

28 issued for each statewide or local initiative;

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

31 ▶ requires that a final fiscal impact statement be issued by the Governor's Office of
32 Planning and Budget, or by the local budget officer for local initiatives or for
33 petitions to add or remove fluorine, for each initiative that is approved by the voters;

34 ▶ when the final fiscal impact statement for a statewide or local initiative exceeds the
35 initial fiscal impact estimate by 15% or more, authorizes the Legislature, or the
36 local legislative body in the case of a local initiative, to repeal the law, amend the
37 law, or inform the voters that they may bring a new initiative to repeal the law
38 enacted by passage of the initiative; and

39 ▶ when there is a petition to obtain voter approval to add fluorine to a water system,
40 and the final cost estimate for adding fluorine exceeds the initial fiscal impact
41 estimate by 15% or more, authorizes the governing body having jurisdiction over
42 the water system to cease efforts to add fluorine to the water, to submit the matter
43 for a new vote, or to inform the voters that they may bring a new petition to repeal
44 the decision to add fluorine to the water.

45 **Monies Appropriated in this Bill:**

46 None

47 **Other Special Clauses:**

48 None

49 **Utah Code Sections Affected:**

50 AMENDS:

51 **19-4-111**, as last amended by Chapter 185, Laws of Utah 2003

52 **19-4-111.1**, as enacted by Chapter 16, Laws of Utah 2002

53 **19-4-111.2**, as enacted by Chapter 15, Laws of Utah 2002

54 **20A-7-101**, as last amended by Chapters 21 and 272, Laws of Utah 1994

55 **20A-7-203**, as last amended by Chapter 90, Laws of Utah 2004

56 **20A-7-204.1**, as enacted by Chapter 304, Laws of Utah 2003

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

58 **20A-7-402**, as last amended by Chapter 272, Laws of Utah 1994

59 20A-7-503, as last amended by Chapter 3, Laws of Utah 2000
60 20A-7-702, as last amended by Chapter 90, Laws of Utah 2004

61 ENACTS:

62 20A-7-202.5, Utah Code Annotated 1953
63 20A-7-214, Utah Code Annotated 1953
64 20A-7-502.5, Utah Code Annotated 1953
65 20A-7-513, Utah Code Annotated 1953

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

68 Section 1. Section 19-4-111 is amended to read:

69 **19-4-111. Fluorine added to or removed from water -- Election required.**

70 (1) As used in this section:

71 (a) "Budget officer" means:

72 (i) in the case of a county water system, the person designated as budget officer in

73 Section 17-19-19;

74 (ii) in the case of a city water system, the person designated as budget officer in

75 Subsection 10-6-106(5);

76 (iii) in the case of a town water system, the town council; or

77 (iv) in the case of a special district water system, the person designated as budget
78 officer in Section 17A-1-404.

79 (b) "Final fiscal impact statement" means a financial statement prepared after voters
80 approve a petition for adding or removing fluorine that contains the information required by
81 Subsection 20A-7-502.5(2).

82 (c) "Governing body" means:

83 (i) the county legislative body, for county water systems;

84 (ii) the municipal legislative body, for municipal water systems; or

85 (iii) the special district board, for special district water systems.

86 (d) "Initial fiscal impact estimate" means a financial statement prepared according to
87 the terms of Section 20A-7-502.5 after the filing of an application for a petition to add or
88 remove fluorine.

89 (e) "Removal" means ceasing to add fluorine to a public water supply after the addition

90 was previously approved by the voters of a political subdivision.

91 ~~[(+)]~~ (2) (a) Except as provided in Subsection 19-4-104(1)(a)(i), public water supplies,
92 whether state, county, municipal, or district, may not have fluorine or any of its derivatives or
93 compounds added to or removed from them without the approval of a majority of voters in an
94 election in the area affected.

95 (b) An election shall be held:

96 (i) upon the filing of ~~[an initiative]~~ a petition requesting the action ~~[in accordance with~~
97 ~~state law governing initiative petitions]~~ that complies with the procedures, requirements, and
98 ballot qualification requirements of Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures;

99 (ii) in the case of a municipal, special district, or county water system which is
100 functionally separate from any other water system, upon the passage of a resolution by the
101 ~~[legislative body or special district board]~~ governing body representing the affected voters,
102 submitting the question to the affected voters at a municipal general election; or

103 (iii) in a county of the first or second class, upon the passage of a resolution by the
104 county legislative body to ~~[place an opinion question relating]~~ submit to the voters the question
105 of whether to add fluorine to all public water systems within the county, except as provided in
106 Subsection ~~[(2)]~~ (3), on the ballot at a general election.

