

ISSUES SUBMITTED TO VOTERS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Curtis S. Bramble

Michael T. Morley

LONG TITLE

General Description:

This bill modifies statewide and local initiative requirements and other ballot measures initiated by citizen petition by requiring fiscal impact estimates and by authorizing the repeal or amendment of laws when final estimated costs exceed initial cost estimates by a certain amount.

Highlighted Provisions:

This bill:

- ▶ establishes uniform standards for determining whether a signer's signature on a local initiative petition is valid or not;
- ▶ provides for placement of birth date information on initiative petitions;
- ▶ requires that statewide initiative petitions approved for signature circulation receive an initial fiscal impact review by the Governor's Office of Planning and Budget;
- ▶ requires that local initiative petitions approved for signature circulation receive an initial fiscal impact review by the local budget officer;
- ▶ establishes a procedure for judicial review of contested initial fiscal impact statements;
- ▶ requires that the initial fiscal impact estimate be shown on each petition signature sheet;
- ▶ clarifies that public meetings on statewide initiative petitions be held only after issuance of the initial fiscal impact estimate;
- ▶ requires that voter information pamphlets include the initial fiscal impact estimate

issued for each statewide or local initiative;

- ▶ requires that the initial fiscal impact estimate appear on the ballot for all statewide and local initiatives;

- ▶ requires that a final fiscal impact statement be issued by the Governor's Office of Planning and Budget, or by the local budget officer for local initiatives, for each initiative that is approved by the voters; and

- ▶ when the final fiscal impact statement for a statewide or local initiative exceeds the initial fiscal impact estimate by 25% or more, authorizes the Legislature, or the local legislative body in the case of a local initiative, to repeal the law, amend the law, or inform the voters that they may bring a new initiative to repeal the law enacted by passage of the initiative.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

20A-7-203, as last amended by Chapter 90, Laws of Utah 2004

20A-7-204.1, as enacted by Chapter 304, Laws of Utah 2003

20A-7-209, as last amended by Chapters 57, 65 and 169, Laws of Utah 2001

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

20A-7-503, as last amended by Chapter 3, Laws of Utah 2000

20A-7-506, as last amended by Chapter 3, Laws of Utah 2000

20A-7-702, as last amended by Chapter 90, Laws of Utah 2004

ENACTS:

20A-7-202.5, Utah Code Annotated 1953

20A-7-214, Utah Code Annotated 1953

20A-7-502.5, Utah Code Annotated 1953

20A-7-506.3, Utah Code Annotated 1953

20A-7-513, Utah Code Annotated 1953

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

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

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

(a) for counties, the person designated as budget officer in Section 17-19-19;

(b) for cities, the person designated as budget officer in Subsection 10-6-106(5); or

(c) for towns, the town council.

~~[(1)]~~ (2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

~~[(2)]~~ (3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(4) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(5) "Initial fiscal impact estimate" means a financial statement prepared according to the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an initiative petition.

~~[(3)]~~ (6) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

~~[(4)]~~ (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

~~[(5)]~~ (8) "Legal signatures" means the number of signatures of legal voters that:

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

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

~~[(6)]~~ (9) "Legal voter" means a person who:

(a) is registered to vote; or

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

~~[(7)]~~ (10) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulations adopted by ordinance or resolution.

(b) "Local law" does not include individual property zoning decisions.

~~[(8)]~~ (11) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(9)]~~ (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(10)]~~ (13) "Local legislative body" means the legislative body of a county, city, or town.

~~[(11)]~~ (14) "Measure" means an initiative or referendum.

~~[(12)]~~ (15) "Referendum" means a law passed by the Legislature or by a local legislative body that is being submitted to the voters for their approval or rejection.

~~[(13)]~~ (16) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

~~[(14)]~~ (17) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

~~[(15)]~~ (18) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

~~[(16)]~~ (19) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

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

Section 2. Section **20A-7-202.5** is enacted to read:

20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Governor's Office of Planning and Budget.

