

## Part 6 Local Referenda - Procedures

### **20A-7-601 Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use 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) "Qualifying county" means a county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.
  - (c) "Qualifying transit area" means:
    - (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection 10-9a-403.1(2); or
    - (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.
  - (d) "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.
  - (e)
    - (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.
  - (f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.
  - (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, 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) or (5), 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, after filing a referendum application, 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, after filing a referendum application, 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) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:
  - (a) for a county:
    - (i) 20% of the number of active voters in the county; and
    - (ii) 21% 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) 20% of the number of active voters in the metro township or city; and
    - (ii) 20% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (c) 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) 20% of the number of active voters in the metro township or city; and
    - (ii) 21% 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 30,000 or more but less than 65,000, or a city of the third class:
    - (i) 34% of the number of active voters in the metro township or city; and
    - (ii) 34% 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 10,000 or more but less than 30,000, or a city of the fourth class:

- (i) 36% of the number of active voters in the metro township or city; and
  - (ii) 36% of the number of active voters in at least 75% of the metro township's or city's voter participation areas; or
  - (f) for a metro township with a population less than 10,000, a city of the fifth class, or a town, 40% of the number of active voters in the metro township, city, or town.
- (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), 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.
- (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 107, 2023 General Session

Amended by Chapter 219, 2023 General Session

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

- (1) Individuals wishing to circulate a referendum petition shall file a referendum application with the local clerk.
- (2) The referendum application shall include:
- (a) the name and residence address of at least five sponsors of the referendum petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures;
  - (d) the signature of each of the sponsors, acknowledged by a notary public; and
  - (e)
    - (i) if the referendum challenges an ordinance or resolution, a copy of the ordinance or resolution; 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 107, 2023 General Session

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

- (1) Within three business days after the day on which the local clerk receives a referendum application, the local clerk shall submit a copy of the referendum 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 initial fiscal and legal impact statement for 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 information described in this Subsection (2)(a) 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 and legal 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 in the initial fiscal and legal impact 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 and legal statement to the local clerk's office; and
  - (b) mail a copy of the initial fiscal impact and legal statement to the first three sponsors named in the referendum application.

Amended by Chapter 107, 2023 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 a referendum application under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:
  - (a) review the referendum 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 referendum application 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(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Amended by Chapter 107, 2023 General Session

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

- (1) Within 20 days after the day on which a referendum eligible voter files an application under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:
- (a) review the referendum 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)
- (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:
    - (i) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
    - (ii) 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;
    - (iii) the proposed referendum challenges more than one law passed by the local legislative body; or
    - (iv) the referendum application was not timely filed or does not comply with the requirements of this part.

- (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not legally referable to voters for a:
  - (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was passed by a unanimous vote of the local legislative body; or
  - (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land use law was passed by a two-thirds vote of the local legislative body.
- (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(3), or give the sponsors access to the website defined in Section 20A-21-101, within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 504, 2023 General Session

**20A-7-603 Manual referendum process -- Form of referendum petition and signature sheet.**

- (1) This section applies only to the manual referendum process.
- (2)
  - (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 referendum 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; and

My residence and post office address are written correctly after my name."
  - (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.
- (3) Each referendum 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 referendum printed below the horizontal line, in at least 14-point type;
- (d) include a table immediately below the title of the referendum, 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 words, "By signing this referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;
- (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (3)(f); and
- (f) at the bottom of the sheet, include 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 a referendum 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 referendum petition, or to sign a referendum 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 referendum 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 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, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Residence Address)

\_\_\_\_\_  
(Date)

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

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

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Residence Address)

\_\_\_\_\_  
(Date)".

(5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

(6) 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-7-604 Manual referendum process -- Circulation requirements -- Local clerk to provide sponsors with materials.**

(1) This section applies only to the manual referendum 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 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(3) 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 provide the sponsors with a copy of the referendum petition and a signature sheet.

(4) The sponsors of the referendum petition shall:

(a) arrange and pay for the printing of all documents that are part of the referendum packets; and

- (b) ensure that the referendum packets and the documents described in Subsection (4)(a) meet the form requirements of this section.
- (5)
  - (a) The sponsors or an agent of the sponsors may prepare the referendum packets for circulation by creating multiple referendum packets.
  - (b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum petition with the text of the law that is the subject of the referendum and no more than 50 signature sheets together at the top in a manner that the referendum packets may be conveniently opened for signing.
  - (c) A referendum packet is not required to have a uniform number of signature sheets.
  - (d) The sponsors or an agent of 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).
- (6)
  - (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
    - (i) contact the county clerk to receive a range of numbers that the sponsors may use to number referendum packets;
    - (ii) sign an agreement with the local clerk, specifying the range of numbers that the sponsor will use to number the referendum packets; and
    - (iii) number each referendum packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.
  - (b) The sponsors or an agent of the sponsors may not:
    - (i) number a referendum packet in a manner not directed by the county clerk; or
    - (ii) circulate or submit a referendum packet that is not numbered in the manner directed by the county clerk.

