

Part 2 Statewide Initiatives

20A-7-201 Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.

- (1)
 - (a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall obtain:
 - (i) legal signatures equal to 4% of the number of active voters in the state on January 1 immediately following the last regular general election; and
 - (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the number of active voters in that district on January 1 immediately following the last regular general election.
 - (b) If, at any time not less than 10 days before the beginning of the next annual general session of the Legislature, immediately after the application is filed under Section 20A-7-202 and specified on the petition under Section 20A-7-203 the lieutenant governor declares sufficient any initiative petition that is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.
 - (c) In delivering a copy of the petition, the lieutenant governor shall include a cover sheet that contains:
 - (i) the number of active voters in the state on January 1 immediately following the last regular general election;
 - (ii) the number of active voters in each Utah State Senate district on January 1 immediately following the last regular general election;
 - (iii) the total number of certified signatures received for the submitted initiative; and
 - (iv) the total number of certified signatures received from each Utah State Senate district for the submitted initiative.
- (2)
 - (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall obtain:
 - (i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and
 - (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the number of active voters in that district on January 1 immediately following the last regular general election.
 - (b) If an initiative petition meets the requirements of this part and the lieutenant governor declares the initiative petition to be sufficient, the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election:
 - (i) immediately after the application is filed under Section 20A-7-202; and
 - (ii) specified on the petition under Section 20A-7-203.
- (3) The lieutenant governor shall provide the following information to any interested person:
 - (a) the number of active voters in the state on January 1 immediately following the last regular general election; and
 - (b) for each Utah State Senate district, the number of active voters in that district on January 1 immediately following the last regular general election.

Amended by Chapter 217, 2019 General Session

20A-7-202 Statewide initiative process -- Application procedures -- Time to gather signatures -- Grounds for rejection.

- (1) Persons wishing to circulate an initiative petition shall file an application with the lieutenant governor.
- (2) The application shall contain:
 - (a) the name and residence address of at least five sponsors of the initiative petition;
 - (b) a statement indicating that each of the sponsors:
 - (i) is a resident of Utah; and
 - (ii) has voted in a regular general election in Utah within the last three years;
 - (c) the signature of each of the sponsors, attested to by a notary public;
 - (d) a copy of the proposed law that includes, in the following order:
 - (i) the title of the proposed law, that clearly expresses the subject of the law;
 - (ii) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source; and
 - (iii) the text of the proposed law;
 - (e) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and
 - (f) a statement indicating whether persons gathering signatures for the petition may be paid for doing so.
- (3) The application and the application's contents are public when filed with the lieutenant governor.
- (4) If the petition fails to qualify for the ballot of the election described in Subsection 20A-7-201(2)(b), the sponsors shall:
 - (a) submit a new application;
 - (b) obtain new signature sheets; and
 - (c) collect signatures again.
- (5) The lieutenant governor shall reject the application or application addendum filed under Subsection 20A-7-204.1(5) and not issue circulation sheets if:
 - (a) the law proposed by the initiative is patently unconstitutional;
 - (b) the law proposed by the initiative is nonsensical;
 - (c) the proposed law could not become law if passed;
 - (d) the proposed law contains more than one subject as evaluated in accordance with Subsection (6);
 - (e) the subject of the proposed law is not clearly expressed in the law's title; or
 - (f) the law proposed by the initiative is identical or substantially similar to a law proposed by an initiative for which signatures were submitted to the county clerks and lieutenant governor for certification within two years preceding the date on which the application for the new initiative is filed.
- (6) To evaluate whether the proposed law contains more than one subject under Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Amended by Chapter 217, 2019 General Session

Amended by Chapter 275, 2019 General Session

20A-7-202.5 Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

- (1) Within three working days after the day on which the lieutenant governor receives an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Office of the Legislative Fiscal Analyst.
- (2)
 - (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith initial fiscal impact estimate of the law proposed by the initiative, not exceeding 100 words plus 100 words per revenue source created or impacted by the proposed law, that contains:
 - (i) a description of the total estimated fiscal impact of the proposed law over the time period or time periods determined by the Office of the Legislative Fiscal Analyst to be most useful in understanding the estimated fiscal impact of the proposed law;
 - (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law, a dollar amount showing the estimated amount of a new tax, and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;
 - (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage difference and the tax percentage increase for each tax or tax rate increased;
 - (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;
 - (v) a dollar amount representing the estimated cost or savings, if any, to state or local government entities under the proposed law;
 - (vi) if the proposed law would increase costs to state government, a listing of all sources of funding for the estimated costs; and
 - (vii) a concise description and analysis titled "Funding Source," not to exceed 100 words for each funding source, of the funding source information described in Subsection 20A-7-202(2)(d)(ii).
 - (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Office of the Legislative Fiscal Analyst estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
- (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy of the application, the Office of the Legislative Fiscal Analyst shall:
 - (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and
 - (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the initiative application.
- (4)
 - (a)
 - (i) Three or more of the sponsors of the petition may, within 20 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the appropriate court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