(2) (a) The Governor's Office of Planning and Budget shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

(iv) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

(v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law; and

(vi) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office of Planning and Budget shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Governor's Office of Planning and Budget estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of Planning and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The Governor's Office of Planning and Budget estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$ _____, which includes a (type of tax or taxes) tax increase/decrease of \$ _____ and a \$ _____ increase/decrease in state debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the Governor's Office of Planning and Budget may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(3) Within 25 calendar days from the date that the lieutenant governor delivers a copy of the application, the Governor's Office of Planning and Budget shall:

(a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and

(b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the initiative application.

(4) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

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

(A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the initial fiscal impact estimate prepared by the Governor's Office of Planning and Budget is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

(ii) The Supreme Court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

(c) The Supreme Court shall, within 30 calendar days of the date that the appeal is filed, certify to the lieutenant governor a fiscal impact estimate for the measure that meets the requirements of this section.

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

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

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

"INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

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

Each signer says:

I have personally signed this petition;

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

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

NOTICE TO SIGNERS:

Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)"

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

petition.

(2) Each signature sheet shall:

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

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

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

(d) contain the initial fiscal impact estimate's summary statement issued by the Governor's Office of Planning and Budget according to Subsection 20A-7-202.5(2)(b), printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

~~[(d)]~~ (e) contain the word "Warning" printed or typed at the top of each signature sheet under the ~~[title of the initiative]~~ initial fiscal impact estimate's summary statement;

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

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

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

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

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

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

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

Code".

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

"Verification

State of Utah, County of ____

I, _____, of _____, hereby state that:

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

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

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

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

(Name)	(Residence Address)	(Date)"
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(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 4. Section **20A-7-204.1** is amended to read:

20A-7-204.1. Public hearings to be held before initiative petitions are circulated.

(1) (a) [~~Before~~] After issuance of the initial fiscal impact estimate by the Governor's Office of Planning and Budget and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

- (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;
- (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

- (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

County.

(b) Of the seven meetings, at least two of the meetings must be held in a first or second class county, but not in the same county.

(2) At least three calendar days before the date of the public hearing, the sponsors shall:

(a) provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing detailing its time, date, and location in at least one newspaper of general circulation in each county in the region where the public hearing will be held.

(3) (a) During the public hearing, the sponsors shall either:

(i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.

(b) The lieutenant governor shall make copies of the tapes or minutes available to the public.

Section 5. 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) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative Number ___" and give it a number;

(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and

(iii) 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 be not more than 100 words.

~~[(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.]~~

(c) For each state initiative, the official ballot shall show:

(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;

(ii) the ballot title as determined by the Office of Legislative Research and General Counsel; and

(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

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

(4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

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

(A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues

relating to the initiative.

(b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.

(ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.

(c) The Supreme Court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) by August 10, certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.

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

Section 6. Section **20A-7-214** is enacted to read:

20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.

(1) No later 60 days after the date of an election in which the voters approve an initiative petition, the Governor's Office of Planning and Budget shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the president of the Senate;

(ii) the minority leader of the Senate;

(iii) the speaker of the House of Representatives;

(iv) the minority leader of the House of Representatives; and

(v) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative

session following the election in which the voters approved the initiative petition:

- (a) repeal the law established by passage of the initiative;
- (b) amend the law established by passage of the initiative; or
- (c) pass a joint or concurrent resolution informing the voters that they may file an

initiative petition to repeal the law enacted by the passage of the initiative.

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

20A-7-402. Local voter information pamphlet -- Contents -- Limitations --

Preparation -- Statement on front cover.

(1) The county or municipality that is the subject of an initiative or referenda shall prepare a local voter information pamphlet that meets the requirements of this part.

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

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

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

~~[(i)]~~ (A) sponsors have priority in making the argument for a measure; and

~~[(ii)]~~ (B) members of the local legislative body have priority over others.

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

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

~~[(f)]~~ (v) The arguments may not exceed 500 words in length.

~~[(g)]~~ (vi) The arguments supporting and opposing any county or municipal measure shall

be filed with the local clerk not less than 30 days before the election at which they are to be voted upon.

(b) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

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

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

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

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

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

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

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

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

Section 8. Section **20A-7-502.5** is enacted to read:

20A-7-502.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the local clerk shall submit a copy of the application to the budget officer.

(2) (a) The budget officer shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed

law;

(iii) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

(iv) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

(v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law; and

(vi) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$ _____, which includes a (type of tax or taxes) tax increase/decrease of \$ _____ and a \$ _____ increase/decrease in public debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(3) Within 25 calendar days from the date that the local clerk delivers a copy of the

application, the budget officer shall:

(a) deliver a copy of the initial fiscal impact estimate to the local clerk's office; and

(b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the application.

(4) (a) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

(b) (i) There is a presumption that the initial fiscal impact estimate prepared by the budget officer is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

(ii) The Supreme Court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.

(c) The Supreme Court shall, within 30 calendar days of the date that the appeal is filed, certify to the local clerk an initial fiscal impact estimate for the measure that meets the requirements of this section.

Section 9. Section **20A-7-503** is amended to read:

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

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

"INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

(d) contain the initial fiscal impact estimate's summary statement issued by the budget officer according to Subsection 20A-7-502.5(2)(b) printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

~~[(d)]~~ (e) contain the word "Warning" printed or typed at the top of each signature sheet under the ~~[title of the initiative]~~ initial fiscal impact estimate's summary statement;

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

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

~~[(f)]~~ (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

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

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

headed with "For Office Use Only", and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be [~~three~~] 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be [~~three~~] 2-1/2 inches wide, headed "Signature of Registered Voter"; [~~and~~]

(iv) the next column shall be one inch wide, headed "Birth Date"; and

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

~~[(h)]~~ (i) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

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

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

_____ "

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

Section 10. Section **20A-7-506** is amended to read:

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

(1) No later than 120 days before any regular general election, for county initiatives, or municipal general election, for municipal initiatives, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated.

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

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are residents of Utah and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

(a) ~~[check all the names of the signers against the official registers to]~~ determine whether or not ~~[the]~~ each signer is a voter according to the requirements of Section 20A-7-506.3;

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

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

Section 11. Section **20A-7-506.3** is enacted to read:

20A-7-506.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if the address on the petition matches the address of a person on the official register with a substantially similar name.

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if the birth date on the petition matches the birth date of a person on the official register with a substantially similar name.

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Section 12. Section **20A-7-513** is enacted to read:

20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.

(1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the budget officer shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-502.5(2); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the local legislative body of the jurisdiction where the initiative was circulated;

(ii) the local clerk; and

(iii) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a

majority vote:

- (a) repeal the law established by passage of the initiative;
- (b) amend the law established by the passage of the initiative; or
- (c) pass a resolution informing the voters that they may file an initiative petition to repeal

the law enacted by the passage of the initiative.

Section 13. Section **20A-7-702** is amended to read:

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

- (a) printed and bound in a single pamphlet;
- (b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and
- (c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

- (a) a cover title page;
- (b) an introduction to the pamphlet by the lieutenant governor;
- (c) a table of contents;
- (d) a list of all candidates for constitutional offices;
- (e) a list of candidates for each legislative district;
- (f) a 100-word statement of qualifications for each candidate for the office of governor,

lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before July 15 at 5 p.m.;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

- (i) a copy of the number and ballot title of the measure;
- (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
- (iii) the impartial analysis of the measure prepared by the Office of Legislative Research

and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5;

(h) a description provided by the Judicial Council of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria and minimum standards of judicial performance evaluation;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(D) a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Subsection 78-8-107(2)[~~(d)~~], formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received; and

(E) a statement identifying whether or not the judge was certified by the Judicial Council;

(vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic format, the responses for each attorney, jury, and other survey question used by the Judicial Council for certification of judges, displayed in 1% increments;

(B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a particular judge is too small to provide statistically reliable information in 1% increments, the survey results for that judge shall be reported as being above or below 70% and a statement by the surveyor explaining why the survey is statistically unreliable shall also be included;

(i) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(j) voter registration information, including information on how to obtain an absentee ballot;

(k) a list of all county clerks' offices and phone numbers; and

(l) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law. SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) The lieutenant governor shall:

(a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the

day fixed by law for the election;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.