

**ELECTION LAW CHANGES**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

AN ACT RELATING TO ELECTIONS; ADDING AN AGE REQUIREMENT FOR CIRCULATORS OF INITIATIVE AND REFERENDA PETITIONERS; REQUIRING THAT PERSONS APPOINTED TO FILL A VACANCY IN A MUNICIPAL OFFICE MEET THE LEGAL QUALIFICATIONS FOR OFFICE; REVISING REQUIREMENTS FOR PETITION CIRCULATORS; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 17-20-5, as last amended by Chapter 66, Laws of Utah 1984
- 20A-1-510, as last amended by Chapter 24, Laws of Utah 1997
- 20A-7-203, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-205, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-206, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-303, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-305, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-306, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-503, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-504, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-505, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-506, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-602, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-603, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-605, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-606, as last amended by Chapter 45, Laws of Utah 1999

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **17-20-5** is amended to read:

30 **17-20-5. Report of election and appointment of officers.**

31 [~~Every county clerk shall within~~] Within ten days after [~~the issuance by him of any~~] a  
32 county clerk issues a certificate of election [~~of elective county officers, excepting justices of the~~  
33 ~~peace and constables, and after the issuance by him of any~~] or a certificate of appointment made  
34 to fill vacancies in elective county offices, [~~excepting justices of the peace and constables,~~] the  
35 county clerk shall prepare and forward to the lieutenant governor a certified report [~~on forms~~  
36 ~~furnished by the lieutenant governor of every such certificate issued as aforesaid. Every such report~~  
37 ~~shall show~~] showing:

- 38 (1) the name of the county[;];
- 39 (2) the name of the county office to which the person was elected or appointed[;];
- 40 (3) the date of the election or appointment of [~~such~~] the person[;];
- 41 (4) the date of the expiration of the term for which the person was elected or appointed[;];
- 42 (5) the date of the certificate of election or appointment[;]; and
- 43 (6) the date of the qualification of the person [~~so~~] elected or appointed.

44 Section 2. Section **20A-1-510** is amended to read:

45 **20A-1-510. Midterm vacancies in municipal offices.**

46 (1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office  
47 of municipal executive or member of a municipal legislative body, the municipal legislative body  
48 shall appoint a registered voter in the municipality who meets the qualifications for office  
49 established in Section 10-3-301 to fill the unexpired term of the office vacated until the January  
50 following the next municipal election.

51 (b) Before acting to fill the vacancy, the municipal legislative body shall:

- 52 (i) give public notice of the vacancy at least two weeks before the municipal legislative  
53 body meets to fill the vacancy; and
- 54 (ii) identify, in the notice:
  - 55 (A) the date, time, and place of the meeting where the vacancy will be filled; and
  - 56 (B) the person to whom a person interested in being appointed to fill the vacancy may  
57 submit his name for consideration and any deadline for submitting it.

58 (c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30

59 days after the vacancy occurs, the municipal legislative body shall vote upon the names that have  
60 been submitted.

61 (ii) The two persons having the highest number of votes of the municipal legislative body  
62 shall appear before the municipal legislative body and the municipal legislative body shall vote  
63 again.

64 (iii) If neither candidate receives a majority vote of the municipal legislative body at that  
65 time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

66 (2) (a) A vacancy in the office of municipal executive or member of a municipal legislative  
67 body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

68 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at  
69 least 14 days before the deadline for filing for election in an odd-numbered year; and

70 (ii) two years of the vacated term will remain after the first Monday of January following  
71 the next municipal election.

72 (b) In appointing an interim replacement, the municipal legislative body shall comply with  
73 the notice requirements of this section.

74 (3) A member of a municipal legislative body may not participate in any part of the process  
75 established in this section to fill a vacancy if that member is being considered for appointment to  
76 fill the vacancy.

77 Section 3. Section **20A-7-203** is amended to read:

78 **20A-7-203. Form of initiative petition and signature sheets.**

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

81 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

82 We, the undersigned citizens of Utah, respectfully demand that the following proposed law  
83 be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular  
84 general election/session to be held/ beginning on the \_\_\_\_ day of \_\_\_\_, 19\_\_;

85 Each signer says:

86 I have personally signed this petition;

87 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
88 certification of the petition names by the county clerk; and

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

90 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
91 petition.