107 ~~[(2)]~~ (3) If a majority of voters on ~~[an opinion]~~ the question submitted under authority
108 of Subsection ~~[(+)]~~ (2)(b)(iii) approve the addition of fluorine to or the removal of fluorine
109 from the public water supplies within the county, the local health departments shall require the
110 addition of fluorine to or the removal of fluorine from all public water supplies within that
111 county other than those systems:

112 (a) that are functionally separate from any other public water systems in that county;
113 and

114 (b) where a majority of the voters served by the public water system voted against the
115 addition or removal of fluorine on the ~~[opinion]~~ question submitted under the authority of
116 Subsection ~~[(+)]~~ (2)(b)(iii).

117 (4) (a) If the voters vote to add fluorine to one or more water systems pursuant to a
118 petition requesting the ballot issue, the governing body shall:

119 (i) within ten days of the date of the election, direct the budget officer to prepare a final
120 fiscal impact statement for the cost of adding fluorine using current financial information and

121 containing the information required by Section 20A-7-502.5; and

122 (ii) no later than 180 days after the date of the election, review the final fiscal impact
123 statement.

124 (b) If the final fiscal impact statement's estimate of the cost of adding fluorine to a
125 water system exceeds the cost attributed to that water system in the initial fiscal impact
126 estimate by 15% or more, the governing body may, by a majority vote in a public meeting:

127 (i) direct that all efforts to add fluorine to the water system be ceased immediately
128 because of the added cost;

129 (ii) direct that the question of whether or not to add fluorine to the water system be
130 submitted to the voters for a new vote because of the increased cost; or

131 (iii) inform the voters that they may file an initiative petition to repeal the decision to
132 add fluorine to the water system.

133 ~~[(3)] (5) Nothing contained in this section prohibits the addition of chlorine or other~~
134 ~~water purifying agents.~~

135 ~~[(4)] (6) Any political subdivision [which, prior to November 2, 1976,] that decided to~~
136 ~~and was adding fluorine or any of its derivatives or compounds to the drinking water before~~
137 ~~December 31, 2004, is considered to have complied with [Subsection (1)] Subsections (2) and~~
138 ~~(4).~~

139 ~~[(5) In] (7) Notwithstanding Subsection (4)(b), in an election held pursuant to~~
140 ~~[Subsections (1)] Subsection (2)(b)(i), (ii), or (iii), where a majority of the voters approve the~~
141 ~~addition to or removal of fluorine from the public water supplies, no election to consider~~
142 ~~removing fluorine from or adding fluorine to the public water supplies shall be held for a~~
143 ~~period of four years from the date of approval by the majority of voters beginning with~~
144 ~~elections held in November 2000.~~

145 ~~[(6) For purposes of this section, "removal" means ceasing to add fluorine to a public~~
146 ~~water supply, the addition having been previously approved by the voters of a political~~
147 ~~subdivision.]~~

148 Section 2. Section **19-4-111.1** is amended to read:

149 **19-4-111.1. Provision of fluoridated water -- Request of resident.**

150 A public water system in a county of the first or second class whose entire water
151 inventory is fluoridated may supply water to a residence or business in a municipality that is

152 located in two counties, one that has approved fluoridation and one that has not approved
153 fluoridation in accordance with [~~Subsection~~] Section 19-4-111[(+) if:

- 154 (1) the owner requests that the public water system supply water to the residence or
155 business;
- 156 (2) no reasonable alternative water supply exists; and
- 157 (3) the owner's request can be fulfilled without affecting other residences or businesses
158 in the municipality or county that has not approved fluoridation.

159 Section 3. Section **19-4-111.2** is amended to read:

160 **19-4-111.2. Provision of fluoridated water -- Emergency circumstances.**

161 (1) A public water system that is simultaneously supplying water to a municipality or
162 county that approved fluoridation in accordance with Section 19-4-111 and a municipality or
163 county that has not approved fluoridation may provide water from its fluoridated inventory to a
164 municipality or county that has not approved fluoridation if:

- 165 (a) as a result of a short-term emergency, the only water available is from the public
166 water system's fluoridated inventory;
- 167 (b) the public water system ceases providing fluoridated water to the municipality or
168 county that has not approved fluoridation in accordance with [~~Subsection~~] Section
169 19-4-111[(+)] in a time consistent with repair times following best industrial practice; and
- 170 (c) where feasible provide prompt notice to the affected area.

171 (2) (a) A resident of an affected area that does not wish to receive fluoridated water
172 during an emergency may contact the public water system to have delivery of fluoridated water
173 to their residence or business terminated.

174 (b) The resident shall determine when to resume delivery of water and shall contact the
175 public water system to have delivery of water resumed.

176 Section 4. Section **20A-7-101** is amended to read:

177 **20A-7-101. Definitions.**

178 As used in this chapter:

- 179 (1) "Budget officer" means:
- 180 (a) for counties, the person designated as budget officer in Section 17-19-19;
- 181 (b) for cities, the person designated as budget officer in Subsection 10-6-106(5); or
- 182 (c) for towns, the town council.

183 ~~[(1)]~~ (2) "Certified" means that the county clerk has acknowledged a signature as being
184 the signature of a registered voter.

185 ~~[(2)]~~ (3) "Circulation" means the process of submitting an initiative or referendum
186 petition to legal voters for their signature.

187 (4) "Final fiscal impact statement" means a financial statement prepared after voters
188 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
189 20A-7-502.5(2).

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

193 ~~[(3)]~~ (6) "Initiative" means a new law proposed for adoption by the public as provided
194 in this chapter.

195 ~~[(4)]~~ (7) "Initiative packet" means a copy of the initiative petition, a copy of the
196 proposed law, and the signature sheets, all of which have been bound together as a unit.

197 ~~[(5)]~~ (8) "Legal signatures" means the number of signatures of legal voters that:

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

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

200 ~~[(6)]~~ (9) "Legal voter" means a person who:

201 (a) is registered to vote; or

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

204 ~~[(7)]~~ (10) (a) "Local law" includes an ordinance, resolution, master plan, and any
205 comprehensive zoning regulations adopted by ordinance or resolution.

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

207 ~~[(8)]~~ (11) "Local attorney" means the county attorney, city attorney, or town attorney in
208 whose jurisdiction a local initiative or referendum petition is circulated.

209 ~~[(9)]~~ (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose
210 jurisdiction a local initiative or referendum petition is circulated.

211 ~~[(10)]~~ (13) "Local legislative body" means the legislative body of a county, city, or
212 town.

213 ~~[(11)]~~ (14) "Measure" means an initiative or referendum.

214 ~~[(12)]~~ (15) "Referendum" means a law passed by the Legislature or by a local
215 legislative body that is being submitted to the voters for their approval or rejection.

216 ~~[(13)]~~ (16) "Referendum packet" means a copy of the referendum petition, a copy of
217 the law being submitted to the voters for their approval or rejection, and the signature sheets,
218 all of which have been bound together as a unit.

219 ~~[(14)]~~ (17) "Signature sheets" means sheets in the form required by this chapter that are
220 used to collect signatures in support of an initiative or referendum.

221 ~~[(15)]~~ (18) "Sponsors" means the legal voters who support the initiative or referendum
222 and who sign the application for petition copies.

223 ~~[(16)]~~ (19) "Sufficient" means that the signatures submitted in support of an initiative
224 or referendum petition have been certified and verified as required by this chapter.

225 ~~[(17)]~~ (20) "Verified" means acknowledged by the person circulating the petition as
226 required in Sections 20A-7-205 and 20A-7-305.

227 Section 5. Section **20A-7-202.5** is enacted to read:

228 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
229 **to estimate.**

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

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

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

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

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

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

245 from each source:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

295 Section 6. Section **20A-7-203** is amended to read:

296 **20A-7-203. Form of initiative petition and signature sheets.**

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

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

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

303 Each signer says:

304 I have personally signed this petition;

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

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

308 NOTICE TO SIGNERS:

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

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

313 (2) Each signature sheet shall:

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

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

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

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

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

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

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

331 ~~(g)~~ (g) be vertically divided into columns as follows:

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

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

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

338 Voter"; and

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

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

343 "Verification
344 State of Utah, County of ____

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

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

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

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

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

354 _____
355 (Name) (Residence Address) (Date)"

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

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

360 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**

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

365 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

366 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
367 County;

368 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

369 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
370 County;

371 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

372 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

373 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
374 County.

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

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

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

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

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

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

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

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

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

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

394 Section 8. Section **20A-7-209** is amended to read:

395 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
396 **Research and General Counsel.**

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

400 (2) (a) The Office of Legislative Research and General Counsel shall:
401 (i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative
402 Number ___" and give it a number;
403 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
404 measure; and
405 (iii) return each petition and ballot title to the lieutenant governor by July 20.
406 (b) The ballot title may be distinct from the title of the proposed law attached to the
407 initiative petition, and shall be not more than 100 words.
408 ~~[(c) The ballot title and the number of the measure as determined by the Office of~~
409 ~~Legislative Research and General Counsel shall be printed on the official ballot.]~~
410 (c) For each state initiative, the official ballot shall show:
411 (i) the number of the initiative as determined by the Office of Legislative Research and
412 General Counsel;
413 (ii) the ballot title as determined by the Office of Legislative Research and General
414 Counsel; and
415 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.
416 (3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any
417 sponsor of the petition.
418 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
419 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
420 to the Supreme Court.
421 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
422 to send notice of the appeal to:
423 (A) any person or group that has filed an argument for or against the measure that is the
424 subject of the challenge; or
425 (B) any political issues committee established under Section 20A-11-801 that has filed
426 written or electronic notice with the lieutenant governor that identifies the name, mailing or
427 email address, and telephone number of the person designated to receive notice about any
428 issues relating to the initiative.
429 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
430 Research and General Counsel is an impartial summary of the contents of the initiative.

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

434 (c) The Supreme Court shall:

435 (i) examine the ballot title;

436 (ii) hear arguments; and

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

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

441 Section 9. Section **20A-7-214** is enacted to read:

442 **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

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

445 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
446 using current financial information and containing the information required by Subsection
447 20A-7-202.5(2); and

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

449 (i) the president of the Senate;

450 (ii) the minority leader of the Senate;

451 (iii) the speaker of the House or Representatives;

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

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

454 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 15%
455 or more, the Legislature shall review the final fiscal impact statement and may, in any
456 legislative session following the election in which the voters approved the initiative petition:

457 (a) repeal the law established by passage of the initiative;

458 (b) amend the law established by passage of the initiative; or

459 (c) pass a joint or concurrent resolution informing the voters that they may file an
460 initiative petition to repeal the law enacted by the passage of the initiative.

461 Section 10. Section **20A-7-402** is amended to read:

462 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
463 **Preparation -- Statement on front cover.**

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

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

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

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

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

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

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

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

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

483 ~~[(6)]~~ (vi) The arguments supporting and opposing any county or municipal measure
484 shall be filed with the local clerk not less than 30 days before the election at which they are to
485 be voted upon.

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

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

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

492 (ii) ensure that the following statement is printed on the front cover or the heading of

493 the first page of the printed arguments:

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

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

496 (iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not

497 less than eight days before the election at which the measures are to be voted upon.

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

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

502 Section 11. Section **20A-7-502.5** is enacted to read:

503 **20A-7-502.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
504 **to estimate.**

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

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

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

510 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing

511 the total estimated increase or decrease for each type of tax affected under the proposed law

512 and a dollar amount representing the total estimated increase or decrease in taxes under the

513 proposed law;

514 (iii) if the proposed law would result in the issuance or a change in the status of bonds,

515 notes, or other debt instruments, a dollar amount representing the total estimated increase or

516 decrease in public debt under the proposed law;

517 (iv) a listing of all sources of funding for the estimated costs associated with the

518 proposed law showing each source of funding and the percentage of total funding provided

519 from each source;

520 (v) a dollar amount representing the estimated costs or savings, if any, to state and

521 local government entities under the proposed law; and

522 (vi) a concise explanation, not exceeding 100 words, of the above information and of

523 the estimated fiscal impact, if any, under the proposed law.

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

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

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

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

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

540 (3) Within 25 calendar days from the date that the local clerk delivers a copy of the
541 application, the budget officer shall:

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

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

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

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

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

555 the estimated fiscal impact of the initiative.

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

559 Section 12. Section **20A-7-503** is amended to read:

560 **20A-7-503. Form of initiative petitions and signature sheets.**

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

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

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

569 Each signer says:

570 I have personally signed this petition;

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

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

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

576 (2) Each signature sheet shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

606 "Verification

607 State of Utah, County of ____

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

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

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

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

615 _____"

616 (3) The forms prescribed in this section are not mandatory, and, if substantially

617 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
618 errors.

