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**BALLOT REQUIREMENTS ON LEGISLATIVE  
AND INITIATIVE PROPOSALS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Millie M. Peterson**

**This act modifies ballot requirements for regular general elections and municipal general elections. This act establishes the title naming conventions for ballot propositions submitted to the voters and makes technical corrections.**

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

AMENDS:

**20A-6-301**, as last amended by Chapter 1, Laws of Utah 1995

**20A-6-303**, as enacted by Chapter 2, Laws of Utah 1994

**20A-6-402**, as enacted by Chapter 2, Laws of Utah 1994

**20A-7-103**, as enacted by Chapter 340, Laws of Utah 1995

**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

**20A-7-508**, as enacted by Chapter 272, Laws of Utah 1994

**20A-7-608**, as enacted by Chapter 272, Laws of Utah 1994

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

Section 1. Section **20A-6-301** is amended to read:

**20A-6-301. Paper ballots -- Regular general election.**

(1) Each election officer shall ensure that:

(a) all ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Judge's Initial \_\_\_\_" are printed on the stub; and

- 28 (iii) ballot stubs are numbered consecutively;
- 29 (c) immediately below the perforated ballot stub, the following endorsements are printed
- 30 in 18-point bold type:
  - 31 (i) "Official Ballot for \_\_\_\_ County, Utah";
  - 32 (ii) the date of the election; and
  - 33 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 34 (d) each ticket is placed in a separate column on the ballot in the order determined by the
- 35 election officer with the party emblem, followed by the party name, at the head of the column;
- 36 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;
- 37 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and
- 38 the top of the circle is placed not less than two inches below the perforated line;
- 39 (g) unaffiliated candidates and candidates not affiliated with a registered political party are
- 40 listed in one column, without a party circle, with the following instructions printed at the head of
- 41 the column: "All candidates not affiliated with a political party are listed below. They are to be
- 42 considered with all offices and candidates listed to the left. Only one vote is allowed for each
- 43 office.";
- 44 (h) the columns containing the lists of candidates, including the party name and device,
- 45 are separated by heavy parallel lines;
  - 46 (i) the offices to be filled are plainly printed immediately above the names of the
  - 47 candidates for those offices;
  - 48 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
  - 49 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
  - 50 an inch apart;
  - 51 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
  - 52 right of the name of each candidate;
  - 53 (l) for the offices of president and vice president and governor and lieutenant governor,
  - 54 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double
  - 55 bracket enclosing the right side of the names of the two candidates;
  - 56 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
  - 57 write-in column long enough to contain as many written names of candidates as there are persons
  - 58 to be elected with:

59 (i) the offices to be filled printed above the blank spaces on the ticket; and  
60 (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2  
61 inch circle;

62 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the right  
63 of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule  
64 running vertically the full length of the nonpartisan ballot copy; and

65 (o) constitutional amendments or other questions submitted to the vote of the people, are  
66 printed on the ballot after the list of candidates.

67 (2) Each election officer shall ensure that:

68 (a) each person nominated by any political party or group of petitioners is placed on the  
69 ballot:

70 (i) under the party name and emblem, if any; or

71 (ii) under the title of the party or group as designated by them in their certificates of  
72 nomination or petition, or, if none is designated, then under some suitable title;

73 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter  
74 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

75 (c) the names of the candidates for president and vice president are used on the ballot  
76 instead of the names of the presidential electors; and

77 (d) the ballots contain no other names.

78 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

79 (a) the designation of the office to be filled in the election and the number of candidates  
80 to be elected are printed in type not smaller than eight-point;

81 (b) the words designating the office are printed flush with the left-hand margin;

82 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the  
83 column;

84 (d) the nonpartisan candidates are grouped according to the office for which they are  
85 candidates;

86 (e) the names in each group are placed in alphabetical order with the surnames last, except  
87 for candidates for the State Board of Education and local school boards;

88 (f) the names of candidates for the State Board of Education are placed on the ballot as  
89 certified by the lieutenant governor under Section 20A-14-105;

90 (g) if candidates for membership on a local board of education were selected in a primary  
91 election, the name of the candidate who received the most votes in the primary election is listed  
92 first on the ballot;

93 (h) if candidates for membership on a local board of education were not selected in the  
94 primary election, the names of the candidates are listed on the ballot in the order determined by  
95 a lottery conducted by the county clerk; and

96 (i) each group is preceded by the designation of the office for which the candidates seek  
97 election, and the words, "Vote for one" or "Vote for two or more," according to the number to be  
98 elected.