Amended by Chapter 107, 2023 General Session

**20A-7-604.5 Posting referendum information.**

- (1) On the day on which the local clerk complies with Subsection 20A-7-604(3), or gives the sponsors access to the website defined in Section 20A-21-101, the local clerk shall post the following information together in a conspicuous place on the local clerk's website:
  - (a) the referendum petition;
  - (b) a copy of the law that is the subject of the referendum petition; and
  - (c) information describing how an individual may remove the individual's signature from the referendum petition.
- (2) The local clerk 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 local clerk's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Amended by Chapter 107, 2023 General Session

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

- (1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.
- (2) The county clerk shall:

- (a) in relation to the manual referendum 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, for at least 45 days; and
  - (ii) update on the local clerk's website the number of signatures certified as of the date of the update; or
- (b) in relation to the electronic referendum process:
  - (i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, 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 local clerk:
  - (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be sufficient or insufficient:
    - (i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or
    - (ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or
  - (b) may declare the referendum petition to be insufficient before the day described in Subsection (3)(a) if:
    - (i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;
    - (ii) in relation to the electronic referendum 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-7-601; 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-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum 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-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."
  - (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
  - (d) After a referendum petition is declared insufficient, a person may not submit additional signatures to qualify the referendum for the ballot.
- (5)
  - (a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.

- (b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the local clerk's office.
- (c) If the court determines that a referendum 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 referendum 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 referendum under Section 20A-7-609.5.
- (6) A referendum petition determined to be sufficient in accordance with this section is qualified for the ballot.
- (7)
  - (a) Except as provided in Subsection (7)(b) or (c), 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) The election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:
    - (i) the local clerk;
    - (ii) the county clerk; and
    - (iii) the attorney for the county or municipality that took the legislative action.
  - (c) 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:
    - (i) the next general election; or
    - (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:
      - (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
      - (B) the local clerk;
      - (C) the county clerk; and
      - (D) the attorney for the county or municipality that took the legislative action.

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 General Session

**20A-7-608 Short title and summary of referendum -- Duties of local clerk and local attorney.**

- (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the law to which the referendum relates to the local attorney.
- (2) The local attorney shall:
  - (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition Number \_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;
  - (b) prepare for the referendum:
    - (i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and
    - (ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;

- (c) file the proposed short title, summary, and the numbered referendum title 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 short title and summary 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 short title and summary may be distinct from the title of the law that is the subject of the referendum petition.
  - (b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the referendum.
  - (c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the referendum.
  - (d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the referendum.
- (4)
- (a) Within five calendar days after the day on which the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the referendum petition may file written comments in response to the proposed short title and summary 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 short title and summary that meets the requirements of Subsection (3); and
    - (iii) return the referendum petition and file the short title and summary with the local clerk.
  - (c) Subject to Subsection (6), for each county or municipal referendum, the following shall be printed on the official ballot:
    - (i) the short title; and
    - (ii) except as provided in Subsection (4)(d):
      - (A) the summary;
      - (B) a copy of the ordinance, resolution, or written description of the local law; and
      - (C) a link to a location on the election officer's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.
  - (d) Unless the information described in Subsection (4)(c)(ii) is printed 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 referendum on the ballot and a link to a location on the election officer's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).
  - (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection (4)(c)(ii) 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."
- (5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the

sponsors of the referendum petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

- (6)
  - (a) If the short title or summary provided 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 appropriate court 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 short title and summary and consider the arguments; and
    - (ii) enter an order consistent with the requirements of this section.
  - (c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Amended by Chapter 45, 2023 General Session  
Amended by Chapter 107, 2023 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 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 107, 2023 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 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 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 law that is the subject of a referendum petition; and
    - (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a referendum petition that are 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 laws, or that parts of two laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim to be law the law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those approved laws received.
- (4)
  - (a) Within 10 days after the day on which the local legislative body issues the proclamation described in Subsection (3), any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another law approved at the same election may bring an action in the appropriate court to review the decision.
  - (b) The court shall:
    - (i) consider the matter and decide whether the approved 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 enters an order under Subsection (4)(b)(ii), the local legislative body shall:
  - (a) proclaim as law all those laws approved by the people that the court determines are not in conflict; and
  - (b) of all those laws approved by the people as law that the court determines to be in conflict, proclaim as law the one that receives the greatest number of affirmative votes, regardless of the difference in majorities.

