

1 **INITIATIVE AND REFERENDUM PROCESS**
2 **FOR SCHOOL DISTRICTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Katherine M. Bryson**

6 AN ACT RELATING TO LOCAL INITIATIVE AND REFERENDA; ESTABLISHING A
7 PROCESS FOR CONDUCTING INITIATIVES AND REFERENDA ON LOCAL SCHOOL
8 BOARD DECISIONS; MODIFYING DEFINITIONS; AND MAKING TECHNICAL
9 CORRECTIONS.

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

11 AMENDS:

12 **20A-7-101**, as last amended by Chapters 21 and 272, Laws of Utah 1994

13 **20A-7-401**, as last amended by Chapter 272, Laws of Utah 1994

14 **20A-7-402**, as last amended by Chapter 272, Laws of Utah 1994

15 **20A-7-501**, as renumbered and amended by Chapter 272, Laws of Utah 1994

16 **20A-7-502**, as last amended by Chapter 278, Laws of Utah 1997

17 **20A-7-503**, as last amended by Chapter 45, Laws of Utah 1999

18 **20A-7-506**, as last amended by Chapter 45, Laws of Utah 1999

19 **20A-7-510**, as enacted by Chapter 272, Laws of Utah 1994

20 **20A-7-601**, as last amended by Chapter 45, Laws of Utah 1999

21 **20A-7-602**, as enacted by Chapter 272, Laws of Utah 1994

22 **20A-7-603**, as last amended by Chapter 45, Laws of Utah 1999

23 **20A-7-606**, as last amended by Chapter 45, Laws of Utah 1999

24 **20A-7-610**, as enacted by Chapter 272, Laws of Utah 1994

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

26 Section 1. Section **20A-7-101** is amended to read:

27 **20A-7-101. Definitions.**

28 As used in this chapter:

29 (1) "Certified" means that the county clerk has acknowledged a signature as being the
30 signature of a registered voter.

31 (2) "Circulation" means the process of submitting an initiative or referendum petition to
32 legal voters for their signature.

33 (3) "Initiative" means a new state law or local law proposed for adoption by the public as
34 provided in this chapter.

35 (4) "Initiative packet" means a copy of the initiative petition, a copy of the proposed state
36 or local law, and the signature sheets, all of which have been bound together as a unit.

37 (5) "Legal signatures" means the number of signatures of legal voters that:

38 (a) meet the numerical requirements of this chapter; and

39 (b) have been certified and verified as provided in this chapter.

40 (6) "Legal voter" means a person who:

41 (a) is registered to vote; or

42 (b) becomes registered to vote before the county clerk certifies the signatures on an
43 initiative or referendum petition.

44 (7) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive
45 zoning regulations adopted by ordinance or resolution.

46 (b) "Local law" includes a policy approved by the local legislative body if the policy
47 affects persons other than the officers and employees of the county, city, town, or school district
48 over which the local legislative body has jurisdiction.

49 [(b)] (c) "Local law" does not include individual property zoning decisions.

50 (8) "Local attorney" means the county attorney, city attorney, [or] town, or school district
51 attorney in whose jurisdiction a local initiative or referendum petition is circulated.

52 (9) "Local clerk" means the county clerk, city recorder, [or] town clerk, or school district
53 business administrator in whose jurisdiction a local initiative or referendum petition is circulated.

54 (10) "Local legislative body" means the legislative body of a county, city, or town or, for
55 school districts, the local school board.

56 (11) "Measure" means an initiative or referendum.

57 (12) "Referendum" means a state law passed by the Legislature or a local law passed by
58 a local legislative body that is being submitted to the voters for their approval or rejection.

59 (13) "Referendum packet" means a copy of the referendum petition, a copy of the state law
60 or local law being submitted to the voters for their approval or rejection, and the signature sheets,
61 all of which have been bound together as a unit.

62 (14) "Signature sheets" means sheets in the form required by this chapter that are used to
63 collect signatures in support of an initiative or referendum.

64 (15) "Sponsors" means the legal voters who support the initiative or referendum and who
65 sign the application for petition copies.

66 (16) "Sufficient" means that the signatures submitted in support of an initiative or
67 referendum petition have been certified and verified as required by this chapter.

68 (17) "Verified" means acknowledged by the person circulating the petition as required in
69 Sections 20A-7-205 and 20A-7-305.