92 (2) Each signature sheet shall:

93 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

94 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
95 blank for the purpose of binding;

96 (c) contain the title of the initiative printed below the horizontal line;

97 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
98 the title of the initiative;

99 (e) contain, to the right of the word "Warning," the following statement printed or typed  
100 in not less than eight-point, single leaded type:

101 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
102 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
103 initiative petition when he knows he is not a registered voter and knows that he does not intend  
104 to become registered to vote before the certification of the petition names by the county clerk.";

105 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
106 by this section; and

107 (g) be vertically divided into columns as follows:

108 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
109 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle  
110 with the left subdivision entitled "Registered" and the right subdivision left untitled;

111 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
112 (must be legible to be counted)";

113 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
114 and

115 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

116 (3) The final page of each initiative packet shall contain the following printed or typed  
117 statement:

118 "Verification

119 State of Utah, County of \_\_\_\_

120 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

122 All the names that appear in this packet were signed by persons who professed to be the  
123 persons whose names appear in it, and each of them signed his name on it in my presence;

124 I believe that each has printed and signed his name and written his post office address and  
125 residence correctly, and that each signer is registered to vote in Utah or intends to become  
126 registered to vote before the certification of the petition names by the county clerk.

127 \_\_\_\_\_  
128 (Name) (Residence Address) (Date)"

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

131 Section 4. Section **20A-7-205** is amended to read:

132 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

133 (1) Any Utah voter may sign an initiative petition if the voter is a legal voter.

134 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
135 signed:

136 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

137 (b) verifies each signature sheet by completing the verification printed on the last page of  
138 each initiative packet.

139 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
140 from the petition by submitting a notarized statement to that effect to the county clerk.

141 (ii) In order for the signature to be removed, the statement must be received by the county  
142 clerk before he delivers the petition to the lieutenant governor.

143 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
144 submitting the statement from the initiative petition.

145 (c) No one may remove signatures from an initiative petition after the petition is submitted  
146 to the lieutenant governor.

147 Section 5. Section **20A-7-206** is amended to read:

148 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
149 **county clerks -- Transfer to lieutenant governor.**

150 (1) In order to qualify an initiative petition for placement on the regular general election  
151 ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of

152 the county in which the packet was circulated by the June 1 before the regular general election.

153 (2) No later than June 15 before the regular general election, the county clerk shall:

154 (a) check the names of all persons completing the verification for the initiative packet to  
155 determine whether or not those persons are residents of Utah and are at least 18 years old; and

156 (b) submit the name of each of those persons who is not [~~registered to vote in Utah~~] a Utah  
157 resident or who is not at least 18 years old to the attorney general and county attorney.

158 (3) No later than July 1 before the regular general election, the county clerk shall:

159 (a) check all the names of the signers against the official registers to determine whether  
160 or not the signer is a registered voter;

161 (b) certify on the petition whether or not each name is that of a registered voter; and

162 (c) deliver all of the packets to the lieutenant governor.

163 (4) In order to qualify an initiative petition for submission to the Legislature, the sponsors  
164 shall deliver each signed and verified initiative packet to the county clerk of the county in which  
165 the packet was circulated by the November 15 before the annual general session of the Legislature.

166 (5) No later than December 1 before the annual general session of the Legislature, the  
167 county clerk shall:

168 (a) check the names of all persons completing the verification for the initiative packet to  
169 determine whether or not those persons are Utah residents and are at least 18 years old; and

170 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
171 least 18 years old to the attorney general and county attorney.

172 (6) No later than December 15 before the annual general session of the Legislature, the  
173 county clerk shall:

174 (a) check all the names of the signers against the official registers to determine whether  
175 or not the signer is a registered voter;

176 (b) certify on the petition whether or not each name is that of a registered voter; and

177 (c) deliver all of the packets to the lieutenant governor.

178 (7) Initiative packets are public once they are delivered to the county clerks.

179 (8) The sponsor or their representatives may not retrieve initiative packets from the county  
180 clerks once they have submitted them.

181 Section 6. Section **20A-7-303** is amended to read:

182 **20A-7-303. Form of referendum petition and signature sheets.**

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

185 "REFERENDUM PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

186 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.  
187 \_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the  
188 part or parts on which the referendum is sought), passed by the \_\_\_\_ Session of the Legislature of  
189 the state of Utah, be referred to the people of Utah for their approval or rejection at a regular  
190 general election or a statewide special election;

191 Each signer says:

192 I have personally signed this petition;

193 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
194 certification of the petition names by the county clerk; and

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

196 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
197 referendum to each referendum petition.