619 Section 13. Section **20A-7-513** is enacted to read:

620 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

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

623 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
624 using current financial information and containing the information required by Subsection
625 20A-7-502.5(2); and

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

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

628 (ii) the local clerk; and

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

630 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 15%
631 or more, the local legislative body shall review the final fiscal impact statement and may, by a
632 majority vote:

633 (a) repeal the law established by passage of the initiative;

634 (b) amend the law established by the passage of the initiative; or

635 (c) pass a resolution informing the voters that they may file an initiative petition to
636 repeal the law enacted by the passage of the initiative.

637 Section 14. Section **20A-7-702** is amended to read:

638 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

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

641 (a) printed and bound in a single pamphlet;

642 (b) printed in clear readable type, no less than ten-point, except that the text of any
643 measure may be set forth in eight-point type; and

644 (c) printed on a quality and weight of paper that best serves the voters.

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

646 (a) a cover title page;

647 (b) an introduction to the pamphlet by the lieutenant governor;

- 648 (c) a table of contents;
- 649 (d) a list of all candidates for constitutional offices;
- 650 (e) a list of candidates for each legislative district;
- 651 (f) a 100-word statement of qualifications for each candidate for the office of governor,
652 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
653 candidate to the lieutenant governor's office before July 15 at 5 p.m.;
- 654 (g) information pertaining to all measures to be submitted to the voters, beginning a
655 new page for each measure and containing, in the following order for each measure:
- 656 (i) a copy of the number and ballot title of the measure;
- 657 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
658 the Legislature or by referendum;
- 659 (iii) the impartial analysis of the measure prepared by the Office of Legislative
660 Research and General Counsel;
- 661 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
662 measure, the arguments against the measure, and the rebuttal to the arguments against the
663 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 664 (v) for each constitutional amendment, a complete copy of the text of the constitutional
665 amendment, with all new language underlined, and all deleted language placed within brackets;
666 and
- 667 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
668 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
669 20A-7-202.5;
- 670 (h) a description provided by the Judicial Council of the selection and retention process
671 for judges, including, in the following order:
- 672 (i) a description of the judicial selection process;
- 673 (ii) a description of the judicial performance evaluation process;
- 674 (iii) a description of the judicial retention election process;
- 675 (iv) a list of the criteria and minimum standards of judicial performance evaluation;
- 676 (v) the names of the judges standing for retention election; and
- 677 (vi) for each judge:
- 678 (A) the counties in which the judge is subject to retention election;

- 679 (B) a short biography of professional qualifications and a recent photograph;
- 680 (C) for each standard of performance, a statement identifying whether or not the judge
681 met the standard and, if not, the manner in which the judge failed to meet the standard;
- 682 (D) a statement provided by the Utah Supreme Court identifying the cumulative
683 number of informal reprimands, when consented to by the judge in accordance with Subsection
684 78-8-107(2)(~~d~~), formal reprimands, and all orders of censure and suspension issued by the
685 Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's
686 current term and the immediately preceding term, and a detailed summary of the supporting
687 reasons for each violation of the Code of Judicial Conduct that the judge has received; and
- 688 (E) a statement identifying whether or not the judge was certified by the Judicial
689 Council;
- 690 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic
691 format, the responses for each attorney, jury, and other survey question used by the Judicial
692 Council for certification of judges, displayed in 1% increments;
- 693 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a
694 particular judge is too small to provide statistically reliable information in 1% increments, the
695 survey results for that judge shall be reported as being above or below 70% and a statement by
696 the surveyor explaining why the survey is statistically unreliable shall also be included;
- 697 (i) an explanation of ballot marking procedures prepared by the lieutenant governor,
698 indicating the ballot marking procedure used by each county and explaining how to mark the
699 ballot for each procedure;
- 700 (j) voter registration information, including information on how to obtain an absentee
701 ballot;
- 702 (k) a list of all county clerks' offices and phone numbers; and
- 703 (l) on the back cover page, a printed copy of the following statement signed by the
704 lieutenant governor:
- 705 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
706 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
707 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
708 correct according to law. SEAL
- 709 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

710 of ____ (month), ____ (year)

711 (signed) _____

712 Lieutenant Governor"

713 (3) The lieutenant governor shall:

714 (a) ensure that one copy of the voter information pamphlet is placed in one issue of
715 every newspaper of general circulation in the state not more than 40 nor less than 15 days
716 before the day fixed by law for the election;

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

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

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

Legislative Review Note
as of 1-18-05 3:19 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 HB0142

Issues Submitted to Voters

03-Feb-05

8:21 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst