

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, after filing an initiative application, 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, the lieutenant governor declares that an initiative petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the Legislature is signed by a sufficient number of voters to meet the requirements of Subsection (1)(a), the lieutenant governor shall deliver a copy of the initiative petition, the text of the proposed law, and the cover sheet described in 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) The lieutenant governor shall prepare a cover sheet for a petition declared sufficient under Subsection (1)(b) 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 obtained for the initiative petition; and
 - (iv) the total number of certified signatures obtained from each Utah State Senate district for the initiative petition.
- (2)
 - (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall, after filing an initiative application, 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 that the initiative petition is signed by a sufficient number of voters to meet the requirements of Subsection (2)(a), 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 107, 2023 General Session

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

- (1) Individuals wishing to circulate an initiative petition shall file an initiative application with the lieutenant governor.
- (2) The initiative application shall include:
 - (a) the name and residence address of at least five sponsors of the initiative petition;
 - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
 - (c) a statement indicating whether the initiative will be presented to:
 - (i) the Legislature under Subsection 20A-7-201(1); or
 - (ii) a vote of the people under Subsection 20A-7-201(2);
 - (d) the signature of each of the sponsors, attested to by a notary public;
 - (e) 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;
 - (f) if the initiative proposes a tax increase, the following statement, "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."; and
 - (g) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures.
- (3)
 - (a) An individual's status as a resident, under Subsection (2), is determined in accordance with Section 20A-2-105.
 - (b) The initiative application and the initiative application's contents are public when filed with the lieutenant governor.
- (4) If the initiative 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 initiative application;
 - (b) obtain new signature sheets; and
 - (c) collect signatures again.
- (5) The lieutenant governor shall reject an initiative application or an initiative application addendum filed under Subsection 20A-7-204.1(5) and not issue signature sheets if:
 - (a) the proposed law:
 - (i) is patently unconstitutional;
 - (ii) is nonsensical;
 - (iii) could not become law if passed;
 - (iv) contains more than one subject as evaluated in accordance with Subsection (6); or
 - (v) 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 initiative application for the new initiative is filed; or
 - (b) the subject of the proposed law is not clearly expressed in the law's title.

- (6) To evaluate whether the proposed law contains more than one subject under Subsection (5)(a)(iv), 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 107, 2023 General Session

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

- (1) Within three working days after the day on which the lieutenant governor receives an initiative application, the lieutenant governor shall submit a copy of the initiative 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 statement for the proposed law, 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)(e)(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 initiative application, the Office of the Legislative Fiscal Analyst shall:
- (a) deliver a copy of the initial fiscal impact statement to the lieutenant governor's office; and
 - (b) mail a copy of the initial fiscal impact statement to the first five sponsors named in the initiative application.
- (4)
- (a)

- (i) Three or more of the sponsors of the initiative petition may, within 20 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial fiscal impact statement to the lieutenant governor's office, file a petition with the appropriate court, alleging that the initial fiscal impact statement, 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 filed with the court to:
 - (A) any person or group that has filed an argument with the lieutenant governor's office for or against the initiative 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 statement 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 statement unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal impact statement, 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 statement 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 statement for the initiative that meets the requirements of this section.

Amended by Chapter 107, 2023 General Session

20A-7-202.7 Posting initiative information.

- (1) Within one business day after the day on which the lieutenant governor receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:
 - (a) the initiative application;
 - (b) the initiative petition;
 - (c) the text of the proposed law;
 - (d) the initial fiscal impact statement; and
 - (e) information describing how an individual may remove the individual's signature from the initiative petition.
- (2) The lieutenant governor shall:
 - (a) promptly update the information described in Subsection (1) if the information changes; and
 - (b) maintain the information described in Subsection (1) on the lieutenant governor's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Amended by Chapter 107, 2023 General Session

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

(1) This section applies only to the manual initiative process.

(2)

(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 initiative petition;

The date next to my signature correctly reflects the date that I actually signed the initiative petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah; and

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

NOTICE TO SIGNERS:

Public hearings to discuss this initiative were held at: (list dates and locations of public hearings.)".

(b) If the initiative proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (2)(a):

"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.".

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

(3) Each initiative 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) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

- (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- (xiv) the fourth row of the third column shall be .5 inch tall;
- (xv) the fourth column shall be one inch wide;
- (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- (xvii) the second row of the fourth column shall be .5 inch tall;
- (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- (xix) the fourth row of the third column shall be .5 inch tall; and
- (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this initiative petition, you are stating that you have read and understand the law proposed by this initiative petition." in 12-point type;
- (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (3)(f); and
- (f) at the bottom of the sheet, include in the following order:
 - (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least 12-point, bold type;
 - (ii) except as provided in Subsection (5), the initial fiscal impact 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 type;
 - (iii) if the initiative proposes a tax increase, the following statement in 12-point, bold type:

"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."; and
 - (iv) the word "Warning," in 12-point, bold type, 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 initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

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."
- (4) The final page of each initiative packet shall contain the following printed or typed statement:

Verification of signature collector
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 initiative 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 did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;
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.

Each individual who signed the initiative 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 initiative packet to encourage that individual to sign it.

- | (Name) | (Residence Address) | (Date) |
|---|---------------------|--------|
| (5) If the initial fiscal impact statement described in Subsection (3)(f)(ii), 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 an initiative signature sheet, that does not exceed 200 words. | | |
| (6) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors. | | |
| (7) An individual's status as a resident, under Subsection (4), is determined in accordance with Section 20A-2-105. | | |

Amended by Chapter 107, 2023 General Session

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

- (1) This section applies only to the manual initiative process.
- (2) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection (3), circulate initiative packets that meet the form requirements of this part.
- (3) The lieutenant governor shall provide the sponsors with a copy of the initiative petition and a signature sheet within three days after the day on which the following conditions are fulfilled:
 - (a) the sponsors hold the final hearing required under Section 20A-7-204.1;
 - (b) the sponsors provide to the Office of the Lieutenant Governor the video tape, audio tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for each public hearing described in Section 20A-7-204.1;
 - (c)
 - (i) the sponsors give written notice to the Office of the Lieutenant Governor that the sponsors waive the opportunity to change the text of the proposed law under Subsection 20A-7-204.1(5);
 - (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of the proposed law passes without the sponsors filing an application addendum in accordance with Subsection 20A-7-204.1(5); or
 - (iii) if the sponsors file an application addendum in accordance with Subsection 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the Office of the Lieutenant Governor:
 - (A) an updated initial fiscal impact statement, in accordance with Subsection 20A-7-204.1(5)(b); or
 - (B) a written notice indicating that no changes to the initial fiscal impact statement are necessary; and
 - (d) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of numbers that the sponsors will use to number the initiative packets.
- (4) The sponsors of the initiative shall:

- (a) arrange and pay for the printing of all documents that are part of the initiative packets; and
 - (b) ensure that the initiative packets and the documents described in Subsection (4)(a) meet the requirements of this part.
- (5)
- (a) The sponsors or an agent of the sponsors may prepare the initiative packets for circulation by creating multiple initiative packets.
 - (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding a copy of the initiative petition with the text of the proposed law, including any modification made under Subsection 20A-7-204.1(5) and no more than 50 signature sheets together at the top in a manner that the initiative packets may be conveniently opened for signing.
 - (c) An initiative packet is not required to have a uniform number of signature sheets.
- (6)
- (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
 - (i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number initiative packets;
 - (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the range of numbers that the sponsors will use to number the initiative packets; and
 - (iii) number each initiative packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.
 - (b) The sponsors or an agent of the sponsors may not:
 - (i) number an initiative packet in a manner not directed by the lieutenant governor's office; or
 - (ii) circulate or submit an initiative packet that is not numbered in the manner directed by the lieutenant governor's office.

Amended by Chapter 107, 2023 General Session

20A-7-204.1 Public hearings to be held before initiative petitions are circulated -- Changes to a proposed law or an initial fiscal impact statement.