198 (2) Each signature sheet shall:

199 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

200 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
201 blank for the purpose of binding;

202 (c) contain the title of the referendum printed below the horizontal line;

203 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
204 the title of the referendum;

205 (e) contain, to the right of the word "Warning," the following statement printed or typed  
206 in not less than eight-point, single leaded type:

207 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
208 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
209 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
210 to become registered to vote before the certification of the petition names by the county clerk.";

211 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
212 by this section; and

213 (g) be vertically divided into columns as follows:

214 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
215 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

216 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
217 (must be legible to be counted)";

218 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
219 and

220 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

221 (3) The final page of each referendum packet shall contain the following printed or typed  
222 statement:

223 "Verification  
224 State of Utah, County of \_\_\_\_\_

225 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

227 All the names that appear in this packet were signed by persons who professed to be the  
228 persons whose names appear in it, and each of them signed his name on it in my presence;

229 I believe that each has printed and signed his name and written his post office address and  
230 residence correctly, and that each signer is registered to vote in Utah or intends to become  
231 registered to vote before the certification of the petition names by the county clerk.

232 \_\_\_\_\_  
233 (Name) (Residence Address) (Date)"

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

236 Section 7. Section **20A-7-305** is amended to read:

237 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

238 (1) Any Utah voter may sign a referendum petition if the voter is a legal voter.

239 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
240 signed:

241 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

242 (b) verifies each signature sheet by completing the verification printed on the last page of  
243 each signature sheet.

244 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed



245 from the petition by submitting a notarized statement to that effect to the county clerk.

246 (ii) In order for the signature to be removed, the statement must be received by the county  
247 clerk before he delivers the petition to the lieutenant governor.

248 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
249 submitting the statement from the referendum petition.

250 (c) No one may remove signatures from a referendum petition after the petition is  
251 submitted to the lieutenant governor.

252 Section 8. Section **20A-7-306** is amended to read:

253 **20A-7-306. Submitting the referendum petition -- Certification of signatures by the**  
254 **county clerks -- Transfer to lieutenant governor.**

255 (1) No later than 40 days after the end of the legislative session at which the law passed,  
256 the sponsors shall deliver each signed and verified referendum packet to the county clerk of the  
257 county in which the packet was circulated.

258 (2) No later than 55 days after the end of the legislative session at which the law passed,  
259 the county clerk shall:

260 (a) check the names of all persons completing the verification on the back of each  
261 signature sheet to determine whether or not those persons are Utah residents and are at least 18  
262 years old; and

263 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
264 least 18 years old to the attorney general and county attorney.

265 (3) No later than 55 days after the end of the legislative session at which the law passed,  
266 the county clerk shall:

267 (a) check all the names of the signers against the official registers to determine whether  
268 or not the signer is a voter;

269 (b) certify on the referendum petition whether or not each name is that of a voter; and

270 (c) deliver all of the referendum packets to the lieutenant governor.

271 Section 9. Section **20A-7-503** is amended to read:

272 **20A-7-503. Form of initiative petitions and signature sheets.**

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

275 "INITIATIVE PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town

276 Clerk:

277 We, the undersigned citizens of Utah, respectfully demand that the following proposed law  
278 be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal  
279 voters of the county/city/town, if the legislative body rejects the proposed law or takes no action  
280 on it.

281 Each signer says:

282 I have personally signed this petition;

283 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
284 certification of the petition names by the county clerk; and

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

286 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
287 petition.

