1	INITIATIVES - ONE SUBJECT		
2	REQUIREMENT		
3	2003 GENERAL SESSION		
4	STATE OF UTAH		
5	Sponsor: J. Morgan Philpot		
6	This act modifies statutes governing state and local initiatives by allowing the lieutenant		
7	governor or local clerk to reject an initiative if it contains more than one subject or if it		
8	fails to clearly express the subject of the proposed law in the initiative's title.		
9	This act affects sections of Utah Code Annotated 1953 as follows:		
10	AMENDS:		
11	20A-7-202, as last amended by Chapter 45, Laws of Utah 1999		
12	20A-7-502, as last amended by Chapter 278, Laws of Utah 1997		
13	Be it enacted by the Legislature of the state of Utah:		
14	Section 1. Section 20A-7-202 is amended to read:		
15	20A-7-202. Statewide initiative process Application procedures Time to		
16	gather signatures Grounds for rejection.		
17	(1) Persons wishing to circulate an initiative petition shall file an application with the		
18	lieutenant governor.		
19	(2) The application shall contain:		
20	(a) the name and residence address of at least five sponsors of the initiative petition;		
21	(b) a statement indicating that each of the sponsors:		
22	(i) is a resident of Utah; and		
23	(ii) has voted in a regular general election in Utah within the last three years;		
24	(c) the signature of each of the sponsors, attested to by a notary public; and		
25	(d) a copy of the proposed law.		
26	(3) The application and its contents are public when filed with the lieutenant governor.		
27	(4) (a) The sponsors shall qualify the petition for the regular general election hallot no		



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28	later than the second regular general election after the application is filed.	
29	(b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:	
30	(i) submit a new application;	
31	(ii) obtain new signature sheets; and	
32	(iii) collect signatures again.	
33	(5) The lieutenant governor shall reject the application and not issue circulation sheets	
34	if:	
35	(a) the law proposed by the initiative is patently unconstitutional;	
36	(b) the law proposed by the initiative is nonsensical; [or]	
37	(c) the [proposed] law proposed by the initiative could not become law if passed[-];	
38	(d) the law proposed by the initiative contains more than one subject; or	
39	(e) the title of the law proposed by the initiative does not clearly express the subject of	
40	the proposed law.	
0a	Ş (6) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20A-1-401, COURTS, THE LIEUTENANT	
0b	GOVERNOR, AND ELECTION OFFICERS SHALL CONSTRUE THE PROVISIONS OF THIS SECTION	
Ос	LIBERALLY TO CARRY OUT THE INTENT OF THIS SECTION. §	
41	Section 2. Section 20A-7-502 is amended to read:	
42	20A-7-502. Local initiative process Application procedures.	
43	(1) Persons wishing to circulate an initiative petition shall file an application with the	
44	local clerk.	
45	(2) The application shall contain:	
46	(a) the name and residence address of at least five sponsors of the initiative petition;	
47	(b) a statement indicating that each of the sponsors:	
48	(i) is a registered voter; and	
49	(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general	
50	election in Utah within the last three years; or	
51	(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular	
52	municipal election in Utah:	
53	(I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or	
54	(II) within the last five years, if the sponsor's failure to vote within the last three years	
55	is due to the sponsor's residing in a municipal district that participates in a municipal election	
56	every four years;	
57	(c) the signature of each of the sponsors, attested to by a notary public; and	
58	(d) a copy of the proposed law.	

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(3) The local clerk shall reject the application and not issue circulation sheets if:
(a) the law proposed by the initiative contains more than one subject; or
(b) the title of the law proposed by the initiative does not clearly express the subject of
the proposed law.
§ (4) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20A-1-401, COURTS AND ELECTION
OFFICERS SHALL CONSTRUE THE PROVISIONS OF THIS SECTION LIBERALLY TO CARRY OUT THE
INTENT OF THIS SECTION. §

Legislative Review Note as of 12-31-02 7:15 AM

In *Gallivan v. Walker*, the Utah Supreme Court declared that the statewide initiative is a fundamental right. In analyzing any restrictions placed upon a fundamental right by the Legislature, the court must find that there is a compelling state interest that justifies restrictions on the right. The court also declared that, because the statewide initiative is a fundamental right, the Legislature may not place an "undue burden" on the initiative right. The court's opinion also suggested that it was the Legislature's duty to "facilitate" the initiative right.

This legislation establishes an additional requirement on persons seeking to circulate an initiative. There is no certainty as to whether or not a court would hold that this requirement is unduly burdensome or that the state lacks a compelling interest that justifies it. Therefore, this legislation could be declared unconstitutional, depending upon the opinion of a majority of justices about whether or not the new requirement "unduly burdens" the fundamental right of initiative or whether or not the interest the state asserts in support of the requirement is "compelling."

Office of Legislative Research and General Counsel

Fiscal Not	te
Bill Number	HB0082

Initiatives - One Subject Requirement

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AMENDED NOTE

State Impact

It is estimated that provisions of this bill can be implemented with existing resources. There may be additional legal costs if the provisions of this bill are challenged in court.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst