

Part 6 Local Referenda - Procedures

20A-7-601 Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.

- (1) As used in this section:
- (a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.
 - (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
 - (c)
 - (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.
 - (ii) "Subjurisdictional law" does not include a land use law.
 - (d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:
- (a) for a county of the first class:
 - (i) 7.75% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;
 - (b) for a metro township with a population of 100,000 or more, or a city of the first class:
 - (i) 7.5% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
 - (c) for a county of the second class:
 - (i) 8% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;
 - (d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:
 - (i) 8.25% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
 - (e) for a county of the third class:
 - (i) 9.5% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;
 - (f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:
 - (i) 10% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
 - (g) for a county of the fourth class:

- (i) 11.5% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;
- (h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:
- (i) 11.5% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
- (i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or
- (j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.
- (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:
- (a) for a county of the first, second, third, or fourth class:
- (i) 16% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
- (b) for a county of the fifth or sixth class:
- (i) 16% of the number of active voters in the county; and
 - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
- (c) for a metro township with a population of 100,000 or more, or a city of the first class:
- (i) 15% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
- (d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:
- (i) 16% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
- (e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:
- (i) 27.5% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
- (f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:
- (i) 29% of the number of active voters in the metro township or city; and
 - (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
- (g) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, 35% of the number of active voters in the metro township or city; or
- (h) for a metro township with a population of less than 1,000 or a town, 40% of the number of active voters in the metro township or town.

- (4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:
- (a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;
 - (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;
 - (c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;
 - (d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;
 - (e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and
 - (f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.
- (5)
- (a) Sponsors of any referendum petition challenging, under Subsection (2), (3), or (4), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.
 - (b) Except as provided in Subsection (5)(c), when a referendum petition has been declared sufficient, the local law that is the subject of the petition does not take effect unless and until the local law is approved by a vote of the people.
 - (c) When a referendum petition challenging a subjurisdictional law has been declared sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless and until the subjurisdictional law is approved by a vote of the people who reside in the subjurisdiction.
- (6) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.
- (7) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Amended by Chapter 203, 2019 General Session

Amended by Chapter 255, 2019 General Session

20A-7-602 Local referendum process -- Application procedures.

- (1) An eligible voter wishing to circulate a referendum petition shall file an application with the local clerk.
- (2) The application shall contain:
- (a) the name and residence address of at least five sponsors of the referendum petition;
 - (b) a certification indicating that each of the sponsors is a resident of Utah;
 - (c) a statement indicating that each of the sponsors has voted in an election in Utah in the last three years;
 - (d) the signature of each of the sponsors, acknowledged by a notary public; and
 - (e)
 - (i) if the referendum challenges an ordinance or resolution, one copy of the law; or
 - (ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the vote on the local law.

Amended by Chapter 203, 2019 General Session

20A-7-602.5 Initial fiscal and legal impact estimate -- Preparation of estimate.

- (1) Within three business days after the day on which the local clerk receives an application for a referendum petition, the local clerk shall submit a copy of the application to the county, city, or town's budget officer.
- (2)
 - (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to repeal that contains:
 - (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
 - (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;
 - (iii) if repealing the 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 that would result;
 - (iv) a listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source;
 - (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;
 - (vi) the legal impacts that would result from repealing the law, including:
 - (A) any significant effects on a person's vested property rights;
 - (B) any significant effects on other laws or ordinances;
 - (C) any significant legal liability the city, county, or town may incur; and
 - (D) any other significant legal impact as determined by the budget officer and the legal counsel; and
 - (vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, if the law were repealed.
 - (b)
 - (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
 - (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement describing the fiscal impact.
 - (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.
- (3) Within 20 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:
 - (a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and
 - (b) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first three sponsors named in the application.

Amended by Chapter 203, 2019 General Session

20A-7-602.7 Referability to voters of local law other than land use law.

- (1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a local law other than a land use law, the county, city, town, or metro township to which the referendum pertains shall:
 - (a) review the application to determine whether the proposed referendum is legally referable to voters; and
 - (b) notify the first three sponsors, in writing, whether the proposed referendum is:
 - (i) legally referable to voters; or
 - (ii) rejected as not legally referable to voters.
- (2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:
 - (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
 - (b) the proposed referendum challenges more than one law passed by the local legislative body; or
 - (c) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.
- (3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a local law other than a land use law:
 - (a) reject a proposed referendum as not legally referable to voters; or
 - (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.
- (4)
 - (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a proposed referendum concerning a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
 - (i) the Supreme Court, by means of an extraordinary writ, if possible; or
 - (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).
 - (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.
- (5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Enacted by Chapter 203, 2019 General Session

20A-7-602.8 Referability to voters of local land use law.

- (1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a land use law, the county, city, town, or metro township to which the referendum pertains shall:
 - (a) review the application to determine whether the proposed referendum is legally referable to voters; and

- (b) notify the first three sponsors, in writing, whether the proposed referendum is:
 - (i) legally referable to voters; or
 - (ii) rejected as not legally referable to voters.
- (2) For a land use law, a proposed referendum is legally referable to voters unless:
 - (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
 - (b) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
 - (c) the proposed referendum challenges more than one law passed by the local legislative body; or
 - (d) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.
- (3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:
 - (a) reject a proposed referendum as not legally referable to voters; or
 - (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.
- (4)
 - (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
 - (i) the Supreme Court, by means of an extraordinary writ, if possible; or
 - (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).
 - (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.
- (5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Enacted by Chapter 203, 2019 General Session

20A-7-603 Form of referendum petition and signature sheets.

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

"REFERENDUM PETITION To the Honorable _____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the _____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

Each signer says:
I have personally signed this petition;
The date next to my signature correctly reflects the date that I actually signed the petition;
I have personally reviewed the entire statement included with this packet;

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."

- (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum 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 referendum printed below the horizontal line;
 - (d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;
 - (e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:

"It is a class A misdemeanor for an individual to sign a referendum petition with any other name than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum 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.";
 - (f) contain horizontally ruled lines three-eighths inch apart under the "Warning" statement required by this section;
 - (g) 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)";
 - (h) 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)(g), 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 eight-point, single-leaded type: "By signing this petition, you are stating that you have read and understand the law this petition seeks to overturn."; 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)(i); and
 - (i) at the bottom of the sheet, contain 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."
- (3) The final page of each referendum packet shall contain the following printed or typed statement:
- "Verification
State of Utah, County of _____"

I, _____, of _____, hereby state that:

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

All the names that appear in this referendum 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 this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, 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.

"

- (4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 203, 2019 General Session

20A-7-604 Circulation requirements -- Local clerk to provide sponsors with materials.

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors shall, after the sponsors receive the documents described in Subsection (2) and Subsection 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.
- (2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall furnish to the sponsors a copy of the referendum petition and a 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 referendum for circulation by creating multiple referendum packets.
 - (b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, 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 referendum packet.
 - (d) The sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

Amended by Chapter 203, 2019 General Session

20A-7-605 Obtaining signatures -- Verification -- Removal of signature.

- (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.
- (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; and
 - (ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet.
 - (b) An individual may not sign the verification printed on the last page of the referendum packet if the individual signed a signature sheet in the referendum packet.
- (3)
- (a) Any voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting a statement to that effect to the county clerk.
 - (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the county clerk shall remove the signature of the individual submitting the statement from the referendum petition.
 - (c) A county clerk may not remove signatures from a referendum petition later than seven days after the day on which the sponsors timely submit the last signature packet to the county clerk.
- (4) The sponsors of a referendum petition:
- (a) shall, for each signature packet:
 - (i) within seven days after the day on which the first individual signs the signature packet, provide a clear, legible image of all signatures on the signature packet to the county clerk via email or other electronic means; and
 - (ii) immediately send a new image if the county clerk informs the sponsors that the image is not clear and legible;
 - (b) may not permit additional signatures on a signature packet of which the sponsors have sent an image under Subsection (4)(a); and
 - (c) may not submit a signature packet to the county clerk unless the sponsors timely comply with the requirements of Subsection (4)(a) in relation to the signature packet.
- (5) Each person who gathers a signature removal statement described in Subsection (3):
- (a) shall, within seven days after the day on which the individual signs the signature removal statement, provide a clear, legible image of the statement to the county clerk via email or other electronic means; and
 - (b) shall, immediately send a new image if the local clerk informs the sender that the image is not clear and legible; and
 - (c) may not submit a signature removal statement to the county clerk, unless the sender timely complies with the requirements of Subsections (5)(a) and (b) in relation to the signature removal statement.
- (6)
- (a) The county clerk shall provide to an individual, upon request, a document or electronic list containing the name and voter identification number of each individual who signed the referendum packet.
 - (b) Subject to Subsection 20A-7-606.3(3), the local clerk may begin certifying, removing, and tallying signatures upon receipt of an image described in Subsection (4) or (5).

