

**Senator Howard A. Stephenson** proposes the following substitute bill:

**AUTHORIZATION OF OPINION QUESTIONS**

**TO VOTERS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ed Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes processes for submitting a nonbinding opinion question to the voters of Utah.

**Highlighted Provisions:**

This bill:

- ▶ establishes procedures for submitting a nonbinding opinion question to the voters of Utah;
- ▶ outlines duties of the lieutenant governor and election officials in submitting a nonbinding opinion question to the voters;
- ▶ establishes procedures for the ballot form, voter information pamphlet, manner of voting, and canvass of returns in relation to a nonbinding opinion question;
- ▶ repeals Sections 36-16a-101 through 36-16a-107 on January 1, 2007; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill has an immediate effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005

29 **20A-6-301**, as last amended by Chapter 105, Laws of Utah 2005

30 **20A-6-303**, as last amended by Chapter 105, Laws of Utah 2005

31 **20A-7-103**, as last amended by Chapter 127, Laws of Utah 2002

32 **20A-7-701**, as last amended by Chapter 215, Laws of Utah 1997

33 **20A-7-703**, as enacted by Chapter 1 and last amended by Chapter 153, Laws of Utah

34 1995

35 **20A-7-705**, as last amended by Chapter 116, Laws of Utah 1999

36 **63-55b-120**, as last amended by Chapters 131 and 159, Laws of Utah 2003

37 ENACTS:

38 **20A-6-304**, Utah Code Annotated 1953

39 **36-16a-101**, Utah Code Annotated 1953

40 **36-16a-102**, Utah Code Annotated 1953

41 **36-16a-103**, Utah Code Annotated 1953

42 **36-16a-104**, Utah Code Annotated 1953

43 **36-16a-105**, Utah Code Annotated 1953

44 **36-16a-106**, Utah Code Annotated 1953

45 **36-16a-107**, Utah Code Annotated 1953

46 **63-55b-136**, Utah Code Annotated 1953



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

49 Section 1. Section **20A-1-102** is amended to read:

50 **20A-1-102. Definitions.**

51 As used in this title:

52 (1) "Active voter" means a registered voter who has not been classified as an inactive  
53 voter by the county clerk.

54 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
55 and counts votes recorded on paper ballots or ballot cards and tabulates the results.

56 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records

57 his votes and includes ballot cards, paper ballots, and secrecy envelopes.

58 (4) "Ballot card" means a ballot that can be counted using automatic tabulating  
59 equipment.

60 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that  
61 contain the names of offices and candidates and statements of ballot propositions to be voted  
62 on and which are used in conjunction with ballot cards.

63 (6) "Ballot proposition" means:

64 (a) opinion questions [~~specifically~~] authorized [~~by the Legislature,~~] under Section  
65 36-16a-102, constitutional amendments, initiatives, referenda, and judicial retention questions  
66 that are submitted to the voters for their approval or rejection.

67 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
68 20A-4-306 to canvass election returns.

69 (8) "Bond election" means an election held for the purpose of approving or rejecting  
70 the proposed issuance of bonds by a government entity.

71 (9) "Book voter registration form" means voter registration forms contained in a bound  
72 book that are used by election officers and registration agents to register persons to vote.

73 (10) "By-mail voter registration form" means a voter registration form designed to be  
74 completed by the voter and mailed to the election officer.

75 (11) "Canvass" means the review of election returns and the official declaration of  
76 election results by the board of canvassers.

77 (12) "Canvassing judge" means an election judge designated to assist in counting  
78 ballots at the canvass.

79 (13) "Convention" means the political party convention at which party officers and  
80 delegates are selected.

81 (14) "Counting center" means one or more locations selected by the election officer in  
82 charge of the election for the automatic counting of ballots.

83 (15) "Counting judge" means a judge designated to count the ballots during election  
84 day.

85 (16) "Counting poll watcher" means a person selected as provided in Section  
86 20A-3-201 to witness the counting of ballots.

87 (17) "Counting room" means a suitable and convenient private place or room,

88 immediately adjoining the place where the election is being held, for use by the counting  
89 judges to count ballots during election day.

90 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

91 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

92 (20) "County officers" means those county officers that are required by law to be  
93 elected.

94 (21) "Election" means a regular general election, a municipal general election, a  
95 statewide special election, a local special election, a regular primary election, a municipal  
96 primary election, and a special district election.

97 (22) "Election Assistance Commission" means the commission established by Public  
98 Law 107-252, the Help America Vote Act of 2002.

99 (23) "Election cycle" means the period beginning on the first day persons are eligible to  
100 file declarations of candidacy and ending when the canvass is completed.

101 (24) "Election judge" means each canvassing judge, counting judge, and receiving  
102 judge.

103 (25) "Election officer" means:

104 (a) the lieutenant governor, for all statewide ballots;

105 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
106 as provided in Section 20A-5-400.5;

107 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
108 provided in Section 20A-5-400.5;

109 (d) the special district clerk or chief executive officer for certain ballots and elections  
110 as provided in Section 20A-5-400.5; and

111 (e) the business administrator or superintendent of a school district for certain ballots  
112 or elections as provided in Section 20A-5-400.5.

113 (26) "Election official" means any election officer, election judge, or satellite registrar.

114 (27) "Election results" means, for bond elections, the count of those votes cast for and  
115 against the bond proposition plus any or all of the election returns that the board of canvassers  
116 may request.

117 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
118 and overseas absentee voter registration and voting certificates, one of the tally sheets, any

119 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
120 spoiled ballots, the ballot disposition form, and the total votes cast form.

121 (29) "Electronic voting system" means a system in which a voting device is used in  
122 conjunction with ballots so that votes recorded by the voter are counted and tabulated by  
123 automatic tabulating equipment.

124 (30) "Inactive voter" means a registered voter who has been sent the notice required by  
125 Section 20A-2-306 and who has failed to respond to that notice.

126 (31) "Inspecting poll watcher" means a person selected as provided in this title to  
127 witness the receipt and safe deposit of voted and counted ballots.

128 (32) "Judicial office" means the office filled by any judicial officer.

129 (33) "Judicial officer" means any justice or judge of a court of record or any county  
130 court judge.

131 (34) "Local election" means a regular municipal election, a local special election, a  
132 special district election, and a bond election.

133 (35) "Local political subdivision" means a county, a municipality, a special district, or  
134 a local school district.

135 (36) "Local special election" means a special election called by the governing body of a  
136 local political subdivision in which all registered voters of the local political subdivision may  
137 vote.

138 (37) "Municipal executive" means:

139 (a) the city commission, city council, or town council in the traditional management  
140 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

141 (b) the mayor in the council-mayor optional form of government defined in Section  
142 10-3-101; and

143 (c) the manager in the council-manager optional form of government defined in  
144 Section 10-3-101.

145 (38) "Municipal general election" means the election held in municipalities and special  
146 districts on the first Tuesday after the first Monday in November of each odd-numbered year  
147 for the purposes established in Section 20A-1-202.

148 (39) "Municipal legislative body" means:

149 (a) the city commission, city council, or town council in the traditional management

150 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

151 (b) the municipal council in the council-mayor optional form of government defined in  
152 Section 10-3-101; and

153 (c) the municipal council in the council-manager optional form of government defined  
154 in Section 10-3-101.

155 (40) "Municipal officers" means those municipal officers that are required by law to be  
156 elected.

157 (41) "Municipal primary election" means an election held to nominate candidates for  
158 municipal office.

159 (42) "Official ballot" means the ballots distributed by the election officer to the election  
160 judges to be given to voters to record their votes.

161 (43) "Official endorsement" means:

162 (a) the information on the ballot that identifies:

163 (i) the ballot as an official ballot;

164 (ii) the date of the election; and

165 (iii) the facsimile signature of the election officer; and

166 (b) the information on the ballot stub that identifies:

167 (i) the election judge's initials; and

168 (ii) the ballot number.

169 (44) "Official register" means the book furnished election officials by the election  
170 officer that contains the information required by Section 20A-5-401.

171 (45) "Paper ballot" means a paper that contains:

172 (a) the names of offices and candidates and statements of ballot propositions to be  
173 voted on; and

174 (b) spaces for the voter to record his vote for each office and for or against each ballot  
175 proposition.

176 (46) "Political party" means an organization of registered voters that has qualified to  
177 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
178 Formation and Procedures.

179 (47) "Polling place" means the building where residents of a voting precinct vote or  
180 where absentee voting is conducted.

181 (48) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
182 in which the voter marks his choice.

183 (49) "Posting list" means a list of registered voters within a voting precinct.

184 (50) "Proof of identity" means some form of photo identification, such as a driver  
185 license or identification card, that establishes a person's identity.

186 (51) "Proof of residence" means some official document or form, such as a driver  
187 license or utility bill that establishes a person's residence.

188 (52) "Provisional ballot" means a ballot voted provisionally by a person:

189 (a) whose name is not listed on the official register at the polling place; or

190 (b) whose legal right to vote is challenged as provided in this title.

191 (53) "Provisional ballot envelope" means an envelope printed in the form required by  
192 Section 20A-6-105 that is used to identify provisional ballots and to provide information to  
193 verify a person's legal right to vote.

194 (54) "Primary convention" means the political party conventions at which nominees for  
195 the regular primary election are selected.

196 (55) "Protective counter" means a separate counter, which cannot be reset, that is built  
197 into a voting machine and records the total number of movements of the operating lever.

198 (56) "Qualify" or "qualified" means to take the oath of office and begin performing the  
199 duties of the position for which the person was elected.

200 (57) "Receiving judge" means the election judge that checks the voter's name in the  
201 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
202 after the voter has voted.

203 (58) "Registration days" means the days designated in Section 20A-2-203 when a voter  
204 may register to vote with a satellite registrar.

205 (59) "Registration form" means a book voter registration form and a by-mail voter  
206 registration form.

207 (60) "Regular ballot" means a ballot that is not a provisional ballot.

208 (61) "Regular general election" means the election held throughout the state on the first  
209 Tuesday after the first Monday in November of each even-numbered year for the purposes  
210 established in Section 20A-1-201.

211 (62) "Regular primary election" means the election on the fourth Tuesday of June of

212 each even-numbered year, at which candidates of political parties and nonpolitical groups are  
213 voted for nomination.

214 (63) "Resident" means a person who resides within a specific voting precinct in Utah.

215 (64) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
216 and distributed as provided in Section 20A-5-405.

217 (65) "Satellite registrar" means a person appointed under Section 20A-5-201 to register  
218 voters and perform other duties.

219 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
220 punch the ballot for one or more candidates who are members of different political parties.

221 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
222 which the voter places the ballot after he has voted it in order to preserve the secrecy of the  
223 voter's vote.

224 (68) "Special district" means those local government entities created under the  
225 authority of Title 17A.

226 (69) "Special district officers" means those special district officers that are required by  
227 law to be elected.

228 (70) "Special election" means an election held as authorized by Section 20A-1-204.

229 (71) "Spoiled ballot" means each ballot that:

230 (a) is spoiled by the voter;

231 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

232 (c) lacks the official endorsement.

233 (72) "Statewide special election" means a special election called by the governor or the  
234 Legislature in which all registered voters in Utah may vote.

235 (73) "Stub" means the detachable part of each ballot.

236 (74) "Substitute ballots" means replacement ballots provided by an election officer to  
237 the election judges when the official ballots are lost or stolen.

238 (75) "Ticket" means each list of candidates for each political party or for each group of  
239 petitioners.

240 (76) "Transfer case" means the sealed box used to transport voted ballots to the  
241 counting center.

242 (77) "Vacancy" means the absence of a person to serve in any position created by



243 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
244 or other cause.

245 (78) "Valid write-in candidate" means a candidate who has qualified as a write-in  
246 candidate by following the procedures and requirements of this title.

247 (79) "Voter" means a person who meets the requirements for voting in an election,  
248 meets the requirements of election registration, is registered to vote, and is listed in the official  
249 register book.

250 (80) "Voting area" means the area within six feet of the voting booths, voting  
251 machines, and ballot box.

252 (81) "Voting booth" means the space or compartment within a polling place that is  
253 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

254 (82) "Voting device" means:

255 (a) an apparatus in which ballot cards are used in connection with a punch device for  
256 piercing the ballots by the voter;

257 (b) a device for marking the ballots with ink or another substance; or

258 (c) any other method for recording votes on ballots so that the ballot may be tabulated  
259 by means of automatic tabulating equipment.

260 (83) "Voting machine" means a machine designed for the sole purpose of recording  
261 and tabulating votes cast by voters at an election.

262 (84) "Voting poll watcher" means a person appointed as provided in this title to  
263 witness the distribution of ballots and the voting process.

264 (85) "Voting precinct" means the smallest voting unit established as provided by law  
265 within which qualified voters vote at one polling place.

266 (86) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting  
267 poll watcher.

268 (87) "Western States Presidential Primary" means the election established in Title 20A,  
269 Chapter 9, Part 8.

270 (88) "Write-in ballot" means a ballot containing any write-in votes.

271 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the  
272 ballot according to the procedures established in this title.

273 Section 2. Section **20A-6-301** is amended to read:

274 **20A-6-301. Paper ballots -- Regular general election.**

275 (1) Each election officer shall ensure that:

276 (a) all ballots furnished for use at the regular general election contain no captions or  
277 other endorsements except as provided in this section;

278 (b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of  
279 the ballot, and divided from the rest of ballot by a perforated line;

280 (ii) the ballot number and the words "Judge's Initial \_\_\_\_" are printed on the stub; and

281 (iii) ballot stubs are numbered consecutively;

282 (c) immediately below the perforated ballot stub, the following endorsements are  
283 printed in 18-point bold type:

284 (i) "Official Ballot for \_\_\_\_ County, Utah";

285 (ii) the date of the election; and

286 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

287 (d) each ticket is placed in a separate column on the ballot in the order determined by  
288 the election officer with the party emblem, followed by the party name, at the head of the  
289 column;

290 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

291 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,  
292 and the top of the circle is placed not less than two inches below the perforated line;

293 (g) unaffiliated candidates and candidates not affiliated with a registered political party  
294 are listed in one column, without a party circle, with the following instructions printed at the  
295 head of the column: "All candidates not affiliated with a political party are listed below. They  
296 are to be considered with all offices and candidates listed to the left. Only one vote is allowed  
297 for each office.";

298 (h) the columns containing the lists of candidates, including the party name and device,  
299 are separated by heavy parallel lines;

300 (i) the offices to be filled are plainly printed immediately above the names of the  
301 candidates for those offices;

302 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than  
303 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of  
304 an inch apart;

305 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the  
306 right of the name of each candidate;

307 (l) for the offices of president and vice president and governor and lieutenant governor,  
308 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a  
309 double bracket enclosing the right side of the names of the two candidates;

310 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a  
311 write-in column long enough to contain as many written names of candidates as there are  
312 persons to be elected with:

313 (i) the offices to be filled printed above the blank spaces on the ticket; and

314 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
315 1/2 inch circle;

316 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the  
317 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point  
318 solid rule running vertically the full length of the nonpartisan ballot copy; and

319 (o) constitutional amendments or other questions submitted to the vote of the people,  
320 are printed on the ballot after the list of candidates.

