

LOCAL REFERENDUM AMENDMENTS

2020 SIXTH SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies the elections at which a referendum relating to legislative action taken after April 15 may appear on the ballot.

Highlighted Provisions:

This bill:

- ▶ modifies the elections at which a referendum relating to legislative action taken after April 15 may appear on the ballot.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-7-607, as last amended by Laws of Utah 2020, Chapter 31

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

Section 1. Section **20A-7-607** is amended to read:

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

(1) When each referendum packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each referendum packet filed.

(2) Within two days after the day on which the local clerk receives each referendum packet from a county clerk, the local clerk shall:

(a) count the number of the names certified by the county clerks that appear on each verified signature sheet;

(b) if the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601 and the requirements of this part

33 are met, mark upon the front of the petition the word "sufficient";

34 (c) if the total number of certified names from each verified signature sheet does not
35 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this
36 part is not met, mark upon the front of the petition the word "insufficient"; and

37 (d) notify any one of the sponsors of the local clerk's finding.

38 (3) If the local clerk finds the total number of certified signatures from each verified
39 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
40 for a recount of the signatures appearing on the referendum petition in the presence of any
41 sponsor.

42 (4) (a) If the local clerk refuses to accept and file any referendum petition, any voter
43 may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days
44 after the refusal.

45 (b) If a court determines that the referendum petition is legally sufficient, the local
46 clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of
47 the date on which it was originally offered for filing in the local clerk's office.

48 (c) If a court determines that any petition filed is not legally sufficient, the court may
49 enjoin the local clerk and all other officers from:

50 (i) certifying or printing the ballot title and numbers of that measure on the official
51 ballot for the next election; or

52 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying,
53 printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

54 (5) A petition determined to be sufficient in accordance with this section is qualified
55 for the ballot.

56 (6) (a) If a referendum relates to legislative action taken after April 15, the election
57 officer may not place the referendum on an election ballot until:

58 (i) subject to Subsection (6)(b), the next general election; or

59 (ii) a primary election, a general election, or a special election the following year.

60 (b) An election officer may not place a referendum on the ballot for the election
61 described in Subsection (6)(a)(i), unless:

62 (i) for a referendum on legislative action taken by a county, the election officer

63 determines that the requirements of this part that are required to be completed before placing

64 the referendum on the ballot will be timely completed; or

65 (ii) for a referendum on legislative action taken by an entity other than a county, the
66 election officer and the legislative body of the entity agree that the requirements of this part
67 that are required to be completed before placing the referendum on the ballot will be timely
68 completed.

69 (c) The provisions of Subsections (6)(a)(i) and (b) apply to a local referendum:

70 (i) for which, before the day on which Subsections (6)(a)(i) and (b) become law:

71 (A) the application for the referendum petition is filed; and

72 (B) the ballot question on the referendum has not yet been submitted to the voters; and

73 (ii) for which the application for the referendum petition is filed on or after the day on
74 which Subsections (6)(a)(i) and (b) become law.

75 ~~(b)~~ (d) For a referendum on a land use law, if, before August 30, the local clerk or a
76 court determines that the total number of certified names equals or exceeds the number of
77 signatures required in Section 20A-7-601, the election officer shall place the referendum on
78 the election ballot for the next general election.

79 **Section 2. Effective date.**

80 If approved by two-thirds of all the members elected to each house, this bill takes
81 effect upon approval by the governor, or the day following the constitutional time limit of Utah
82 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
83 the date of veto override.