99 (4) Each election officer shall ensure that:

100 (a) proposed amendments to the Utah Constitution are listed on the ballot under the  
101 heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional  
102 amendment as assigned under Section 20A-7-103 placed in the blank;

103 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot  
104 under the heading "State Proposition Number \_\_\_" with the number of the state proposition as  
105 assigned under Section 20A-7-103 placed in the blank;

106 (c) propositions submitted to the voters by a county are listed on the ballot under the  
107 heading "County Proposition Number \_\_\_" with the number of the county proposition as assigned  
108 by the county legislative body placed in the blank;

109 (d) propositions submitted to the voters by a school district are listed on the ballot under  
110 the heading "School District Proposition Number \_\_\_" with the number of the school district  
111 proposition as assigned by the county legislative body placed in the blank;

112 (e) state initiatives that have qualified for the ballot are listed on the ballot under the  
113 heading "People's State Initiative Number \_\_\_" with the number of the state initiative as assigned  
114 by Section 20A-7-209 placed in the blank;

115 (f) county initiatives that have qualified for the ballot are listed on the ballot under the  
116 heading "People's County Initiative Number \_\_\_" with the number of the county initiative as  
117 assigned under Section 20A-7-508 placed in the blank;

118 (g) state referenda that have qualified for the ballot are listed on the ballot under the  
119 heading "People's State Referendum Number \_\_\_" with the number of the state referendum as  
120 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

121 (h) county referenda that have qualified for the ballot are listed on the ballot under the  
122 heading "People's County Referendum Number " with the number of the county referendum as  
123 assigned under Section 20A-7-608 placed in the blank.

124 Section 2. Section **20A-6-303** is amended to read:

125 **20A-6-303. Machine-counted ballots for regular general elections.**

126 (1) Each election officer shall ensure that:

127 [~~(1)~~] (a) copy on the ballot labels are arranged in approximately the same order as paper  
128 ballots;

129 [~~(2)~~] (b) the titles of offices and the names of candidates are printed in vertical columns  
130 or in a series of separate pages;

131 [~~(3)~~] (c) if pages are used, the pages placed on the voting device are of sufficient number  
132 to include, after the list of candidates:

133 [~~(a)~~] (i) the names of candidates for judicial offices and any other nonpartisan offices; and

134 [~~(b)~~] (ii) any ballot propositions submitted to the voters for their approval or rejection;

135 [~~(4)~~] (d) the ballot labels include a voting square or position where the voter may record  
136 a straight party ticket vote for all the candidates of one party by one mark or punch;

137 [~~(5)~~] (e) the tickets are printed on the ballot label in the order determined by the county  
138 clerk;

139 [~~(6)~~] (f) the office titles are printed above or at the side of the names of candidates so as  
140 to indicate clearly the candidates for each office and the number to be elected;

141 [~~(7)~~] (g) the party designation of each candidate is printed to the right or below the  
142 candidate's name; and

143 [~~(8)~~-(a)] (h) (i) if possible, all candidates for one office are grouped in one column or upon  
144 one page;

145 [~~(b)~~] (ii) if all candidates for one office cannot be listed in one column or grouped upon  
146 one page:

147 [~~(i)~~] (A) the ballot label is clearly marked to indicate that the list of candidates is continued  
148 on the following column or page; and

149 [~~(ii)~~] (B) approximately the same number of names are printed in each column or on each  
150 page; and

151 [~~(9)~~] (i) arrows are used to indicate the place to vote for each candidate and on each

152 measure.

153 (2) Each election officer shall ensure that:

154 (a) proposed amendments to the Utah Constitution are listed on the ballot label under the  
155 heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional

156 amendment as assigned under Section 20A-7-103 placed in the blank;

157 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot  
158 label under the heading "State Proposition Number \_\_\_" with the number of the state proposition  
159 as assigned under Section 20A-7-103 placed in the blank;

160 (c) propositions submitted to the voters by a county are listed on the ballot label under the  
161 heading "County Proposition Number \_\_\_" with the number of the county proposition as assigned  
162 by the county legislative body placed in the blank;

163 (d) propositions submitted to the voters by a school district are listed on the ballot label  
164 under the heading "School District Proposition Number \_\_\_" with the number of the school district  
165 proposition as assigned by the county legislative body placed in the blank;

166 (e) state initiatives that have qualified for the ballot are listed on the ballot label under the  
167 heading "People's State Initiative Number \_\_\_" with the number of the state initiative as assigned  
168 under Section 20A-7-209 placed in the blank;

169 (f) county initiatives that have qualified for the ballot are listed on the ballot label under  
170 the heading "People's County Initiative Number \_\_\_" with the number of the county initiative as  
171 assigned under Section 20A-7-508 placed in the blank;

172 (g) state referenda that have qualified for the ballot are listed on the ballot label under the  
173 heading "People's State Referendum Number \_\_\_" with the number of the state referendum as  
174 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

175 (h) county referenda that have qualified for the ballot are listed on the ballot label under  
176 the heading "People's County Referendum Number \_\_\_" with the number of the county referendum  
177 as assigned under Sections 20A-7-608 placed in the blank.

178 Section 3. Section **20A-6-402** is amended to read:

179 **20A-6-402. Ballots for regular municipal elections.**

180 (1) Each election officer shall ensure, for paper ballots at municipal general elections, that:

181 (a) the names of the two candidates who received the highest number of votes for mayor  
182 in the municipal primary are placed upon the ballot;

183 (b) if no municipal primary election was held, the names of the candidates who filed  
184 declarations of candidacy for municipal offices are placed upon the ballot;

185 (c) for other offices:

186 (i) twice the number of candidates as there are positions to be filled are certified as eligible  
187 for election in the municipal general election from those candidates who received the greater  
188 number of votes in the primary election; and

189 (ii) the names of those candidates are placed upon the municipal general election ballot[-];

190 (d) propositions submitted to the voters by the municipality are listed on the ballot under  
191 the heading "City (or Town) Proposition Number \_\_\_\_" with the number of the proposition as  
192 assigned by the municipal legislative body placed in the blank;

193 (e) municipal initiatives that have qualified for the ballot are listed on the ballot under the  
194 heading "People's City (or Town) Initiative Number \_\_\_\_" with the number of the municipal  
195 initiative as assigned by Section 20A-7-508 placed in the blank; and

196 (f) municipal referenda that have qualified for the ballot are listed on the ballot under the  
197 heading "People's City (or Town) Referendum Number \_\_\_\_" with the number of the municipal  
198 referendum as assigned by Section 20A-7-608 placed in the blank.

199 (2) Each election officer shall ensure that:

200 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the  
201 top of the ballot;

202 (ii) the ballot number and the words "Judge's Initial \_\_\_\_" are printed on the stub; and

203 (iii) ballot stubs are numbered consecutively;

204 (b) immediately below the perforated ballot stub, the following endorsements are printed  
205 in 18-point bold type:

206 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

207 (ii) the date of the election; and

208 (iii) a facsimile of the signature of the election officer and the election officer's title in  
209 eight-point type; and

210 (c) immediately below the election officer's title, two one-point parallel horizontal rules  
211 separate endorsements from the rest of the ballot;

212 (d) immediately below the horizontal rules, an "Instructions to Voters" section is printed  
213 in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following

214 the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by  
215 two one-point parallel rules;

216 (e) after the rules, the designation of the office for which the candidates seek election is  
217 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more"  
218 are printed to extend to the extreme right of the column in ten-point bold type, followed by a  
219 hair-line rule;

220 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
221 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and  
222 grouped according to the office that they seek;

223 (g) a square with sides not less than 1/4 inch long is printed to the right of the names of  
224 the candidates;

225 (h) following the name of the last candidate for each office, the ballot contains a write-in  
226 space for each elective office; and

227 (i) the candidate groups are separated from each other by one light and one heavy line or  
228 rule.

229 (3) When a municipality has chosen to nominate candidates by convention or committee,  
230 the election officer shall ensure that the party name is included with the candidate's name on the  
231 ballot.

232 Section 4. Section **20A-7-103** is amended to read:

233 **20A-7-103. Constitutional amendments and other questions -- Procedures for**  
234 **submission to popular vote.**

235 (1) The procedures contained in this section govern when:

236 (a) the Legislature submits a proposed constitutional amendment or other question to the  
237 voters; and

238 (b) an act of the Legislature is referred to the voters by referendum petition.

239 (2) The lieutenant governor shall, not later than 60 days before the regular general election,  
240 publish the full text of the amendment, question, or statute in at least one newspaper in every  
241 county of the state where a newspaper is published.

242 (3) The legislative general counsel shall:

243 [~~(a) designate the amendment or question by number and order of presentation on the~~  
244 ~~ballot;~~]

245 (a) entitle each proposed constitutional amendment "Constitutional Amendment Number  
 246 \_\_\_" and give it a number;

247 (b) entitle each proposed question "State Proposition Number \_\_\_" and give it a number;

248 (c) entitle each state referendum that has qualified for the ballot "People's State

249 Referendum Number \_\_\_" and give it a number;

250 [~~(b)~~] (d) draft and designate a ballot title that summarizes the subject matter of the  
 251 amendment or question; and

252 [~~(c)~~] (e) deliver them to the lieutenant governor.

253 (4) The lieutenant governor shall certify the number and ballot title of each amendment  
 254 or question to the county clerk of each county no later than the second Friday after the primary  
 255 election.

256 (5) The county clerk of each county shall:

257 (a) ensure that both the number and title of the amendment, question, or referendum is  
 258 printed on the sample ballots and official ballots; and

259 (b) publish them as provided by law.

