

Senator John L. Valentine proposes the following substitute bill:

INITIATIVE AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: John W. Hickman

This act modifies the Election Code provisions relating to statewide initiatives. This act modifies signature requirements, modifies certain disclosure requirements, and modifies the time period during which sponsors may gather signatures. This act establishes a moratorium before an initiative that failed may be recirculated. This act modifies the initiative petition form to require certain disclosures and certifications on the petition and signature sheets. This act modifies political issues committee and corporation financial disclosure requirements. This act makes it a crime for persons to pay someone to sign or remove their signature from an initiative petition and makes it a crime for persons to accept payment for signing or removing their name from an initiative petition. This act includes a severability clause. This act makes technical changes.

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

AMENDS:

20A-7-201, as last amended by Chapter 115, Laws of Utah 1999

20A-7-202, as last amended by Chapter 45, Laws of Utah 1999

20A-7-203, as last amended by Chapters 3 and 75, Laws of Utah 2000

20A-7-207, as last amended by Chapters 153 and 165, Laws of Utah 1995

20A-7-213, as last amended by Chapter 45, Laws of Utah 1999

20A-11-702, as last amended by Chapter 355, Laws of Utah 1997

20A-11-802, as last amended by Chapters 45 and 109, Laws of Utah 1999

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

Section 1. Section **20A-7-201** is amended to read:



26 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**
27 **Legislature or to a vote of the people.**

28 (1) (a) A person seeking to have an initiative submitted to the Legislature for approval
29 or rejection shall obtain:

30 (i) legal signatures equal to 5% of the cumulative total of all votes cast for all
31 candidates for governor at the last regular general election at which a governor was elected; and

32 (ii) from each of at least 20 [~~counties~~] Utah State Senate districts, legal signatures
33 equal to 5% of the total of all votes cast in that [~~county~~] district for all candidates for governor
34 at the last regular general election at which a governor was elected.

35 (b) If, at any time not less than ten days before the beginning of an annual general
36 session of the Legislature, the lieutenant governor declares sufficient any initiative petition that
37 is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant
38 governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c)
39 to the president of the Senate, the speaker of the House, and the director of the Office of
40 Legislative Research and General Counsel.

41 (c) In delivering a copy of the petition, the lieutenant governor shall include a cover
42 sheet that contains:

43 (i) the cumulative total of all votes cast for all candidates for governor at the last
44 regular general election at which a governor was elected;

45 (ii) the total of all votes cast in each [~~county~~] Utah State Senate district for all
46 candidates for governor at the last regular general election at which a governor was elected;

47 (iii) the total number of certified signatures received for the submitted initiative; and

48 (iv) the total number of certified signatures received from each [~~county~~] Utah State
49 Senate district for the submitted initiative.

50 (2) (a) A person seeking to have an initiative submitted to a vote of the people for
51 approval or rejection shall obtain:

52 (i) legal signatures equal to 10% of the cumulative total of all votes cast for all
53 candidates for governor at the last regular general election at which a governor was elected; and

54 (ii) from each of at least 20 [~~counties~~] Utah State Senate districts, legal signatures
55 equal to 10% of the total of all votes cast in that [~~county~~] district for all candidates for governor
56 at the last regular general election at which a governor was elected.

57 (b) If, at any time not less than four months before any regular general election, the
58 lieutenant governor declares sufficient any initiative petition that is signed by enough legal
59 voters to meet the requirements of this subsection, the lieutenant governor shall submit the
60 proposed law to a vote of the people at the next regular general election.

61 (3) The lieutenant governor shall provide the following information from the official
62 canvass of the last regular general election at which a governor was elected to any interested
63 person:

64 (a) the cumulative total of all votes cast for all candidates for governor; and

65 (b) for each [~~county~~] Utah State Senate district, the total of all votes cast in that
66 [~~county~~] district for all candidates for governor.