321 (2) Each election officer shall ensure that:

322 (a) each person nominated by any political party or group of petitioners is placed on the  
323 ballot:

324 (i) under the party name and emblem, if any; or

325 (ii) under the title of the party or group as designated by them in their certificates of  
326 nomination or petition, or, if none is designated, then under some suitable title;

327 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
328 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

329 (c) the names of the candidates for president and vice president are used on the ballot  
330 instead of the names of the presidential electors; and

331 (d) the ballots contain no other names.

332 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
333 that:

334 (a) the designation of the office to be filled in the election and the number of  
335 candidates to be elected are printed in type not smaller than eight-point;

- 336 (b) the words designating the office are printed flush with the left-hand margin;
- 337 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of  
338 the column;
- 339 (d) the nonpartisan candidates are grouped according to the office for which they are  
340 candidates;
- 341 (e) the names in each group are placed in alphabetical order with the surnames last,  
342 except for candidates for the State Board of Education and local school boards;
- 343 (f) the names of candidates for the State Board of Education are placed on the ballot as  
344 certified by the lieutenant governor under Section 20A-14-105;
- 345 (g) if candidates for membership on a local board of education were selected in a  
346 primary election, the name of the candidate who received the most votes in the primary election  
347 is listed first on the ballot;
- 348 (h) if candidates for membership on a local board of education were not selected in the  
349 primary election, the names of the candidates are listed on the ballot in the order determined by  
350 a lottery conducted by the county clerk; and
- 351 (i) each group is preceded by the designation of the office for which the candidates  
352 seek election, and the words, "Vote for one" or "Vote for two or more," according to the  
353 number to be elected.
- 354 (4) Each election officer shall ensure that:
- 355 (a) proposed amendments to the Utah Constitution are listed on the ballot under the  
356 heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional  
357 amendment as assigned under Section 20A-7-103 placed in the blank;
- 358 (b) propositions submitted to the voters by the Utah Legislature or as authorized by  
359 statute are listed on the ballot under the heading "State Proposition Number \_\_\_" with the  
360 number of the state proposition as assigned under Section 20A-7-103 placed in the blank;
- 361 (c) propositions submitted to the voters by a county are listed on the ballot under the  
362 heading "County Proposition Number \_\_\_" with the number of the county proposition as  
363 assigned by the county legislative body placed in the blank;
- 364 (d) propositions submitted to the voters by a school district are listed on the ballot  
365 under the heading "School District Proposition Number \_\_\_" with the number of the school  
366 district proposition as assigned by the county legislative body placed in the blank;

367 (e) state initiatives that have qualified for the ballot are listed on the ballot under the  
368 heading "Citizen's State Initiative Number \_\_\_" with the number of the state initiative as  
369 assigned by Section 20A-7-209 placed in the blank;

370 (f) county initiatives that have qualified for the ballot are listed on the ballot under the  
371 heading "Citizen's County Initiative Number \_\_\_" with the number of the county initiative as  
372 assigned under Section 20A-7-508 placed in the blank;

373 (g) state referenda that have qualified for the ballot are listed on the ballot under the  
374 heading "Citizen's State Referendum Number \_\_\_" with the number of the state referendum as  
375 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

376 (h) county referenda that have qualified for the ballot are listed on the ballot under the  
377 heading "Citizen's County Referendum Number \_\_\_" with the number of the county referendum  
378 as assigned under Section 20A-7-608 placed in the blank; and

379 (i) bond propositions that have qualified for the ballot are listed on the ballot under the  
380 title assigned to each bond proposition under Section 11-14-206.

381 Section 3. Section **20A-6-303** is amended to read:

382 **20A-6-303. Machine-counted ballots for regular general elections.**

383 (1) Each election officer shall ensure that:

384 (a) copy on the ballot labels are arranged in approximately the same order as paper  
385 ballots;

386 (b) the titles of offices and the names of candidates are printed in vertical columns or in  
387 a series of separate pages;

388 (c) if pages are used, the pages placed on the voting device are of sufficient number to  
389 include, after the list of candidates:

390 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

391 (ii) any ballot propositions submitted to the voters for their approval or rejection;

392 (d) the ballot labels include a voting square or position where the voter may record a  
393 straight party ticket vote for all the candidates of one party by one mark or punch;

394 (e) the tickets are printed on the ballot label in the order determined by the county  
395 clerk;

396 (f) the office titles are printed above or at the side of the names of candidates so as to  
397 indicate clearly the candidates for each office and the number to be elected;

398 (g) the party designation of each candidate is printed to the right or below the  
399 candidate's name; and

400 (h) (i) if possible, all candidates for one office are grouped in one column or upon one  
401 page;

402 (ii) if all candidates for one office cannot be listed in one column or grouped upon one  
403 page:

404 (A) the ballot label is clearly marked to indicate that the list of candidates is continued  
405 on the following column or page; and

406 (B) approximately the same number of names are printed in each column or on each  
407 page; and

408 (i) arrows are used to indicate the place to vote for each candidate and on each  
409 measure.

410 (2) Each election officer shall ensure that:

411 (a) proposed amendments to the Utah Constitution are listed on the ballot label under  
412 the heading "Constitutional Amendment Number \_\_\_" with the number of the constitutional  
413 amendment as assigned under Section 20A-7-103 placed in the blank;

414 (b) propositions submitted to the voters by the Utah Legislature or as authorized by  
415 statute are listed on the ballot label under the heading "State Proposition Number \_\_\_" with the  
416 number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

417 (c) propositions submitted to the voters by a county are listed on the ballot label under  
418 the heading "County Proposition Number \_\_\_" with the number of the county proposition as  
419 assigned by the county legislative body placed in the blank;

420 (d) propositions submitted to the voters by a school district are listed on the ballot label  
421 under the heading "School District Proposition Number \_\_\_" with the number of the school  
422 district proposition as assigned by the county legislative body placed in the blank;

423 (e) state initiatives that have qualified for the ballot are listed on the ballot label under  
424 the heading "Citizen's State Initiative Number \_\_\_" with the number of the state initiative as  
425 assigned under Section 20A-7-209 placed in the blank;

426 (f) county initiatives that have qualified for the ballot are listed on the ballot label  
427 under the heading "Citizen's County Initiative Number \_\_\_" with the number of the county  
428 initiative as assigned under Section 20A-7-508 placed in the blank;

429 (g) state referenda that have qualified for the ballot are listed on the ballot label under  
430 the heading "Citizen's State Referendum Number \_\_\_" with the number of the state referendum  
431 as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

432 (h) county referenda that have qualified for the ballot are listed on the ballot label  
433 under the heading "Citizen's County Referendum Number \_\_\_" with the number of the county  
434 referendum as assigned under Section 20A-7-608 placed in the blank; and

435 (i) bond propositions that have qualified for the ballot are listed on the ballot label  
436 under the title assigned to each bond proposition under Section 11-14-206.

437 Section 4. Section **20A-6-304** is enacted to read:

438 **20A-6-304. Regular general election -- Electronic ballots.**

439 (1) Each election officer shall ensure that:

440 (a) the format and content of the electronic ballot is arranged in approximately the  
441 same order as paper ballots;

442 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
443 in a series of separate display screens;

444 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

445 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

446 (ii) any ballot propositions submitted to the voters for their approval or rejection;

447 (d) a voting square or position is included where the voter may record a straight party  
448 ticket vote for all the candidates of one party by making a single selection;

449 (e) the tickets are displayed in the order determined by the county clerk;

450 (f) the office titles are displayed above or at the side of the names of candidates so as to  
451 indicate clearly the candidates for each office and the number to be elected;

452 (g) the party designation of each candidate is displayed adjacent to the candidate's  
453 name; and

454 (h) if possible, all candidates for one office are grouped in one column or upon one  
455 display screen.

456 (2) Each election officer shall ensure that:

457 (a) proposed amendments to the Utah Constitution are displayed under the heading

458 "Constitutional Amendment Number \_\_\_" with the number of the constitutional amendment as  
459 assigned under Section 20A-7-103 placed in the blank;

460 (b) propositions submitted to the voters by the Utah Legislature or as authorized by  
461 statute are displayed under the heading "State Proposition Number \_\_\_\_\_" with the number of the  
462 state proposition as assigned under Section 20A-7-103 placed in the blank;

463 (c) propositions submitted to the voters by a county are displayed under the heading  
464 "County Proposition Number \_\_\_\_\_" with the number of the county proposition as assigned by the  
465 county legislative body placed in the blank;

466 (d) propositions submitted to the voters by a school district are displayed under the  
467 heading "School District Proposition Number \_\_\_\_\_" with the number of the school district  
468 proposition as assigned by the county legislative body placed in the blank;

469 (e) state initiatives that have qualified for the ballot are displayed under the heading  
470 "Citizen's State Initiative Number \_\_\_\_\_" with the number of the state initiative as assigned under  
471 Section 20A-7-209 placed in the blank;

472 (f) county initiatives that have qualified for the ballot are displayed under the heading  
473 "Citizen's County Initiative Number \_\_\_\_\_" with the number of the county initiative as assigned  
474 under Section 20A-7-508 placed in the blank;

475 (g) state referenda that have qualified for the ballot are displayed under the heading  
476 "Citizen's State Referendum Number \_\_\_\_\_" with the number of the state referendum as assigned  
477 under Sections 20A-7-209 and 20A-7-308 placed in the blank;

478 (h) county referenda that have qualified for the ballot are displayed under the heading  
479 "Citizen's County Referendum Number \_\_\_\_\_" with the number of the county referendum as  
480 assigned under Section 20A-7-608 placed in the blank; and

481 (i) bond propositions that have qualified for the ballot are displayed under the title  
482 assigned to each bond proposition under Section 11-14-206.

483 Section 5. Section **20A-7-103** is amended to read:

484 **20A-7-103. Constitutional amendments and other questions -- Procedures for**  
485 **submission to popular vote.**

486 (1) The procedures contained in this section govern when:

487 (a) an opinion question is submitted to the voters under Subsection 36-16a-102;

488 [~~(a)~~] (b) the Legislature submits a proposed constitutional amendment or other question  
489 to the voters; [~~and~~] or

490 [~~(b)~~] (c) an act of the Legislature is referred to the voters by referendum petition.



491 (2) (a) In addition to the publication in the voter information pamphlet required by  
492 Section 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ten days  
493 before the regular general election, publish the full text of the amendment, question, or statute  
494 in at least one newspaper in every county of the state where a newspaper is published.

495 (b) Notwithstanding Subsection (2)(a), in lieu of publishing the full text of a statute or  
496 resolution that authorizes an opinion question under Section 36-16a-102, the lieutenant  
497 governor may publish that portion of the text that constitutes the opinion question as  
498 specifically provided for in the statute or resolution authorizing the opinion question.

499 (3) The legislative general counsel shall:

500 (a) entitle each proposed constitutional amendment "Constitutional Amendment  
501 Number \_\_\_" and give it a number;

502 (b) entitle each proposed question "State Proposition Number \_\_\_" and give it a number;

503 (c) entitle each state referendum that has qualified for the ballot "Citizen's State  
504 Referendum Number \_\_\_" and give it a number;

505 (d) draft and designate a ballot title that summarizes the subject matter of the  
506 amendment or question; and

507 (e) deliver them to the lieutenant governor.

508 (4) The lieutenant governor shall certify the number and ballot title of each amendment  
509 or question to the county clerk of each county no later than the second Friday after the primary  
510 election.

511 (5) The county clerk of each county shall:

512 (a) ensure that both the number and title of the amendment, question, or referendum is  
513 printed on the sample ballots and official ballots; and

514 (b) publish them as provided by law.

515 Section 6. Section **20A-7-701** is amended to read:

516 **20A-7-701. Voter information pamphlet to be prepared.**

517 (1) The lieutenant governor shall cause to be printed a voter information pamphlet  
518 designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the  
519 supporting and opposing arguments of any measure submitted to the voters by the Legislature  
520 or statute, or by initiative or referendum petition.

521 (2) The pamphlet shall also include a separate section prepared, analyzed, and

522 submitted by the Judicial Council describing the judicial selection and retention process.

523 (3) The lieutenant governor shall cause to be printed as many voter information  
524 pamphlets as needed to comply with the provisions of this chapter.

525 Section 7. Section **20A-7-703** is amended to read:

526 **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

527 (1) The director of the Office of Legislative Research and General Counsel, after the  
528 approval of the legislative general counsel as to legal sufficiency, shall:

529 (a) prepare an impartial analysis of each measure submitted to the voters by the  
530 Legislature or statute, or by initiative or referendum petition; and

531 (b) submit the impartial analysis to the lieutenant governor no later than August 20 of  
532 the year in which the measure will appear on the ballot.

533 (2) The director shall ensure that the impartial analysis:

534 (a) is not more than 1,000 words long;

535 (b) is prepared in clear and concise language that will easily be understood by the  
536 average voter;

537 (c) avoids the use of technical terms as much as possible;

538 (d) shows the effect of the measure on existing law;

539 (e) identifies any potential conflicts with the United States or Utah Constitutions raised  
540 by the measure;

541 (f) fairly describes the operation of the measure;

542 (g) identifies the measure's fiscal effects for the first full year of implementation and  
543 the first year when the last provisions to be implemented are fully effective; and

544 (h) identifies the amount of any increase or decrease in revenue or cost to state or local  
545 government.

546 (3) The director shall analyze the measure as it is proposed to be adopted without  
547 considering any implementing legislation, unless the implementing legislation has been enacted  
548 and will become effective upon the adoption of the measure by the voters.

549 (4) (a) In determining the fiscal effects of a measure, the director shall confer with the  
550 legislative fiscal analyst.

551 (b) The director shall consider any measure that requires implementing legislation in  
552 order to take effect to have no financial effect, unless implementing legislation has been

553 enacted that will become effective upon adoption of the measure by the voters.

554 (5) If the director requests the assistance of any state department, agency, or official in  
555 preparing his analysis, that department, agency, or official shall assist the director.

556 Section 8. Section **20A-7-705** is amended to read:

557 **20A-7-705. Measures to be submitted to voters and referendum measures --**  
558 **Preparation of argument of adoption.**

559 (1) (a) Whenever [~~the Legislature submits any~~] a measure is submitted to the voters by  
560 the Legislature or by statute, or whenever an act of the Legislature is referred to the voters by  
561 referendum petition, the presiding officer of the house of origin of the measure shall appoint  
562 the sponsor of the measure or act and one member of either house who voted with the majority  
563 to pass the act or submit the measure to [~~draft~~] write an argument for the adoption of the  
564 measure.

565 (b) (i) The argument may not exceed 500 words in length.

566 (ii) If the sponsor of the measure or act desires separate arguments to be written in  
567 favor by each person appointed, separate arguments may be written but the combined length of  
568 the two arguments may not exceed 500 words.

569 (2) (a) If a measure or act submitted to the voters by the Legislature or by statute, or by  
570 referendum petition was not adopted unanimously by the Legislature, the presiding officer of  
571 each house shall, at the same time as appointments to an argument in its favor are made,  
572 appoint one member who voted against the measure or act from their house to write an  
573 argument against the measure or act.

574 (b) (i) The argument may not exceed 500 words in length.

575 (ii) If those members appointed to write an argument against the measure or act desire  
576 separate arguments to be written in opposition to the measure or act by each person appointed,  
577 separate arguments may be written, but the combined length of the two arguments may not  
578 exceed 500 words.

579 (3) (a) Notwithstanding Subsections (1) and (2), if an opinion question submitted to the  
580 voters permits a voter to select one of more than two possible responses:

581 (i) (A) the presiding officer of each house shall jointly appoint a member from either  
582 house to write an argument in support of each possible response; and

583 (B) a different member shall be assigned to write each argument in support of each

584 possible response; and

585 (ii) (A) the presiding officer of each house shall jointly appoint a member from either  
586 house to write an argument against each possible response; and

587 (B) a different member shall be assigned to write each argument against each possible  
588 response.

589 (b) Each argument may not exceed 500 words in length.

590 ~~[(3)]~~ (4) (a) The legislators appointed by the presiding officer of the Senate or House of  
591 Representatives to submit arguments shall submit them to the lieutenant governor not later than  
592 June 1.

593 (b) Except as provided in Subsection ~~[(3)]~~ (4)(d), the authors may not amend or change  
594 the arguments after they are submitted to the lieutenant governor.

595 (c) Except as provided in Subsection ~~[(3)]~~ (4)(d), the lieutenant governor may not alter  
596 the arguments in any way.

597 (d) The lieutenant governor and the authors of an argument may jointly modify an  
598 argument after it is submitted if:

599 (i) they jointly agree that changes to the argument must be made to correct spelling or  
600 grammatical errors; and

601 (ii) the argument has not yet been submitted for typesetting.

602 ~~[(4)]~~ (5) (a) If an argument ~~[for or an argument against a measure submitted to the~~  
603 ~~voters by the Legislature or by referendum petition]~~ has not been filed by a member of the  
604 Legislature within the time required by this section, any voter may request the presiding officer  
605 of the house in which the measure originated for permission to prepare and file an argument for  
606 the side on which no argument has been prepared by a member of the Legislature.

607 (b) (i) The presiding officer of the house of origin shall grant permission unless two or  
608 more voters request permission to submit arguments on the same side of a measure.

609 (ii) If two or more voters request permission to submit arguments on the same side of a  
610 measure, the presiding officer shall designate one of the voters to write the argument.

611 (c) Any argument prepared under this subsection shall be submitted to the lieutenant  
612 governor not later than June 15.

613 (d) The lieutenant governor may not accept a ballot argument submitted under this  
614 section unless it is accompanied by:

615 (i) the name and address of the person submitting it, if it is submitted by an individual  
616 voter; or

617 (ii) the name and address of the organization and the names and addresses of at least  
618 two of its principal officers, if it is submitted on behalf of an organization.

619 (e) Except as provided in Subsection [~~(4)~~] (5)(g), the authors may not amend or change  
620 the arguments after they are submitted to the lieutenant governor.

621 (f) Except as provided in Subsection [~~(4)~~] (5)(g), the lieutenant governor may not alter  
622 the arguments in any way.

623 (g) The lieutenant governor and the authors of an argument may jointly modify an  
624 argument after it is submitted if:

625 (i) they jointly agree that changes to the argument must be made to correct spelling or  
626 grammatical errors; and

627 (ii) the argument has not yet been submitted for typesetting.

628 Section 9. Section **36-16a-101** is enacted to read:

629 **CHAPTER 16a. ELECTION PROCESS FOR STATEWIDE PUBLIC OPINION**

630 **36-16a-101. Definitions.**

631 As used in this chapter:

632 (1) "Election official" means the county clerk or municipal clerk.

633 (2) "Opinion question" means a nonbinding question submitted to all the legal voters of  
634 the state according to the procedures established in this chapter.

635 (3) "Originating house" means:

636 (a) if the opinion question is authorized by a resolution:

637 (i) the Utah House of Representatives if the resolution is a House joint resolution; or

638 (ii) the Utah Senate if the resolution is a Senate joint resolution; or

639 (b) if the opinion question is authorized by statute, the legislative house where the bill  
640 that enacted the statute originated.

641 (4) "Regular general election" has the same meaning as provided under Section  
642 20A-1-102.