70 Section 2. Section **20A-7-401** is amended to read:

71 **20A-7-401. Limitation -- Budgets.**

72 (1) The legal voters of any county, city, [or] town, or school district may not initiate
73 budgets or changes in budgets.

74 (2) The legal voters of any county, city, [or] town, or school district may not require any
75 budget adopted by the local legislative body to be submitted to the voters.

76 Section 3. Section **20A-7-402** is amended to read:

77 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
78 **Preparation -- Statement on front cover.**

79 (1) The county [or], municipality, or school district that is the subject of an initiative or
80 referenda shall prepare a local voter information pamphlet that meets the requirements of this part.

81 (2) (a) The arguments for and against initiatives and referenda shall conform to the
82 requirements of this section.

83 (b) Persons wishing to prepare arguments for and against initiatives and referenda shall
84 file a request with the local legislative body at least 45 days before the election at which the
85 proposed measure is to be voted upon.

86 (c) If more than one person or group requests the opportunity to prepare arguments for or
87 against any measure, the [governing] local legislative body shall make the final designation
88 according to the following criteria:

89 (i) sponsors have priority in making the argument for a measure; and

90 (ii) members of the local legislative body have priority over others.

91 (d) The arguments in favor of the measure shall be prepared by the sponsors, whether of
92 the local legislative body or of a voter or voter group, but not more than five names shall appear
93 as sponsors.

94 (e) The arguments against the measure shall be prepared by opponents from among the
95 local legislative body, if any, or from among voters requesting permission of the local legislative
96 body to prepare these arguments.

97 (f) The arguments may not exceed 500 words in length.

98 (g) The arguments supporting and opposing any county or municipal measure shall be filed
99 with the local clerk not less than 30 days before the election at which they are to be voted upon.

100 (3) (a) In preparing the local voter information pamphlet, the local legislative body shall:

101 (i) ensure that the arguments are printed on the same sheet of paper upon which the
102 proposed measure is also printed;

103 (ii) ensure that the following statement is printed on the front cover or the heading of the
104 first page of the printed arguments:

105 "The arguments for or against the proposed measure(s) are the opinions of the authors.";

106 (iii) pay for the printing and binding of the local voter information pamphlet; and

107 (iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not less
108 than eight days before the election at which the measures are to be voted upon.

109 (b) (i) If the proposed measure exceeds 500 words in length, the local legislative body may
110 direct the local clerk to summarize the measure in 500 words or less.

111 (ii) The summary shall state where a complete copy of the measure is available for public
112 review.

113 Section 4. Section **20A-7-501** is amended to read:

114 **20A-7-501. Initiatives.**

115 (1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative
116 submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain
117 legal signatures equal to:

118 (i) 10% of all the votes cast in the county, city, [or] town, or school district for all
119 candidates for governor at the last election at which a governor was elected if the total number of
120 votes exceeds 25,000;

121 (ii) 12-1/2% of all the votes cast in the county, city, [or] town, or school district for all
122 candidates for governor at the last election at which a governor was elected if the total number of
123 votes does not exceed 25,000 but is more than 10,000;

124 (iii) 15% of all the votes cast in the county, city, [or] town, or school district for all
125 candidates for governor at the last election at which a governor was elected if the total number of
126 votes does not exceed 10,000 but is more than 2,500;

127 (iv) 20% of all the votes cast in the county, city, [or] town, or school district for all
128 candidates for governor at the last election at which a governor was elected if the total number of
129 votes does not exceed 2,500 but is more than 500;

130 (v) 25% of all the votes cast in the county, city, [or] town, or school district for all
131 candidates for governor at the last election at which a governor was elected if the total number of
132 votes does not exceed 500 but is more than 250; and

133 (vi) 30% of all the votes cast in the county, city, [or] town, or school district for all
134 candidates for governor at the last election at which a governor was elected if the total number of
135 votes does not exceed 250.

136 (b) (i) In addition to the signature requirements of Subsection (1)(a), a person seeking to
137 have an initiative submitted to a local legislative body or to a vote of the people for approval or
138 rejection in a county, city, or town where the local legislative body is elected from council districts
139 shall obtain, from each of a majority of council districts, legal signatures equal to the percentages
140 established in Subsection (1)(a).

141 (ii) In addition to the signature requirements of Subsection (1)(a), a person seeking to have
142 an initiative submitted to a local school board or to a vote of the people for approval or rejection
143 in a local school district shall obtain, from each of a majority of local school board districts, legal
144 signatures equal to the percentages established in Subsection (1)(a).

145 (2) If the total number of certified names from each verified signature sheet equals or
146 exceeds the number of names required by this section, the clerk [or], recorder, or business
147 administrator shall deliver the proposed law to the local legislative body at its next meeting.

148 (3) (a) The local legislative body shall either adopt or reject the proposed law without
149 change or amendment within 30 days of receipt of the proposed law.

150 (b) The local legislative body may:

151 (i) adopt the proposed law and refer it to the people;

- 152 (ii) adopt the proposed law without referring it to the people; or
- 153 (iii) reject the proposed law.
- 154 (c) If the local legislative body adopts the proposed law but does not refer it to the people,
- 155 it is subject to referendum as with other local laws.
- 156 (d) (i) If a county legislative body rejects a proposed local law for a county [~~ordinance or~~
- 157 ~~amendment~~], or takes no action on it, the county clerk shall submit it to the voters of the county
- 158 at the next regular general election.
- 159 (ii) If a local legislative body rejects a proposed [~~municipal ordinance or amendment~~] local
- 160 law for a municipality, or takes no action on it, the municipal recorder or clerk shall submit it to
- 161 the voters of the municipality at the next municipal general election.
- 162 (iii) If a local legislative body rejects a proposed local law for a local school district, or
- 163 takes no action on it, the business administrator shall submit it to the voters of the school district
- 164 at the next regular general election.
- 165 (e) (i) If the local legislative body rejects the proposed ordinance or amendment, or takes
- 166 no action on it, the local legislative body may adopt a competing local law.
- 167 (ii) The local legislative body shall prepare and adopt the competing local law within the
- 168 30 days allowed for its action on the measure proposed by initiative petition.
- 169 (iii) If the local legislative body adopts a competing local law, the clerk or recorder shall
- 170 submit it to the voters of the county or municipality at the same election at which the initiative
- 171 proposal is submitted.
- 172 (f) If conflicting local laws are submitted to the people at the same election and two or
- 173 more of the conflicting measures are approved by the people, then the measure that receives the
- 174 greatest number of affirmative votes shall control all conflicts.

175 Section 5. Section **20A-7-502** is amended to read:

176 **20A-7-502. Local initiative process -- Application procedures.**

- 177 (1) Persons wishing to circulate an initiative petition shall file an application with the local
- 178 clerk.
- 179 (2) The application shall contain:
 - 180 (a) the name and residence address of at least five sponsors of the initiative petition;
 - 181 (b) a statement indicating that each of the sponsors:
 - 182 (i) is a registered voter; and

183 (ii) (A) if the initiative seeks to enact a local law for a county [ordinance], has voted in a
184 regular general election in Utah within the last three years; [or]

185 (B) if the initiative seeks to enact a [~~municipal ordinance~~] local law for a municipality, has
186 voted in a regular municipal election in Utah:

187 (I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

188 (II) within the last five years, if the sponsor's failure to vote within the last three years is
189 due to the sponsor's residing in a municipal district that participates in a municipal election every
190 four years; or

191 (C) if the initiative seeks to enact a local law for a school district, has voted in a regular
192 general election in Utah within the last three years;

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

194 (d) a copy of the proposed law.

195 Section 6. Section **20A-7-503** is amended to read:

196 **20A-7-503. Form of initiative petitions and signature sheets.**

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

199 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
200 Clerk/School District Business Administrator:

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

205 Each signer says:

206 I have personally signed this petition;

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

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

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

212 (2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

234 and

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

236 and

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

238 "Verification

239 State of Utah, County of ____

240 I, _____, of _____, hereby state that:

241 I am a resident of Utah;

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

244 I believe that each has printed and signed his name and written his post office address and

245 residence correctly, and that each signer is registered to vote in Utah or intends to become
 246 registered to vote before the certification of the petition names by the county clerk.

247 _____"

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

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

251 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
 252 **county clerks -- Transfer to local clerk.**

253 (1) [~~No later than 120 days before any regular general election, for county initiatives, or~~
 254 ~~municipal general election, for municipal initiatives, the] The sponsors shall deliver each signed
 255 and verified initiative packet to the county clerk of the county in which the packet was circulated[.]
 256 no later than 120 days before:~~

257 (a) the regular general election, for county initiatives and school district initiatives; or

258 (b) the municipal general election, for municipal initiatives.

