

1 **LOCAL REFERENDUM REQUIREMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: David L. Hogue**

6 **LONG TITLE**

7 **General Description:**

8 This bill corrects a statute involving local referenda that conflicts with the Utah
9 Constitution.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ corrects a statutory conflict with the Utah Constitution by prohibiting a local law
13 challenged by a referendum from having force or effect until it is approved by
14 voters; and

15 ▶ clarifies when that law will take effect if it is approved by the voters.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides an immediate effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-7-601**, as last amended by Chapter 258, Laws of Utah 2004

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

25 Section 1. Section **20A-7-601** is amended to read:

26 **20A-7-601. Referenda -- General signature requirements -- Signature**
27 **requirements for land use laws -- Time requirements.**



28 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the
29 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

30 (a) 10% of all the votes cast in the county, city, or town for all candidates for governor
31 at the last election at which a governor was elected if the total number of votes exceeds 25,000;

32 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
33 governor at the last election at which a governor was elected if the total number of votes does
34 not exceed 25,000 but is more than 10,000;

35 (c) 15% of all the votes cast in the county, city, or town for all candidates for governor
36 at the last election at which a governor was elected if the total number of votes does not exceed
37 10,000 but is more than 2,500;

38 (d) 20% of all the votes cast in the county, city, or town for all candidates for governor
39 at the last election at which a governor was elected if the total number of votes does not exceed
40 2,500 but is more than 500;

41 (e) 25% of all the votes cast in the county, city, or town for all candidates for governor
42 at the last election at which a governor was elected if the total number of votes does not exceed
43 500 but is more than 250; and

44 (f) 30% of all the votes cast in the county, city, or town for all candidates for governor
45 at the last election at which a governor was elected if the total number of votes does not exceed
46 250.

47 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
48 code, an annexation ordinance, and comprehensive zoning ordinances.

49 (b) A person seeking to have a land use law passed by the local legislative body
50 submitted to a vote of the people shall obtain legal signatures equal to:

51 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
52 county or city for all candidates for governor at the last election at which a governor was
53 elected; and

54 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
55 city or town for all candidates for governor at the last election at which a governor was elected.

56 (3) [~~(a)~~] Sponsors of any referendum petition challenging, under Subsection (1) or (2),
57 any local law passed by a local legislative body shall file the petition within 45 days after the
58 passage of the local law.

59 ~~[(b) The local law remains in effect until repealed by the voters via referendum.]~~

60 (4) (a) The local law has no force or effect unless and until the voters approve the
61 challenged local law:

62 (i) at a regular municipal election or a municipal special election, if the challenged law
63 was enacted by a municipality; or

64 (ii) at a regular general election or a county special election, if the challenged law was
65 enacted by a county.

66 ~~[(4) (b) If the referendum passes]~~ voters approve the challenged local law, the local
67 law that was challenged by the referendum [is repealed as of] takes effect on the date of the
68 election.

69 **Section 2. Effective date.**

70 If approved by two-thirds of all the members elected to each house, this bill takes effect
71 upon approval by the governor, or the day following the constitutional time limit of Utah
72 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
73 the date of veto override.

Legislative Review Note
as of 11-30-04 12:16 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0073

Local Referendum Requirements

20-Jan-05

10:07 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst