

INITIATIVE PETITIONS AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

LONG TITLE

General Description:

This bill establishes uniform standards for signature verification on initiative petitions.

Highlighted Provisions:

This bill:

- ▶ establishes uniform standards for determining whether a signer's signature on an initiative petition is valid or not; and
- ▶ provides for the placement of birth date information on initiative petitions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

20A-7-206, as last amended by Chapter 3, Laws of Utah 2000

ENACTS:

20A-7-206.3, Utah Code Annotated 1953

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

Section 1. 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 word "Warning" printed or typed at the top of each signature sheet under the title of the initiative;

(e) 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) 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".

(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)"

(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 2. Section **20A-7-206** is amended to read:

20A-7-206. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the June 1 before the regular general election.

(2) No later than June 15 before the regular general election, the county clerk shall:

(a) check the names of all persons completing the verification for the initiative packet 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 July 1 before the regular 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 registered voter according to the requirements of Section 20A-7-206.3;

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

(c) deliver all of the packets to the lieutenant governor.

(4) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the November 15 before the annual general session of the Legislature.

(5) No later than December 1 before the annual general session of the Legislature, the county clerk shall:

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are Utah residents 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.

(6) No later than December 15 before the annual general session of the Legislature, 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 registered voter according to the requirements of Section 20A-7-206.3;

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

(c) deliver all of the packets to the lieutenant governor.

(7) Initiative packets are public once they are delivered to the county clerks.

(8) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them.

Section 3. Section **20A-7-206.3** is enacted to read:

20A-7-206.3. 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.