67 Section 2. Section **20A-7-202** is amended to read:

68 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**
69 **gather signatures -- Grounds for rejection.**

70 (1) Persons wishing to circulate an initiative petition shall file an application with the
71 lieutenant governor.

72 (2) The application shall contain:

73 (a) the name and residence address of at least five sponsors of the initiative petition;

74 (b) a statement indicating that each of the sponsors:

75 (i) is a resident of Utah; and

76 (ii) has voted in a regular general election in Utah within the last three years;

77 (c) the signature of each of the sponsors, attested to by a notary public; [~~and~~]

78 (d) a copy of the proposed law[-]; and

79 (e) a statement indicating whether or not persons gathering signatures for the petition
80 will be paid for doing so.

81 (3) The application and its contents are public when filed with the lieutenant governor.

82 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no
83 later than [~~the second regular general election~~] one year after the application is filed.

84 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

85 (i) submit a new application;

86 (ii) obtain new signature sheets; and

87 (iii) collect signatures again.

88 (5) The lieutenant governor shall reject the application and not issue circulation sheets
89 if:

- 90 (a) the law proposed by the initiative is patently unconstitutional;
- 91 (b) the law proposed by the initiative is nonsensical; [or]
- 92 (c) the proposed law could not become law if passed[-]; or
- 93 (d) the law proposed by the initiative is identical or substantially similar to a law
- 94 proposed by an initiative for which an application was filed within two years preceding the date
- 95 on which the application for this initiative was filed.

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

97 **20A-7-203. Form of initiative petition and signature sheets.**

98 (1) (a) (i) Each proposed initiative petition shall be printed in substantially the
99 following form:

100 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

101 We, the undersigned citizens of Utah, respectfully demand that the following proposed
102 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
103 regular general election/session to be held/ beginning on _____(month\day\year);

104 Each signer says:

105 I have personally signed this petition;

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

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

109 NOTICE TO SIGNERS:"

110 (ii) If the petition application indicates that petition signature gatherers are being paid
111 to collect signatures, the "NOTICE TO SIGNERS" shall also include the following statement
112 on a separate line in not less than ten-point single leaded type:

113 "The person seeking your signature on this petition is being paid to persuade you to sign
114 it."

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

117 (2) Each signature sheet shall:

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

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

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

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

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

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

131 (f) [contain horizontally ruled lines, 3/8 inch apart] if the petition application discloses
132 that persons collecting signatures are being paid to do so, contain the word "NOTICE" printed
133 or typed under the "Warning" statement required by this section; ~~and~~

134 (g) if the petition application discloses that persons collecting signatures are being paid
135 to do so, contain, to the right of the word "NOTICE," the following statement printed or typed
136 in not less than ten-point single leaded type:

137 "The person seeking your signature on this petition is being paid to persuade you to sign
138 it.";

139 (h) contain horizontally ruled lines, 3/8 inch apart under:

140 (i) the "Notice" statement if one is present; or

141 (ii) the "Warning" statement required by this section if a "Notice" statement is not
142 present; and

143 [~~g~~] (i) be vertically divided into columns as follows:

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

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

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

150 Voter"; and

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

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

155 "Verification
156 State of Utah, County of ____

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

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

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

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

164 I have not paid or given anything of value to any person who signed this petition to
165 encourage them to sign it.

166 _____
167 (Name) (Residence Address) (Date)"

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

171 Section 4. Section **20A-7-207** is amended to read:

172 **20A-7-207. Evaluation by the lieutenant governor.**

173 (1) When each initiative packet is received from a county clerk, the lieutenant governor
174 shall check off from his record the number of each initiative packet filed.

175 (2) (a) After all of the initiative packets have been received by the lieutenant governor,
176 the lieutenant governor shall:

177 (i) count the number of the names certified by the county clerks that appear on each
178 verified signature sheet; and

179 (ii) declare the petition to be sufficient or insufficient by July 6 before the regular
180 general election.

181 (b) If the total number of certified names from each verified signature sheet equals or
182 exceeds the number of names required by Section 20A-7-201, the lieutenant governor shall
183 mark upon the front of the petition the word "sufficient."