- (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the petition to:
 - (A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and
 - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
- (b)
 - (i) There is a presumption that the initial fiscal impact estimate prepared by the Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.
 - (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.
 - (iii) The court may refer an issue related to the initial fiscal impact estimate to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.
- (c) The court shall certify to the lieutenant governor a fiscal impact estimate for the measure that meets the requirements of this section.

Amended by Chapter 20, 2020 Special Session 5

20A-7-203 Form of initiative petition and signature sheets.

- (1)
 - (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:
We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on _____(month\day\year);
Each signer says:
I have personally signed this petition;
I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and
My residence and post office address are written correctly after my name.
NOTICE TO SIGNERS:
Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)"
 - (b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (1)(a):

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
 - (c) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.
- (2) Each signature sheet shall:
 - (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

- (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
 - (c) contain the title of the initiative printed below the horizontal line, in at least 14-point, bold type;
 - (d) be vertically divided into columns as follows:
 - (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet, be .25 inch wide, and be headed, together with the second column, "For Office Use Only";
 - (ii) the second column shall be .25 inch wide;
 - (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
 - (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered Voter";
 - (v) the fifth column shall be .75 inch wide, headed "Date Signed";
 - (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip Code"; and
 - (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";
 - (e) be horizontally divided into rows as follows:
 - (i) the top of the first row, for the purpose of entering the information described in Subsection (2)(d), shall be .5 inch high;
 - (ii) the second row shall be .15 inch high and contain the following statement printed or typed in not less than 12-point type:

"By signing this petition, you are stating that you have read and understand the law proposed by this petition."; and
 - (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and
 - (f) at the bottom of the sheet, contain in the following order:
 - (i) the title of the initiative, in at least 14-point, bold type;
 - (ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point, bold type;
 - (iii) the word "Warning," followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.";
 - (iv) the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."; and
 - (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet, horizontally, in not less than 14-point, bold type, the following statement:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (3) The final page of each initiative packet shall contain the following printed or typed statement:
- "Verification
State of Utah, County of _____
I, _____, of _____, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

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

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- | (Name) | (Residence Address) | (Date)" |
|--------|---------------------|---------|
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- (4) If the initial fiscal impact estimate described in Subsection (2)(f), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a signature sheet, that does not exceed 200 words.
- (5) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 20, 2020 Special Session 5

20A-7-204 Circulation requirements -- Lieutenant governor to provide sponsors with materials.

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.
- (2) The lieutenant governor shall furnish to the sponsors:
- (a) a copy of the initiative petition, with any change submitted under Subsection 20A-7-204.1(5); and
 - (b) one signature sheet.
- (3) The sponsors of the petition shall:
- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
 - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
- (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.
 - (b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.
 - (c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.
- (5)
- (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the lieutenant governor.
 - (b) The lieutenant governor shall:

- (i) number each of the initiative packets and return them to the sponsors within five working days; and
- (ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 291, 2017 General Session

20A-7-204.1 Public hearings to be held before initiative petitions are circulated -- Changes to an initiative and initial fiscal impact estimate.

- (1)
 - (a) After issuance of the initial fiscal impact estimate by the Office of the Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:
 - (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
 - (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;
 - (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
 - (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;
 - (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
 - (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
 - (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.
 - (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of the public hearings in a first or second class county, but not in the same county.
 - (c) The sponsors may not hold a public hearing described in this section until the later of:
 - (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact estimate under Subsection 20A-7-202.5(3)(b); or
 - (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal impact statement under Section 20A-7-202.5, the day after the day on which the action is final.
- (2) The sponsors shall:
 - (a) before 5 p.m. at least three calendar days before the date of the public hearing, provide written notice of the public hearing to:
 - (i) the lieutenant governor for posting on the state's website; and
 - (ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and
 - (b) publish written notice of the public hearing, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:
 - (i)
 - (A) at least three calendar days before the day of the public hearing, in a newspaper of general circulation in the county;
 - (B) if there is no newspaper of general circulation in the county, at least three calendar days before the day of the public hearing, by posting one copy of the notice, and at least one additional copy of the notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents of the county; or
 - (C) at least seven days before the day of the public hearing, by mailing notice to each residence in the county;
 - (ii) on the Utah Public Notice Website created in Section 63F-1-701, for at least three calendar days before the day of the public hearing;
 - (iii) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing; and
 - (iv) on the county's website for at least three calendar days before the day of the public hearing.