260 Section 5. Section **20A-7-209** is amended to read:

261 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
 262 **Research and General Counsel.**

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

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

267 (i) entitle each state initiative that has qualified for the ballot "People's State Initiative  
 268 Number \_\_\_" and give it a number;

269 [~~(i)~~] (ii) prepare a ballot title for each initiative; and

270 [~~(ii)~~] (iii) return each petition and ballot title to the lieutenant governor by July 20.

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

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

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

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

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

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

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

285 (b) The Supreme Court shall:

286 (i) examine the ballot title;

287 (ii) hear arguments; and

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

290 (c) By September 1, the lieutenant governor shall certify the title verified to him by the  
291 supreme court to the county clerks to be printed on the official ballot.

292 Section 6. Section **20A-7-308** is amended to read:

293 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**  
294 **Research and General Counsel.**

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

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

299 (i) entitle each state referendum that has qualified for the ballot "People's State

300 Referendum Number \_\_\_" and give it a number;

301 [~~(i)~~] (ii) prepare a ballot title for the referendum; and

302 [~~(ii)~~] (iii) return the petition and the ballot title to the lieutenant governor within 15 days  
303 after its receipt.

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

306 (c) The ballot title and the number of the measure as determined by the Office of

307 Legislative Research and General Counsel shall be printed on the official ballot.

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

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

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

315 (4) (a) If the ballot title furnished by the Office of Legislative Research and General  
316 Counsel is unsatisfactory or does not comply with the requirements of this section, at least three  
317 of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the  
318 ballot title, appeal the wording of the ballot title prepared by the Office of Legislative Research and  
319 General Counsel to the supreme court.

320 (b) The supreme court shall:

321 (i) examine the ballot title;

322 (ii) hear arguments; and

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

325 (c) The lieutenant governor shall certify the title verified to him by the supreme court to  
326 the county clerks to be printed on the official ballot.

327 Section 7. Section **20A-7-508** is amended to read:

328 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

329 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the  
330 people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
331 attorney.

332 (2) (a) The local attorney shall:

333 (i) entitle each county initiative that has qualified for the ballot "People's County Initiative  
334 Number \_\_\_" and give it a number;

335 (ii) entitle each municipal initiative that has qualified for the ballot "People's City (or  
336 Town) Initiative Number \_\_\_" and give it a number;

337 ~~(i)~~ (iii) prepare a ballot title for the initiative; and

338            [(iv)] (iv) return the petition and the ballot title to the local clerk within 15 days after its  
339 receipt.

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

342            (c) The ballot title and the number of the measure as determined by the local attorney shall  
343 be printed on the official ballot.

344            (d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true  
345 and impartial statement of the purpose of the measure.

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

348            (3) Immediately after the local attorney files a copy of the ballot title with the local clerk,  
349 the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

350            (4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply  
351 with the requirements of this section, at least three of the sponsors of the petition may, by motion,  
352 appeal the decision of the local attorney to the Supreme Court.

353            (b) The Supreme Court shall examine the measures and hear arguments, and, in its  
354 decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this  
355 section.

356            (c) The local clerk shall print the title verified to him by the Supreme Court on the official  
357 ballot.

358            Section 8. Section **20A-7-608** is amended to read:

359            **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

360            (1) Whenever a referendum petition is declared sufficient for submission to a vote of the  
361 people, the local clerk shall deliver a copy of the petition and the proposed law to the local  
362 attorney.

363            (2) (a) The local attorney shall:

364            (i) entitle each county referendum that has qualified for the ballot "People's County  
365 Referendum Number \_\_\_\_" and give it a number;

366            (ii) entitle each municipal referendum that has qualified for the ballot "People's City (or  
367 Town) Referendum Number \_\_\_\_" and give it a number;

368            [(iv)] (iii) prepare a ballot title for the referendum; and

369            [(ii)] (iv) return the petition and the ballot title to the local clerk within 15 days after its  
370 receipt.

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

373            (c) The ballot title and the number of the measure as determined by the local attorney shall  
374 be printed on the official ballot.

375            (d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true  
376 and impartial statement of the purpose of the measure.

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

379            (3) Immediately after the local attorney files a copy of the ballot title with the local clerk,  
380 the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

381            (4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply  
382 with the requirements of this section, at least three of the sponsors of the petition may, by motion,  
383 appeal the decision of the local attorney to the Supreme Court.

384            (b) The Supreme Court shall examine the measures and hear arguments, and, in its  
385 decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this  
386 section.

387            (c) The local clerk shall print the title verified to him by the Supreme Court on the official  
388 ballot.

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**Legislative Review Note**  
**as of 12-12-00 11:28 AM**

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

**Office of Legislative Research and General Counsel**