- (1)
- (a) After issuance of the initial fiscal impact statement by the Office of the Legislative Fiscal Analyst and before circulating initiative packets for signature statewide, sponsors of the initiative 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 statement under Subsection 20A-7-202.5(3)(b); or
 - (ii) if three or more sponsors file a petition for an action 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)

- (a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the public hearing, provide written notice of the public hearing, including the date, time, and location of the public hearing:
 - (i) to the lieutenant governor;
 - (ii) to the county clerk of each county in the region where the public hearing will be held;
 - (iii) 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
 - (iv) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing.
- (b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the lieutenant governor's website for at least three days before the day of the public hearing.
- (c) The county clerk of each county in the region where the public hearing will be held:
 - (i) shall post the notice described in Subsection (2)(a) for the county, as a class A notice under Section 63G-30-102, for at least three days before the day of the public hearing; and
 - (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and posting the notice described in Subsection (2)(c)(i).
- (3) If the initiative 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 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; 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.
 - (d) Regardless of whether an individual is present to observe or speak at a public hearing:
 - (i) the sponsors may not end the public hearing until at least one hour after the public hearing begins; and
 - (ii) the sponsors shall provide at least one hour at the public hearing that is open for public comment.
- (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 signature packet for signatures, the sponsors of the initiative 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 for an initiative, 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:
 - (A) update the initial fiscal impact statement, by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law ; or
 - (B) provide written notice to the Office of the Lieutenant Governor indicating that no changes to the initial fiscal impact statement are necessary.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 107, 2023 General Session, (Coordination Clause)

Amended by Chapter 435, 2023 General Session

20A-7-206.1 Provisions relating only to process for submitting an initiative to the Legislature for approval or rejection.

- (1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.
- (2) Notwithstanding Section 20A-7-105, in order to qualify an initiative petition for submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the initiative packet was circulated before 5 p.m. no later than November 15 before the next annual general session of the Legislature immediately after the initiative application is filed under Section 20A-7-202.
- (3) Notwithstanding Section 20A-7-105, no later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative for submission to the Legislature:
 - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-105;
 - (b) certify on the initiative packet whether each name is that of a registered voter; and
 - (c) deliver the verified packets to the lieutenant governor.
- (4) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-105.
- (5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 General Session

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

- (1) In relation to the manual initiative process, when the lieutenant governor receives an initiative packet from a county clerk, the lieutenant governor shall record the number of the initiative packet received.
- (2) The county clerk shall:
 - (a) in relation to the manual initiative process:

- (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:
 - (A) for an initiative packet received by the county clerk before December 1, for at least 90 days; or
 - (B) for an initiative packet received by the county clerk on or after December 1, for at least 45 days; and
 - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update; or
- (b) in relation to the electronic initiative process:
 - (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:
 - (A) for a signature received by the county clerk before December 1, for at least 90 days; or
 - (B) for a signature received by the county clerk on or after December 1, for at least 45 days; and
 - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- (3) The lieutenant governor:
 - (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be sufficient or insufficient on April 30 before the regular general election described in Subsection 20A-7-201(2)(b); or
 - (b) may declare the initiative petition to be insufficient before the day described in Subsection (3)(a) if:
 - (i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted initiative packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted initiative packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201;
 - (ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201; or
 - (iii) a requirement of this part has not been met.
- (4)
 - (a) If the total number of names certified under Subsection (3) 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 initiative petition the word "sufficient."
 - (b) If the total number of names certified under Subsection (3) 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 initiative petition the word "insufficient."
 - (c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- (5) After an initiative petition is declared insufficient, a person may not submit additional signatures to qualify the initiative for the ballot.
- (6)

- (a) If the lieutenant governor refuses to declare an initiative petition sufficient that a voter believes is legally sufficient, the voter may, no later than May 15, apply to the appropriate court for an order finding the initiative petition legally sufficient.
 - (b) If the court determines that the initiative petition is legally sufficient, the lieutenant governor shall mark the petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the initiative petition should have been declared sufficient by the lieutenant governor's office.
 - (c) If the court determines that the initiative petition 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.
- (7) An initiative petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 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 an initiative 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 Section 20A-7-105 and this part.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 General Session

20A-7-209 Short title and summary of initiative -- 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 statewide initiative that has qualified for the ballot "Proposition Number ____" and give it a number as assigned under Section 20A-6-107;
 - (ii) prepare for each initiative:
 - (A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and
 - (B) an impartial summary of the contents of the initiative, not exceeding 125 words; and

- (iii) provide each short title, and summary to the lieutenant governor on or before June 26.
- (b) The short title and summary may be distinct from the title of the proposed law.
- (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 summary:

"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) Subject to Subsection (4), for each statewide initiative, the official ballot shall show, in the following order:
 - (i) the number of the initiative, determined in accordance with Section 20A-6-107;
 - (ii) the short title;
 - (iii) except as provided in Subsection (2)(e):
 - (A) the summary;
 - (B) the text of the proposed law; and
 - (C) a link to a location on the lieutenant governor's website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-202(2), the initial fiscal impact statement described in Section 20A-7-202.5, as updated under Section 20A-7-204.1, and the arguments relating to the initiative that are included in the voter information pamphlet; and
 - (iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1.
- (e) Unless the information described in Subsection (2)(d)(iii) is shown on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative on the ballot and a link to a location on the lieutenant governor's website where a voter may review the additional information described in Subsection (2)(d)(iii)(C).
- (f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."
- (3) On or before June 27, the lieutenant governor shall mail a copy of the short title and summary 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 short title and summary 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 initiative 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 individual designated to receive notice about any issues relating to the initiative.
 - (b)

- (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the initiative.
- (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.
- (iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.
- (iv) The court may not revise the wording of the summary unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the summary is false or biased.
- (c) The court shall:
 - (i) examine the short title and summary;
 - (ii) hear arguments; and
 - (iii) enter an order consistent with the requirements of this section.
- (d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Amended by Chapter 45, 2023 General Session, (Coordination Clause)

Amended by Chapter 45, 2023 General Session

Amended by Chapter 107, 2023 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, as 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 45, 2023 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 the 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 are 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, the governor shall proclaim as law the initiative that receives the greatest number of affirmative votes, regardless of the difference in the majorities which those initiatives receive.
 - (c) Within 10 days after the day of 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 initiative 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 as law all initiatives approved by the people that the court determines are not entirely in conflict; and
 - (b) of the initiatives approved by the people that the court determines to be entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that receives 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 107, 2023 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 an individual to:
 - (a) sign any name other than the individual's own to an initiative petition or a statement described in Subsection 20A-7-105(8) or 20A-7-216(4);
 - (b) knowingly sign the individual's name more than once for the same initiative at one election;
 - (c) knowingly indicate that an individual who signed an initiative petition signed the initiative petition on a date other than the date that the individual signed the initiative petition;
 - (d) sign an initiative petition knowing the individual is not a legal voter; or
 - (e) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for an individual to sign the verification for an initiative packet, or to electronically sign the verification for a signature under Subsection 20A-21-201(9), knowing that:
 - (a) the individual does not meet the residency requirements of Section 20A-2-105;
 - (b) the signature date associated with the individual's signature for the initiative petition is not the date that the individual signed the initiative petition;
 - (c) the individual has not witnessed the signatures of those individuals whose signatures the individual collects or submits; or
 - (d) one or more individuals who signed the initiative petition are not registered to vote in Utah.
- (3) It is unlawful for an individual to:
 - (a) pay an individual to sign an initiative petition;
 - (b) pay an individual to remove the individual's signature from an initiative petition;
 - (c) accept payment to sign an initiative petition; or
 - (d) accept payment to have the individual's name removed from an initiative petition.
- (4) A violation of this section is a class A misdemeanor.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 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, 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 estimate in the initial fiscal impact statement 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 approve the initiative:
 - (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 passage of the initiative.

Amended by Chapter 107, 2023 General Session

20A-7-215 Electronic initiative process -- Form of initiative petition -- Circulation requirements -- Signature collection.

- (1) This section applies only to the electronic initiative process.
- (2)
 - (a) The first screen presented on the approved device shall include the following statement:
"This INITIATIVE PETITION is addressed to the Honorable _____, Lieutenant Governor:
The citizens of Utah who sign this petition 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)."
 - (b) An individual may not advance to the second screen until the individual clicks a link at the bottom of the first screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- (3)
 - (a) The second screen presented on the approved device shall include the following statement:
"Public hearings to discuss this initiative were held at: (list dates and locations of public hearings.)".
 - (b) An individual may not advance to the third screen until the individual clicks a link at the bottom of the second screen stating, "By clicking here, I attest that I have read and understand the information presented on this screen."
- (4)
 - (a) The third screen presented on the approved device shall include the title of proposed law, described in Subsection 20A-7-202(2)(e)(i), followed by the entire text of the proposed law.
 - (b) An individual may not advance to the fourth screen until the individual clicks a link at the bottom of the third screen stating, "By clicking here, I attest that I have read and understand the entire text of the proposed law."
- (5) Subsequent screens shall be presented on the device in the following order, with the individual viewing the device being required, before advancing to the next screen, to click a link at the bottom of the screen with the following statement: "By clicking here, I attest that I have read and understand the information presented on this screen":
 - (a) 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;
 - (b)
 - (i) if the initiative proposes a tax increase, the following statement, "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."; or
 - (ii) if the initiative does not propose a tax increase, the following statement, "This initiative does not propose a tax increase.";
 - (c) the initial fiscal impact 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(6);

