14 calendar days after
- 1618 the election.
- 1619 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
- 1620 quorum for conducting the canvass.
- 1621 (3)(a) The legislative body of the entity authorizing a bond election is the board of
- 1622 canvassers for each bond election.
- 1623 (b) The board of canvassers for the bond election shall comply with the canvassing
- 1624 procedures and requirements of Section 11-14-207.
- 1625 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
- 1626 bond election shall constitute a quorum for conducting the canvass.

- 1627 (4)(a) If a board of trustees or an administrative control board is the governing body of a  
 1628 special district, the board of trustees or the administrative control board is the board  
 1629 of special district canvassers for the special district.
- 1630 (b) The board of special district canvassers shall meet to canvass the returns at the usual  
 1631 place of meeting for the board of trustees or the administrative control board, as  
 1632 applicable, at a date and time determined by the special district clerk that is no sooner  
 1633 than seven calendar days after the day of the election and no later than 14 calendar  
 1634 days after the day of the election.
- 1635 (c) Attendance of a simple majority of the board of trustees or the administrative control  
 1636 board is a quorum for conducting the canvass.
- 1637 (5)(a) The local school board of a school district is the board of school district  
 1638 canvassers for a referendum election under Subsection 20A-7-102(4).
- 1639 (b) The board of school district canvassers shall meet to canvass the returns at the usual  
 1640 place of meeting of the local school board no sooner than seven calendar days after  
 1641 the day of the election and no later than 14 calendar days after the day of the election.
- 1642 (c) Attendance of a simple majority of the local school board shall constitute a quorum  
 1643 for conducting the canvass.
- 1644 [~~5~~] (6) In relation to an election for the creation of a new school district under Section  
 1645 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a  
 1646 local school board for a new school district or a reorganized new school district under  
 1647 Section 53G-3-302, the board of canvassers is:
- 1648 (a) if the voters permitted to vote in the election are all residents of the same  
 1649 municipality, the mayor and the municipal legislative body;
- 1650 (b) if the voters permitted to vote in the election are not all residents of the same  
 1651 municipality, but are all residents of the same county, the county legislative body; or
- 1652 (c) if the voters permitted to vote in the election are not all residents of the same  
 1653 municipality and are not all residents of the same county, the county legislative body  
 1654 of the county where the majority of the voters permitted to vote in the election are  
 1655 residents.

1656 Section 7. Section **20A-7-101** is amended to read:

1657 **20A-7-101 . Definitions.**

1658 As used in this chapter:

- 1659 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to  
 1660 gather signatures for the electronic initiative process, the electronic referendum process,

- 1661 or the electronic candidate qualification process.
- 1662 (2) "Budget officer" means:
- 1663 (a) for a county, the person designated as finance officer as defined in Section 17-63-101;
- 1664 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4);~~[-or]~~
- 1665 (c) for a town, the town council~~[-]~~ ; or
- 1666 (d) for a school district, the individual appointed business administrator under Section
- 1667 53G-4-302.
- 1668 (3) "Certified" means that the county clerk has acknowledged a signature as being the
- 1669 signature of a registered voter.
- 1670 (4) "Circulation" means the process of submitting an initiative petition or a referendum
- 1671 petition to legal voters for their signature.
- 1672 (5) "Electronic initiative process" means:
- 1673 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
- 1674 and 20A-21-201, for gathering signatures; or
- 1675 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
- 1676 20A-21-201, for gathering signatures.
- 1677 (6) "Electronic referendum process" means:
- 1678 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
- 1679 and 20A-21-201, for gathering signatures; or
- 1680 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
- 1681 20A-21-201, for gathering signatures.
- 1682 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
- 1683 town that is holding an election on a ballot proposition.
- 1684 (8) "Final fiscal impact statement" means a financial statement prepared after voters
- 1685 approve an initiative that contains the information required by Subsection
- 1686 20A-7-202.5(2) or 20A-7-502.5(2).
- 1687 (9) "Initial fiscal impact statement" means a financial statement prepared under Section
- 1688 20A-7-202.5 after the filing of a statewide initiative application.
- 1689 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
- 1690 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
- 1691 referendum.
- 1692 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
- 1693 chapter.
- 1694 (12) "Initiative application" means:

- 1695 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
1696 includes all the information, statements, documents, and notarized signatures  
1697 required under Subsection 20A-7-202(2); or
- 1698 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
1699 includes all the information, statements, documents, and notarized signatures  
1700 required under Subsection 20A-7-502(2).
- 1701 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,  
1702 and the signature sheets, all of which have been bound together as a unit.
- 1703 (14) "Initiative petition":
- 1704 (a) as it relates to a statewide initiative, using the manual initiative process:
- 1705 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for  
1706 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  
1708 Subsection 20A-7-203(2)(b);
- 1709 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 1710 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for  
1711 submission of the initiative to the Legislature or the legal voters; and
- 1712 (ii) if the initiative proposes a tax increase, includes the statement described in  
1713 Subsection 20A-7-215(5)(b);
- 1714 (c) as it relates to a local initiative, using the manual initiative process:
- 1715 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for  
1716 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  
1718 Subsection 20A-7-503(2)(b); or
- 1719 (d) as it relates to a local initiative, using the electronic initiative process:
- 1720 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for  
1721 submission of the initiative to the legislative body or the legal voters; and
- 1722 (ii) if the initiative proposes a tax increase, includes the statement described in  
1723 Subsection 20A-7-514(4)(a).
- 1724 (15)(a) "Land use law" means a law of general applicability, enacted based on the  
1725 weighing of broad, competing policy considerations, that relates to the use of land,  
1726 including a land use regulation, a general plan, a land use development code, an  
1727 annexation ordinance, the rezoning of a single property or multiple properties, or a  
1728 comprehensive zoning ordinance or resolution.

- 1729 (b) "Land use law" does not include a land use decision, as defined in Section 10-20-102  
 1730 or 17-79-102.
- 1731 (16) "Legal signatures" means the number of signatures of legal voters that:  
 1732 (a) meet the numerical requirements of this chapter; and  
 1733 (b) have been obtained, certified, and verified as provided in this chapter.
- 1734 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1735 (18) "Legally referable to voters" means:  
 1736 (a) for a proposed local initiative, that the proposed local initiative is legally referable to  
 1737 voters under Section 20A-7-502.7; or  
 1738 (b) for a proposed local referendum, that the proposed local referendum is legally  
 1739 referable to voters under Section 20A-7-602.7.
- 1740 (19) "Local attorney" means the county attorney, city attorney, ~~town attorney,~~ or local  
 1741 school district attorney in whose jurisdiction a local initiative or referendum petition is  
 1742 circulated.
- 1743 ~~[(20) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
 1744 jurisdiction a local initiative or referendum petition is circulated.]~~
- 1745 (20) "Local clerk" means:  
 1746 (a)(i) for a local initiative or referendum that is a county initiative or referendum, the  
 1747 county clerk in whose jurisdiction the local initiative or referendum petition is  
 1748 circulated; or  
 1749 (ii) for a local referendum that is a school district referendum, the county clerk of the  
 1750 county where a majority of the voters in the school district reside; or  
 1751 (b) for a local initiative or referendum that is a municipal initiative or referendum, the  
 1752 city recorder or town clerk in whose jurisdiction the local initiative or referendum  
 1753 petition is circulated.
- 1754 (21)(a) "Local law" includes:  
 1755 (i) an ordinance;  
 1756 (ii) a resolution;  
 1757 (iii) a land use law;  
 1758 (iv) a land use regulation, as defined in Section 10-20-102;~~or~~  
 1759 (v) other legislative action of a local legislative body~~;~~ ; or  
 1760 (vi) any legislative action of a local school board, other than legislative action  
 1761 described in Subsection (21)(b)(ii).
- 1762 (b) "Local law" does not include;

- 1763            (i) a land use decision, as defined in Section 10-20-102[-] ; or  
 1764            (ii) a local school tax law.
- 1765 (22)(a) "Local legislative body" means the legislative body of a county, city, or town.  
 1766            (b) "Local legislative body" does not include the local school board of a school district.
- 1767 (23) "Local obligation law" means a local law passed by the local legislative body  
 1768            regarding a bond that was approved by a majority of qualified voters in an election.
- 1769 (24) "Local school board" means a board elected under Chapter 14, Part 2, Election of  
 1770            Members of Local Board of Education.
- 1771 (25)(a) "Local school tax law" means legislative action of a local school board that:  
 1772            (i) increases a tax or imposes a new tax; or  
 1773            (ii) otherwise imposes a payment obligation on property.
- 1774            (b) "Local school tax law" includes:  
 1775            (i) a board local levy under Section 53F-8-302;  
 1776            (ii) a capital local levy under Section 53F-8-303; or  
 1777            (iii) any other tax or levy that is within a local school board's discretion to impose.
- 1778            (c) "Local school tax law" does not include legislative action of a local school board that  
 1779            increases a tax or imposes a new tax, if the increased tax or new tax:  
 1780            (i) relates to a voted local levy under Section 53G-8-301;  
 1781            (ii) relates to a bond election under Section 53G-4-603;  
 1782            (iii) is a judgment levy imposed under Section 59-2-1330; or  
 1783            (iv) is required to be imposed by state law, or is otherwise not within a local school  
 1784            board's discretion to impose.
- 1785 [~~(24)~~] (26)(a) "Local tax law" means a law, passed by a political subdivision with an  
 1786            annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.  
 1787            (b) "Local tax law" does not include a local school tax law.
- 1788 [~~(25)~~] (27) "Manual initiative process" means the process for gathering signatures for an  
 1789            initiative using paper signature packets that a signer physically signs.
- 1790 [~~(26)~~] (28) "Manual referendum process" means the process for gathering signatures for a  
 1791            referendum using paper signature packets that a signer physically signs.
- 1792 [~~(27)~~] (29)(a) "Measure" means a proposed constitutional amendment, an initiative, or  
 1793            referendum.  
 1794            (b) "Measure" does not include a ballot proposition for the creation of a new school  
 1795            district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1796 [~~(28)~~] (30) "Presiding officers" means the president of the Senate and the speaker of the

1797 House of Representatives.

1798 [~~(29)~~] (31) "Referendum" means a process by which a law passed by the [~~Legislature or by a~~  
1799 ~~local legislative body~~] Legislature, a local legislative body, or a local school board is  
1800 submitted or referred to the voters for their approval or rejection.

1801 [~~(30)~~] (32) "Referendum application" means:

1802 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that  
1803 includes all the information, statements, documents, and notarized signatures  
1804 required under Subsection 20A-7-302(2); or

1805 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that  
1806 includes all the information, statements, documents, and notarized signatures  
1807 required under Subsection 20A-7-602(2).

1808 [~~(31)~~] (33) "Referendum packet" means a copy of the referendum petition, a copy of the law  
1809 being submitted or referred to the voters for their approval or rejection, and the signature  
1810 sheets, all of which have been bound together as a unit.

1811 [~~(32)~~] (34) "Referendum petition" means:

1812 (a) as it relates to a statewide referendum, using the manual referendum process, the  
1813 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law  
1814 passed by the Legislature to legal voters for their approval or rejection;

1815 (b) as it relates to a statewide referendum, using the electronic referendum process, the  
1816 form described in Subsection 20A-7-313(2), petitioning for submission of a law  
1817 passed by the Legislature to legal voters for their approval or rejection;

1818 (c) as it relates to a local referendum, using the manual referendum process, the form  
1819 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law or  
1820 a local school tax law to legal voters for their approval or rejection; or

1821 (d) as it relates to a local referendum, using the electronic referendum process, the form  
1822 described in Subsection 20A-7-614(2), petitioning for submission of a local law or a  
1823 local school tax law to legal voters for their approval or rejection.

1824 [~~(33)~~] (35) "Signature":

1825 (a) for a statewide initiative:

1826 (i) as it relates to the electronic initiative process, means an electronic signature  
1827 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

1828 (ii) as it relates to the manual initiative process:

1829 (A) means a holographic signature collected physically on a signature sheet  
1830 described in Section 20A-7-203;

- 1831 (B) as it relates to an individual who, due to a qualifying disability under the  
1832 Americans with Disabilities Act, is unable to fill out the signature sheet or to  
1833 sign the voter's name consistently, the initials "AV," indicating that the voter's  
1834 identity will be verified by an alternate verification process described in  
1835 Section 20A-7-106; and
- 1836 (C) does not include an electronic signature;
- 1837 (b) for a statewide referendum:
- 1838 (i) as it relates to the electronic referendum process, means an electronic signature  
1839 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1840 (ii) as it relates to the manual referendum process:
- 1841 (A) means a holographic signature collected physically on a signature sheet  
1842 described in Section 20A-7-303;
- 1843 (B) as it relates to an individual who, due to a qualifying disability under the  
1844 Americans with Disabilities Act, is unable to fill out the signature sheet or to  
1845 sign the voter's name consistently, the initials "AV," indicating that the voter's  
1846 identity will be verified by an alternate verification process described in  
1847 Section 20A-7-106; and
- 1848 (C) does not include an electronic signature;
- 1849 (c) for a local initiative:
- 1850 (i) as it relates to the electronic initiative process, means an electronic signature  
1851 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1852 (ii) as it relates to the manual initiative process:
- 1853 (A) means a holographic signature collected physically on a signature sheet  
1854 described in Section 20A-7-503;
- 1855 (B) as it relates to an individual who, due to a qualifying disability under the  
1856 Americans with Disabilities Act, is unable to fill out the signature sheet or to  
1857 sign the voter's name consistently, the initials "AV," indicating that the voter's  
1858 identity will be verified by an alternate verification process described in  
1859 Section 20A-7-106; and
- 1860 (C) does not include an electronic signature; or
- 1861 (d) for a local referendum:
- 1862 (i) as it relates to the electronic referendum process, means an electronic signature  
1863 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1864 (ii) as it relates to the manual referendum process:

- 1865 (A) means a holographic signature collected physically on a signature sheet  
 1866 described in Section 20A-7-603;
- 1867 (B) as it relates to an individual who, due to a qualifying disability under the  
 1868 Americans with Disabilities Act, is unable to fill out the signature sheet or to  
 1869 sign the voter's name consistently, the initials "AV," indicating that the voter's  
 1870 identity will be verified by an alternate verification process described in  
 1871 Section 20A-7-106; and
- 1872 (C) does not include an electronic signature.

1873 [(34)] (36) "Signature sheets" means sheets in the form required by this chapter that are used  
 1874 under the manual initiative process or the manual referendum process to collect  
 1875 signatures in support of an initiative or referendum.

1876 [(35)] (37) "Special local ballot proposition" means a local ballot proposition that is not a  
 1877 standard local ballot proposition.

1878 [(36)] (38) "Sponsors" means the legal voters who support the initiative or referendum and  
 1879 who sign the initiative application or referendum application.

1880 [(37)] (39)(a) "Standard local ballot proposition" means a local ballot proposition for an  
 1881 initiative or a referendum.

1882 (b) "Standard local ballot proposition" does not include a property tax referendum  
 1883 described in Section 20A-7-613.

1884 [(38)] (40) "Tax percentage difference" means the difference between the tax rate proposed  
 1885 by an initiative or an initiative petition and the current tax rate.

1886 [(39)] (41) "Tax percentage increase" means a number calculated by dividing the tax  
 1887 percentage difference by the current tax rate and rounding the result to the nearest  
 1888 thousandth.

1889 [(40)] (42) "Verified" means acknowledged by the person circulating the petition as required  
 1890 in Section 20A-7-105.

1891 Section 8. Section **20A-7-102** is amended to read:

1892 **20A-7-102 . Initiatives and referenda authorized -- Restrictions.**

1893 By following the procedures and requirements of this chapter, Utah voters may, subject  
 1894 to the restrictions [~~of Article VI, Sec. 1, Utah Constitution~~] of Utah Constitution, Article VI,  
 1895 Section 1, and this chapter:

1896 (1) initiate any desired legislation and cause it to be submitted to:

1897 (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed  
 1898 state law; or

- 1899 (b) a local legislative body or to a vote of the people if it is a local law;
- 1900 (2) require any law passed by the Legislature, except those laws passed by a two-thirds vote
- 1901 of the members elected to each house of the Legislature, to be referred to the voters for
- 1902 their approval or rejection before the law takes effect;[-and]
- 1903 (3) require any [~~law or ordinance~~] local law passed by a local legislative body to be referred
- 1904 to the voters for their approval or rejection before the law takes effect[-] ; or
- 1905 (4) require any local law or local school tax law passed by a local school board to be
- 1906 referred to the voters for their approval or rejection before the local law or local school
- 1907 tax law takes effect, unless:
- 1908 (a) the local school board is comprised of five members and four members or more
- 1909 voted in favor of the local law or local school tax law;
- 1910 (b) the local school board is comprised of seven members and five members or more
- 1911 voted in favor of the local law or local school tax law; or
- 1912 (c) the local school board is comprised of nine members and seven members or more
- 1913 voted in favor of the local law or local school tax law.
- 1914 Section 9. Section **20A-7-401.3** is amended to read:
- 1915 **20A-7-401.3 . Voter participation areas.**
- 1916 (1)(a) Except as provided in Subsection (2):
- 1917 (i) a city of the first or second class or a county of the first or second class shall, no
- 1918 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years
- 1919 after 2022, divide the city or county into eight contiguous and compact voter
- 1920 participation areas of substantially equal population; and
- 1921 (ii) a city of the third or fourth class or a county of the third or fourth class shall, no
- 1922 later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years
- 1923 after 2022, divide the city or county into four contiguous and compact voter
- 1924 participation areas of substantially equal population.
- 1925 (b) A city or county shall use the voter participation areas described in Subsection (1)(a)
- 1926 or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.
- 1927 (2)(a) This section does not apply to a county of the fifth or sixth class, a city of the fifth
- 1928 class, [~~or a town~~] a town, or a school district.
- 1929 (b) A city or county that has established council districts that are not at-large districts
- 1930 may, regardless of the number of council districts that are not at-large districts, use
- 1931 the council districts as voter participation areas under this section.
- 1932 Section 10. Section **20A-7-401.5** is amended to read:

- 1933                   **20A-7-401.5 . Proposition information pamphlet.**
- 1934           (1)(a)(i) Within 15 calendar days after the day on which an eligible voter files an
- 1935                   application to circulate an initiative petition under Section 20A-7-502 or an
- 1936                   application to circulate a referendum petition under Section 20A-7-602:
- 1937                   (A) the sponsors of the proposed initiative or referendum may electronically
- 1938                               submit a written argument in favor of the proposed initiative or referendum to
- 1939                               the election officer of the [~~county or municipality~~] county, municipality, or
- 1940                               school district to which the petition relates; and
- 1941                   (B) the [~~county or municipality~~] county, municipality, or school district to which
- 1942                               the application relates may electronically submit a written argument in favor
- 1943                               of, or against, the proposed initiative or referendum to the county's[~~or~~
- 1944                               ~~municipality's~~] , municipality's, or school district's election officer.
- 1945           (ii) If a [~~county or municipality~~] county, municipality, or school district submits more
- 1946                               than one written argument under Subsection (1)(a)(i)(B), the election officer shall
- 1947                               select one of the written arguments, giving preference to a written argument
- 1948                               submitted by a member of a local legislative body or the local school board if a
- 1949                               majority of the local legislative body or the local school board supports the written
- 1950                               argument.
- 1951           (b) Within one business day after the day on which an election officer receives an
- 1952                               argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of
- 1953                               the argument to the [~~county or municipality~~] county, municipality, or school district
- 1954                               described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
- 1955           (c) Within one business day after the date on which an election officer receives an
- 1956                               argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of
- 1957                               the argument to the first three sponsors of the proposed initiative or referendum
- 1958                               described in Subsection (1)(a)(i)(A).
- 1959           (d) The sponsors of the proposed initiative or referendum may electronically submit a
- 1960                               revised version of the written argument described in Subsection (1)(a)(i)(A) to the
- 1961                               election officer of the [~~county or municipality~~] county, municipality, or school district
- 1962                               to which the petition relates within 20 calendar days after the day on which the
- 1963                               eligible voter files an application to circulate an initiative petition under Section
- 1964                               20A-7-502 or an application to circulate a referendum petition under Section
- 1965                               20A-7-602.
- 1966           (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a [

1967 ~~county or municipality]~~ county, municipality, or school district may electronically  
 1968 submit a revised version of the written argument to the county's~~[-or municipality's]~~ ,  
 1969 municipality's, or school district's election officer within 20 calendar days after the  
 1970 day on which the eligible voter files an application to circulate an initiative petition  
 1971 under Section 20A-7-502 or an application to circulate a referendum petition under  
 1972 Section 20A-7-602.

- 1973 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 1974 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument  
 1975 described in Subsection (1)(d) or (e) after the written argument is submitted to the  
 1976 election officer.
- 1977 (c) The election officer and the person [~~that~~] who submits the written argument described  
 1978 in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:  
 1979 (i) correct factual, grammatical, or spelling errors; or  
 1980 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 1981 (d) An election officer shall refuse to include a written argument in the proposition  
 1982 information pamphlet described in this section if the person who submits the  
 1983 argument:  
 1984 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
 1985 Subsection (2)(c); or  
 1986 (ii) does not timely submit the written argument to the election officer.
- 1987 (e) An election officer shall make a good faith effort to negotiate a modification  
 1988 described in Subsection (2)(c) in an expedited manner.
- 1989 (3) An election officer who receives a written argument described in Subsection (1) shall  
 1990 prepare a proposition information pamphlet for publication that includes:  
 1991 (a) a copy of the application for the proposed initiative or referendum;  
 1992 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
 1993 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
 1994 referendum, if any;  
 1995 (c) except as provided in Subsection (2)(d), immediately after the argument described in  
 1996 Subsection (3)(b), the argument prepared by the county or municipality, if any; and  
 1997 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
 1998 Section 20A-7-502.5 or 20A-7-602.5.
- 1999 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter  
 2000 2, Government Records Access and Management Act, until the earlier of when the

- 2001 election officer:
- 2002 (i) complies with Subsection (4)(b); or
- 2003 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 2004 (b) Within 21 calendar days after the day on which the eligible voter files an application
- 2005 to circulate an initiative petition under Section 20A-7-502, or an application to
- 2006 circulate a referendum petition under Section 20A-7-602, the election officer shall
- 2007 provide a copy of the proposition information pamphlet to the sponsors of the
- 2008 initiative or referendum and each individual who submitted an argument included in
- 2009 the proposition information pamphlet.
- 2010 (5) An election officer for a municipality shall publish the proposition information
- 2011 pamphlet as follows:
- 2012 (a) within the later of 10 calendar days after the day on which the municipality or a court
- 2013 determines that the proposed initiative or referendum is legally referable to voters, or,
- 2014 if the election officer modifies an argument under Subsection (2)(c), three calendar
- 2015 days after the day on which the election officer and the person [that] who submitted
- 2016 the argument agree on the modification:
- 2017 (i) by sending the proposition information pamphlet electronically to each individual
- 2018 in the municipality for whom the municipality has an email address, unless the
- 2019 individual has indicated that the municipality is prohibited from using the
- 2020 individual's email address for that purpose; and
- 2021 (ii) by posting the proposition information pamphlet on the Utah Public Notice
- 2022 Website, created in Section 63A-16-601, and the home page of the municipality's
- 2023 website, if the municipality has a website, until:
- 2024 (A) if the sponsors of the proposed initiative or referendum or an agent of the
- 2025 sponsors do not timely deliver any verified initiative packets or any verified
- 2026 referendum packets under Section 20A-7-105, the day after the date of the
- 2027 deadline for delivery of the verified initiative packets or verified referendum
- 2028 packets;
- 2029 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
- 2030 number of signatures necessary to qualify the proposed initiative or referendum
- 2031 for placement on the ballot is insufficient and the determination is not timely
- 2032 appealed or is upheld after appeal; or
- 2033 (C) the day after the date of the election at which the proposed initiative or
- 2034 referendum appears on the ballot; and

- 2035 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
2036 municipality's residents, including an [~~Internet~~] internet address, where a resident may  
2037 view the proposition information pamphlet, in the next mailing, for which the  
2038 municipality has not begun preparation, that falls on or after the later of:
- 2039 (i) 10 calendar days after the day on which the municipality or a court determines that  
2040 the proposed initiative or referendum is legally referable to voters; or  
2041 (ii) if the election officer modifies an argument under Subsection (2)(c), three  
2042 calendar days after the day on which the election officer and the person [~~that~~] who  
2043 submitted the argument agree on the modification.
- 2044 (6) An election officer for a county shall, within the later of 10 calendar days after the day  
2045 on which the county or a court determines that the proposed initiative or referendum is  
2046 legally referable to voters, or, if the election officer modifies an argument under  
2047 Subsection (2)(c), three calendar days after the day on which the election officer and the  
2048 person [~~that~~] who submitted the argument agree on the modification, publish the  
2049 proposition information pamphlet as follows:
- 2050 (a) by sending the proposition information pamphlet electronically to each individual in  
2051 the county for whom the county has an email address obtained via voter registration;  
2052 and
- 2053 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,  
2054 created in Section 63A-16-601, and the home page of the county's website, until:
- 2055 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
2056 do not timely deliver any verified initiative packets or any verified referendum  
2057 packets under Section 20A-7-105, the day after the date of the deadline for  
2058 delivery of the verified initiative packets or verified referendum packets;
- 2059 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
2060 number of signatures necessary to qualify the proposed initiative or referendum  
2061 for placement on the ballot is insufficient and the determination is not timely  
2062 appealed or is upheld after appeal; or
- 2063 (iii) the day after the date of the election at which the proposed initiative or  
2064 referendum appears on the ballot.
- 2065 (7) An election officer for a school district shall, within the later of 10 calendar days after  
2066 the day on which the school district or a court determines that the proposed referendum  
2067 is legally referable to voters, or, if the election officer modifies an argument under  
2068 Subsection (2)(c), three calendar days after the day on which the election officer and the

- 2069 person who submitted the argument agree on the modification, publish the proposition  
2070 information pamphlet as follows:
- 2071 (a) by sending the proposition information pamphlet electronically to each individual in  
2072 the school district for whom the school district has an email address, unless the  
2073 individual has indicated that the school district is prohibited from using the  
2074 individual's email address for that purpose;
- 2075 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,  
2076 created in Section 63A-16-601, and the home page of the school district's website, if  
2077 the school district has a website, until:
- 2078 (i) if the sponsors of the proposed referendum or an agent of the sponsors do not  
2079 timely deliver any verified referendum packets under Section 20A-7-105, the day  
2080 after the date of the deadline for delivery of the verified referendum packets;
- 2081 (ii) the local clerk determines, under Section 20A-7-607, that the number of  
2082 signatures necessary to qualify the proposed referendum for placement on the  
2083 ballot is insufficient and the determination is not timely appealed or is upheld after  
2084 appeal; or
- 2085 (iii) the day after the date of the election at which the proposed referendum appears  
2086 on the ballot.
- 2087 (c) if the school district regularly mails a newsletter or other material to the school  
2088 district's residents, including an internet address, where a resident may view the  
2089 proposition information pamphlet, in the next mailing, for which the school district  
2090 has not begun preparation, that falls on or after the later of:
- 2091 (i) 10 calendar days after the day on which the school district or a court determines  
2092 that the proposed referendum is legally referable to voters; or
- 2093 (ii) if the election officer modifies an argument under Subsection (2)(c), three  
2094 calendar days after the day on which the election officer and the person who  
2095 submitted the argument agree on the modification.

2096 Section 11. Section **20A-7-402** is amended to read:

2097 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

2098 **Limitations -- Preparation -- Statement on front cover.**

2099 (1)(a) The county[~~or municipality~~] , municipality, or school district that is subject to a  
2100 ballot proposition shall prepare a local voter information pamphlet that complies with  
2101 the requirements of this part.

2102 (b) Each county or municipality that contains all or part of a proposed new school

2103 district or a reorganized new school district that will appear on a regular general  
 2104 election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall  
 2105 prepare a local voter information pamphlet that complies with the requirements of  
 2106 this part.

2107 (2)(a) [~~Within the time requirements described in Subsection (2)(e)(i), a municipality~~  
 2108 ~~described in Subsection (1) shall provide a notice that complies with the requirements~~  
 2109 ~~of Subsection (2)(e)(ii) to the municipality's residents by publishing the notice for the~~  
 2110 ~~municipality, as a class A notice under Section 63G-30-102, for the time period set~~  
 2111 ~~under Subsection (2)(e)(i)] A county, municipality, or school district described in  
 2112 Subsection (1) shall provide a notice that complies with the requirements described in  
 2113 Subsection (2)(b)(ii) to the county's, municipality's, or school district's residents by  
 2114 publishing the notice for the county, municipality, or school district, as a class A  
 2115 notice under Section 63G-30-102, for the time period described in Subsection (2)(b)(i).~~

2116 [(b) A county described in Subsection (1) shall publish a notice that complies with the  
 2117 requirements of Subsection (2)(e)(ii) for the county, as a class A notice under Section  
 2118 63G-30-102.]

2119 [(c)] (b) [~~A municipality or county that publishes a notice under Subsection (2)(a) or (b)~~  
 2120 ~~shall] A county, municipality, or school district that publishes a notice under  
 2121 Subsection (2)(a) shall:~~

2122 (i) publish the notice:

2123 (A) not less than 90 calendar days before the date of the election at which a  
 2124 special local ballot proposition will be voted upon; or

2125 (B) if the requirements of Subsection [~~(2)(e)(i)(A)] (2)(b)(i)(A) cannot be met, as  
 2126 soon as practicable after the special local ballot proposition is approved to be  
 2127 voted upon in an election; and~~

2128 (ii) ensure that the notice contains:

2129 (A) the ballot title for the special local ballot proposition;

2130 (B) instructions on how to file a request under Subsection [~~(2)(d)] (2)(c); and~~

2131 (C) the deadline described in Subsection [~~(2)(d)] (2)(c).~~

2132 [(d)] (c) [~~Except as provided in Subsection (13), to] To prepare a written argument for or  
 2133 against a special local ballot proposition, an eligible voter shall file a request with the  
 2134 election officer no later than 5 p.m. on the last business day that is at least 64  
 2135 calendar days before the day of the election at which the special local ballot  
 2136 proposition is to be voted on.~~

- 2137            ~~[(e)]~~ (d) If more than one eligible voter requests the opportunity to prepare a written  
 2138            argument for or against a special local ballot proposition, the election officer shall  
 2139            make the final designation in accordance with the following order of priority:
- 2140            (i) sponsors have priority in preparing an argument regarding a special local ballot  
 2141            proposition; and
- 2142            (ii) members of the local legislative body or the local school board have priority over  
 2143            others if a majority of the local legislative body or the local school board supports  
 2144            the written argument.
- 2145            ~~[(f)]~~ (e) ~~[Except as provided in Subsection (13), the]~~ The election officer shall grant a  
 2146            request described in Subsection ~~[(2)(d) or (e)]~~ (2)(c) or (d) no later than 60 calendar  
 2147            days before the day of the election at which the ballot proposition is to be voted on.
- 2148            ~~[(g)]~~ ~~(f)~~(i) A sponsor of a special local ballot proposition may prepare a written  
 2149            argument in favor of the special local ballot proposition.
- 2150            (ii) Subject to Subsection ~~[(2)(e)]~~ (2)(d), an eligible voter opposed to the special local  
 2151            ballot proposition who submits a request under Subsection ~~[(2)(d)]~~ (2)(c) may  
 2152            prepare a written argument against the special local ballot proposition.
- 2153            ~~[(h)]~~ (g) An eligible voter who submits a written argument under this section in relation  
 2154            to a special local ballot proposition shall:
- 2155            (i) ensure that the written argument does not exceed 500 words in length, not  
 2156            counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii) or (iv);
- 2157            (ii) list, at the end of the argument, at least one, but no more than five, names as  
 2158            sponsors;
- 2159            (iii) ~~[except as provided in Subsection (13),]~~ submit the written argument to the  
 2160            election officer no later than 5 p.m. on the last business day that is at least 55  
 2161            calendar days before the election day on which the ballot proposition will be  
 2162            submitted to the voters;
- 2163            (iv) list in the argument, immediately after the eligible voter's name, the eligible  
 2164            voter's residential address; and
- 2165            (v) submit with the written argument the eligible voter's name, residential address,  
 2166            postal address, email address if available, and phone number.
- 2167            ~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument submitted  
 2168            after the deadline described in Subsection ~~[(2)(h)(iii)]~~ (2)(g)(iii).
- 2169            (3)(a) An election officer who timely receives the written arguments in favor of and  
 2170            against a special local ballot proposition shall, within one business day after the day

- 2171 on which the election office receives both written arguments, send, via mail or email:
- 2172 (i) a copy of the written argument in favor of the special local ballot proposition to
- 2173 the eligible voter who submitted the written argument against the special local
- 2174 ballot proposition; and
- 2175 (ii) a copy of the written argument against the special local ballot proposition to the
- 2176 eligible voter who submitted the written argument in favor of the special local
- 2177 ballot proposition.
- 2178 (b) The eligible voter who submitted a timely written argument in favor of the special
- 2179 local ballot proposition:
- 2180 (i) may submit to the election officer a written rebuttal argument of the written
- 2181 argument against the special local ballot proposition;
- 2182 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
- 2183 length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii)
- 2184 or (iv); and
- 2185 (iii) ~~[except as provided in Subsection (13),]~~ shall submit the written rebuttal
- 2186 argument no later than 5 p.m. on the last business day that is at least 45 calendar
- 2187 days before the election day on which the special local ballot proposition will be
- 2188 submitted to the voters.
- 2189 (c) The eligible voter who submitted a timely written argument against the special local
- 2190 ballot proposition:
- 2191 (i) may submit to the election officer a written rebuttal argument of the written
- 2192 argument in favor of the special local ballot proposition;
- 2193 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
- 2194 length, not counting the information described in Subsection ~~[(2)(h)(ii)]~~ (2)(g)(ii)
- 2195 or (iv); and
- 2196 (iii) ~~[except as provided in Subsection (13),]~~ shall submit the written rebuttal
- 2197 argument no later than 5 p.m. on the last business day that is at least 45 calendar
- 2198 days before the election day on which the special local ballot proposition will be
- 2199 submitted to the voters.
- 2200 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
- 2201 relation to a special local ballot proposition that is submitted after the deadline
- 2202 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 2203 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot
- 2204 proposition:

- 2205 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
2206 after the eligible voter submits the written argument or written rebuttal argument  
2207 to the election officer; and
- 2208 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
2209 modify a written argument or a written rebuttal argument.
- 2210 (b) The election officer, and the eligible voter who submits a written argument or written  
2211 rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
2212 modify a written argument or written rebuttal argument in order to:
- 2213 (i) correct factual, grammatical, or spelling errors; and  
2214 (ii) reduce the number of words to come into compliance with the requirements of  
2215 this section.
- 2216 (c) An election officer shall refuse to accept and publish a written argument or written  
2217 rebuttal argument in relation to a special local ballot proposition if the eligible voter  
2218 who submits the written argument or written rebuttal argument fails to negotiate, in  
2219 good faith, to modify the written argument or written rebuttal argument in accordance  
2220 with Subsection (4)(b).
- 2221 (5) In relation to a special local ballot proposition, an election officer may designate another  
2222 eligible voter to take the place of an eligible voter described in this section if the original  
2223 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue  
2224 to fulfill the duties of an eligible voter described in this section.
- 2225 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
2226 included in a proposition information pamphlet under Section 20A-7-401.5:
- 2227 (a) may, if a written argument against the standard local ballot proposition is included in  
2228 the proposition information pamphlet, submit a written rebuttal argument to the  
2229 election officer;
- 2230 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
2231 and
- 2232 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business  
2233 day that is at least 45 calendar days before the election day on which the standard  
2234 local ballot proposition will be submitted to the voters.
- 2235 (7)(a) A county[~~-or municipality~~] , municipality, or school district that submitted a  
2236 written argument against a standard local ballot proposition that is included in a  
2237 proposition information pamphlet under Section 20A-7-401.5:
- 2238 (i) may, if a written argument in favor of the standard local ballot proposition is

- 2239 included in the proposition information pamphlet, submit a written rebuttal  
2240 argument to the election officer;
- 2241 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in  
2242 length; and
- 2243 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last  
2244 business day that is at least 45 calendar days before the election day on which the  
2245 ballot proposition will be submitted to the voters.
- 2246 (b) If a county~~[or municipality]~~ , municipality, or school district submits more than one  
2247 written rebuttal argument under Subsection (7)(a)(i), the election officer shall select  
2248 one of the written rebuttal arguments, giving preference to a written rebuttal  
2249 argument submitted by a member of a local legislative body or local school board.
- 2250 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument  
2251 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 2252 (b) Before an election officer publishes a local voter information pamphlet under this  
2253 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,  
2254 Government Records Access and Management Act.
- 2255 (c) An election officer who receives a written rebuttal argument described in this section  
2256 may not, before publishing the local voter information pamphlet described in this  
2257 section, disclose the written rebuttal argument, or any information contained in the  
2258 written rebuttal argument, to any person who may in any way be involved in  
2259 preparing an opposing rebuttal argument.
- 2260 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written  
2261 rebuttal argument after the written rebuttal argument is submitted to the election  
2262 officer.
- 2263 (b) The election officer, and the person who submits a written rebuttal argument, may  
2264 jointly agree to modify a written rebuttal argument in order to:
- 2265 (i) correct factual, grammatical, or spelling errors; or  
2266 (ii) reduce the number of words to come into compliance with the requirements of  
2267 this section.
- 2268 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
2269 the person who submits the written rebuttal argument:
- 2270 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
2271 accordance with Subsection (9)(b); or  
2272 (ii) does not timely submit the written rebuttal argument to the election officer.

- 2273 (d) An election officer shall make a good faith effort to negotiate a modification  
2274 described in Subsection (9)(b) in an expedited manner.
- 2275 (10) An election officer may designate another person to take the place of a person who  
2276 submits a written rebuttal argument in relation to a standard local ballot proposition if  
2277 the person is, due to injury, illness, death, or another circumstance, unable to continue to  
2278 fulfill the person's duties.
- 2279 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal  
2280 impact estimate and the legal impact statement prepared for each initiative under  
2281 Section 20A-7-502.5.
- 2282 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include  
2283 the following statement in bold type:  
2284 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
2285 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
2286 increase in the current tax rate."
- 2287 (12)(a) In preparing the local voter information pamphlet, the election officer shall:  
2288 (i) ensure that the written arguments are printed on the same sheet of paper upon  
2289 which the ballot proposition is also printed;  
2290 (ii) ensure that the following statement is printed on the front cover or the heading of the first  
2291 page of the printed written arguments:  
2292 "The arguments for or against a ballot proposition are the opinions of the authors.";  
2293 (iii) pay for the printing and binding of the local voter information pamphlet; and  
2294 (iv) not less than 15 calendar days before, but not more than 45 calendar days before,  
2295 the election at which the ballot proposition will be voted on, distribute, by mail or  
2296 carrier, to each registered voter entitled to vote on the ballot proposition:  
2297 (A) a voter information pamphlet; or  
2298 (B) the notice described in Subsection (12)(c).
- 2299 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the  
2300 election officer may summarize the ballot proposition in 500 words or less.  
2301 (ii) The summary shall state where a complete copy of the ballot proposition is  
2302 available for public review.
- 2303 (c)(i) The election officer may distribute a notice printed on a postage prepaid,  
2304 preaddressed return form that a person may use to request delivery of a voter  
2305 information pamphlet by mail.  
2306 (ii) The notice described in Subsection (12)(c)(i) shall include:

2307 (A) the address of the Statewide Electronic Voter Information Website authorized  
2308 by Section 20A-7-801; and

2309 (B) the phone number a voter may call to request delivery of a voter information  
2310 pamphlet by mail or carrier.

2311 [~~(13) For 2024 only, in relation to an election that will appear on the regular general  
2312 election ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3,  
2313 or 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72  
2314 calendar days before the day of the election:]~~

2315 [~~(a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later  
2316 than five business days after the notice is published;~~]

2317 [~~(b) the deadline to grant a request under Subsection (2)(f) is no later than seven  
2318 business days after the notice is published;~~]

2319 [~~(c) the deadline to submit the written argument to the election officer under Subsection  
2320 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;  
2321 and]~~

2322 [~~(d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or  
2323 (c)(iii) is no later than 17 business days after the notice is published.]~~

2324 Section 12. Section **20A-7-405** is amended to read:

2325 **20A-7-405 . Public meeting.**

2326 (1) A [~~county or municipality~~] county, municipality, or school district may not discuss a  
2327 proposed initiative, an initiative, a proposed referendum, or a referendum at a public  
2328 meeting unless the [~~county or municipality~~] county, municipality, or school district  
2329 complies with the requirements of this section.

2330 (2) The legislative body of a [~~county or municipality~~] county, municipality, or school district  
2331 may hold a public meeting to discuss a proposed initiative, an initiative, a proposed  
2332 referendum, or a referendum if the legislative body:

2333 (a) allows equal time, within a reasonable limit, for presentations on both sides of the  
2334 proposed initiative, initiative, proposed referendum, or referendum;

2335 (b) provides interested parties an opportunity to present oral testimony within reasonable  
2336 time limits; and

2337 (c) holds the public meeting:

2338 (i) during the legislative body's normal meeting time; or

2339 (ii) for a meeting time other than the legislative body's normal meeting time,  
2340 beginning at or after 6 p.m.

2341 (3) This section does not prohibit a working group meeting from being held before 6 p.m.

2342 Section 13. Section **20A-7-601** is amended to read:

2343 **20A-7-601 . Referenda -- General signature requirements -- Signature**  
 2344 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
 2345 **Time requirements.**

2346 (1) As used in this section:

2347 (a) "Number of active voters" means the number of active voters in the county, city, ~~or~~  
 2348 town, or school district on the immediately preceding January 1.

2349 (b) "Qualifying county" means a county that has created a small public transit district, as  
 2350 defined in Section 17B-2a-802, on or before January 1, 2022.

2351 (c) "Qualifying transit area" means:

2352 (i) a station area, as defined in Section 10-21-101, for which the municipality with  
 2353 jurisdiction over the station area has satisfied the requirements of Subsection  
 2354 10-21-203(1)(a)(i), as demonstrated by the adoption of a station area plan or  
 2355 resolution under Subsection 10-21-203(1); or

2356 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
 2357 within a qualifying county.

2358 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
 2359 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2360 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a  
 2361 local legislative body that imposes a tax or other payment obligation on property  
 2362 in an area that does not include all precincts and subprecincts under the  
 2363 jurisdiction of the county, city, or town.

2364 (ii) "Subjurisdictional law" does not include a land use law.

2365 (f) "Transit area land use law" means a land use law that relates to the use of land within  
 2366 a qualifying transit area.

2367 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
 2368 or (2)(b).

2369 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a  
 2370 local law passed by the local legislative body submitted to a vote of the people shall,  
 2371 after filing a referendum application, obtain legal signatures equal to:

2372 (a) for a county of the first class:

2373 (i) 7.75% of the number of active voters in the county; and

2374 (ii) ~~[beginning on January 1, 2020,]~~7.75% of the number of active voters in at least

- 2375 75% of the county's voter participation areas;
- 2376 (b) for a city of the first class:
- 2377 (i) 7.5% of the number of active voters in the city; and
- 2378 (ii) ~~[beginning on January 1, 2020,]~~7.5% of the number of active voters in at least
- 2379 75% of the city's voter participation areas;
- 2380 (c) for a county of the second class:
- 2381 (i) 8% of the number of active voters in the county; and
- 2382 (ii) ~~[beginning on January 1, 2020,]~~8% of the number of active voters in at least 75%
- 2383 of the county's voter participation areas;
- 2384 (d) for a city of the second class:
- 2385 (i) 8.25% of the number of active voters in the city; and
- 2386 (ii) ~~[beginning on January 1, 2020,]~~8.25% of the number of active voters in at least
- 2387 75% of the city's voter participation areas;
- 2388 (e) for a county of the third class:
- 2389 (i) 9.5% of the number of active voters in the county; and
- 2390 (ii) ~~[beginning on January 1, 2020,]~~9.5% of the number of active voters in at least
- 2391 75% of the county's voter participation areas;
- 2392 (f) for a city of the third class:
- 2393 (i) 10% of the number of active voters in the city; and
- 2394 (ii) ~~[beginning on January 1, 2020,]~~10% of the number of active voters in at least
- 2395 75% of the city's voter participation areas;
- 2396 (g) for a county of the fourth class:
- 2397 (i) 11.5% of the number of active voters in the county; and
- 2398 (ii) ~~[beginning on January 1, 2020,]~~11.5% of the number of active voters in at least
- 2399 75% of the county's voter participation areas;
- 2400 (h) for a city of the fourth class:
- 2401 (i) 11.5% of the number of active voters in the city; and
- 2402 (ii) ~~[beginning on January 1, 2020,]~~11.5% of the number of active voters in at least
- 2403 75% of the city's voter participation areas;
- 2404 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 2405 voters in the city or county; or
- 2406 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 2407 town or county.
- 2408 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use

- 2409 law or local obligation law passed by the local legislative body submitted to a vote of the  
2410 people shall, after filing a referendum application, obtain legal signatures equal to:
- 2411 (a) for a county of the first, second, third, or fourth class:
- 2412 (i) 16% of the number of active voters in the county; and
- 2413 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least  
2414 75% of the county's voter participation areas;
- 2415 (b) for a county of the fifth or sixth class:
- 2416 (i) 16% of the number of active voters in the county; and
- 2417 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least  
2418 75% of the county's voter participation areas;
- 2419 (c) for a city of the first class:
- 2420 (i) 15% of the number of active voters in the city; and
- 2421 (ii) [~~beginning on January 1, 2020,~~]15% of the number of active voters in at least  
2422 75% of the city's voter participation areas;
- 2423 (d) for or a city of the second class:
- 2424 (i) 16% of the number of active voters in the city; and
- 2425 (ii) [~~beginning on January 1, 2020,~~]16% of the number of active voters in at least  
2426 75% of the city's voter participation areas;
- 2427 (e) for a city of the third class:
- 2428 (i) 27.5% of the number of active voters in the city; and
- 2429 (ii) [~~beginning on January 1, 2020,~~]27.5% of the number of active voters in at least  
2430 75% of the city's voter participation areas;
- 2431 (f) for a city of the fourth class:
- 2432 (i) 29% of the number of active voters in the city; and
- 2433 (ii) [~~beginning on January 1, 2020,~~]29% of the number of active voters in at least  
2434 75% of the city's voter participation areas;
- 2435 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 2436 (h) for a town, 40% of the number of active voters in the town.
- 2437 (4) A person seeking to have a subjurisdictional law passed by the local legislative body  
2438 submitted to a vote of the people shall, after filing a referendum application, obtain legal  
2439 signatures of the residents in the subjurisdiction equal to:
- 2440 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
2441 voters exceeds 25,000;
- 2442 (b) 12.5% of the number of active voters in the subjurisdiction if the number of active

- 2443 voters does not exceed 25,000 but is more than 10,000;
- 2444 (c) 15% of the number of active voters in the subjurisdiction if the number of active
- 2445 voters does not exceed 10,000 but is more than 2,500;
- 2446 (d) 20% of the number of active voters in the subjurisdiction if the number of active
- 2447 voters does not exceed 2,500 but is more than 500;
- 2448 (e) 25% of the number of active voters in the subjurisdiction if the number of active
- 2449 voters does not exceed 500 but is more than 250; [~~and~~] or
- 2450 (f) 30% of the number of active voters in the subjurisdiction if the number of active
- 2451 voters does not exceed 250.
- 2452 (5) An eligible voter seeking to have a transit area land use law passed by the local
- 2453 legislative body submitted to a vote of the people shall, after filing a referendum
- 2454 application, obtain legal signatures equal to:
- 2455 (a) for a county:
- 2456 (i) 20% of the number of active voters in the county; and
- 2457 (ii) 21% of the number of active voters in at least 75% of the county's voter
- 2458 participation areas;
- 2459 (b) for a city of the first class:
- 2460 (i) 20% of the number of active voters in the city; and
- 2461 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
- 2462 areas;
- 2463 (c) for a city of the second class:
- 2464 (i) 20% of the number of active voters in the city; and
- 2465 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
- 2466 areas;
- 2467 (d) for a city of the third class:
- 2468 (i) 34% of the number of active voters in the city; and
- 2469 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
- 2470 areas;
- 2471 (e) for a city of the fourth class:
- 2472 (i) 36% of the number of active voters in the city; and
- 2473 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
- 2474 areas; or
- 2475 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
- 2476 town.