184 (c) If the total number of certified names from each verified signature sheet does not
185 equal or exceed the number of names required by Section 20A-7-201, the lieutenant governor
186 shall mark upon the front of the petition the word "insufficient."

187 (d) The lieutenant governor shall immediately notify any one of the sponsors of his
188 finding.

189 (3) ~~[(a)]~~ Once a petition is declared insufficient, the sponsors may not submit
190 additional signatures to qualify the petition for the pending regular general election.

191 ~~[(b) The petition sponsors may submit additional signatures to qualify the petition for
192 the regular general election following the pending regular general election if:]~~

193 ~~[(i) the petition is declared insufficient; and]~~

194 ~~[(ii) the pending general election is the first regular general election after the
195 application was filed.]~~

196 (4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a
197 sponsor believes is legally sufficient, any voter may, by July 20, apply to the supreme court for
198 an extraordinary writ to compel the lieutenant governor to do so.

199 (b) The supreme court shall:

200 (i) determine whether or not the initiative petition is legally sufficient; and

201 (ii) certify its findings to the lieutenant governor by July 30.

202 (c) If the supreme court certifies that the initiative petition is legally sufficient, the
203 lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
204 date on which it was originally offered for filing in his office.

205 (d) If the supreme court determines that any petition filed is not legally sufficient, the
206 supreme court may enjoin the lieutenant governor and all other officers from certifying or
207 printing the ballot title and numbers of that measure on the official ballot for the next election.

208 Section 5. Section **20A-7-213** is amended to read:

209 **20A-7-213. Misconduct of electors and officers -- Penalty.**

210 (1) It is unlawful for any person to:

211 (a) sign any name other than his own to any initiative petition;

- 212 (b) knowingly sign his name more than once for the same measure at one election;
- 213 (c) sign an initiative knowing he is not a legal voter; or
- 214 (d) knowingly and willfully violate any provision of this part.

215 (2) It is unlawful for any person to sign the verification for an initiative packet knowing
 216 that:

- 217 (a) he does not meet the residency requirements of Section 20A-2-105;
- 218 (b) he has not witnessed the signatures of those persons whose names appear in the
 219 initiative packet; or

220 (c) one or more persons whose signatures appear in the initiative packet is either:

- 221 (i) not registered to vote in Utah; or
- 222 (ii) does not intend to become registered to vote in Utah.

223 (3) It is unlawful for any person to:

- 224 (a) pay a person to sign an initiative petition;
- 225 (b) pay a person to remove the person's signature from an initiative petition;
- 226 (c) accept payment to sign an initiative petition; or
- 227 (d) accept payment to have the person's name removed from an initiative petition.

228 [~~3~~] (4) Any person violating this section is guilty of a class A misdemeanor.

229 [~~4~~] (5) The attorney general or the county attorney shall prosecute any violation of
 230 this section.

231 Section 6. Section **20A-11-702** is amended to read:

232 **20A-11-702. Campaign financial reporting of political issues expenditures by**
 233 **corporations -- Financial reporting.**

234 (1) (a) Each corporation that has made political issues expenditures on current or
 235 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
 236 financial statement with the lieutenant governor's office on:

- 237 (i) January 5, reporting expenditures as of December 31 of the previous year;
- 238 (ii) March 1;
- 239 (iii) June 1;
- 240 [~~ii~~] (iv) September 15; and
- 241 [~~iii~~] (v) seven days before the regular general election.

242 (b) The corporation shall report:

243 (i) a detailed listing of all expenditures made since the last statement; and
244 (ii) for financial statements filed on September 15 and before the primary and general
245 elections, expenditures as of three days before the required filing date of the financial
246 statement.

247 (c) The corporation need not file a statement under this section if it made no
248 expenditures during the reporting period.

