

1 **Utah Supreme Court Referendum Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill creates a referendum process for an opinion by the Utah Supreme Court.

5 **Highlighted Provisions:**

6 This bill:

- 7
- 8 ▶ defines terms related to a referendum;
 - 9 ▶ creates a process by which an opinion by the Supreme Court is submitted or referred to

10 the voters of Utah for their approval or rejection of the Supreme Court's determination

11 that a state law is unconstitutional; and

- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **20A-1-1001**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

20 **20A-7-105**, as last amended by Laws of Utah 2025, Chapter 448

21 **20A-7-702**, as last amended by Laws of Utah 2024, Chapter 465

22 **20A-11-1202**, as last amended by Laws of Utah 2025, Chapter 96

23 ENACTS:

24 **78A-1-201**, Utah Code Annotated 1953

25 **78A-1-202**, Utah Code Annotated 1953

26 **78A-1-203**, Utah Code Annotated 1953

27 **78A-1-204**, Utah Code Annotated 1953

28 **78A-1-205**, Utah Code Annotated 1953

29 **78A-1-206**, Utah Code Annotated 1953

30 **78A-1-207**, Utah Code Annotated 1953

31 **78A-1-208**, Utah Code Annotated 1953

32

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

34 Section 1. Section **20A-1-1001** is amended to read:

35 **20A-1-1001 . Definitions.**

36 As used in this part:

37 (1)(a) "Clerk" means the lieutenant governor, a county clerk, municipal clerk, town
38 clerk, city recorder, or municipal recorder.

39 (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions
40 Applicable to All Special Districts.

41 (2) "Local petition" means:

42 (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local
43 Initiatives - Procedures; or

44 (b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local
45 Referenda - Procedures.

46 (3) "Petition" means one of the following written requests, signed by registered voters,
47 appealing to an authority with respect to a particular cause:

48 (a) a local petition;

49 (b) a petition to consolidate two or more municipalities under Section 10-2-601;

50 (c) a petition for disincorporation of a municipality under Section 10-2-701;

51 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;

52 (e) a petition to consolidate adjoining counties under Section 17-61-201;

53 (f) a petition to annex a portion of a county to an adjoining county under Section
54 17-61-301;

55 (g) a petition for the creation of a new county under Section 17-61-401;

56 (h) a petition for the removal of a county seat under Section 17-60-302;

57 (i) a petition for the adoption of an optional plan under Section 17-62-303;

58 (j) a petition for the repeal of an optional plan under Section 17-62-505;

59 (k) a petition to create a special district under Section 17B-1-203;

60 (l) a petition to withdraw an area from a special district under Section 17B-1-504;

61 (m) a petition to dissolve a special district under Section 17B-1-1303;

62 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;

63 (o) a petition to become a registered political party under Section 20A-8-103;

64 (p) a nomination petition for municipal office under Section 20A-9-203;

- 65 (q) a nomination petition for a regular primary election under Subsection
 66 20A-9-403(3)(a) and Section 20A-9-405;
- 67 (r) a petition for a political party to qualify as a municipal political party under Section
 68 20A-9-404;
- 69 (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- 70 (t) a nomination petition for a candidate not affiliated with a political party under
 71 Section 20A-9-502;
- 72 (u) a nomination petition to become a delegate to a ratification convention under Section
 73 20A-15-103;
- 74 (v) a petition to create a new school district under Section 53G-3-301;
- 75 (w) a petition to consolidate school districts under Section 53G-3-401;
- 76 (x) a petition to transfer a portion of a school district to another district under Section
 77 53G-3-501;
- 78 (y) a petition to determine whether a privatization project agreement should be approved
 79 under Section 73-10d-4; or
- 80 (z) a statewide petition.
- 81 (4) "Statewide petition" means:
- 82 (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2,
 83 Statewide Initiatives; [øf]
- 84 (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3,
 85 Statewide Referenda[;] ; or
- 86 (c) a statewide referendum petition described in Title 78A, Chapter 1, Part 2, Statewide
 87 Referendum on Supreme Court Opinion.
- 88 (5)(a) "Substantially similar name" means:
- 89 (i) the given name, the surname, or both, provided by the individual with the
 90 individual's petition signature, contain only minor spelling differences when
 91 compared to the given name and surname shown on the official register;
- 92 (ii) the surname provided by the individual with the individual's petition signature
 93 exactly matches the surname shown on the official register, and the given names
 94 differ only because one of the given names shown is a commonly used
 95 abbreviation or variation of the other;
- 96 (iii) the surname provided by the individual with the individual's petition signature
 97 exactly matches the surname shown on the official register, and the given names
 98 differ only because one of the given names shown is accompanied by a first or

99 middle initial or a middle name which is not shown on the other record; or
 100 (iv) the surname provided by the individual with the individual's petition signature
 101 exactly matches the surname shown on the official register, and the given names
 102 differ only because one of the given names shown is an alphabetically
 103 corresponding initial that has been provided in the place of a given name shown
 104 on the other record.

105 (b) "Substantially similar name" does not include a name having an initial or a middle
 106 name provided by the individual with the individual's petition signature that does not
 107 match a different initial or middle name shown on the official register.

108 Section 2. Section **20A-7-105** is amended to read:

109 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
 110 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
 111 **Removal of signature.**

112 (1) This section applies only to the manual initiative process and the manual referendum
 113 process.

114 (2) As used in this section:

115 (a) "Local petition" means:

116 (i) a manual local initiative petition described in Part 5, Local Initiatives - Procedures;

117 or

118 (ii) a manual local referendum petition described in Part 6, Local Referenda -

119 Procedures.

120 (b) "Packet" means an initiative packet or referendum packet.

121 (c) "Petition" means a local petition or statewide petition.

122 (d) "Statewide petition" means:

123 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; [or]

124 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda[-] ;

125 or

126 (iii) a statewide referendum petition described in Title 78A, Chapter 1, Part 2,

127 Statewide Referendum on Supreme Court Opinion.

128 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.

129 (b) A Utah voter may sign a local petition if the voter:

130 (i) is a legal voter; and

131 (ii) resides in the local jurisdiction.

132 (4)(a) The sponsors shall ensure that the individual in whose presence each signature

- 133 sheet was signed:
- 134 (i) is at least 18 years old;
- 135 (ii) verifies each signature sheet by completing the verification printed on the last
136 page of each packet; and
- 137 (iii) is informed that each signer is required to read and understand:
- 138 (A) for an initiative petition, the law proposed by the initiative; or
- 139 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 140 (b) An individual may not sign the verification printed on the last page of a packet if the
141 individual signed a signature sheet in the packet.
- 142 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
143 packet to the county clerk of the county in which the packet was circulated before 5
144 p.m. no later than the earlier of:
- 145 (i) for a statewide initiative:
- 146 (A) the first business day that is at least 30 calendar days after the day on which
147 the first individual signs the initiative packet;
- 148 (B) the last business day that is no more than 316 calendar days after the day on
149 which the application for the initiative petition is filed; or
- 150 (C) the February 15 immediately before the next regular general election
151 immediately after the application is filed under Section 20A-7-202;
- 152 (ii) for a statewide referendum:
- 153 (A) the first business day that is at least 30 calendar days after the day on which
154 the first individual signs the referendum packet; or
- 155 (B) the first business day that is at least 40 calendar days after the day on which
156 the legislative session at which the law passed ends;
- 157 (iii) for a local initiative:
- 158 (A) the first business day that is at least 30 calendar days after the day on which
159 the first individual signs the initiative packet;
- 160 (B) the last business day that is no more than 316 calendar days after the day on
161 which the application is filed;
- 162 (C) the April 15 immediately before the next regular general election immediately
163 after the application is filed under Section 20A-7-502, if the local initiative is a
164 county initiative; or
- 165 (D) the April 15 immediately before the next municipal general election
166 immediately after the application is filed under Section 20A-7-502, if the local

- 167 initiative is a municipal initiative; or
- 168 (iv) for a local referendum:
- 169 (A) the first business day that is at least 30 calendar days after the day on which
- 170 the first individual signs the referendum packet; or
- 171 (B) the first business day that is at least 45 calendar days after the day on which
- 172 the sponsors receive the items described in Subsection 20A-7-604(3) from the
- 173 local clerk.
- 174 (b) A person may not submit a packet after the applicable deadline described in
- 175 Subsection (5)(a).
- 176 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
- 177 the sponsors shall send an email to each individual who provides a legible, valid
- 178 email address on the signature sheet that includes the following:
- 179 (i) the subject of the email shall include the following statement, "Notice Regarding
- 180 Your Petition Signature"; and
- 181 (ii) the body of the email shall include the following statement in 12-point type:
- 182 "You signed a petition for the following initiative:
- 183 [insert title of initiative]
- 184 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
- 185 information on the deadline for removing your signature from the petition, please visit the
- 186 following link: [insert a uniform resource locator that takes the individual directly to the page
- 187 on the lieutenant governor's or county clerk's website that includes the information referred to
- 188 in the email]."
- 189 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which
- 190 the sponsors submit the last initiative packet to the county clerk, submit to the
- 191 lieutenant governor:
- 192 (i) a list containing:
- 193 (A) the name and email address of each individual the sponsors sent, or caused to
- 194 be sent, the email described in Subsection (5)(c); and
- 195 (B) the date the email was sent;
- 196 (ii) a copy of the email described in Subsection (5)(c); and
- 197 (iii) the following written verification, completed and signed by each of the sponsors:
- 198 "Verification of initiative sponsor State of Utah, County of _____ I, _____,
- 199 of _____, hereby state, under penalty of perjury, that:
- 200 I am a sponsor of the initiative petition entitled _____; and

201 I sent, or caused to be sent, to each individual who provided a legible, valid email
 202 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
 203 the email described in Utah Code Subsection 20A-7-105(5)(c).

204 _____
 205 (Name) (Residence Address) (Date)".

206 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
 207 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
 208 the items described in Subsection (5)(d).

209 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
 210 comply with Subsection (5)(c), (d), or (e).

211 (6)(a) Within 21 calendar days after the day on which the county clerk receives the
 212 packet, the county clerk shall:

213 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
 214 to determine whether each signer is a legal voter and, as applicable, the
 215 jurisdiction where the signer is registered to vote;

216 (ii) for a statewide initiative or a statewide referendum:

217 (A) certify on the petition whether each name is that of a legal voter;

218 (B) post the name, voter identification number, and date of signature of each legal
 219 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
 220 website, in a conspicuous location designated by the lieutenant governor; and

221 (C) deliver the verified packet to the lieutenant governor;

222 (iii) for a local initiative or a local referendum:

223 (A) certify on the petition whether each name is that of a legal voter who is
 224 registered in the jurisdiction to which the initiative or referendum relates;

225 (B) post the name, voter identification number, and date of signature of each legal
 226 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's
 227 website, in a conspicuous location designated by the lieutenant governor; and

228 (C) deliver the verified packet to the local clerk.

229 (b) For a local initiative or local referendum, the local clerk shall post a link in a
 230 conspicuous location on the local government's website to the posting described in
 231 Subsection (6)(a)(iii)(B):

232 (i) for a local initiative, during the period of time described in Subsection
 233 20A-7-507(3)(a); or

234 (ii) for a local referendum, during the period of time described in Subsection

- 235 20A-7-607(2)(a)(i).
- 236 (7) The county clerk may not certify a signature under Subsection (6):
- 237 (a) on a packet that is not verified in accordance with Subsection (4); or
- 238 (b) that does not have a date of signature next to the signature.
- 239 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
- 240 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 241 the county clerk a statement requesting that the voter's signature be removed no later
- 242 than 5 p.m. the earlier of:
- 243 (i) for an initiative packet received by the county clerk before December 1:
- 244 (A) the first business day that is at least 30 calendar days after the day on which
- 245 the voter signs the signature removal statement; or
- 246 (B) the first business day that is at least 90 calendar days after the day on which
- 247 the lieutenant governor posts the voter's name under Subsection 20A-7-207(2);
- 248 or
- 249 (ii) for an initiative packet received by the county clerk on or after December 1:
- 250 (A) the first business day that is at least 30 calendar days after the day on which
- 251 the voter signs the signature removal statement; or
- 252 (B) the first business day that is at least 45 calendar days after the day on which
- 253 the lieutenant governor posts the voter's name under Subsection 20A-7-207(2).
- 254 (b) A voter who signs a statewide referendum petition may have the voter's signature
- 255 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 256 the county clerk a statement requesting that the voter's signature be removed no later
- 257 than 5 p.m. the earlier of:
- 258 (i) the first business day that is at least 30 calendar days after the day on which the
- 259 voter signs the statement requesting removal; or
- 260 (ii) the first business day that is at least 45 calendar days after the day on which the
- 261 lieutenant governor posts the voter's name under Subsection 20A-7-307(2).
- 262 (c) A voter who signs a local initiative petition may have the voter's signature removed
- 263 from the petition by, in accordance with Section 20A-1-1003, submitting to the
- 264 county clerk a statement requesting that the voter's signature be removed no later than
- 265 5 p.m. the earlier of:
- 266 (i) the first business day that is at least 30 calendar days after the day on which the
- 267 voter signs the signature removal statement;
- 268 (ii) the first business day that is at least 90 calendar days after the day on which the

- 269 local clerk posts the voter's name under Subsection 20A-7-507(2);
- 270 (iii) the last business day that is no more than 316 calendar days after the day on
- 271 which the application is filed; or
- 272 (iv)(A) for a county initiative, April 15 immediately before the next regular
- 273 general election immediately after the application is filed under Section
- 274 20A-7-502; or
- 275 (B) for a municipal initiative, April 15 immediately before the next municipal
- 276 general election immediately after the application is filed under Section
- 277 20A-7-502.
- 278 (d) A voter who signs a local referendum petition may have the voter's signature
- 279 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 280 the county clerk a statement requesting that the voter's signature be removed no later
- 281 than 5 p.m. the earlier of:
- 282 (i) the first business day that is at least 30 calendar days after the day on which the
- 283 voter signs the statement requesting removal; or
- 284 (ii) the first business day that is at least 45 calendar days after the day on which the
- 285 local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
- 286 (e) In order for the signature to be removed, the county clerk must receive the statement
- 287 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
- 288 described in this Subsection (8).
- 289 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
- 290 petition, in accordance with Subsection 20A-1-1003(3).
- 291 (9)(a) If the county clerk timely receives a statement requesting signature removal under
- 292 Subsection (8) and determines that the signature should be removed from the petition
- 293 under Subsection 20A-1-1003(3), the county clerk shall:
- 294 (i) ensure that the voter's name, voter identification number, and date of signature are
- 295 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and
- 296 (ii) remove the voter's signature from the signature packets and signature packet
- 297 totals.
- 298 (b) The county clerk shall comply with Subsection (9)(a) before the later of:
- 299 (i) the deadline described in Subsection (6)(a); or
- 300 (ii) two business days after the day on which the county clerk receives a statement
- 301 requesting signature removal under Subsection (8).
- 302 (10) A person may not retrieve a packet from a county clerk, or make any alterations or

303 corrections to a packet, after the packet is submitted to the county clerk.

304 Section 3. Section **20A-7-702** is amended to read:

305 **20A-7-702 . Voter information pamphlet -- Form -- Contents.**

306 The voter information pamphlet shall contain the following items in this order:

- 307 (1) a cover title page;
- 308 (2) an introduction to the pamphlet by the lieutenant governor;
- 309 (3) a table of contents;
- 310 (4) a list of all candidates for constitutional offices;
- 311 (5) a list of candidates for each legislative district;
- 312 (6) a 100-word statement of qualifications for each candidate for the office of governor,
- 313 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
- 314 candidate to the lieutenant governor's office before 5 p.m. on the first business day in
- 315 August before the date of the election;
- 316 (7) information pertaining to all measures to be submitted to the voters, beginning a new
- 317 page for each measure and containing, in the following order for each measure:
- 318 (a) a copy of the number and ballot title of the measure;
- 319 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
- 320 the Legislature or by referendum;
- 321 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
- 322 impartial analysis of the measure prepared by the Office of Legislative Research
- 323 and General Counsel; or
- 324 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
- 325 prepared by the presiding officers;
- 326 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
- 327 measure, the arguments against the measure, and the rebuttal to the arguments against
- 328 the measure, with the name and title of the authors at the end of each argument or
- 329 rebuttal;
- 330 (e) for each constitutional amendment, a complete copy of the text of the constitutional
- 331 amendment, with all new language underlined, and all deleted language placed within
- 332 brackets;
- 333 (f) for each initiative qualified for the ballot:
- 334 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
- 335 initial fiscal impact statement prepared according to Section 20A-7-202.5; and
- 336 (ii) if the initiative proposes a tax increase, the following statement in bold type:

- 337 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
338 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
339 increase in the current tax rate."; and
- 340 (g) for each referendum qualified for the ballot, a complete copy of the text of the law or
341 opinion by the Supreme Court being submitted to the voters for their approval or
342 rejection, with all new language underlined and all deleted language placed within
343 brackets[~~as~~] if applicable;
- 344 (8) a description provided by the Judicial Performance Evaluation Commission of the
345 selection and retention process for judges, including, in the following order:
- 346 (a) a description of the judicial selection process;
- 347 (b) a description of the judicial performance evaluation process;
- 348 (c) a description of the judicial retention election process;
- 349 (d) a list of the criteria of the judicial performance evaluation and the certification
350 standards;
- 351 (e) the names of the judges standing for retention election; and
- 352 (f) for each judge:
- 353 (i) a list of the counties in which the judge is subject to retention election;
- 354 (ii) a short biography of professional qualifications and a recent photograph;
- 355 (iii) a narrative concerning the judge's performance;
- 356 (iv) for each certification standard under Section 78A-12-205, a statement identifying
357 whether, under Section 78A-12-205, the judge met the standard and, if not, the
358 manner in which the judge failed to meet the standard;
- 359 (v) a statement that the Judicial Performance Evaluation Commission:
- 360 (A) has determined that the judge meets or exceeds minimum performance
361 standards;
- 362 (B) has determined that the judge does not meet or exceed minimum performance
363 standards; or
- 364 (C) has not made a determination regarding whether the judge meets or exceeds
365 minimum performance standards;
- 366 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
367 whom the Judicial Performance Evaluation Commission determines does not meet
368 or exceed minimum performance standards;
- 369 (vii) in a bar graph, the average of responses to each survey category, displayed with
370 an identification of the minimum acceptable score as set by Section 78A-12-205

- 371 and the average score of all judges of the same court level; and
- 372 (viii) a website address that contains the Judicial Performance Evaluation
- 373 Commission's report on the judge's performance evaluation;
- 374 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
- 375 cumulative number of informal reprimands, when consented to by the judge in
- 376 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
- 377 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
- 378 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
- 379 immediately preceding term, and a detailed summary of the supporting reasons for each
- 380 violation of the Code of Judicial Conduct that the judge has received;
- 381 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
- 382 indicating the ballot marking procedure used by each county and explaining how to
- 383 mark the ballot for each procedure;
- 384 (11) voter registration information, including information on how to obtain a ballot;
- 385 (12) a list of all county clerks' offices and phone numbers;
- 386 (13) the address of the Statewide Electronic Voter Information Website, with a statement
- 387 indicating that the election officer will post on the website any changes to the location of
- 388 a polling place and the location of any additional polling place;
- 389 (14) a phone number that a voter may call to obtain information regarding the location of a
- 390 polling place; and
- 391 (15) on the back cover page, a printed copy of the following statement signed by the lieutenant
- 392 governor:

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

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

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

396 correct according to law.

397 SEAL

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

399 of ____ (month), ____ (year)

400 (signed) _____

401 Lieutenant Governor".

402 Section 4. Section **20A-11-1202** is amended to read:

403 **20A-11-1202 . Definitions.**

404 As used in this part:

405 (1) "Applicable election officer" means:

406 (a) a county clerk, if the email relates only to a local election; or

407 (b) the lieutenant governor, if the email relates to an election other than a local election.

408 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial
409 retention questions, opinion questions, bond approvals, or other questions submitted to
410 the voters for their approval or rejection.411 (3) "Billboard" means a freestanding outdoor sign used for advertising to, or
412 communicating with, the general public.413 (4) "Campaign contribution" means any of the following when done for a political purpose
414 or to advocate for or against a ballot proposition:415 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
416 given to a filing entity;417 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
418 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or
419 anything of value to a filing entity;

420 (c) any transfer of funds from another reporting entity to a filing entity;

421 (d) compensation paid by any person or reporting entity other than the filing entity for
422 personal services provided without charge to the filing entity;

423 (e) remuneration from:

424 (i) any organization or the organization's directly affiliated organization that has a
425 registered lobbyist; or

426 (ii) any agency or subdivision of the state, including a school district; or

427 (f) an in-kind contribution.

428 (5)(a) "Commercial interlocal cooperation agency" means an interlocal cooperation
429 agency that receives [its] the agency's revenues from conduct of [its] the agency's
430 commercial operations.431 (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation
432 agency that receives some or all of its revenues from:

433 (i) government appropriations;

434 (ii) taxes;

435 (iii) government fees imposed for regulatory or revenue raising purposes; or

436 (iv) interest earned on public funds or other returns on investment of public funds.

