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

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

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

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

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

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

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

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

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

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

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

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

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

(i) for a referendum on legislative action taken by a county, the election officer determines that the requirements of this part that are required to be completed before placing
the referendum on the ballot will be timely completed; or

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

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

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

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

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

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

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

Section 2. Effective date.

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