Amended by Chapter 107, 2023 General Session

**20A-7-611 Temporary stay -- Effective date -- Effect of repeal by local legislative body.**

- (1) Any 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.
- (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:
  - (a) issue an order temporarily staying the law from going into effect; and
  - (b) continue the process of certifying signatures and removing signatures as required by this part.
- (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:



- (a) if the local clerk declares the referendum petition insufficient, five days after the day on which the local clerk declares the referendum petition insufficient; or
  - (b) if the local clerk declares the referendum petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.
- (4) A law submitted to the people by referendum that is approved by the voters at an election takes effect the later of:
- (a) five days after the date of the official proclamation of the vote by the local legislative body; or
  - (b) the effective date specified in the approved law.
- (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the referendum petition insufficient, the law that is the subject of the referendum petition takes effect the later of:
- (a) five days after the day on which the local clerk declares the petition insufficient; or
  - (b) the effective date specified in the proposed law.
- (6)
- (a) A law approved by the people under this part is not subject to veto.
  - (b) The local legislative body may amend any laws approved by the people under this part after the people approve the law.
- (7) If the local legislative body repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Amended by Chapter 107, 2023 General Session

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

- (1) It is unlawful for an individual to:
- (a) sign a name other than the individual's own name to any referendum petition;
  - (b) knowingly sign the individual's name more than once for the same referendum at one election;
  - (c) knowingly indicate that an individual who signed a referendum petition signed the referendum petition on a date other than the date that the individual signed the referendum petition;
  - (d) sign a referendum petition knowing that the individual is not a legal voter;
  - (e) 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
  - (f) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for an individual to sign the verification for a referendum 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 referendum petition is not the date that the individual signed the referendum petition;
  - (c) the individual has not witnessed the signatures the individual collects or submits; or
  - (d) one or more individuals whose signatures appear in the referendum packet is not registered to vote in Utah.
- (3) It is unlawful for an individual to:
- (a) pay an individual to sign a referendum petition;
  - (b) pay an individual to remove the individual's signature from a referendum petition;
  - (c) accept payment to sign a referendum petition; or
  - (d) accept payment to have the individual's name removed from a referendum petition.
- (4) A violation of this section is a class A misdemeanor.

(5) The county attorney or municipal attorney shall prosecute any violation of this section.

Amended by Chapter 107, 2023 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-7-105(5)(a)(iv), the sponsors or an agent of the sponsors shall deliver a 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 the earlier of:
  - (a) 30 days after the day on which the first individual signs the packet; or
  - (b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(3).
- (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the actions required in Subsections 20A-7-105(6)(a) and (9) 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:
  - (a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or
  - (b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).
- (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 116, 2023 General Session

**20A-7-614 Electronic referendum process -- Form of referendum petition -- Circulation requirements -- Signature collection.**

- (1) This section applies only to the electronic referendum process.
- (2)
  - (a) The first screen presented on the approved device shall include the following statement:

"This REFERENDUM PETITION is addressed to the Honorable \_\_\_\_\_, County Clerk/  
City Recorder/Town Clerk:  
The citizens of Utah who sign this petition 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)."
  - (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 entire text of the law that is the subject of the referendum petition.
  - (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 entire text of the law that is the subject of the referendum petition."

- (4)
- (a) The third screen presented on the approved device shall include a statement indicating whether persons gathering signatures for the referendum petition may be paid for gathering signatures.
  - (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 information presented on this screen."
- (5) The fourth screen presented on the approved device shall include 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 referendum 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 a referendum 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 referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.
- Do you wish to continue and sign this referendum petition?"
- (6)
- (a) If the individual clicks "no" in response to the question described in Subsection (5), 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), the website, or the application that accesses the website, shall take the signature-gatherer and the individual signing the referendum petition through the signature process described in Section 20A-21-201.

Amended by Chapter 107, 2023 General Session

**20A-7-615 Electronic referendum process -- Obtaining signatures -- Request to remove signature.**

- (1) This section applies to the electronic referendum process described in Section 20A-21-201.
- (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.
- (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 that is the subject of the referendum petition.
- (4)
  - (a) A voter who signs a referendum petition may have the voter's signature removed from the referendum petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the voter signs the statement requesting removal; or
    - (ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-616(3).

- (b) The statement described in Subsection (4)(a) 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 (4)(b)(iii).
- (c) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4)(a) may include the voter's birth date or age.
- (d) A voter may not submit a signature removal statement described in Subsection (4)(a) 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.
- (e) A person may only remove an electronic signature from a referendum petition in accordance with this section.
- (f) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with Subsection 20A-1-1003(3).

Amended by Chapter 107, 2023 General Session

Amended by Chapter 116, 2023 General Session

**20A-7-616 Electronic referendum process -- Collecting signatures -- Removal of signatures.**

- (1) This section applies only to the electronic referendum process.
- (2) A signature-gatherer may not collect a signature after 5 p.m. 45 days after the day on which the first three sponsors receive notice, under Section 20A-7-602.7 or 20A-7-602.8, that the referendum is legally referable to voters.
- (3) The local clerk 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 referendum:  
[insert title of referendum]  
To access a copy of the referendum petition, the law that is the subject of the referendum petition, and information on the deadline for removing your signature from the referendum 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 a referendum 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, for at least 45 days.
- (5)
  - (a) If the local clerk timely receives a statement requesting signature removal under Subsection 20A-7-615(4), the local 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 referendum petition and the signature totals.
  - (b) The local 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-7-615(4).

Amended by Chapter 107, 2023 General Session