259 (2) No later than 90 days before any general election, 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 residents of Utah; and

262 (b) submit the name of each of those persons who is not a Utah resident to the attorney
 263 general and county attorney.

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

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

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

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

269 Section 8. Section **20A-7-510** is amended to read:

270 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
 271 **proclamation.**

272 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed,
 273 and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

274 (2) After the local board of canvassers completes its canvass, the [~~local~~] county clerk, for
 275 county and school district initiatives, and the municipal clerk, for municipal initiatives, shall certify

276 [to the local legislative body] the vote for and against the law proposed by the initiative petition
277 to the appropriate local legislative body.

278 (3) (a) The local legislative body shall immediately issue a proclamation that:

279 (i) gives the total number of votes cast in the local jurisdiction for and against each law
280 proposed by an initiative petition; and

281 (ii) declares those laws proposed by an initiative petition that were approved by majority
282 vote to be in full force and effect as the law of the local jurisdiction.

283 (b) When the local legislative body determines that two proposed laws, or that parts of two
284 proposed laws approved by the people at the same election are entirely in conflict, they shall
285 proclaim that measure to be law that has received the greatest number of affirmative votes,
286 regardless of the difference in the majorities which those measures have received.

287 (c) (i) Within ten days after the local legislative body's proclamation, any qualified voter
288 who signed the initiative petition proposing the law that is declared by the local legislative body
289 to be superseded by another measure approved at the same election may apply to the supreme court
290 to review the decision.

291 (ii) The court shall:

292 (A) immediately consider the matter and decide whether or not the proposed laws are in
293 conflict; and

294 (B) within ten days after the matter is submitted to it for decision, certify its decision to
295 the local legislative body.

296 (4) Within 30 days after its previous proclamation, the local legislative body shall:

297 (a) proclaim all those measures approved by the people as law that the supreme court has
298 determined are not in conflict; and

299 (b) of all those measures approved by the people as law that the supreme court has
300 determined to be in conflict, proclaim as law the one that received the greatest number of
301 affirmative votes, regardless of difference in majorities.

302 Section 9. Section **20A-7-601** is amended to read:

303 **20A-7-601. Referenda -- General signature requirements -- Signature requirements**
304 **for land use laws -- Time requirements.**

305 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the local
306 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

307 (a) 10% of all the votes cast in the county, city, [or] town, or school district for all
308 candidates for governor at the last election at which a governor was elected if the total number of
309 votes exceeds 25,000;

310 (b) 12-1/2% of all the votes cast in the county, city, [or] town, or school district for all
311 candidates for governor at the last election at which a governor was elected if the total number of
312 votes does not exceed 25,000 but is more than 10,000;

313 (c) 15% of all the votes cast in the county, city, [or] town, or school district for all
314 candidates for governor at the last election at which a governor was elected if the total number of
315 votes does not exceed 10,000 but is more than 2,500;

316 (d) 20% of all the votes cast in the county, city, [or] town, or school district for all
317 candidates for governor at the last election at which a governor was elected if the total number of
318 votes does not exceed 2,500 but is more than 500;

319 (e) 25% of all the votes cast in the county, city, [or] town, or school district for all
320 candidates for governor at the last election at which a governor was elected if the total number of
321 votes does not exceed 500 but is more than 250; and

322 (f) 30% of all the votes cast in the county, city, [or] town, or school district for all
323 candidates for governor at the last election at which a governor was elected if the total number of
324 votes does not exceed 250.

325 (2) (a) As used in this Subsection (2), "land use law" includes a land use development code,
326 an annexation ordinance, and comprehensive zoning ordinances.

327 (b) A person seeking to have a land use law passed by the local legislative body submitted
328 to a vote of the people shall obtain legal signatures equal to:

329 (i) in counties and first and second class cities, 20% of all votes cast in the county or city
330 for all candidates for governor at the last election at which a governor was elected; and

331 (ii) in third class cities and towns, 35% of all the votes cast in the city or town for all
332 candidates for governor at the last election at which a governor was elected.

333 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2), any
334 local law passed by a local legislative body shall file the petition within 35 days after the passage
335 of the local law.

336 (b) The local law remains in effect until repealed by the voters via referendum.

337 (4) If the referendum passes, the local law that was challenged by the referendum is

338 repealed as of the date of the election.