288 (2) Each signature sheet shall:

289 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

290 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
291 blank for the purpose of binding;

292 (c) contain the title of the initiative printed below the horizontal line;

293 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
294 the title of the initiative;

295 (e) contain, to the right of the word "Warning," the following statement printed or typed  
296 in not less than eight-point, single leaded type:

297 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
298 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
299 initiative petition when he knows he is not a registered voter and knows that he does not intend  
300 to become registered to vote before the certification of the petition names by the county clerk.";

301 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
302 by this section;

303 (g) be vertically divided into columns as follows:

304 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
305 headed with "For Office Use Only", and be subdivided with a light vertical line down the middle  
306 with the left subdivision entitled "Registered" and the right subdivision left untitled;

307 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
308 (must be legible to be counted)";

309 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
310 and

311 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";  
312 and

313 (h) contain the following statement, printed or typed upon the back of each sheet:

314 "Verification

315 State of Utah, County of \_\_\_\_\_

316 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

318 All the names that appear on this sheet were signed by persons who professed to be the  
319 persons whose names appear in it, and each of them signed his name on it in my presence;

320 I believe that each has printed and signed his name and written his post office address and  
321 residence correctly, and that each signer is registered to vote in Utah or intends to become  
322 registered to vote before the certification of the petition names by the county clerk.

323 \_\_\_\_\_"

324 (3) The forms prescribed in this section are not mandatory, and, if substantially followed,  
325 the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

326 Section 10. Section **20A-7-504** is amended to read:

327 **20A-7-504. Circulation requirements -- Local clerk to provide sponsors with**  
328 **materials.**

329 (1) In order to obtain the necessary number of signatures required by this part, the sponsors  
330 shall circulate initiative packets that meet the form requirements of this part.

331 (2) The local clerk shall furnish to the sponsors:

332 (a) [~~five copies~~] one copy of the initiative petition; and

333 (b) [~~five~~] one signature [~~sheets~~] sheet.

334 (3) The sponsors of the petition shall:

335 (a) arrange and pay for the printing of all additional copies of the petition and signature  
336 sheets; and

337 (b) ensure that the copies of the petition and signature sheets meet the form requirements

338 of this section.

339 (4) (a) The sponsors may prepare the initiative for circulation by creating multiple  
340 initiative packets.

341 (b) The sponsors shall create those packets by binding a copy of the initiative petition, a  
342 copy of the proposed law, and no more than 50 signature sheets together at the top in such a way  
343 that the packets may be conveniently opened for signing.

344 (c) The sponsors need not attach a uniform number of signature sheets to each initiative  
345 packet.

346 (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them  
347 to the local clerk.

348 (b) The local clerk shall:

349 (i) number each of the initiative packets and return them to the sponsors within five  
350 working days; and

351 (ii) keep a record of the numbers assigned to each packet.

352 Section 11. Section **20A-7-505** is amended to read:

353 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

354 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and  
355 resides in the local jurisdiction.

356 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
357 signed:

358 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

359 (b) verifies each signature sheet by completing the verification printed on the back of each  
360 signature sheet.

361 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
362 from the petition by submitting a notarized statement to that effect to the local clerk.

363 (ii) In order for the signature to be removed, the statement must be received by the local  
364 clerk before he delivers the petition to the county clerk to be certified.

365 (b) Upon receipt of the statement, the local clerk shall remove the signature of the person  
366 submitting the statement from the initiative petition.

367 (c) No one may remove signatures from an initiative petition after the petition is submitted  
368 to the county clerk to be certified.

369 Section 12. Section **20A-7-506** is amended to read:

370 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
371 **county clerks -- Transfer to local clerk.**

372 (1) No later than 120 days before any regular general election, for county initiatives, or  
373 municipal general election, for municipal initiatives, the sponsors shall deliver each signed and  
374 verified initiative packet to the county clerk of the county in which the packet was circulated.

375 (2) No later than 90 days before any general election, the county clerk shall:

376 (a) check the names of all persons completing the verification on the back of each  
377 signature sheet to determine whether or not those persons are residents of Utah and are at least 18  
378 years old; and

379 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
380 least 18 years old to the attorney general and county attorney.

381 (3) No later than 60 days before any general election, the county clerk shall:

382 (a) check all the names of the signers against the official registers to determine whether  
383 or not the signer is a voter;

384 (b) certify on the petition whether or not each name is that of a voter; and

385 (c) deliver all of the packets to the local clerk.

386 Section 13. Section **20A-7-602** is amended to read:

387 **20A-7-602. Local referendum process -- Application procedures.**

388 (1) Persons wishing to circulate a referendum petition shall file an application with the  
389 local clerk.