- 437 (6) "Expenditure" means:
- 438 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or
- 439 anything of value;
- 440 (b) an express, legally enforceable contract, promise, or agreement to make any
- 441 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or
- 442 anything of value;
- 443 (c) a transfer of funds between a public entity and a candidate's personal campaign
- 444 committee;
- 445 (d) a transfer of funds between a public entity and a political issues committee; or
- 446 (e) goods or services provided to or for the benefit of a candidate, a candidate's personal
- 447 campaign committee, or a political issues committee for political purposes at less
- 448 than fair market value.
- 449 (7) "Filing entity" means the same as that term is defined in Section 20A-11-101.
- 450 (8) "Governmental interlocal cooperation agency" means an interlocal cooperation agency
- 451 that receives some or all of its revenues from:
- 452 (a) government appropriations;
- 453 (b) taxes;
- 454 (c) government fees imposed for regulatory or revenue raising purposes; or
- 455 (d) interest earned on public funds or other returns on investment of public funds.
- 456 (9) "Influence" means to campaign or advocate for or against a ballot proposition.
- 457 (10) "Interlocal cooperation agency" means an entity created by interlocal agreement under
- 458 the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 459 (11) "Mass communication" means any printed communication that:
- 460 (a) contains identical or substantially similar content; and
- 461 (b) is mailed to more than 500 recipients in a calendar year, regardless of whether the
- 462 mailing occurs simultaneously or at different times during the calendar year.
- 463 (12) "Political purposes" means an act done with the intent or in a way to influence or
- 464 intend to influence, directly or indirectly, any person to refrain from voting or to vote for
- 465 or against any:
- 466 (a) candidate for public office at any caucus, political convention, primary, or election; or
- 467 (b) judge standing for retention at any election.
- 468 (13) "Proposed initiative" means an initiative proposed in an application filed under Section
- 469 20A-7-202 or 20A-7-502.
- 470 (14) "Proposed referendum" means a referendum proposed in an application filed under

- 471 Section 20A-7-302~~[-or]~~ , 20A-7-602, or 78A-1-203.
- 472 (15)(a) "Public entity" includes the state, each state agency, each county, municipality,
473 school district, special district, governmental interlocal cooperation agency, and each
474 administrative subunit of each of them.
- 475 (b) "Public entity" does not include a commercial interlocal cooperation agency.
- 476 (c) "Public entity" includes local health departments created under Title 26A, Local
477 Health Authorities.
- 478 (16)(a) "Public funds" means any money received by a public entity from
479 appropriations, taxes, fees, interest, or other returns on investment.
- 480 (b) "Public funds" does not include money donated to a public entity by a person or
481 entity.
- 482 (17)(a) "Public official" means an elected or appointed member of government with
483 authority to make or determine public policy.
- 484 (b) "Public official" includes the person or group that:
- 485 (i) has supervisory authority over the personnel and affairs of a public entity; and
486 (ii) approves the expenditure of funds for the public entity.
- 487 (18) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
- 488 (19)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
489 Government Entities - Special Districts.
- 490 (b) "Special district" includes a special service district under Title 17D, Chapter 1,
491 Special Service District Act.
- 492 (20)(a) "State agency" means each department, commission, board, council, agency,
493 institution, officer, corporation, fund, division, office, committee, authority,
494 laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 495 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,
496 each institution of higher education board of trustees, and each higher education
497 institution.

498 Section 5. Section **78A-1-201** is enacted to read:

499 **Part 2. Statewide Referendum on Supreme Court Opinion**

500 **78A-1-201 . Definitions for part.**

501 As used in this part:

- 502 (1) "Legal voter" means an individual who is registered to vote in Utah.
- 503 (2) "Opinion by the Supreme Court" means a decision by the Supreme Court holding that a
504 state law is unconstitutional.

- 505 (3) "Referendum" means a process by which an opinion by the Supreme Court is submitted
506 or referred to the voters for the voters' approval or rejection of the Supreme Court's
507 determination that a state law is unconstitutional.
- 508 (4) "Referendum application" means an application described in Subsection 78A-1-202(7)
509 that includes all the information, statements, documents, and notarized signatures
510 required under Subsection 78A-1-202(7).
- 511 (5) "Referendum packet" means a copy of the referendum petition, a copy of the opinion by
512 the Supreme Court being submitted or referred to the voters for the voters' approval or
513 rejection, and no more than 50 signature sheets, all of which have been bound together
514 as a unit in a manner that may be conveniently opened for signing.
- 515 (6) "Referendum petition" means the form described in Subsection 78A-1-203(1)
516 petitioning for submission of an opinion by the Supreme Court to the legal voters for the
517 voters' approval or rejection.
- 518 (7) "Signature" means:
- 519 (a) a holographic signature collected physically on a signature sheet described in Section
520 78A-1-203;
- 521 (b) as it relates to an individual who, due to a qualifying disability under the Americans
522 with Disabilities Act, is unable to fill out the signature sheet or to sign the voter's
523 name consistently, the initials "AV," indicating that the voter's identity will be
524 verified by an alternate verification process described in Section 20A-7-106; and
- 525 (c) does not include an electronic signature.
- 526 (8) "Sponsors" means the legal voters who support the referendum and who sign the
527 referendum application.
- 528 (9) "State law" means a state statute, a provision of the Utah Constitution, or any action of
529 the Legislature.