Amended by Chapter 4, 2020 Special Session 5

20A-7-606 Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1)

- (a) The sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local clerk.
 - (b) A sponsor may not submit a referendum packet after the deadline established in this Subsection (1).
- (2)
- (a) No later than 15 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:
 - (i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether those persons are Utah residents and are at least 18 years old; and
 - (ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.
 - (b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-605.
- (3) No later than 30 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:
- (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;
 - (b) certify on the referendum petition whether each name is that of a registered voter; and
 - (c) deliver all of the verified referendum packets to the local clerk.

Amended by Chapter 255, 2019 General Session

20A-7-606.3 Verification of petition signatures.

- (1)
- (a) For the purposes of this section, "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) For the purposes of this section, "substantially similar name" does not mean 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 or not a signer is a registered voter:
- (a) When 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) When 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) When 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).
- (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 may not provide a final verification of the signature packets submitted for a proposed referendum until eight days after the day on which a sponsor submits the final, timely signature packet to the county clerk to be certified.

Amended by Chapter 203, 2019 General Session

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

- (1) When each referendum packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each referendum packet filed.
- (2) Within two days after the day on which the local clerk receives each referendum packet from a county clerk, the local clerk shall:
- (a) count the number of the names certified by the county clerks that appear on each verified signature sheet;
 - (b) if the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601 and the requirements of this part are met, mark upon the front of the petition the word "sufficient";
 - (c) if the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-601 or a requirement of this part is not met, mark upon the front of the petition the word "insufficient"; and
 - (d) notify any one of the sponsors of the local clerk's finding.
- (3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.
- (4)
- (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.
 - (b) If a court determines that the referendum petition is legally sufficient, the local clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which it was originally offered for filing in the local clerk's office.
 - (c) If a court determines that any petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

- (i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or
 - (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.
- (5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.
- (6)
- (a) If a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.
 - (b) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for the next general election.

Amended by Chapter 31, 2020 General Session

20A-7-608 Ballot title -- Duties of local clerk and local attorney.

- (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.
- (2) The local attorney shall:
- (a) entitle each county or municipal referendum that has qualified for the ballot "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;
 - (b) prepare a proposed ballot title for the referendum;
 - (c) file the proposed ballot title and the numbered referendum titles with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk; and
 - (d) promptly provide notice of the filing of the proposed ballot title to:
 - (i) the sponsors of the petition; and
 - (ii) the local legislative body for the jurisdiction where the referendum petition was circulated.
- (3)
- (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.
 - (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.
 - (c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.
- (4)
- (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.
 - (b) Within five calendar days after the last date to submit written comments under Subsection (4)
 - (a), the local attorney shall:
 - (i) review any written comments filed in accordance with Subsection (4)(a);
 - (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
 - (iii) return the petition and file the ballot title with the local clerk.
 - (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

- (5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.
- (6)
 - (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the district court, or, if the Supreme Court has original jurisdiction, to the Supreme Court, brought by:
 - (i) at least three sponsors of the referendum petition; or
 - (ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.
 - (b) The court:
 - (i) shall examine the measures and consider the arguments; and
 - (ii) may issue an order to the local clerk that includes a ballot title for the measure that fulfills the intent of this section.
 - (c) The local clerk shall print the title certified by the court on the official ballot.

Amended by Chapter 203, 2019 General Session

20A-7-609 Form of ballot -- Manner of voting.

- (1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.
- (2)
 - (a) Except as provided in Subsection (2)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.
 - (b) Except as provided in Subsection (2)(c)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.
 - (c)
 - (i) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.
 - (ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a municipal general election, the municipal recorder or clerk shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.
- (3)
 - (a)
 - (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."
 - (ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."
 - (b)

- (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square following the word "Against."
- (ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

Amended by Chapter 396, 2014 General Session

20A-7-609.5 Election on referendum challenging local tax law conducted entirely by mail.