390 (2) The application shall contain:

391 (a) the name and residence address of at least five sponsors of the referendum petition;

392 (b) a certification indicating that each of the sponsors:

393 (i) is a [voter] resident of Utah; and

394 (ii) (A) if the referendum challenges a county ordinance, has voted in a regular general  
395 election in Utah within the last three years; or

396 (B) if the referendum challenges a municipal ordinance, has voted in a regular municipal  
397 election in Utah within the last three years;

398 (c) the signature of each of the sponsors, attested to by a notary public; and

399 (d) [~~five copies~~] one copy of the law.

400 Section 14. Section **20A-7-603** is amended to read:

401 **20A-7-603. Form of referendum petition and signature sheets.**

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

404 "REFERENDUM PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town  
405 Clerk:

406 We, the undersigned citizens of Utah, respectfully order that Ordinance No. \_\_\_\_, entitled  
407 (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the  
408 part or parts on which the referendum is sought), passed by the \_\_\_\_ be referred to the voters for  
409 their approval or rejection at the regular/municipal general election to be held on the \_\_\_\_ day of  
410 \_\_\_\_, 19\_\_;

411 Each signer says:

412 I have personally signed this petition;

413 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
414 certification of the petition names by the county clerk; and

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

416 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
417 referendum to each referendum petition.

418 (2) Each signature sheet shall:

419 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

420 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
421 blank for the purpose of binding;

422 (c) contain the title of the referendum printed below the horizontal line;

423 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
424 the title of the referendum;

425 (e) contain, to the right of the word "Warning," the following statement printed or typed  
426 in not less than eight-point, single leaded type:

427 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
428 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
429 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
430 to become registered to vote before the certification of the petition names by the county clerk.";

431 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
432 by this section;

433 (g) be vertically divided into columns as follows:

434 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
435 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

436 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
437 (must be legible to be counted)";

438 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";

439 and

440 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

441 and

442 (h) contain the following statement, printed or typed upon the back of each sheet:

443 "Verification

444 State of Utah, County of \_\_\_\_\_

445 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

447 All the names that appear on this sheet were signed by persons who professed to be the  
448 persons whose names appear in it, and each of them signed his name on it in my presence;

449 I believe that each has printed and signed his name and written his post office address and  
450 residence correctly, and that each signer is registered to vote in Utah or intends to become  
451 registered to vote before the certification of the petition names by the county clerk.

452 \_\_\_\_\_"

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

455 Section 15. Section **20A-7-605** is amended to read:

456 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

457 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and  
458 resides in the local jurisdiction.

459 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
460 signed:

461 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

462 (b) verifies each signature sheet by completing the verification printed on the back of each  
463 signature sheet.

464 (3) (a) [(i)] Any voter who has signed a referendum petition may have his signature  
465 removed from the petition by submitting a notarized statement to that effect to the local clerk.

466 [~~(ii) In order for the signature to be removed, the statement must be received by the local~~  
467 ~~clerk before he delivers the petition to the county clerk to be certified.]~~

468 (b) [~~Upon~~] Except as provided in Subsection (3)(c), upon receipt of the statement, the local  
469 clerk shall remove the signature of the person submitting the statement from the referendum  
470 petition.

471 (c) [~~No one~~] A local clerk may not remove signatures from a referendum petition after the  
472 petition [~~is~~] has been submitted to the county clerk to be certified.

473 Section 16. Section **20A-7-606** is amended to read:

474 **20A-7-606. Submitting the referendum petition -- Certification of signatures by the**  
475 **county clerks -- Transfer to local clerk.**

476 (1) No later than 120 days before any regular general election for county referenda, or  
477 municipal general election for local referenda, the sponsors shall deliver each signed and verified  
478 referendum packet to the county clerk of the county in which the packet was circulated.

479 (2) No later than 90 days before any general election, the county clerk shall:

480 (a) check the names of all persons completing the verification on the back of each  
481 signature sheet to determine whether or not those persons are Utah residents and are at least 18  
482 years old; and

483 (b) submit the name of each of those persons who is not a Utah resident or who is not at  
484 least 18 years old to the attorney general and county attorney.

485 (3) No later than 60 days before any general election, the county clerk shall:

486 (a) check all the names of the signers against the official registers to determine whether  
487 or not the signer is a voter;

488 (b) certify on the referendum petition whether or not each name is that of a voter; and

489 (c) deliver all of the referendum packets to the local clerk.



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**Legislative Review Note**  
**as of 11-1-99 7:38 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Government Operations Interim Committee recommended this bill.