- (3) If the initiative petition proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

- (4)
- (a) During the public hearing, the sponsors shall either:
- (i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or
 - (ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.
- (b) The lieutenant governor shall make copies of the tapes or minutes available to the public.
- (c) For each public hearing, the sponsors shall:
- (i) during the entire time that the public hearing is held, post a copy of the initial fiscal impact statement in a conspicuous location at the entrance to the room where the sponsors hold the public hearing; and
 - (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to public hearing attendees, in a conspicuous location at the entrance to the room where the sponsors hold the public hearing.
- (5)
- (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the seventh public hearing described in Subsection (1)(a), and before circulating an initiative petition for signatures, the sponsors of the initiative petition may change the text of the proposed law if:
- (i) a change to the text is:
 - (A) germane to the text of the proposed law filed with the lieutenant governor under Section 20A-7-202; and
 - (B) consistent with the requirements of Subsection 20A-7-202(5); and
 - (ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of the proposed law.
- (b)
- (i) Within three working days after the day on which the lieutenant governor receives an application addendum to change the text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of the application addendum to the Office of the Legislative Fiscal Analyst.
 - (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

Amended by Chapter 20, 2020 Special Session 5

20A-7-205 Obtaining signatures -- Verification -- Removal of signature.

- (1) A Utah voter may sign an initiative petition if the voter is a legal voter.
- (2)
- (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
- (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

- (ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet; and
- (iii) is informed that each signer is required to read and understand the law proposed by the initiative.
- (b) A person may not sign the verification printed on the last page of the initiative packet if the person signed a signature sheet in the initiative packet.
- (3)
 - (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
 - (i) for an initiative packet received by the county clerk before December 1:
 - (A) 30 days after the day on which the voter signs the signature removal statement; or
 - (B) 90 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-206(2)(c); or
 - (ii) for an initiative packet received by the county clerk on or after December 1:
 - (A) 30 days after the day on which the voter signs the signature removal statement; or
 - (B) 45 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-206(3)(c);
 - (b)
 - (i) The statement shall include:
 - (A) the name of the voter;
 - (B) the resident address at which the voter is registered to vote;
 - (C) the signature of the voter; and
 - (D) the date of the signature described in Subsection (3)(b)(i)(C).
 - (ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.
 - (c) A voter may not submit a statement by email or other electronic means.
 - (d) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).
 - (e) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-206.3.

Amended by Chapter 210, 2019 General Session, (Coordination Clause)

Amended by Chapter 210, 2019 General Session

Amended by Chapter 217, 2019 General Session

Amended by Chapter 217, 2019 General Session, (Coordination Clause)

Amended by Chapter 255, 2019 General Session

20A-7-205.5 Initial disclosures -- Paid circulators.

- (1) When petitions are being circulated by paid circulators, the sponsors of the initiative shall file a report with the lieutenant governor on the second Tuesday in March of the year of the regular general election and on the Tuesday before the regular general election.
- (2) The report shall contain:
 - (a) the names of the sponsors; and
 - (b) the name of the proposed measure for which petitions are being circulated by paid circulators.

Amended by Chapter 237, 2008 General Session

20A-7-206 Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

- (1)
 - (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
 - (i) 30 days after the day on which the first individual signs the initiative packet;
 - (ii) 316 days after the day on which the application for the initiative petition is filed; or
 - (iii) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.
 - (b) A sponsor may not submit an initiative packet after the deadline described in Subsection (1)(a).
- (2) For an initiative packet received by the county clerk before December 1, the county clerk shall, within 30 days after the day on which the county clerk receives the packet:
 - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;
 - (b) certify on the petition whether each name is that of a registered voter;
 - (c) post the name and voter identification number of each registered voter certified under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days; and
 - (d) deliver the verified initiative packet to the lieutenant governor.
- (3) For an initiative packet received by the county clerk on or after December 1, the county clerk shall, within 21 days after the day on which the county clerk receives the packet:
 - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;
 - (b) certify on the petition whether each name is that of a registered voter;
 - (c) post the name and voter identification number of each registered voter certified under Subsection (2)(b) in a conspicuous location on the county's website for at least 45 days; and
 - (d) deliver the verified initiative packet to the lieutenant governor.
- (4) Within seven days after timely receipt of a statement described in Subsection 20A-7-205(3), the county clerk shall:
 - (a) remove the voter's name and voter identification number from the posting described in Subsection (2)(c) or (3)(c); and
 - (b)
 - (i) remove the voter's signature from the signature packet totals; and
 - (ii) inform the lieutenant governor of the removal.
- (5) The county clerk may not certify a signature under Subsection (2) or (3):
 - (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or
 - (b) that does not have a date of signature next to the signature.
- (6) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.
- (7) The county clerk may not certify a signature under Subsection (8) on an initiative packet that is not verified in accordance with Section 20A-7-205.
- (8) No later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative described in Subsection (6):

- (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;
 - (b) certify on the petition whether each name is that of a registered voter; and
 - (c) deliver all of the verified initiative packets to the lieutenant governor.
- (9) The sponsor or a sponsor's representative may not retrieve an initiative packet from a county clerk after the initiative packet is submitted to the county clerk.

Amended by Chapter 166, 2020 General Session

Amended by Chapter 349, 2020 General Session

20A-7-206.3 Verification of petition signatures.

(1) As used in this section:

(a) "Substantially similar name" means:

- (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
- (ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;
- (iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or
- (iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not include a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) if a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid;

(b) if there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

- (i) the address on the petition matches the address of an individual on the official register with a substantially similar name; and
- (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

- (i) the birth date or age on the petition matches the birth date or age of an individual on the official register with a substantially similar name; and
- (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (2)(c)(i); and

- (d) if a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.
- (3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:
 - (a) if a signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;
 - (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:
 - (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and
 - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);
 - (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:
 - (i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and
 - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and
 - (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Amended by Chapter 210, 2019 General Session

20A-7-207 Evaluation by the lieutenant governor.

- (1) When an initiative packet is received from a county clerk, the lieutenant governor shall check off from the record the number of the initiative packet received.
- (2)
 - (a) The lieutenant governor shall, within 14 days after the day on which the lieutenant governor receives an initiative packet from a county clerk:
 - (i) count the number of the names certified by the county clerks on each verified signature sheet; and
 - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
 - (b) The lieutenant governor shall declare the petition to be sufficient or insufficient on or before April 30 before the regular general election described in Subsection 20A-7-201(2)(b).
 - (c) If the total number of names certified under this Subsection (2) equals or exceeds the number of names required under Section 20A-7-201, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."
 - (d) If the total number of names certified under this Subsection (2) does not equal or exceed the number of names required under Section 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."
 - (e) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

- (3) After a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.
- (4)
 - (a) If the lieutenant governor refuses to accept and file an initiative petition that a sponsor believes is legally sufficient, any voter may, not later than May 15, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the initiative petition.
 - (b) If the court certifies that the initiative petition is legally sufficient, the lieutenant governor shall file the initiative petition, with a verified copy of the judgment attached to the initiative petition, as of the date on which the initiative petition was originally offered for filing in the lieutenant governor's office.
 - (c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- (5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 210, 2019 General Session, (Coordination Clause)

Amended by Chapter 210, 2019 General Session

Amended by Chapter 217, 2019 General Session

20A-7-208 Disposition of initiative petitions by the Legislature.

- (1)
 - (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.
 - (b) The speaker of the House and the president of the Senate may direct legislative staff to make technical corrections authorized by Section 36-12-12.
 - (c) If any law proposed by an initiative petition is enacted by the Legislature, the law is subject to referendum the same as other laws.
- (2) If any law proposed by a petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:
 - (a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201(2); and
 - (b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in this part.

Amended by Chapter 275, 2019 General Session

20A-7-209 Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

- (1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.
- (2)
 - (a) The Office of Legislative Research and General Counsel shall:
 - (i) entitle each state initiative that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

- (ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and
- (iii) return each petition and ballot title to the lieutenant governor by June 26.
- (b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than 100 words.
- (c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the ballot title:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (d) For each state initiative, the official ballot shall show, in the following order:
 - (i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;
 - (ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1; and
 - (iii) the ballot title as determined by the Office of Legislative Research and General Counsel.
- (3) On or before June 27, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.
- (4)
 - (a)
 - (i) At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the appropriate court.
 - (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:
 - (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or
 - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
 - (b)
 - (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.
 - (ii) The court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
 - (c) The court shall:
 - (i) examine the ballot title;
 - (ii) hear arguments; and
 - (iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.
 - (d) The lieutenant governor shall certify the title verified by the court to the county clerks to be printed on the official ballot.

Amended by Chapter 275, 2019 General Session

20A-7-210 Form of ballot -- Manner of voting.

- (1) A county clerk shall ensure that the information described in Subsection 20A-7-209(2)(d) is presented, in the order required, upon the official ballot with, immediately adjacent to the information, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.
- (2) A voter desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and a voter desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Amended by Chapter 275, 2019 General Session

20A-7-211 Return and canvass -- Conflicting measures -- Law effective on proclamation.

- (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the initiative petition.
- (3)
 - (a) The governor shall immediately issue a proclamation that:
 - (i) gives the total number of votes cast in the state for and against each law proposed by an initiative petition; and
 - (ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect on the date described in Subsection 20A-7-212(2).
 - (b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
 - (c) Within 10 days after the governor's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may bring an action in the appropriate court to review the governor's decision.
- (4) Within 10 days after the day on which the court issues an order in an action described in Subsection (3)(c), the governor shall:
 - (a) proclaim all those measures approved by the people as law that the court has determined are not entirely in conflict; and
 - (b) of all those measures approved by the people as law that the court determines to be entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that received the greatest number of affirmative votes, to be in full force and effect on the date described in Subsection 20A-7-212(2).

Amended by Chapter 206, 2019 General Session

20A-7-212 Effective date.

- (1) A proposed law submitted to the Legislature by initiative petition and passed by the Legislature takes effect 60 days after the last day of the session of the Legislature in which the law passed, unless:
 - (a) a later effective date is included in the proposed law; or
 - (b) an earlier effective date is included in the proposed law and the proposed law passes the Legislature by a two-thirds vote of the members elected to each house of the Legislature.

- (2) A proposed law submitted to the people by initiative petition that is approved by the voters at an election takes effect:
 - (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 days after the last day of the general session of the Legislature next following the election;
 - (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax increase:
 - (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general session of the Legislature next following the election; or
 - (ii) at the beginning of the applicable taxable year that begins on or after January 1 of the year after the general session of the Legislature next following the election, for a tax described in:
 - (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
 - (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
 - (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act; or
 - (D) Title 59, Chapter 10, Individual Income Tax Act;
 - (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax decrease:
 - (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the election; or
 - (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the applicable taxable year that begins on or after January 1 immediately following the election;
 - (d) except as provided in Subsection (2)(e), January 1 of the year after the general session of the Legislature next following the election, if the proposed law effectuates a change in a tax described in:
 - (i) Title 59, Chapter 2, Property Tax Act;
 - (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
 - (iii) Title 59, Chapter 4, Privilege Tax; or
 - (e) if the proposed law specifies a special effective date that is after the otherwise applicable effective date described in Subsections (2)(a) through (d), the date specified in the proposed law.
- (3)
 - (a) The governor may not veto a law adopted by the people.
 - (b) The Legislature may amend any initiative approved by the people at any legislative session.

Amended by Chapter 206, 2019 General Session

20A-7-213 Misconduct of electors and officers -- Penalty.

- (1) It is unlawful for any person to:
 - (a) sign any name other than the person's own to an initiative petition or a statement described in Subsection 20A-7-205(3);
 - (b) knowingly sign the person's name more than once for the same measure at one election;
 - (c) knowingly indicate on an initiative packet that a person who signed the packet signed the packet on a date other than the date that the person signed the packet;
 - (d) sign an initiative knowing the person is not a legal voter; or
 - (e) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for any person to sign the verification for an initiative packet knowing that:
 - (a) the person does not meet the residency requirements of Section 20A-2-105;
 - (b) the signature date next to the person's name on the initiative packet is not the date that the person signed the packet;
 - (c) the person has not witnessed the signatures of those persons whose names appear in the initiative packet; or

- (d) one or more persons whose signatures appear in the initiative packet is either:
 - (i) not registered to vote in Utah; or
 - (ii) does not intend to become registered to vote in Utah.
- (3) It is unlawful for any person to:
 - (a) pay a person to sign an initiative petition;
 - (b) pay a person to remove the person's signature from an initiative petition;
 - (c) accept payment to sign an initiative petition; or
 - (d) accept payment to have the person's name removed from an initiative petition.
- (4) Any person violating this section is guilty of a class A misdemeanor.

Amended by Chapter 210, 2019 General Session

20A-7-214 Fiscal review -- Repeal, amendment, or resubmission.

- (1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the Office of the Legislative Fiscal Analyst shall:
 - (a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and
 - (b) deliver a copy of the final fiscal impact statement to:
 - (i) the president of the Senate;
 - (ii) the minority leader of the Senate;
 - (iii) the speaker of the House of Representatives;
 - (iv) the minority leader of the House of Representatives; and
 - (v) the first five sponsors listed on the initiative application.
- (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative session following the election in which the voters approved the initiative petition:
 - (a) repeal the law established by passage of the initiative;
 - (b) amend the law established by passage of the initiative; or
 - (c) pass a joint or concurrent resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Amended by Chapter 275, 2019 General Session