530 Section 6. Section **78A-1-202** is enacted to read:

531 **78A-1-202 . Referendum process -- Signature requirements.**

- 532 (1) An opinion by the Supreme Court is subject to a referendum in accordance with this
533 part.
- 534 (2) An individual seeking to have an opinion by the Supreme Court submitted to a vote of
535 the people, after filing a referendum application, shall obtain:
- 536 (a) legal signatures equal to 8% of the number of active voters in the state on January 1
537 immediately following the last regular general election; and
- 538 (b) from at least 15 Senate districts, legal signatures equal to 8% of the number of active

539 voters in that Senate district on January 1 immediately following the last regular
540 general election.

541 (3) When the lieutenant governor declares that a referendum petition is signed by a
542 sufficient number of voters to meet the requirements of Subsection (2), the governor
543 shall issue an executive order that:

544 (a) directs that the referendum be submitted to the voters at the next regular general
545 election; or

546 (b) calls a special election according to the requirements of Section 20A-1-203 and
547 directs that the referendum be submitted to the voters at that special election.

548 (4) When the lieutenant governor declares that a referendum petition is signed by a
549 sufficient number of voters, the opinion by the Supreme Court that is the subject of the
550 petition does not take effect unless and until the opinion by the Supreme Court is
551 approved by a vote of the people at a regular general election or a statewide special
552 election.

553 (5) The lieutenant governor shall provide the following information to any interested person:

554 (a) the number of active voters in the state on January 1 immediately following the last
555 regular general election; and

556 (b) for each county, the number of active voters in that Senate district on January 1
557 immediately following the last regular general election.

558 (6) An individual wishing to circulate a referendum petition shall file a referendum
559 application with the lieutenant governor no later than 5 p.m. on the first business day
560 that is at least five calendar days after the day on which the opinion by the Supreme
561 Court is issued.

562 (7) The referendum application shall include:

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

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

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

567 (d) the signature of each of the sponsors, attested to by a notary public; and

568 (e) a copy of the opinion by the Supreme Court that is the subject of the proposed
569 referendum.

570 Section 7. Section **78A-1-203** is enacted to read:

571 **78A-1-203 . Referendum petition and packet.**

572 (1)(a) Each proposed referendum petition shall be printed in substantially the following

573 form:

574 "REFERENDUM PETITION To the Honorable _____, Lieutenant Governor:

575 We, the undersigned citizens of Utah, respectfully order that (the case name and

576 number for the opinion by the Supreme Court), issued by the Supreme Court of the

577 state of Utah on (the date on which the opinion by the Supreme Court was issued), be

578 referred to the people of Utah for their approval or rejection at a regular general

579 election or a statewide special election;

580 Each signer says:

581 I have personally signed this referendum petition or, if I am an individual with a

582 qualifying disability, I have signed this referendum petition by directing the signature

583 gatherer to enter the initials "AV" as my signature;

584 The date next to my signature correctly reflects the date that I actually signed the

585 referendum petition;

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

587 I am registered to vote in Utah; and

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

589 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the

590 opinion by the Supreme Court that is the subject of the referendum to each

591 referendum petition.

592 (2) Each referendum signature sheet shall comply with the requirements described in

593 Section 20A-7-303, except that the requirement described in Subsection

594 20A-7-303(3)(d)(xx) shall contain the following words, "By signing this referendum

595 petition, you are stating that you have read and understand the opinion by the Supreme

596 Court that this referendum petition seeks to overturn."

597 (3) The final page of each referendum packet shall contain the following printed or typed

598 statement:

599 "Verification of signature collector

600 State of Utah, County of _____ I, _____, of _____, hereby state, under

601 penalty of perjury, that:

602 I am at least 18 years old;

603 All the names that appear in this referendum packet were signed by individuals who

604 professed to be the individuals whose names appear in it, and each of the individuals

605 signed the individual's name on it in my presence or, in the case of an individual with a

606 qualifying disability, I have signed this referendum petition on the individual's behalf, at

607 the direction of the individual and in the individual's presence, by entering the initials
 608 "AV" as the individual's signature;

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

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

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

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

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

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

620 I did not knowingly make a misrepresentation of fact concerning the opinion by the
 621 Supreme Court this petition seeks to overturn;

622 I believe that each individual's name, post office address, and residence is written
 623 correctly, that each signer has read the opinion by the Supreme Court that the
 624 referendum seeks to overturn, and that each signer is registered to vote in Utah;

625 The correct date of signature appears next to each individual's name; and

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

628

630 (Name) (Residence Address) (Date)".

631 (4) If the forms described in Subsection (1) and (3) are substantially followed, the
 632 referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

633 (5) The sponsors of the referendum petition shall:

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

636 (b) ensure that the referendum packets and the documents described in Subsection (5)(a)
 637 meet the form requirements of this section.

638 (6)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
 639 circulation by creating multiple referendum packets.

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

641 (7) Upon the filing of a referendum application, the lieutenant governor shall post the

- 642 following information together in a conspicuous place on the lieutenant governor's
643 website:
- 644 (a) the referendum petition;
 - 645 (b) a copy of the opinion by the Supreme Court that is the subject of the referendum
646 petition; and
 - 647 (c) information describing how an individual may remove the individual's signature
648 from the referendum petition.

649 (8) The lieutenant governor shall:

- 650 (a) promptly update the information described in Subsection (7) if the information
651 changes; and
- 652 (b) maintain the information described in Subsection (7) on the lieutenant governor's
653 website until the referendum fails to qualify for the ballot or is passed or defeated at
654 an election.

655 Section 8. Section **78A-1-204** is enacted to read:

656 **78A-1-204 . Evaluation by lieutenant governor -- Stay of the opinion by the**
657 **Supreme Court.**

658 (1) The lieutenant governor:

- 659 (a) except as provided in Subsection (1)(b), shall declare the referendum petition to be
660 sufficient or insufficient 106 calendar days after the day on which the opinion by the
661 Supreme Court is issued; or
- 662 (b) may declare the referendum petition to be insufficient before the day described in
663 Subsection (1)(a) if:
 - 664 (i) the total of all valid signatures on timely and lawfully submitted referendum
665 packets that have been certified by the county clerks, plus the number of
666 signatures on timely and lawfully submitted referendum packets that have not yet
667 been evaluated for certification, is less than the number of names required under
668 Section 78A-1-202; or
 - 669 (ii) a requirement of this part has not been met.

670 (2) If the total number of names certified under Subsection (1) equals or exceeds the
671 number of names required under Section 78A-1-202, and the requirements of this part
672 are met, the lieutenant governor shall mark upon the front of the referendum petition the
673 word "sufficient."

674 (3) If the total number of names certified under Subsection (1) does not equal or exceed the
675 number of names required under Section 78A-1-202 or a requirement of this part is not

- 676 met, the lieutenant governor shall mark upon the front of the referendum petition the
 677 word "insufficient."
- 678 (4) The lieutenant governor shall immediately notify any one of the sponsors of the
 679 lieutenant governor's finding.
- 680 (5) After a referendum petition is declared insufficient, an individual may not submit
 681 additional signatures to qualify the referendum for the ballot.
- 682 (6) If, at the time during the counting period described in this section, the lieutenant
 683 governor determines that, at that point in time, an adequate number of signatures is
 684 certified to comply with the signature requirements, the lieutenant governor shall:
- 685 (a) issue an order temporarily staying the opinion by the Supreme Court from going into
 686 effect; and
- 687 (b) continue the process of certifying signatures and removing signatures as required by
 688 this part.
- 689 (7) The temporary stay described in Subsection (6) remains in effect, regardless of whether
 690 a future count falls below the signature threshold, until:
- 691 (a) if the lieutenant governor declares the referendum petition sufficient, the day on
 692 which governor issues the proclamation described in Section 78A-1-207; or
- 693 (b) if the lieutenant governor declares the referendum petition insufficient, five calendar
 694 days after the day on which the lieutenant governor declares the referendum petition
 695 insufficient.

696 Section 9. Section **78A-1-205** is enacted to read:

697 **78A-1-205 . Numbering of ballot proposition -- Duties of lieutenant governor and**
 698 **Office of Legislative Research and General Counsel.**

- 699 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
 700 people, the lieutenant governor shall deliver a copy of the referendum petition and the
 701 opinion by the Supreme Court to which the referendum relates to the Office of
 702 Legislative Research and General Counsel.
- 703 (2) The Office of Legislative Research and General Counsel shall:
- 704 (a) entitle a referendum that qualifies for the ballot "Proposition Number ____" and assign
 705 a number to the referendum in accordance with Section 20A-6-107;
- 706 (b) prepare for the referendum:
- 707 (i) an impartial short title, not exceeding 25 words, that generally describes the
 708 opinion by the Supreme Court to which the referendum relates; and
- 709 (ii) an impartial summary of the opinion by the Supreme Court to which the

- 710 referendum relates, not exceeding 125 words; and
- 711 (iii) submit the short title and summary to the lieutenant governor within 15 calendar
- 712 days after the day on which the Office of Legislative Research and General
- 713 Counsel receives the petition under Subsection (1).
- 714 (3) Subject to Subsection (4), the official ballot shall show, in the following order:
- 715 (a) the number of the referendum, determined in accordance with Section 20A-6-107;
- 716 (b) the short title; and
- 717 (c) except as provided in Subsection (3):
- 718 (i) the summary;
- 719 (ii) a copy of the opinion by the Supreme Court; and
- 720 (iii) a link to a location on the lieutenant governor's website where a voter may
- 721 review additional information relating to the referendum, including the
- 722 information described in Subsection 78A-1-202(7) and the arguments relating to
- 723 the referendum that are included in the voter information pamphlet.
- 724 (4) Unless the information described in Subsection (3)(c)(iii) is shown on the official ballot,
- 725 the election officer shall include with the ballot a separate ballot proposition insert that
- 726 includes the short title and summary for each referendum on the ballot and a link to a
- 727 location on the lieutenant governor's website where a voter may review the additional
- 728 information described in Subsection (3)(c)(iii).
- 729 (5) Immediately after the Office of Legislative Research and General Counsel submits the
- 730 short title and summary to the lieutenant governor, the lieutenant governor shall mail or
- 731 email a copy of the short title and summary to any of the sponsors of the referendum
- 732 petition.
- 733 (6)(a) At least three of the sponsors of the referendum petition may, within 15 days after
- 734 the day on which the lieutenant governor sends the short title and summary,
- 735 challenge the wording of the short title and summary prepared by the Office of
- 736 Legislative Research and General Counsel to the appropriate court.
- 737 (b) After receipt of the appeal, the court shall direct the lieutenant governor to send
- 738 notice of the appeal to:
- 739 (i) any person or group that has filed an argument for or against the opinion by the
- 740 Supreme Court to which the referendum relates; and
- 741 (ii) any political issues committee established under Section 20A-11-801 that has
- 742 filed written or electronic notice with the lieutenant governor that identifies the
- 743 name, mailing or email address, and telephone number of the person designated to

- 744 receive notice about any issues relating to the referendum.
- 745 (7)(a) There is a presumption that the short title prepared by the Office of Legislative
 746 Research and General Counsel is an impartial description of the contents of the
 747 referendum.
- 748 (b) The court may not revise the wording of the short title unless the plaintiffs rebut the
 749 presumption by clearly and convincingly establishing that the short title is false or
 750 biased.
- 751 (c) There is a presumption that the summary prepared by the Office of Legislative
 752 Research and General Counsel is an impartial summary of the contents of the opinion
 753 by the Supreme Court to which the referendum relates.
- 754 (d) The court may not revise the wording of the summary unless the plaintiffs rebut the
 755 presumption by clearly and convincingly establishing that the summary is false or
 756 biased.
- 757 (e) The court shall:
- 758 (i) examine the short title and summary;
 759 (ii) hear arguments; and
 760 (iii) enter an order consistent with the requirements of this section.
- 761 (f) The lieutenant governor shall, in accordance with the court's order, certify the short
 762 title and summary to the county clerks for inclusion in the ballot or ballot proposition
 763 insert, as required by this section.

764 Section 10. Section **78A-1-206** is enacted to read:

765 **78A-1-206 . Form of ballot -- Manner of voting.**

- 766 (1) A county clerk shall ensure that the number and ballot title certified by the lieutenant
 767 governor for a referendum are presented upon the official ballot with, immediately
 768 adjacent to the number and ballot title, the words "For" and "Against," each word
 769 presented with an adjacent square in which a voter may indicate the voter's vote.
- 770 (2) A voter desiring to vote in favor of the opinion by the Supreme Court that is the subject
 771 of the referendum shall mark the square adjacent to the word "For."
- 772 (3) The opinion by the Supreme Court that is the subject of the referendum takes effect if a
 773 majority of voters mark "For."
- 774 (4) A voter desiring to vote against the opinion by the Supreme Court that is the subject of
 775 the referendum shall mark the square adjacent to the word "Against."
- 776 (5) The opinion by the Supreme Court that is the subject of the referendum does not take
 777 effect if a majority of voters mark "Against."

778 Section 11. Section **78A-1-207** is enacted to read:

779 **78A-1-207 . Return and canvass -- Conflicting measures.**

780 (1) The votes on the opinion by the Supreme Court that is the subject of the referendum
781 petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4,
782 Part 3, Canvassing Returns.

783 (2) After the state board of canvassers completes the board's canvass, the lieutenant
784 governor shall certify to the governor the votes for and against the opinion by the
785 Supreme Court that is the subject of the referendum petition.

786 (3) The governor shall immediately issue a proclamation that:

787 (a) gives the total number of votes cast in the state for and against the opinion by the
788 Supreme Court that is the subject of a referendum petition; and

789 (b) declares the opinion by the Supreme Court that is the subject of a referendum
790 petition that is approved by majority vote to be in effect as the law of Utah.

791 (4) An opinion by the Supreme Court submitted to the people by referendum that is
792 approved by the voters at an election takes effect immediately upon the official
793 proclamation of the vote by the governor.

794 Section 12. Section **78A-1-208** is enacted to read:

795 **78A-1-208 . Misconduct of electors and officers -- Penalty.**

796 (1) It is unlawful for an individual to:

797 (a) sign any name other than the individual's own to a referendum petition;

798 (b) knowingly sign the individual's name more than once for the same referendum
799 petition at one election;

800 (c) knowingly indicate that an individual who signed a referendum petition signed the
801 referendum petition on a date other than the date that the individual signed the
802 referendum petition;

803 (d) sign a referendum petition knowing the individual is not a legal voter; or

804 (e) knowingly and willfully violate any provision of this part.

805 (2) It is unlawful for an individual to sign the verification for a referendum packet knowing
806 that:

807 (a) the signature date associated with the individual's signature for the referendum
808 petition is not the date that the individual signed the referendum petition;

809 (b) the individual has not witnessed the signatures of those individuals whose signatures
810 the individual collects or submits; or

811 (c) one or more individuals who sign the referendum petition are not registered to vote

- 812 in Utah.
- 813 (3) It is unlawful for an individual to:
- 814 (a) pay an individual to sign a referendum petition;
- 815 (b) pay an individual to remove the individual's signature from a referendum petition;
- 816 (c) accept payment to sign a referendum petition;
- 817 (d) accept payment to have the individual's name removed from a referendum petition; or
- 818 (e) on behalf of a voter described in Section 20A-7-106, place the initials "AV" or enter
- 819 any information on a signature sheet or statement described in Section 20A-7-106, if
- 820 the individual:
- 821 (i) does not obtain the voluntary direction or consent of the voter;
- 822 (ii) believes or has reason to believe that the voter lacks the mental capacity to give
- 823 the voter's direction or consent;
- 824 (iii) believes or has reason to believe that the voter does not understand the purpose
- 825 or nature of the action taken by the individual on behalf of the voter;
- 826 (iv) intentionally or knowingly deceives the voter into providing the direction or
- 827 consent of the voter; or
- 828 (v) intentionally or knowingly enters false information on the signature sheet or
- 829 statement.

830 (4) Any individual violating this section is guilty of a class A misdemeanor.

831 Section 13. **Effective Date.**

832 This bill takes effect on May 6, 2026.