2477 (6) An eligible voter seeking to have a local law or local school tax law passed by the local  
 2478 school board of a school district submitted to a vote of the people shall, after filing a  
 2479 referendum application, obtain legal signatures equal to:

2480 (a) 10% of the number of active voters in the school district if the number of active  
 2481 voters exceeds 25,000;

2482 (b) 12.5% of the number of active voters in the school district if the number of active  
 2483 voters does not exceed 25,000 but is more than 10,000;

2484 (c) 15% of the number of active voters in the school district if the number of active  
 2485 voters does not exceed 10,000 but is more than 2,500;

2486 (d) 20% of the number of active voters in the school district if the number of active  
 2487 voters does not exceed 2,500 but is more than 500;

2488 (e) 25% of the number of active voters in the school district if the number of active  
 2489 voters does not exceed 500 but is more than 250; or

2490 (f) 30% of the number of active voters in the school district if the number of active  
 2491 voters does not exceed 250.

2492 [~~(6)~~] (7) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), [~~or~~]  
 2493 (5), or (6), any local law or local school tax law passed by a local legislative body or  
 2494 local school board, as applicable, shall file the application no later than the first business  
 2495 day that is at least five calendar days after the day on which the local law or the local  
 2496 school tax law was passed.

2497 [~~(7)~~] (8) This section does not authorize a local legislative body to impose a tax or other  
 2498 payment obligation on a subjurisdiction in order to benefit an area outside of the  
 2499 subjurisdiction.

2500 Section 14. Section **20A-7-602** is amended to read:

2501 **20A-7-602 . Local referendum process -- Application procedures.**

2502 (1) Individuals wishing to circulate a referendum petition shall file a referendum  
 2503 application with the local clerk.

2504 (2) The referendum application shall include:

2505 (a) the name and residence address of at least five sponsors of the referendum petition;

2506 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

2507 (c) a statement indicating whether persons gathering signatures for the referendum  
 2508 petition may be paid for gathering signatures;

2509 (d) the signature of each of the sponsors, acknowledged by a notary public; and

2510 (e)(i) if the referendum challenges an ordinance or resolution, a copy of the ordinance

- 2511 or resolution;~~[-or]~~
- 2512 (ii) if the referendum challenges a local law that is not an ordinance or resolution, a
- 2513 written description of the local law, including the result of the local legislative
- 2514 body's vote on the local law[-:] ; or
- 2515 (iii) if the referendum challenges a local school tax law, a written description of the
- 2516 local school tax law, including the results of the local school board's vote on the
- 2517 local school tax law.

2518 Section 15. Section **20A-7-602.5** is amended to read:

2519 **20A-7-602.5 . Initial fiscal and legal impact statement -- Preparation of statement.**

- 2520 (1) Within three business days after the day on which the local clerk receives a referendum
- 2521 application, the local clerk shall submit a copy of the referendum application to the [
- 2522 ~~county, city, or town's]~~ county's, city's, town's, or school district's budget officer.
- 2523 (2)(a) The budget officer, together with legal counsel, shall prepare an unbiased, good
- 2524 faith initial fiscal and legal impact statement for repealing the law the referendum
- 2525 proposes to repeal that contains:
- 2526 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
- 2527 (ii) if repealing the law would increase or decrease taxes, a dollar amount
- 2528 representing the total estimated increase or decrease for each type of tax that
- 2529 would be impacted by the law's repeal and a dollar amount representing the total
- 2530 estimated increase or decrease in taxes that would result from the law's repeal;
- 2531 (iii) if repealing the law would result in the issuance or a change in the status of
- 2532 bonds, notes, or other debt instruments, a dollar amount representing the total
- 2533 estimated increase or decrease in public debt that would result;
- 2534 (iv) a listing of all sources of funding for the estimated costs that would be associated
- 2535 with the law's repeal, showing each source of funding and the percentage of total
- 2536 funding that would be provided from each source;
- 2537 (v) a dollar amount representing the estimated costs or savings, if any, to state and
- 2538 local government entities if the law were repealed;
- 2539 (vi) the legal impacts that would result from repealing the law, including:
- 2540 (A) any significant effects on a person's vested property rights;
- 2541 (B) any significant effects on other laws or ordinances;
- 2542 (C) any significant legal liability the city, county, or town may incur; and
- 2543 (D) any other significant legal impact as determined by the budget officer and the
- 2544 legal counsel; and

2545 (vii) a concise explanation, not exceeding 100 words, of the information described in  
 2546 this Subsection (2)(a) and of the estimated fiscal impact, if any, if the law were  
 2547 repealed.

2548 (b)(i) If repealing the law would have no fiscal impact, the local budget officer shall include a  
 2549 summary statement in the initial fiscal impact and legal statement in substantially the  
 2550 following form:

2551 "The (title of the local budget officer) estimates that repealing the law this referendum  
 2552 proposes to repeal would have no significant fiscal impact and would not result in either an  
 2553 increase or decrease in taxes or debt."

2554 (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer  
 2555 shall include a summary statement in the initial fiscal and legal impact statement  
 2556 describing the fiscal impact.

2557 (iii) If the estimated fiscal impact of repealing the law is highly variable or is  
 2558 otherwise difficult to reasonably express in a summary statement, the local budget  
 2559 officer may include in the summary statement a brief explanation that identifies  
 2560 those factors impacting the variability or difficulty of the estimate.

2561 (3) Within 20 calendar days after the day on which the local clerk submits a copy of the  
 2562 application under Subsection (1), the budget officer shall:

2563 (a) send a copy of the initial fiscal impact and legal statement to the local clerk's office;  
 2564 and

2565 (b) send a copy of the initial fiscal impact and legal statement to the first three sponsors  
 2566 named in the referendum application.

2567 Section 16. Section **20A-7-602.7** is amended to read:

2568 **20A-7-602.7 . Referability to voters of local law other than land use law.**

2569 (1) Within 20 calendar days after the day on which an eligible voter files a referendum  
 2570 application under Section 20A-7-602 for a local school tax law, or a local law other than  
 2571 a land use law, counsel for the county, city, [~~or town~~] town, or school district to which  
 2572 the referendum [~~pertains~~] relates shall:

2573 (a) review the referendum application to determine whether the proposed referendum is  
 2574 legally referable to voters; and

2575 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2576 (i) legally referable to voters; or

2577 (ii) rejected as not legally referable to voters.

2578 (2) For a local school tax law, or a local law other than a land use law, a proposed

- 2579 referendum is legally referable to voters unless:
- 2580 (a) the proposed referendum challenges an action that is administrative, rather than
- 2581 legislative, in nature;
- 2582 (b) the proposed referendum challenges more than one law passed by the local
- 2583 legislative body or the local school board; or
- 2584 (c) the referendum application was not timely filed or does not comply with the
- 2585 requirements of this part.
- 2586 (3) After the end of the 20-calendar-day period described in Subsection (1), [~~a county, city,~~
- 2587 ~~or town may not, for a local law other than a land use law~~] a county, city, town, or school
- 2588 district may not, for a local school tax law, or a local law other than a land use law:
- 2589 (a) reject a proposed referendum as not legally referable to voters; or
- 2590 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 2591 proposed referendum on the grounds that the proposed referendum is not legally
- 2592 referable to voters.
- 2593 (4)(a) If, under Subsection (1)(b)(ii), a county, city, [~~or town~~] town, or school district
- 2594 rejects a proposed referendum concerning a local school tax law, or a local law other
- 2595 than a land use law, a sponsor of the proposed referendum may, within 10 days after
- 2596 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal
- 2597 the decision to:
- 2598 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 2599 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 2600 under Subsection (4)(a)(i).
- 2601 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 2602 terminates the referendum.
- 2603 (5) If, on a challenge or appeal, the court determines that the proposed referendum
- 2604 described in Subsection (4) is legally referable to voters, the local clerk shall comply
- 2605 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
- 2606 Section 20A-21-101, within five calendar days after the day on which the determination,
- 2607 and any challenge or appeal of the determination, is final.

2608 *The following section is affected by a coordination clause at the end of this bill.*

2609 Section 17. Section **20A-7-603** is amended to read:

2610 **20A-7-603 . Manual referendum process -- Form of referendum petition and**

2611 **signature sheet.**

2612 (1) This section applies only to the manual referendum process.

2613 (2)(a) Each proposed referendum petition shall be printed in substantially the following form:

2614 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City

2615 Recorder/Town Clerk:

2616 We, the undersigned citizens of Utah, respectfully order that (description of the local  
2617 law or local school tax law, or portion of local law or local school tax law being challenged),  
2618 passed by the \_\_\_\_\_ be referred to the voters for their approval or rejection at the  
2619 regular/municipal general election to be held on \_\_\_\_\_(month\day\year);

2620 Each signer says:

2621 I have personally signed this referendum petition or, if I am an individual with a  
2622 qualifying disability, I have signed this referendum petition by directing the signature gatherer  
2623 to enter the initials "AV" as my signature;

2624 The date next to my signature correctly reflects the date that I actually signed the  
2625 petition;

2626 I have personally read the entire statement included with this packet;

2627 I am registered to vote in Utah; and

2628 My residence and post office address are written correctly after my name."

2629 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the  
2630 law that is the subject of the referendum to each referendum petition.

2631 (3) Each referendum signature sheet shall:

2632 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

2633 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
2634 that line blank for the purpose of binding;

2635 (c) include the title of the referendum printed below the horizontal line, in at least  
2636 14-point type;

2637 (d) include a table immediately below the title of the referendum, and beginning .5 inch  
2638 from the left side of the paper, as follows:

2639 (i) the first column shall be .5 inch wide and include three rows;

2640 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
2641 Office Use Only" in 10-point type;

2642 (iii) the second row of the first column shall be .35 inch tall;

2643 (iv) the third row of the first column shall be .5 inch tall;

2644 (v) the second column shall be 2.75 inches wide;

2645 (vi) the first row of the second column shall be .35 inch tall and contain the words  
2646 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point

- 2647 type;
- 2648 (vii) the second row of the second column shall be .5 inch tall;
- 2649 (viii) the third row of the second column shall be .35 inch tall and contain the words
- 2650 "Street Address, City, Zip Code" in 10-point type;
- 2651 (ix) the fourth row of the second column shall be .5 inch tall;
- 2652 (x) the third column shall be 2.75 inches wide;
- 2653 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 2654 "Signature of Registered Voter" in 10-point type;
- 2655 (xii) the second row of the third column shall be .5 inch tall;
- 2656 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 2657 "Email Address (optional, to receive additional information)" in 10-point type;
- 2658 (xiv) the fourth row of the third column shall be .5 inch tall;
- 2659 (xv) the fourth column shall be one inch wide;
- 2660 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 2661 "Date Signed" in 10-point type;
- 2662 (xvii) the second row of the fourth column shall be .5 inch tall;
- 2663 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 2664 "Birth Date or Age (optional)" in 10-point type;
- 2665 (xix) the fourth row of the third column shall be .5 inch tall; and
- 2666 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 2667 and contain the following words, "By signing this referendum petition, you are
- 2668 stating that you have read and understand the law that this referendum petition
- 2669 seeks to overturn." in 12-point type;

2670 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at

2671 the bottom of the sheet or the information described in Subsection (3)(f); and

2672 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by

2673 the following statement in not less than eight-point type:

2674 "It is a class A misdemeanor for an individual to sign a referendum petition with a name

2675 other than the individual's own name, or to knowingly sign the individual's name more than

2676 once for the same referendum petition, or to sign a referendum petition when the individual

2677 knows that the individual is not a registered voter.

2678 Birth date or age information is not required, but it may be used to verify your identity

2679 with voter registration records. If you choose not to provide it, your signature may not be

2680 verified as a valid signature if you change your address before petition signatures are verified

2681 or if the information you provide does not match your voter registration records."