- (d) a statement indicating whether persons gathering signatures for the initiative petition may be paid for gathering signatures; and
- (e) the following statement, followed by links where the individual may click "yes" or "no":
 - "I have personally reviewed the entirety of each statement presented on this device;
 - I am personally signing this initiative petition;
 - I am registered to vote in Utah; and
 - All information I enter on this device, including my residence and post office address, is accurate.

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 initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

WARNING

Even if your voter registration record is classified as private, your name, voter identification number, and date of signature in relation to signing this initiative petition will be made public.

Do you wish to continue and sign this initiative petition?"

- (6)
 - (a) If the individual clicks "no" in response to the question described in Subsection (5)(e), the next screen shall include the following statement, "Thank you for your time. Please return this device to the signature-gatherer."
 - (b) If the individual clicks "yes" in response to the question described in Subsection (5)(e), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the initiative petition through the signature process described in Section 20A-21-201.

Amended by Chapter 107, 2023 General Session

20A-7-216 Electronic initiative process -- Obtaining signatures -- Request to remove signature.

- (1) This section applies to the electronic initiative process.
- (2) A Utah voter may sign an initiative petition if the voter is a legal voter.
- (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
 - (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
 - (b) is informed that each signer is required to read and understand the law proposed by the initiative.
- (4) A voter who signs an initiative petition may have the voter's signature removed from the initiative 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:
 - (a) for an electronic signature gathered before December 1:
 - (i) 30 days after the day on which the voter signs the signature removal statement; or
 - (ii) 90 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4); or
 - (b) for an electronic signature gathered on or after December 1:
 - (i) 30 days after the day on which the voter signs the signature removal statement; or

- (ii) 45 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4).
- (5)
 - (a) The statement described in Subsection (4) shall include:
 - (i) the name of the voter;
 - (ii) the resident address at which the voter is registered to vote;
 - (iii) the signature of the voter; and
 - (iv) the date of the signature described in Subsection (5)(a)(iii).
 - (b) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4) may include the voter's birth date or age.
 - (c) A voter may not submit a signature removal statement described in Subsection (4) by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.
 - (d) A person may only remove an electronic signature from an initiative petition in accordance with this section.
 - (e) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with Subsection 20A-1-1003(3).

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 General Session

20A-7-217 Electronic initiative process -- Collecting signatures -- Email notification -- Removal of signatures.

- (1) This section applies only to the electronic initiative process.
- (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:
 - (a) 316 days after the day on which the initiative application is filed; or
 - (b) the February 15 immediately before the next regular general election immediately after the initiative application is filed under Section 20A-7-202.
- (3) The lieutenant governor shall send to each individual who provides a valid email address during the signature-gathering process an email that includes the following:
 - (a) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and
 - (b) the body of the email shall include the following statement in 12-point type:

"You signed a petition for the following initiative:
[insert title of initiative]
To access a copy of the initiative petition, the text of the law proposed by the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the initiative petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."
- (4) Except as provided in Subsection (5), the county clerk shall, within two business days after the day on which the signature of an individual who signs an initiative petition is certified under Section 20A-21-201, post the name, voter identification number, and date of signature of the individual on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor.
- (5)
 - (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-216(4), the county clerk shall:

- (i) ensure that the voter's name, voter identification number, and date of signature are not included in the posting described in Subsection (4); and
 - (ii) remove the voter's signature from the initiative petition and the initiative petition signature totals.
- (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- (i) the deadline described in Subsection (4); or
 - (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-216(4).

Amended by Chapter 107, 2023 General Session