339 Section 10. Section **20A-7-602** is amended to read:

340 **20A-7-602. Local referendum process -- Application procedures.**

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

343 (2) The application shall contain:

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

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

346 (i) is a voter; and

347 (ii) (A) if the referendum challenges a local law for a county [~~ordinance~~], has voted in a
348 regular general election in Utah within the last three years; [~~or~~]

349 (B) if the referendum challenges a [~~municipal ordinance~~] local law for a municipality, has
350 voted in a regular municipal election in Utah within the last three years; or

351 (C) if the referendum challenges a local law for a local school district, has voted in a
352 regular general election in Utah within the last three years;

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

354 (d) five copies of the law.

355 Section 11. Section **20A-7-603** is amended to read:

356 **20A-7-603. Form of referendum petition and signature sheets.**

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

359 "REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town
360 Clerk/School District Business Administrator:

361 We, the undersigned citizens of Utah, respectfully order that [~~Ordinance~~]
362 Ordinance/Resolution/Policy No. ____, entitled (title of ordinance, resolution, or policy, and, if
363 the petition is against less than the whole ordinance, resolution, or policy set forth here the part or
364 parts [~~on~~] upon which the referendum is sought), passed by the ____ be referred to the voters for
365 their approval or rejection at the regular/municipal general election to be held on the ____ day of
366 ____, [~~19~~] 20 __;

367 Each signer says:

368 I have personally signed this petition;

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

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

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

374 (2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

395 and

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

397 and

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

399 "Verification

400 State of Utah, County of _____

401 I, _____, of _____, hereby state that:

402 I am a resident of Utah;

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

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

408 _____"

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

411 Section 12. Section **20A-7-606** is amended to read:

412 **20A-7-606. Submitting the referendum petition -- Certification of signatures by the**
413 **county clerks -- Transfer to local clerk.**

414 (1) [~~No later than 120 days before any regular general election for county referenda, or~~
415 ~~municipal general election for local referenda, the]~~ The sponsors shall deliver each signed and
416 verified referendum packet to the county clerk of the county in which the packet was circulated[.]
417 no later than 120 days before:

418 (a) the regular general election, for county initiatives and school district initiatives; or

419 (b) the municipal general election, for municipal initiatives.

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

421 (a) check the names of all persons completing the verification on the back of each
422 signature sheet to determine whether or not those persons are Utah residents; and

423 (b) submit the name of each of those persons who is not a Utah resident to the attorney
424 general and county attorney.

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

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

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

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

430 Section 13. Section **20A-7-610** is amended to read:

431 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
432 **proclamation.**

433 (1) The votes on the law proposed by the referendum petition shall be counted, canvassed,
434 and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

435 (2) After the local board of canvassers completes its canvass, the ~~[local]~~ county clerk, for
436 county and school district initiatives, and the municipal clerk, for municipal initiatives, shall certify
437 ~~[to the local legislative body]~~ the vote for and against the law proposed by the referendum petition
438 to the appropriate local legislative body.

439 (3) (a) The local legislative body shall immediately issue a proclamation that:

440 (i) gives the total number of votes cast in the local jurisdiction for and against each law
441 proposed by a referendum petition; and

442 (ii) declares those laws proposed by a referendum petition that were approved by majority
443 vote to be in full force and effect as the law of the local jurisdiction.

444 (b) When the local legislative body determines that two proposed laws, or that parts of two
445 proposed laws approved by the people at the same election are entirely in conflict, they shall
446 proclaim that measure to be law that has received the greatest number of affirmative votes,
447 regardless of the difference in the majorities which those measures have received.

448 (4) (a) Within ten days after the local legislative body's proclamation, any qualified voter
449 who signed the referendum petition proposing the law that is declared by the local legislative body
450 to be superseded by another measure approved at the same election may apply to the supreme court
451 to review the decision.

452 (b) The supreme court shall:

453 (i) immediately consider the matter and decide whether or not the proposed laws are in
454 conflict; and

455 (ii) within ten days after the matter is submitted to it for decision, certify its decision to the
456 local legislative body.

457 (5) Within 30 days after its previous proclamation, the local legislative body shall:

458 (a) proclaim all those measures approved by the people as law that the supreme court has
459 determined are not in conflict; and

460 (b) of all those measures approved by the people as law that the supreme court has
461 determined to be in conflict, proclaim as law the one that received the greatest number of

462 affirmative votes, regardless of difference in majorities.

Legislative Review Note

as of 1-5-00 2:15 PM

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

Office of Legislative Research and General Counsel