2682 (4) The final page of each referendum packet shall contain the following printed or typed  
2683 statement:

2684 "Verification of signature collector  
2685 State of Utah, County of \_\_\_\_

2686 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:  
2687 I am at least 18 years old;

2688 All the names that appear in this packet were signed by individuals who professed to be  
2689 the individuals whose names appear in it, and each of the individuals signed the individual's  
2690 name on it in my presence or, in the case of an individual with a qualifying disability, I have  
2691 signed this referendum petition on the individual's behalf, at the direction of the individual and  
2692 in the individual's presence, by entering the initials "AV" as the individual's signature;

2693 I certify that, for each individual whose signature is represented in this referendum  
2694 packet by the initials "AV":

2695 I obtained the individual's voluntary direction or consent to sign the referendum  
2696 petition on the individual's behalf;

2697 I do not believe, or have reason to believe, that the individual lacked the mental  
2698 capacity to give direction or consent;

2699 I do not believe, or have reason to believe, that the individual did not  
2700 understand the purpose or nature of my signing the referendum petition on the individual's  
2701 behalf;

2702 I did not intentionally or knowingly deceive the individual into directing me to,  
2703 or consenting for me to, sign the referendum petition on the individual's behalf; and

2704 I did not intentionally or knowingly enter false information on the signature  
2705 sheet;

2706 I did not knowingly make a misrepresentation of fact concerning the law this petition  
2707 seeks to overturn; and

2708 I believe that each individual's name, post office address, and residence is written  
2709 correctly, that each signer has read the law that the referendum seeks to overturn, and that each  
2710 signer is registered to vote in Utah.

2711 \_\_\_\_\_

2712  
2713 (Name) (Residence Address) (Date)

2714 The correct date of signature appears next to each individual's name.

2715 I have not paid or given anything of value to any individual who signed this referendum  
 2716 packet to encourage that individual to sign it.

2717

2718 \_\_\_\_\_  
 (Name) (Residence Address) (Date)".

2719 (5) If the forms described in this section are substantially followed, the referendum  
 2720 petitions are sufficient, notwithstanding clerical and merely technical errors.

2721 Section 18. Section **20A-7-604** is amended to read:

2722 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**  
 2723 **clerk to provide sponsors with materials.**

2724 (1) This section applies only to the manual referendum process.

2725 (2) In order to obtain the necessary number of signatures required by this part, the sponsors  
 2726 or an agent of the sponsors shall, after the sponsors receive the documents described in  
 2727 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form  
 2728 requirements of this part.

2729 (3) Within five calendar days after the day on which a county, city, town, school district, or  
 2730 court determines, in accordance with Section 20A-7-602.7, that a proposed referendum  
 2731 is legally referable to voters, the local clerk shall provide the sponsors with:

2732 (a) a copy of the referendum petition;

2733 (b) a signature sheet; and

2734 (c) a copy of the proposition information pamphlet provided to the sponsors under  
 2735 Subsection 20A-7-401.5(4)(b).

2736 (4) The sponsors of the referendum petition shall:

2737 (a) arrange and pay for the printing of all documents that are part of the referendum  
 2738 packets; and

2739 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)  
 2740 meet the form requirements of this section.

2741 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for  
 2742 circulation by creating multiple referendum packets.

2743 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding  
 2744 a copy of the referendum petition with the text of the law that is the subject of the  
 2745 referendum and no more than 50 signature sheets together at the top in a manner that  
 2746 the referendum packets may be conveniently opened for signing.

2747 (c) A referendum packet is not required to have a uniform number of signature sheets.

2748 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of

- 2749 the proposition information pamphlet provided to the sponsors under Subsection  
2750 20A-7-401.5(4)(b).
- 2751 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:  
2752 (i) contact the county clerk to receive a range of numbers that the sponsors may use  
2753 to number referendum packets;  
2754 (ii) sign an agreement with the local clerk, specifying the range of numbers that the  
2755 sponsor will use to number the referendum packets; and  
2756 (iii) number each referendum packet, sequentially, within the range of numbers  
2757 provided by the county clerk, starting with the lowest number in the range.
- 2758 (b) The sponsors or an agent of the sponsors may not:  
2759 (i) number a referendum packet in a manner not directed by the county clerk; or  
2760 (ii) circulate or submit a referendum packet that is not numbered in the manner  
2761 directed by the county clerk.

2762 Section 19. Section **20A-7-607** is amended to read:

2763 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**  
2764 **referendum.**

- 2765 (1) In relation to the manual referendum process, when the local clerk receives a  
2766 referendum packet from a county clerk, the local clerk shall record the number of the  
2767 referendum packet received.
- 2768 (2) The county clerk shall:  
2769 (a) in relation to the manual referendum process:  
2770 (i) post the names, voter identification numbers, and dates of signatures described in  
2771 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a  
2772 conspicuous location designated by the lieutenant governor, for at least 45  
2773 calendar days; and  
2774 (ii) update on the local clerk's website the number of signatures certified as of the  
2775 date of the update; or  
2776 (b) in relation to the electronic referendum process:  
2777 (i) post the names, voter identification numbers, and dates of signatures described in  
2778 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous  
2779 location designated by the lieutenant governor, for at least 45 calendar days; and  
2780 (ii) update on the lieutenant governor's website the number of signatures certified as  
2781 of the date of the update.
- 2782 (3) The local clerk:

- 2783 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
2784 sufficient or insufficient:
- 2785 (i) in relation to the manual referendum process, no later than 111 calendar days after  
2786 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a  
2787 referendum packet to the county clerk; or
- 2788 (ii) in relation to the electronic referendum process, no later than 111 calendar days  
2789 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a  
2790 signature; or
- 2791 (b) may declare the referendum petition to be insufficient before the day described in  
2792 Subsection (3)(a) if:
- 2793 (i) in relation to the manual referendum process, the total of all valid signatures on  
2794 timely and lawfully submitted referendum packets that have been certified by the  
2795 county clerk, plus the number of signatures on timely and lawfully submitted  
2796 referendum packets that have not yet been evaluated for certification, is less than  
2797 the number of names required under Section 20A-7-601;
- 2798 (ii) in relation to the electronic referendum process, the total of all timely and  
2799 lawfully submitted valid signatures that have been certified by the county clerks,  
2800 plus the number of timely and lawfully submitted valid signatures received under  
2801 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is  
2802 less than the number of names required under Section 20A-7-601; or
- 2803 (iii) a requirement of this part has not been met.
- 2804 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the  
2805 number of names required under Section 20A-7-601, and the requirements of this  
2806 part are met, the local clerk shall mark upon the front of the referendum petition the  
2807 word "sufficient."
- 2808 (b) If the total number of names certified under Subsection (3) does not equal or exceed  
2809 the number of names required under Section 20A-7-601 or a requirement of this part  
2810 is not met, the local clerk shall mark upon the front of the referendum petition the  
2811 word "insufficient."
- 2812 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
2813 finding.
- 2814 (d) After a referendum petition is declared insufficient, a person may not submit  
2815 additional signatures to qualify the referendum for the ballot.
- 2816 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter

- 2817 may, no later than 10 days after the day on which the local clerk declares the  
2818 referendum petition insufficient, apply to the appropriate court for an order finding  
2819 the referendum petition legally sufficient.
- 2820 (b) If the court determines that the referendum petition is legally sufficient, the local  
2821 clerk shall mark the referendum petition "sufficient" and consider the declaration of  
2822 sufficiency effective as of the date on which the referendum petition should have  
2823 been declared sufficient by the local clerk's office.
- 2824 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
2825 court may enjoin the local clerk and all other officers from:
- 2826 (i) certifying or printing the ballot title and numbers of that referendum on the official  
2827 ballot for the next election; or
- 2828 (ii) as it relates to a local tax law or local school tax law that is conducted entirely by  
2829 mail, certifying, printing, or mailing the ballot title and numbers of that  
2830 referendum under Section 20A-7-609.5.
- 2831 (6) A referendum petition determined to be sufficient in accordance with this section is  
2832 qualified for the ballot.
- 2833 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
2834 legislative action taken after April 15, the election officer may not place the  
2835 referendum on an election ballot until a primary election, a general election, or a  
2836 special election the following year.
- 2837 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
2838 ballot for a special, primary, or general election held during the year that the  
2839 legislative action was taken if the following agree, in writing, on a timeline to place  
2840 the referendum on that ballot:
- 2841 (i) the local clerk;
- 2842 (ii) the county clerk; and
- 2843 (iii) the attorney for the county~~[-or-]~~ , municipality, or school district that took the  
2844 legislative action.
- 2845 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
2846 determines that the total number of certified names equals or exceeds the number of  
2847 signatures required in Section 20A-7-601, the election officer shall place the  
2848 referendum on the election ballot for:
- 2849 (i) the next general election; or
- 2850 (ii) another election, if the following agree, in writing, on a timeline to place the

- 2851 referendum on that ballot:
- 2852 (A) the affected owners, as defined in Section 10-20-102 or 17-79-102, as
- 2853 applicable;
- 2854 (B) the local clerk;
- 2855 (C) the county clerk; and
- 2856 (D) the attorney for the county or municipality that took the legislative action.

2857 Section 20. Section **20A-7-608** is amended to read:

2858 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**

2859 **local attorney.**

- 2860 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
- 2861 referendum petition and the law to which the referendum relates to the local attorney.
- 2862 (2) The local attorney shall:
- 2863 (a) entitle each [~~county or municipal~~] county, municipal, or school district referendum
- 2864 that qualifies for the ballot "Proposition Number \_\_\_" and give the referendum a
- 2865 number assigned in accordance with Section 20A-6-107;
- 2866 (b) prepare for the referendum:
- 2867 (i) an impartial short title, not exceeding 25 words, that generally describes the
- 2868 subject of the law to which the referendum relates; and
- 2869 (ii) an impartial summary of the contents of the law to which the referendum relates,
- 2870 not exceeding 125 words;
- 2871 (c) file the proposed short title, summary, and the numbered referendum title with the
- 2872 local clerk within 20 calendar days after the day on which an eligible voter submits
- 2873 the referendum petition to the local clerk; and
- 2874 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 2875 (i) the sponsors of the petition; and
- 2876 (ii) the local legislative body or the local school board for the jurisdiction where the
- 2877 referendum petition was circulated.
- 2878 (3)(a) The short title and summary may be distinct from the title of the law that is the
- 2879 subject of the referendum petition.
- 2880 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
- 2881 ability, give a true and impartial description of the subject of the referendum.
- 2882 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
- 2883 ability, give a true and impartial summary of the contents of the referendum.
- 2884 (d) The short title and summary may not intentionally be an argument, or likely to create

- 2885 prejudice, for or against the referendum.
- 2886 (4)(a) Within five calendar days after the day on which the local attorney files a  
2887 proposed short title and summary under Subsection (2)(c), the local legislative body  
2888 or the local school board for the jurisdiction where the referendum petition was  
2889 circulated and the sponsors of the referendum petition may file written comments in  
2890 response to the proposed short title and summary with the local clerk.
- 2891 (b) Within five calendar days after the last date to submit written comments under  
2892 Subsection (4)(a), the local attorney shall:
- 2893 (i) review any written comments filed in accordance with Subsection (4)(a);  
2894 (ii) prepare a final short title and summary that meets the requirements of Subsection  
2895 (3); and  
2896 (iii) return the referendum petition and file the short title and summary with the local  
2897 clerk.
- 2898 (c) Subject to Subsection (6), for each [~~county or municipal~~] county, municipal, or school  
2899 district referendum, the following shall be printed on the official ballot:
- 2900 (i) the short title; and  
2901 (ii) except as provided in Subsection (4)(d):  
2902 (A) the summary;  
2903 (B) a copy of the ordinance, resolution, or written description of the local law or  
2904 the local school tax law; and  
2905 (C) a link to a location on the election officer's website where a voter may review  
2906 additional information relating to each referendum, including the information  
2907 described in Subsection 20A-7-602(2) and the arguments relating to the  
2908 referendum that are included in the local voter information pamphlet.
- 2909 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
2910 ballot, the election officer shall include with the ballot a separate ballot proposition  
2911 insert that includes the short title and summary for each referendum on the ballot and  
2912 a link to a location on the election officer's website where a voter may review the  
2913 additional information described in Subsection (4)(c)(ii)(C).
- 2914 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives  
2915 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda  
2916 on the ballot, is printed on the ballot, the ballot shall include the following statement  
2917 at the beginning of the portion of the ballot that includes ballot measures, "The ballot  
2918 proposition sheet included with this ballot contains an impartial summary of each

2919 initiative and referendum on this ballot, unless the summary is printed directly on the  
2920 ballot."

2921 (5) Immediately after the local attorney files a copy of the short title and summary with the  
2922 local clerk, the local clerk shall send a copy of the short title and summary to the  
2923 sponsors of the referendum petition and the local legislative body or the local school  
2924 board for the jurisdiction where the referendum petition was circulated.

2925 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or  
2926 does not comply with the requirements of this section, the decision of the local  
2927 attorney may be appealed to the appropriate court by:

2928 (i) at least three sponsors of the referendum petition; or

2929 (ii) a majority of the local legislative body or the local school board for the  
2930 jurisdiction where the referendum petition was circulated.

2931 (b) The court shall:

2932 (i) [~~shall~~]examine the short title and summary and consider the arguments; and

2933 (ii) enter an order consistent with the requirements of this section.

2934 (c) The local clerk shall include the short title and summary in the ballot or ballot  
2935 proposition insert, as required by this section.

2936 Section 21. Section **20A-7-609** is amended to read:

2937 **20A-7-609 . Form of ballot -- Manner of voting.**

2938 (1) The local clerk shall ensure that the number and ballot title are presented upon the  
2939 official ballot with, immediately adjacent to them, the words "For" and "Against," each  
2940 word presented with an adjacent square in which the elector may indicate the elector's  
2941 vote.

2942 (2)(a) Except as provided in Subsection [~~(2)(e)(i)~~] (2)(d)(i), and unless the county  
2943 legislative body calls a special election, the county clerk shall ensure that [~~county~~  
2944 ~~referenda that have~~] a county referendum that has qualified for the ballot [~~appear~~  
2945 appears] on the next regular general election ballot.

2946 (b) Except as provided in Subsection [~~(2)(e)(ii)~~] (2)(d)(ii), and unless the municipal  
2947 legislative body calls a special election, the municipal recorder or town clerk shall  
2948 ensure that [~~municipal referenda that have~~] a municipal referendum that has qualified  
2949 for the ballot [~~appear~~] appears on the next regular municipal election ballot.

2950 (c) Except as provided in Subsection (2)(d)(iii), and unless the local school board calls a  
2951 special election, the county clerk shall ensure that a school district referendum that  
2952 has qualified for the ballot appears on the next regular general election ballot.

- 2953           ~~(e)~~ ~~(d)~~~~(f)~~ Except as provided in Section 20A-7-609.5 or Section 20A-7-613:
- 2954           (i) ~~(H)~~ if a local law passes after January 30 of the year in which there is a regular
- 2955                 general election, the county clerk shall ensure that a county referendum that has
- 2956                 qualified for the ballot appears on the ballot at the second regular general election
- 2957                 immediately following the passage of the local law unless the county legislative
- 2958                 body calls a special election~~[-]~~ ;
- 2959           (ii) ~~(H)~~ if a local law passes after January 30 of the year in which there is a municipal
- 2960                 general election, the municipal recorder or town clerk shall ensure that a
- 2961                 municipal referendum that has qualified for the ballot appears on the ballot at the
- 2962                 second municipal general election immediately following the passage of the local
- 2963                 law unless the municipal legislative body calls a special election~~[-]~~ ; and
- 2964           (iii) if a local law or local school tax law passes after January 30 of the year in which
- 2965                 there is a regular general election, the county clerk shall ensure that a school
- 2966                 district referendum that has qualified for the ballot appears on the ballot at the
- 2967                 second regular general election immediately following passage of the local law or
- 2968                 local school tax law unless the local school board calls a special election.
- 2969 (3)(a)(i) A voter desiring to vote in favor of the law that is the subject of the
- 2970                 referendum shall mark the square adjacent to the word "For."
- 2971                 (ii) The law that is the subject of the referendum is effective if a majority of voters
- 2972                 mark "For."
- 2973 (b)(i) A voter desiring to vote against the law that is the subject of the referendum
- 2974                 shall mark the square following the word "Against."
- 2975                 (ii) The law that is the subject of the referendum is not effective if a majority of
- 2976                 voters mark "Against."
- 2977                 Section 22. Section **20A-7-609.5** is amended to read:
- 2978                 **20A-7-609.5 . Election on referendum challenging local tax law or local school**
- 2979                 **tax law conducted entirely by mail.**
- 2980                 (1) An election officer may administer an election on a referendum challenging a local tax
- 2981                 law or a local school tax law entirely by mail.
- 2982                 (2) For purposes of an election conducted under this section, the election officer shall:
- 2983                 (a) designate as the election day the first business day that is at least 30 calendar days
- 2984                 after the day on which the election officer complies with Subsection (2)(b); and
- 2985                 (b) subject to Subsection (6), within 30 calendar days after the day on which the
- 2986                 referendum described in Subsection (1) qualifies for the ballot, mail to each

- 2987 registered voter within the voting precincts or school district to which the local tax  
2988 law or the local school tax law applies:
- 2989 (i) a manual ballot;
  - 2990 (ii) a statement that there will be no polling place for the election;
  - 2991 (iii) a statement specifying the election day described in Subsection (2)(a);
  - 2992 (iv) a return envelope;
  - 2993 (v) instructions for returning the ballot that include an express notice about any  
2994 relevant deadlines that the voter must meet in order for the voter's vote to be  
2995 counted;
  - 2996 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if  
2997 the voter fails to follow the instructions included with the manual ballot, the voter  
2998 will be unable to vote in that election because there will be no polling place for the  
2999 election; and
  - 3000 (vii)(A) a copy of the proposition information pamphlet relating to the referendum  
3001 if a proposition information pamphlet relating to the referendum was published  
3002 under Section 20A-7-401.5; or
  - 3003 (B) a website address where an individual may view a copy of the proposition  
3004 information pamphlet described in Subsection (2)(b)(vii)(A).
- 3005 (3) An election officer who administers an election under this section shall:
- 3006 (a)(i) obtain, in person, the signatures of each voter within that voting precinct or  
3007 school district before the election; or
  - 3008 (ii) obtain the signature of each voter within the voting precinct or school district  
3009 from the county clerk; and
  - 3010 (b) maintain the signatures on file in the election officer's office.
- 3011 (4)(a) Upon receiving a returned manual ballot under this section, the election officer  
3012 shall compare the signature on each return envelope with the voter's signature that is  
3013 maintained on file and verify that the signatures are the same.
- 3014 (b) If the election officer questions the authenticity of the signature on the return  
3015 envelope, the election officer shall immediately contact the voter to verify the  
3016 signature.
  - 3017 (c) If there is not a signature on the return envelope or if the election officer determines  
3018 that the signature on the return envelope does not match the voter's signature that is  
3019 maintained on file, the election officer shall:
    - 3020 (i) disqualify the ballot; and

3021 (ii) notify the voter of the disqualification and the reason for the disqualification.

3022 (5) The following provisions do not apply to an election described in this section:

3023 (a) Section 20A-3a-201;

3024 (b) Subsection 20A-3a-202(2)(a)(iv);

3025 (c) Section 20A-3a-203;

3026 (d) Section 20A-3a-601;

3027 (e) Section 20A-3a-603;

3028 (f) Section 20A-3a-702;

3029 (g) Section 20A-5-403; or

3030 (h) Subsection 20A-7-609(2).

3031 (6) Notwithstanding Section 20A-3a-202.5, for an election described in this section, the  
3032 election officer shall send a ballot by mail to all registered voters in the jurisdiction.

3033 Section 23. Section **20A-7-610** is amended to read:

3034 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**  
3035 **proclamation.**

3036 (1) The votes on the law that is the subject of the referendum petition shall be counted,  
3037 canvassed, and delivered as provided in Chapter 4, Part 3, Canvassing Returns.

3038 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to  
3039 the local legislative body or the local school board the vote for and against the law that  
3040 is the subject of the referendum petition.

3041 (3)(a) The local legislative body or the local school board shall immediately issue a  
3042 proclamation that:

3043 (i) gives the total number of votes cast in the local jurisdiction for and against each  
3044 law that is the subject of a referendum petition; and

3045 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of  
3046 a referendum petition that are approved by majority vote to be in full force and  
3047 effect as the law of the local jurisdiction.

3048 (b) When the local legislative body or the local school board determines that two laws,  
3049 or that parts of two laws approved by the people at the same election are entirely in  
3050 conflict, the local legislative body shall proclaim to be law the law that received the  
3051 greatest number of affirmative votes, regardless of the difference in the majorities  
3052 which those approved laws received.

3053 (4)(a) Within 10 days after the day on which the local legislative body or the local  
3054 school board issues the proclamation described in Subsection (3), any qualified voter

3055 residing in the jurisdiction for a law that is declared by the local legislative body to  
 3056 be superseded by another law approved at the same election may bring an action in  
 3057 the appropriate court to review the decision.

3058 (b) The court shall:

3059 (i) consider the matter and decide whether the approved laws are entirely in conflict;  
 3060 and

3061 (ii) issue an order, consistent with the court's decision, to the local legislative body or  
 3062 the local school board.

3063 (5) Within 10 calendar days after the day on which the court enters an order under  
 3064 Subsection (4)(b)(ii), the local legislative body or the local school board shall:

3065 (a) proclaim as law all those laws approved by the people that the court determines are  
 3066 not in conflict; and

3067 (b) of all those laws approved by the people as law that the court determines to be in  
 3068 conflict, proclaim as law the one that receives the greatest number of affirmative  
 3069 votes, regardless of the difference in majorities.

3070 Section 24. Section **20A-7-611** is amended to read:

3071 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**  
 3072 **legislative body.**

3073 (1) Any law submitted to the people by referendum petition that is rejected by the voters at  
 3074 any election is repealed as of the date of the election.

3075 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk  
 3076 determines that, at that point in time, an adequate number of signatures are certified to  
 3077 comply with the signature requirements, the local clerk shall:

3078 (a) issue an order temporarily staying the law from going into effect; and

3079 (b) continue the process of certifying signatures and removing signatures as required by  
 3080 this part.

3081 (3) The temporary stay described in Subsection (2)(a) remains in effect, regardless of  
 3082 whether a future count falls below the signature threshold, until:

3083 (a) if the local clerk declares the referendum petition insufficient, five calendar days

3084 after the day on which the local clerk declares the referendum petition insufficient; or

3085 (b) if the local clerk declares the referendum petition sufficient, the day on which the  
 3086 local legislative body issues the proclamation described in Section 20A-7-610.