643 Section 10. Section **36-16a-102** is enacted to read:

644 **36-16a-102. Submission of opinion questions to Utah voters.**

645 (1) The Legislature may submit an opinion question to the legal voters of the state:

- 646 (a) by passing a joint resolution meeting the requirements of this section; or
- 647 (b) by statute, provided that the statute meets the requirements of this section.
- 648 (2) The statute or joint resolution required under Subsection (1) shall include:
- 649 (a) the language of the opinion question as it will appear on the ballot;
- 650 (b) a statement directing that the lieutenant governor submit the language of the
- 651 opinion question to the legal voters of the state for their approval or rejection; and
- 652 (c) language designating the regular general election date for the election.

653 Section 11. Section **36-16a-103** is enacted to read:

654 **36-16a-103. Lieutenant governor's duties.**

655 (1) After the Legislature authorizes an opinion question under Section 36-16a-102, the  
656 lieutenant governor shall:

- 657 (a) submit the opinion question to the legal voters of Utah as required by the statute or
- 658 resolution;
- 659 (b) comply with the procedures of Section 36-16a-105; and
- 660 (c) comply with all relevant provisions of Title 20A, Election Code, relating to the
- 661 conduct of general elections.

662 (2) The lieutenant governor may establish additional requirements for election officials  
663 to facilitate the conduct of the election.

664 Section 12. Section **36-16a-104** is enacted to read:

665 **36-16a-104. Election official duties.**

666 Each election official shall comply with the requirements of Title 20A, Election Code,  
667 relating to general elections, the requirements of Section 36-16a-105, and any other  
668 requirement imposed by the lieutenant governor.

669 Section 13. Section **36-16a-105** is enacted to read:

670 **36-16a-105. Procedures for submission of opinion questions to popular vote.**

671 (1) The lieutenant governor, the Office of Legislative Research and General Counsel,  
672 and each election official shall comply with the procedures contained in this section whenever  
673 the Legislature authorizes an opinion question under Section 36-16a-102.

674 (2) Not later than 60 days before the date of the election, the Office of Legislative  
675 Research and General Counsel shall:

- 676 (a) draft and designate a ballot title that summarizes the subject matter of each opinion

677 question; and

678 (b) deliver the materials created under Subsections (2)(a) to the lieutenant governor.

679 (3) Not later than 35 days before the date of the election, the lieutenant governor shall  
680 certify the number and ballot title of each opinion question to each election official.

681 (4) Not later than 30 days before the date of the election, the lieutenant governor shall  
682 cause the full text of the opinion question to be published in at least one newspaper in every  
683 county of the state where a newspaper is published.

684 (5) Each election official shall cause both the number and title of the opinion question  
685 to be printed on the ballot to be used on election day, and on the sample ballots, and publish  
686 them as provided by law.

687 Section 14. Section **36-16a-106** is enacted to read:

688 **36-16a-106. Ballot form -- Manner of voting.**

689 (1) The lieutenant governor shall ensure that a ballot containing an opinion question  
690 includes:

691 (a) a number and ballot title;

692 (b) the text of the opinion question; and

693 (c) (i) the words "YES" and "NO", each adjacent to a square which the voter may select  
694 or mark to indicate his vote; or

695 (ii) all possible responses to the opinion question, each adjacent to a square which the  
696 voter may select or mark to indicate his vote.

697 Section 15. Section **36-16a-107** is enacted to read:

698 **36-16a-107. Canvass of returns.**

699 (1) The county legislative body shall conduct a public canvass of the returns from the  
700 opinion question election no later than 14 days after the election.

701 (2) Each election official shall:

702 (a) make a certified abstract of the record of the canvassers detailing the votes cast on  
703 the opinion question; and

704 (b) seal the transcript, endorse it "Election Returns," and transmit it to the lieutenant  
705 governor's office so that the lieutenant governor receives it by the fifth day before the day  
706 designated for the meeting of the state board of canvassers.

707 (3) The state board of canvassers established by Section 20A-4-306 shall meet to

708 compute and determine the vote on the opinion question.

709 (4) After consulting existing statutes governing elections, the lieutenant governor may  
710 determine any issues relating to the canvassing process that are not governed by this section.

711 Section 16. Section **63-55b-120** is amended to read:

712 **63-55b-120. Repeal dates, Title 20A.**

713 (1) Subsections 20A-7-103(1)(a) and (2)(b) are repealed on January 1, 2007.

714 (2) Section 20A-2-107.5 is repealed July 1, 2008.

715 (3) Subsection 20A-7-705(3) is repealed on January 1, 2007.

716 Section 17. Section **63-55b-136** is enacted to read:

717 **63-55b-136. Repeal dates -- Title 36.**

718 Sections 36-16a-101 through 36-16a-107 are repealed January 1, 2007.

719 Section 18. **Effective date.**

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



**State Impact**

Provisions of this bill can be enacted within existing budgets. It is unknown at this time how many of these opinion questions will be presented to the voters. It is estimated that publication and distribution costs to put each opinion question on the ballot will be \$11,500 from the General Fund.

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**Individual and Business Impact**

No fiscal impact.