249 (2) That statement shall include:

250 (a) the name and address of each individual, entity, or group of individuals or entities
251 that received a political issues expenditure of more than \$50 from the corporation, and the
252 amount of each political issues expenditure;

253 (b) the total amount of political issues expenditures disbursed by the corporation; and

254 (c) a paragraph signed by the corporation's treasurer or chief financial officer verifying
255 the accuracy of the verified financial statement.

256 Section 7. Section **20A-11-802** is amended to read:

257 **20A-11-802. Political issues committees -- Financial reporting.**

258 (1) (a) Each registered political issues committee that has received political issues
259 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
260 \$50 during a calendar year on current or proposed statewide ballot propositions, to influence an
261 incorporation petition or an incorporation election, or on initiative petitions to be submitted to
262 the Legislature, shall file a verified financial statement with the lieutenant governor's office:

263 (i) on January 5, reporting contributions and expenditures as of December 31 of the
264 previous year;

265 (ii) seven days before the date of an incorporation election, if the political issues
266 committee has received donations or made disbursements to affect an incorporation;

267 (iii) at the time the sponsors submit the verified and certified initiative packets to the
268 county clerk as required by Section 20A-7-206;

269 [~~(iii)~~] (iv) on September 15; and

270 [~~(iv)~~] (v) seven days before the regular general election.

271 (b) The political issues committee shall report:

272 (i) a detailed listing of all contributions received and expenditures made since the last
273 statement; and

274 (ii) for financial statements filed on September 15 and before the general election, all
275 contributions and expenditures as of three days before the required filing date of the financial
276 statement.

277 (c) The political issues committee need not file a statement under this section if it
278 received no contributions and made no expenditures during the reporting period.

279 (2) (a) That statement shall include:

280 (i) the name, address, and occupation of any individual that makes a political issues
281 contribution to the reporting political issues committee, and the amount of the political issues
282 contribution;

283 (ii) the identification of any publicly identified class of individuals that makes a
284 political issues contribution to the reporting political issues committee, and the amount of the
285 political issues contribution;

286 (iii) the name and address of any political issues committee, group, or entity that makes
287 a political issues contribution to the reporting political issues committee, and the amount of the
288 political issues contribution;

289 (iv) the name and address of each reporting entity that makes a political issues
290 contribution to the reporting political issues committee, and the amount of the political issues
291 contribution;

292 (v) for each nonmonetary contribution, the fair market value of the contribution;

293 (vi) the name and address of each individual, entity, or group of individuals or entities
294 that received a political issues expenditure of more than \$50 from the reporting political issues
295 committee, and the amount of each political issues expenditure;

296 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

297 (viii) the total amount of political issues contributions received and political issues
298 expenditures disbursed by the reporting political issues committee;

299 (ix) a paragraph signed by the political issues committee's treasurer or chief financial
300 officer verifying that, to the best of the signer's knowledge, the financial statement is accurate;
301 and

302 (x) a summary page in the form required by the lieutenant governor that identifies:

303 (A) beginning balance;

304 (B) total contributions during the period since the last statement;

305 (C) total contributions to date;

306 (D) total expenditures during the period since the last statement; and

307 (E) total expenditures to date.

308 (b) (i) Political issues contributions received by a political issues committee that have a
309 value of \$50 or less need not be reported individually, but shall be listed on the report as an
310 aggregate total.

311 (ii) Two or more political issues contributions from the same source that have an
312 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
313 separately.

314 Section 8. **Severability clause.**

315 (1) Except as provided in Subsection (2), it is the intent of the Legislature that if any
316 provision of this act, or the application of any provision of this act to any person or
317 circumstance, is held invalid, the remainder of this act shall be given effect without the invalid
318 provision or application.

319 (2) It is the intent of the Legislature that:

320 (a) Subsection 20A-7-201(1)(a)(ii) is not severable from Subsection
321 20A-7-201(1)(a)(i); and

322 (b) Subsection 20A-7-201(2)(a)(ii) is not severable from Subsection
323 20A-7-201(2)(a)(i).