

AMENDMENTS TO VOTER INFORMATION

PAMPHLET

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: J. Morgan Philpot

This act modifies Election Code provisions governing the Voter Information Pamphlet. This act requires notice of an appeal of the ballot title or impartial analysis to opponents of measures submitted to the voters.

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

AMENDS:

20A-7-209, as last amended by Chapter 21, Laws of Utah 1999

20A-7-308, as last amended by Chapters 20 and 153, Laws of Utah 1995

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

Section 1. Section **20A-7-209** is amended to read:

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) By July 6 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) prepare a ballot title for each initiative; and

(ii) return each petition and ballot title to the lieutenant governor by July 20.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not more than 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.

(d) In preparing ballot titles, the Office of Legislative Research and General Counsel shall,



28 to the best of its ability, give a true and impartial statement of the purpose of the measure.

29 (e) The ballot title may not intentionally be an argument, or likely to create prejudice, for
30 or against the measure.

31 (3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any sponsor
32 of the petition.

33 (4) (a) (i) If the ballot title furnished by the Office of Legislative Research and General
34 Counsel is unsatisfactory or does not comply with the requirements of this section, at least three
35 of the sponsors of the petition may, by July 30, appeal the wording of the ballot title prepared by
36 the Office of Legislative Research and General Counsel to the Supreme Court.

37 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to
38 send notice of the appeal to h :

38a (A) h any person or group that has filed an argument h FOR OR h against the measure that
39 is the subject of the challenge h ; OR

39a (B) ANY POLITICAL ISSUES COMMITTEE ESTABLISHED UNDER SECTION 20A-11-801 THAT
39b HAS FILED WRITTEN OR ELECTRONIC NOTICE WITH THE LIEUTENANT GOVERNOR THAT
39c IDENTIFIES THE NAME, MAILING OR EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE PERSON
39d DESIGNATED TO RECEIVE NOTICE ABOUT ANY ISSUES RELATING TO THE INITIATIVE h .

40 (b) The Supreme Court shall:

41 (i) examine the ballot title;

42 (ii) hear arguments; and

43 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that
44 fulfills the intent of this section.

45 (c) By September 1, the lieutenant governor shall certify the title verified to him by the
46 Supreme Court to the county clerks to be printed on the official ballot.

47 Section 2. Section **20A-7-308** is amended to read:

48 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
49 **Research and General Counsel.**

50 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
51 people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the
52 Office of Legislative Research and General Counsel.

53 (2) (a) The Office of Legislative Research and General Counsel shall:

54 (i) prepare a ballot title for the referendum; and

55 (ii) return the petition and the ballot title to the lieutenant governor within 15 days after
56 its receipt.

57 (b) The ballot title may be distinct from the title of the law that is the subject of the
58 petition, and shall express, in not more than 100 words, the purpose of the measure.

59 (c) The ballot title and the number of the measure as determined by the Office of
60 Legislative Research and General Counsel shall be printed on the official ballot.

61 (d) In preparing ballot titles, the Office of Legislative Research and General Counsel shall,
62 to the best of its ability, give a true and impartial statement of the purpose of the measure.

63 (e) The ballot title may not intentionally be an argument, or likely to create prejudice, for
64 or against the measure.

65 (3) Immediately after the Office of Legislative Research and General Counsel files a copy
66 of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the
67 ballot title to any of the sponsors of the petition.

68 (4) (a) (i) If the ballot title furnished by the Office of Legislative Research and General
69 Counsel is unsatisfactory or does not comply with the requirements of this section, at least three
70 of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the
71 ballot title, appeal the wording of the ballot title prepared by the Office of Legislative Research and
72 General Counsel to the Supreme Court.

73 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to
74 send notice of the appeal to h :

74a (A) h any person or group that has filed an argument h FOR OR h against the measure that
75 is the subject of the challenge h ; OR

75a (B) ANY POLITICAL ISSUES COMMITTEE ESTABLISHED UNDER SECTION 20A-11-801 THAT
75b HAS FILED WRITTEN OR ELECTRONIC NOTICE WITH THE LIEUTENANT GOVERNOR THAT
75c IDENTIFIES THE NAME, MAILING OR EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE PERSON
75d DESIGNATED TO RECEIVE NOTICE ABOUT ANY ISSUES RELATING TO THE INITIATIVE h .

76 (b) The Supreme Court shall:

77 (i) examine the ballot title;

78 (ii) hear arguments; and

79 (iii) within five days of its decision, certify to the lieutenant governor a ballot title for the
80 measure that fulfills the intent of this section.

81 (c) The lieutenant governor shall certify the title verified to him by the Supreme Court to
82 the county clerks to be printed on the official ballot.

Legislative Review Note

as of 1-22-01 5:13 PM

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

Office of Legislative Research and General Counsel