

# Analysis of Special Session Legislation

Fourth Special Session of the 65th Legislature | August 21, 2024

### Overview

The Utah Legislature will consider four pieces of legislation during the Fourth Special Session of the 65<sup>th</sup> Utah Legislature. The first bill relates to justice court jurisdiction. The other three pieces of legislation relate to lawmaking power and the initiative and referendum processes. The Office of Legislative Research and General Counsel (OLRGC) has compiled an analysis of the legislation that is intended to be general in nature, describe the legislation at the time it is introduced, and does not address subsequent adopted amendments. To read the legislation or review amendments, click on the link provided in this document or visit <u>le.utah.gov</u>.

Clicking (Ctrl+link) on the title in the list below will take you directly to that legislation's analysis within the document.

- Justice Court Jurisdiction
- Proposal to Amend Utah Constitution Voter Legislative Power
- Ballot Proposition Amendments
- Statewide Referendum Amendments

### Proposed Legislation: Justice Court Jurisdiction

#### S.B. 4001, Justice Court Jurisdiction

**Sponsors:** Sen. Jen Plumb and Rep. Anthony E. Loubet

**Drafter:** Jacqueline Carlton | **Policy Analyst:** Jonathan Adams | **Fiscal Analyst:** Travis D.

Eisenbacher

S.B. 4001 amends the jurisdiction of the justice court to fix an error arising from the 2024 General Session, <u>S.B. 180</u>, <u>Court Jurisdiction Amendments</u>. S.B. 180 significantly revised Utah Code Section <u>78A-7-106</u> to clarify the justice court's jurisdiction over cases involving minors and adult high school students. However, S.B. 180 inadvertently omitted language that gave the justice court jurisdiction over minors and adult high school students in cases involving wildlife infractions, motor vehicle and boating infractions, and class B and C misdemeanors described in Title 41, Chapter 1a, Motor Vehicle Act.

To fix this error, this bill reinstates the words "and infraction" and "Title 41, Chapter 1a, Motor Vehicle Act," to Section 78A-7-106. S.B. 4004 makes this language apply retroactively to May 1, 2024, the date on which S.B. 180 went into effect.

## Proposed Legislation: Lawmaking Power, Initiatives, and Referenda

The three pieces of legislation proposed for the Fourth Special Session related to lawmaking power and the initiative and referenda processes are:

- S.J.R. 401, Proposal to Amend Utah Constitution Voter Legislative Power;
- S.B. 4002, Ballot Proposition Amendments; and
- S.B. 4003, Statewide Referendum Amendments.



### **Background**

Utah is one of 23 states whose state constitution provides for both an initiative and a referendum process. These mechanisms allow Utah citizens to participate directly in the lawmaking process.

The initiative process allows voters to propose new laws. If enough signatures are gathered, the proposed law is placed on a ballot in a general election. If approved by a majority of voters at the election, the law proposed by the initiative becomes law.

Utah's referendum process allows voters to vote on laws recently passed by the Legislature. Like an initiative, a referendum requires a minimum number of signatures for the law to be placed on a ballot. Voters then decide whether to uphold or reject the law.

### S.J.R. 401, Proposal to Amend Utah Constitution – Voter Legislative Power

**Sponsors:** Sen. Kirk A. Cullimore and Rep. Jordan D. Teuscher

**Drafter:** Andrea Valenti Arthur | **Policy Analyst:** Julie Humberstone | **Fiscal Analyst:** Steve Allred

S.J.R. 401 proposes to amend Article 1, Section 2, and Article VI, Section 1, of the Utah Constitution. If the Legislature passes S.J.R. 401 by two-thirds during the Special Session, the constitutional amendment will be on the ballot for voters to approve or reject at the upcoming general election on November 5, 2024.

The proposed constitutional amendment has three components:

- Relating to foreign influence, it prohibits any foreign individual, entity, or government from, directly or indirectly, influencing, supporting, or opposing an initiative or referendum and allows the Legislature, by statute, to establish definitions and provide the scope and enforcement of that prohibition.
- Relating to reforming government, it provides that the people's right to reform their government is through the initiative, referendum, and constitutional amendment processes under the Utah Constitution.
- Relating to lawmaking power, it clarifies that the voters' exercise of their lawmaking
  power does not limit or preclude the Legislature's lawmaking power to amend, enact, or
  repeal a law. The same principle also applies to the legislative body of a county,
  municipality, or town related to a local initiative or referendum on a local law or
  ordinance.

S.J.R. 401 also provides retrospective operation to the reforming government and lawmaking power changes, allowing them to apply to past initiatives, referenda, or constitutional amendments.



### S.B. 4002, Ballot Proposition Amendments

**Sponsors:** Sen. Evan J. Vickers and Rep. Jordan D. Teuscher

**Drafter:** Thomas R. Vaughn | **Policy Analyst:** Megan L. Bolin | **Fiscal Analyst:** Nate Osborne

S.B. 4002 enacts temporary provisions relating to the process and deadlines for putting a constitutional amendment on the ballot. In most cases, a proposal to amend the Utah Constitution is passed during the Legislature's annual general session, providing more time for required election-related procedures.

Due to the date of the Special Session and the nearness of the upcoming regular general election, certain procedural deadlines have already passed. Therefore, deadlines related to submitting a ballot title, analysis, arguments for and against, and rebuttal arguments must be adjusted accordingly. Figure 1 below illustrates the proposed timeline.

Because the adjusted timeline only applies to a resolution proposing a constitutional amendment passed by the Legislature between August 1, 2024, and September 1, 2024, S.B. 4002 also includes a date on which the bill's provisions would automatically repeal (July 1, 2025).

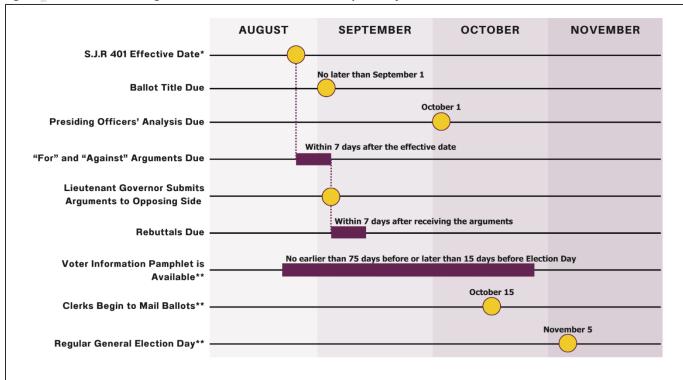


Figure 1: Timeline for Placing the Constitutional Amendment Proposed by S.J.R. 401 on the Ballot

<sup>\*</sup> For illustrative purposes, Figure 1 assumes that S.J.R. 401 becomes effective on or before September 1, 2024. If the resolution's effective date is after September 1, the date on which the ballot title is due shifts to three days after the effective date, as do the subsequent deadlines that are dependent upon the effective date.

<sup>\*\*</sup>These are existing timeframes and deadlines and are not affected by S.B. 4002.



#### S.B. 4003, Statewide Referendum Amendments

Sponsors: Sen. Kirk A. Cullimore and Rep. Jason B. Kyle

Drafter: Thomas R. Vaughn | Policy Analyst: Megan L. Bolin | Fiscal Analyst: Gary R. Syphus

S.B. 4003 amends the signature-gathering process for a referendum, but the bill's provisions only become effective if the voters approve the constitutional amendment proposed in S.J.R. 401.

The bill extends the deadline for referendum petitioners to submit the requisite number of signatures from 40 to 60 days. As a result of this extension, subsequent deadlines also adjust by 20 days:

- The deadline for the Lieutenant Governor to declare a referendum packet sufficient or insufficient is increased from 106 to 126 days;
- The deadline for legislators to submit arguments for and against the referendum is decreased from 150 to 130 days before the date of the election; and
- The deadline for authors to submit rebuttal arguments is decreased from 120 to 100 days before the date of the election.

Additionally, S.B. 4003 requires the Lieutenant Governor to determine, within 30 days after the legislative session at which a law passed ends, whether the referendum sponsors have gathered at least 25% of the signatures required to qualify the referendum for the ballot. If sponsors have met the 25% threshold, the effective date of the challenged law changes to the later of:

- The effective date of the law as it originally passed; or
- The day after the Lieutenant Governor declares the referendum petition sufficient or insufficient.

This change is necessary because of the extended signature-gathering timeframe and reduces the chance that a bill will become effective before the Lieutenant Governor declares whether a referendum petition is sufficient.

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<sup>&</sup>lt;sup>†</sup> Source: https://www.csg.org/2023/11/09/how-ballot-measures-get-on-the-ballot/