3087 (4) A law submitted to the people by referendum that is approved by the voters at an  
 3088 election takes effect the later of:

- 3089 (a) five calendar days after the date of the official proclamation of the vote by the local  
 3090 legislative body; or
- 3091 (b) the effective date specified in the approved law.
- 3092 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local  
 3093 clerk declares the referendum petition insufficient, the law that is the subject of the  
 3094 referendum petition takes effect the later of:
- 3095 (a) five calendar days after the day on which the local clerk declares the petition  
 3096 insufficient; or
- 3097 (b) the effective date specified in the proposed law.
- 3098 (6)(a) A law approved by the people under this part is not subject to veto.
- 3099 (b) The local legislative body or the local school board may amend any laws approved  
 3100 by the people under this part after the people approve the law.
- 3101 (7) If the local legislative body or the local school board repeals a law challenged by  
 3102 referendum petition under this part, the referendum petition is void and no further action  
 3103 on the referendum petition is required.
- 3104 Section 25. Section **20A-7-613** is amended to read:
- 3105 **20A-7-613 . Property tax referendum petition.**
- 3106 (1) As used in this section[;] :
- 3107 (a) "[~~certified~~] Certified tax rate" means the same as that term is defined in Section  
 3108 59-2-924.
- 3109 (b) "Taxing entity" means a county, city, town, or school district with the authority to  
 3110 levy a tax on property.
- 3111 (2) Except as provided in this section, the requirements of this part apply to a referendum  
 3112 petition challenging a taxing entity's legislative body's vote to impose a tax rate that  
 3113 exceeds the certified tax rate.
- 3114 (3)(a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b),  
 3115 the sponsors or an agent of the sponsors shall deliver a signed and verified  
 3116 referendum packet to the county clerk of the county in which the packet was  
 3117 circulated before 5 p.m. no later than the earlier of:
- 3118 (i) the first business day that is at least 30 calendar days after the day on which the  
 3119 first individual signs the packet; or
- 3120 (ii) the first business day that is at least 40 calendar days after the day on which the  
 3121 local clerk complies with Subsection 20A-7-604(3).
- 3122 (b) For a county where the county clerk's office is closed on a business day, if the

- 3123 deadline described in Subsection (3)(a) is on that business day, the deadline is  
3124 extended until 5 p.m. the next day that the office is open.
- 3125 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the  
3126 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 business days after  
3127 the day on which the county clerk receives the signed and verified referendum packet as  
3128 described in Subsection (3).
- 3129 (5) The local clerk shall take the actions required by Section 20A-7-607 within two  
3130 business days after:
- 3131 (a) in relation to the manual referendum process, the day on which the local clerk  
3132 receives the referendum packets from the county clerk; or
- 3133 (b) in relation to the electronic referendum process, the deadline described in Subsection  
3134 20A-7-616(2).
- 3135 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot  
3136 title within two business days after the day on which the referendum petition is declared  
3137 sufficient for submission to a vote of the people.
- 3138 (7) Notwithstanding Subsection [~~20A-7-609(2)(e)~~] 20A-7-609(2)(d), a referendum that  
3139 qualifies for the ballot under this section shall appear on the ballot for the earlier of the  
3140 next regular general election or the next municipal general election unless a special  
3141 election is called.
- 3142 (8) The election officer shall mail manual ballots on a referendum under this section the  
3143 later of:
- 3144 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
- 3145 (b) the time that ballots are prepared for mailing under this section.
- 3146 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 3147 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated  
3148 to generate the increased revenue budgeted, adopted, and approved by the taxing  
3149 entity's legislative body:
- 3150 (i) the certified tax rate for the fiscal year during which the referendum petition is  
3151 filed is its most recent certified tax rate; and
- 3152 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
3153 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the  
3154 proposed increased revenues budgeted, adopted, and approved by the taxing  
3155 entity's legislative body before the filing of the referendum petition.
- 3156 (b) If a majority of voters votes against imposing a tax at the rate established by the vote

3157 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
 3158 taxing entity's most recent certified tax rate.

3159 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
 3160 required to comply with the notice and public hearing requirements of Section  
 3161 59-2-919 if the taxing entity complies with those notice and public hearing  
 3162 requirements before the referendum petition is filed.

3163 (11) The ballot title shall, at a minimum, include in substantially this form the following:  
 3164 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
 3165 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]  
 3166 as budgeted, adopted, and approved by the [name of the taxing entity]." [ ]

3167 (12) A taxing entity shall pay the county the costs incurred by the county that are directly  
 3168 related to meeting the requirements of this section and that the county would not have  
 3169 incurred but for compliance with this section.

3170 (13)(a) An election officer shall include on a ballot a referendum that has not yet  
 3171 qualified for placement on the ballot, if:

- 3172 (i) sponsors file an application for a referendum described in this section;
- 3173 (ii) the ballot will be used for the election for which the sponsors are attempting to  
 3174 qualify the referendum; and
- 3175 (iii) the deadline for qualifying the referendum for placement on the ballot occurs  
 3176 after the day on which the ballot will be printed.

3177 (b) If an election officer includes on a ballot a referendum described in Subsection  
 3178 (13)(a), the ballot title shall comply with Subsection (11).

3179 (c) If an election officer includes on a ballot a referendum described in Subsection  
 3180 (13)(a) that does not qualify for placement on the ballot, the election officer shall  
 3181 inform the voters by any practicable method that the referendum has not qualified for  
 3182 the ballot and that votes cast in relation to the referendum will not be counted.

3183 Section 26. Section **20A-7-614** is amended to read:

3184 **20A-7-614 . Electronic referendum process -- Form of referendum petition --**  
 3185 **Circulation requirements -- Signature collection.**

3186 (1) This section applies only to the electronic referendum process.

3187 (2)(a) The first screen presented on the approved device shall include the following statement:

3188 "This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_\_, County  
 3189 Clerk/City Recorder/Town Clerk:

3190 The citizens of Utah who sign this petition respectfully order that (description of the

3191 local law or local school tax law, or portion of the local law or local school tax law being  
 3192 challenged), passed by the \_\_\_\_ be referred to the voters for their approval or rejection at the  
 3193 regular/municipal general election to be held on \_\_\_\_\_(month\day\year)."

3194 (b) An individual may not advance to the second screen until the individual clicks a link  
 3195 at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
 3196 understand the information presented on this screen."

3197 (3)(a) The second screen presented on the approved device shall include the entire text  
 3198 of the law that is the subject of the referendum petition.

3199 (b) An individual may not advance to the third screen until the individual clicks a link at  
 3200 the bottom of the second screen stating, "By clicking here, I attest that I have read  
 3201 and understand the entire text of the law that is the subject of the referendum  
 3202 petition."

3203 (4)(a) The third screen presented on the approved device shall include a statement  
 3204 indicating whether persons gathering signatures for the referendum petition may be  
 3205 paid for gathering signatures.

3206 (b) An individual may not advance to the fourth screen until the individual clicks a link  
 3207 at the bottom of the third screen stating, "By clicking here, I attest that I have read  
 3208 and understand the information presented on this screen."

3209 (5) The fourth screen presented on the approved device shall include the following statement,  
 3210 followed by links where the individual may click "yes" or "no":

3211 "I have personally read the entirety of each statement presented on this device;

3212 I am personally signing this referendum petition;

3213 I am registered to vote in Utah; and

3214 All information I enter on this device, including my residence and post office address, is  
 3215 accurate.

3216 It is a class A misdemeanor for an individual to sign a referendum petition with a name  
 3217 other than the individual's own name, or to knowingly sign the individual's name more than  
 3218 once for the same referendum petition, or to sign a referendum petition when the individual  
 3219 knows that the individual is not a registered voter.

3220 Do you wish to continue and sign this referendum petition?"

3221 (6)(a) If the individual clicks "no" in response to the question described in Subsection (5),  
 3222 the next screen shall include the following statement, "Thank you for your time.  
 3223 Please return this device to the signature-gatherer."

3224 (b) If the individual clicks "yes" in response to the question described in Subsection (5),

3225 the website, or the application that accesses the website, shall take the  
3226 signature-gatherer and the individual signing the referendum petition through the  
3227 signature process described in Section 20A-21-201.

3228 Section 27. Section **63G-30-102** is amended to read:

3229 **63G-30-102 . Public notice classifications and requirements.**

3230 (1) A public body or a government official that is required to provide a class A notice:

3231 (a) shall publish the public notice on the Utah Public Notice Website;

3232 (b) shall publish the public notice on the public body's or government official's official  
3233 website, if the public body or government official:

3234 (i) maintains an official website; and

3235 (ii) has an annual operating budget of \$250,000 or more; and

3236 (c) except as provided in Subsection (4), and subject to Subsection (5), post the public  
3237 notice in connection with the affected area as follows:

3238 (i) if the affected area is a municipality with a population of less than 2,000, in a  
3239 public location in or near the affected area that is reasonably likely to be seen by  
3240 residents of the affected area;

3241 (ii) if the affected area is a proposed municipality with a population of less than  
3242 2,000, in a public location in or near the affected area that is reasonably likely to  
3243 be seen by residents of the affected area;

3244 (iii) if the affected area is an area other than an area described in Subsections (1)(c)(i),  
3245 (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected  
3246 area that is reasonably likely to be seen by:

3247 (A) residents of the affected area; or

3248 (B) if there are no residents within the affected area, individuals who pass through  
3249 or near the affected area;

3250 (iv) if the affected area is a county, in a public location within the county that is  
3251 reasonably likely to be seen by residents of the county;

3252 (v) if the affected area is a municipality with a population of 2,000 or more, or a  
3253 proposed municipality with a population of 2,000 or more, in a public location  
3254 within the municipality or proposed municipality that is reasonably likely to be  
3255 seen by residents of the municipality or proposed municipality;

3256 (vi) if the affected area is a public street, on or adjacent to the public street;

3257 (vii) if the affected area is an easement:

3258 (A) on or adjacent to the easement; or

- 3259 (B) in a public location that is reasonably likely to be seen by persons who are  
 3260 likely to be impacted by the easement;[~~or~~]
- 3261 (viii) if the affected area is an interlocal entity, within, or as applicable near, each  
 3262 jurisdiction that is part of the interlocal entity, in accordance with the provisions  
 3263 of this Subsection (1) that apply to that jurisdiction[~~;~~ ] or
- 3264 (ix) if the affected area is a school district, in a public location within the school  
 3265 district that is reasonably likely to be seen by residents of the school district.
- 3266 (2) Subject to Subsection (5), a public body or a government official that is required to  
 3267 provide a class B notice shall:
- 3268 (a) comply with the requirements described in Subsection (1) for a class A notice;
- 3269 (b) if a statute, county ordinance, or municipal ordinance requires that the notice be  
 3270 provided for a designated geographic area, mail or otherwise deliver the public notice  
 3271 or a notice summary statement to each residence within, and, in accordance with  
 3272 Subsection (3), to each owner of real property located within, the designated  
 3273 geographic area; and
- 3274 (c) if a statute, county ordinance, or municipal ordinance requires that the notice be  
 3275 provided to one or more designated persons or real property owners, mail or  
 3276 otherwise deliver the public notice or a notice summary statement, in accordance  
 3277 with Subsection (3), to each designated person and real property owner.
- 3278 (3) When providing notice to a real property owner under Subsection (2)(b) or (c), the  
 3279 public body or government official shall:
- 3280 (a) use the current residential or business address of the real property owner;
- 3281 (b) if the public body or government official is not reasonably able to obtain the address  
 3282 described in Subsection (3)(a), use the last known address of the real property owner  
 3283 that the public body or government official is able to obtain via a reasonable inquiry  
 3284 into public records; or
- 3285 (c) if the public body or government official is not reasonably able to obtain an address  
 3286 described in Subsection (3)(a) or (b), post the notice on the real property.
- 3287 (4) A government official, a public body, or any other body that is required to post notice  
 3288 under Subsection (1) is not required to comply with Subsection (1)(c) if:
- 3289 (a) the affected area is the state;
- 3290 (b) the body is a specified body, as defined in Section 52-4-103;
- 3291 (c) the public body is the Legislature or a public body within the state legislative branch;
- 3292 or

3293 (d) the government official is required to post the notice on behalf of a body described in  
3294 Subsection (4)(b) or (c).

3295 (5) If a statute, ordinance, or rule requires a public body or government official to provide  
3296 notice for a period of time:

3297 (a) in relation to posting the notice on the Utah Public Notice Website, the requirement  
3298 is not violated due to temporary technological issues that interrupt the posting, unless  
3299 the posting is interrupted for more than 25% of the required posting time;

3300 (b) in relation to posting the notice in a physical location, the requirement is fulfilled if:

3301 (i) the notice is posted at or, except to the extent prohibited by law, before the  
3302 beginning of the period of time;

3303 (ii) the public body or government official does not remove the posting before the  
3304 end of the period of time; and

3305 (iii) until the end of the period of time, the public body or government official:

3306 (A) periodically verifies that the notice remains in place; and

3307 (B) replaces the notice within a reasonable time after discovering that the notice  
3308 has been removed or damaged; and

3309 (c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing  
3310 is made at or, except to the extent prohibited by law, before, the beginning of the  
3311 period of time.

3312 Section 28. **Effective Date.**

3313 This bill takes effect on May 6, 2026.

3314 Section 29. **Coordinating H.B. 170 with H.B. 32.**

3315 If H.B. 170, School Board Referendum Amendments, and H.B. 32, Signature Gathering

and Verification Amendments, both pass and become law, the Legislature intends that, on May

6, 2026, Subsection 20A-7-603(5)(a), enacted in H.B. 32, be amended to read:

"(a) the following statement in 12-point, bold type:

"This referendum petition seeks to have (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 \_\_\_\_\_ be

referred to the voters for their approval or rejection at the regular/municipal general election to

be held on \_\_\_\_\_ (month\day\year)."; and"