- (1) An election officer may administer an election on a referendum challenging a local tax law entirely by mail.
- (2) For purposes of an election conducted under this section, the election officer shall:
 - (a) designate as the election day the day that is 30 days after the day on which the election officer complies with Subsection (2)(b); and
 - (b) within 30 days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts to which the local tax law applies:
 - (i) a manual ballot;
 - (ii) a statement that there will be no polling place for the election;
 - (iii) a statement specifying the election day described in Subsection (2)(a);
 - (iv) a business reply mail envelope;
 - (v) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;
 - (vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and
 - (vii)
 - (A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or
 - (B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).
- (3) An election officer who administers an election under this section shall:
 - (a)
 - (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or
 - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
 - (b) maintain the signatures on file in the election officer's office.
- (4)
 - (a) Upon receiving a returned manual ballot under this section, the election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.
 - (b) If the election officer questions the authenticity of the signature on the return envelope, the election officer shall immediately contact the voter to verify the signature.
 - (c) If there is not a signature on the return envelope or if the election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the election officer shall:
 - (i) disqualify the ballot; and
 - (ii) notify the voter of the disqualification and the reason for the disqualification.

Amended by Chapter 31, 2020 General Session

20A-7-610 Return and canvass -- Conflicting measures -- Law effective on proclamation.

- (1) The votes on the proposed law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the proposed law that is the subject of the referendum petition.
- (3)
 - (a) The local legislative body shall immediately issue a proclamation that:
 - (i) gives the total number of votes cast in the local jurisdiction for and against each proposed law that is the subject of a referendum petition; and
 - (ii) declares those laws that are the subject of a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.
 - (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they 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.
- (4)
 - (a) Within 10 days after the local legislative body's proclamation, any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another measure approved at the same election may bring an action in a district court, or, if the Supreme Court has original jurisdiction, the Supreme Court to review the decision.
 - (b) The court shall:
 - (i) consider the matter and decide whether the proposed laws are entirely in conflict; and
 - (ii) issue an order, consistent with the court's decision, to the local legislative body.
- (5) Within 10 days after the day on which the court certifies the decision, the local legislative body shall:
 - (a) proclaim as law all measures approved by the people that the court determines are not in conflict; and
 - (b) for the measures approved by the people as law that the court determines to be in conflict, proclaim as law the measure that received the greatest number of affirmative votes, regardless of the difference in majorities.

Amended by Chapter 203, 2019 General Session

20A-7-611 Effective date.

Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.

Enacted by Chapter 272, 1994 General Session

20A-7-612 Misconduct of electors and officers -- Penalty.

- (1) It is unlawful for an individual to:
 - (a) sign any name other than the individual's own name to any referendum petition;
 - (b) sign a referendum knowing that the individual is not a legal voter;

- (c) in connection with circulating a referendum petition, represent that a document is an official government document if the individual knows or has reason to know that the document is not an official government document; or
 - (d) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for an individual to sign the verification for a referendum packet knowing that:
- (a) the individual does not meet the residency requirements of Section 20A-2-105;
 - (b) the individual has not witnessed the signatures of the individuals whose names appear in the referendum packet; or
 - (c) one or more individuals whose signatures appear in the referendum packet:
 - (i) is either:
 - (A) not registered to vote in Utah; or
 - (B) does not intend to become registered to vote in Utah; or
 - (ii) appears next to an inaccurate date of signature.
- (3) An individual who violates this part is guilty of a class A misdemeanor.
- (4) The county attorney or municipal attorney shall prosecute any violation of this section.

Amended by Chapter 203, 2019 General Session

20A-7-613 Property tax referendum petition.

- (1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.
- (2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.
- (3) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies with Subsection 20A-7-604(2).
- (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).
- (5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.
- (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.
- (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.
- (8) The election officer shall mail manual ballots on a referendum under this section the later of:
 - (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
 - (b) the time that ballots are prepared for mailing under this section.
- (9) Section 20A-7-402 does not apply to a referendum described in this section.
- (10)
 - (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

- (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
 - (ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.
- (b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.
- (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.
- (11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity]" .
- (12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.
- (13)
- (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:
 - (i) sponsors file an application for a referendum described in this section;
 - (ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and
 - (iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.
 - (b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).
 - (c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Amended by Chapter 31, 2020 General Session