

**REFERENDUM - SIGNATURE VERIFICATION**

**PROCEDURES**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Neal B. Hendrickson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-7-303**, as last amended by Chapter 3, Laws of Utah 2000

**20A-7-306**, as last amended by Chapter 3, Laws of Utah 2000

**20A-7-603**, as last amended by Chapters 3 and 75, Laws of Utah 2000

**20A-7-606**, as last amended by Chapter 3, Laws of Utah 2000

ENACTS:



28 20A-7-306.3, Utah Code Annotated 1953

29 20A-7-606.3, Utah Code Annotated 1953



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

32 Section 1. Section 20A-7-303 is amended to read:

33 **20A-7-303. Form of referendum petition and signature sheets.**

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

36 "REFERENDUM PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

37 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.  
38 \_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here  
39 the part or parts on which the referendum is sought), passed by the \_\_\_\_ Session of the  
40 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection  
41 at a regular general election or a statewide special election;

42 Each signer says:

43 I have personally signed this petition;

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

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

47 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
48 referendum to each referendum petition.

49 (2) Each signature sheet shall:

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

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

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

54 (d) contain the word "Warning" printed or typed at the top of each signature sheet  
55 under the title of the referendum;

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

58 "It is a class A misdemeanor for anyone to sign any referendum petition with any other

59 name than his own, or knowingly to sign his name more than once for the same measure, or to  
60 sign a referendum petition when he knows he is not a registered voter and knows that he does  
61 not intend to become registered to vote before the certification of the petition names by the  
62 county clerk.";

63 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement  
64 required by this section; and

65 (g) be vertically divided into columns as follows:

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

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

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

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

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

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

78 "Verification

79 State of Utah, County of \_\_\_\_\_

80 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

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

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

87

88

89 \_\_\_\_\_  
(Name) (Residence Address) (Date)"

90 (4) The forms prescribed in this section are not mandatory, and, if substantially  
91 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical  
92 errors.

93 Section 2. Section **20A-7-306** is amended to read:

94 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**  
95 **the county clerks -- Transfer to lieutenant governor.**

96 (1) No later than 40 days after the end of the legislative session at which the law  
97 passed, the sponsors shall deliver each signed and verified referendum packet to the county  
98 clerk of the county in which the packet was circulated.

99 (2) No later than 55 days after the end of the legislative session at which the law  
100 passed, the county clerk shall:

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

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

106 (3) No later than 55 days after the end of the legislative session at which the law  
107 passed, the county clerk shall:

108 (a) [~~check all the names of the signers against the official registers to~~] determine  
109 whether or not [~~the~~] each signer is a registered voter according to the requirements of Section  
110 20A-7-306.3;

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

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

114 Section 3. Section **20A-7-306.3** is enacted to read:

115 **20A-7-306.3. Verification of petition signatures.**

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

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

120 (ii) the surname shown on the petition exactly matches the surname shown on the

121 official register, and the given names differ only because one of the given names shown is a  
122 commonly used abbreviation or variation of the other;

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

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

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

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

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

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

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

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

146 Section 4. Section **20A-7-603** is amended to read:

147 **20A-7-603. Form of referendum petition and signature sheets.**

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

150 "REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City  
151 Recorder/Town Clerk:

152 We, the undersigned citizens of Utah, respectfully order that Ordinance No. \_\_\_\_\_,  
153 entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth  
154 here the part or parts on which the referendum is sought), passed by the \_\_\_\_\_ be referred to the  
155 voters for their approval or rejection at the regular/municipal general election to be held on  
156 \_\_\_\_\_(month\day\year);

157 Each signer says:

158 I have personally signed this petition;

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

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

162 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
163 referendum to each referendum petition.

164 (2) Each signature sheet shall:

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

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

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

169 (d) contain the word "Warning" printed or typed at the top of each signature sheet  
170 under the title of the referendum;

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

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

178 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement  
179 required by this section;

180 (g) be vertically divided into columns as follows:

181 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
182 headed with "For Office Use Only," and be subdivided with a light vertical line down the

183 middle;

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

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

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

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

191 (h) contain the following statement, printed or typed upon the back of each sheet:

192 "Verification

193 State of Utah, County of \_\_\_\_\_

194 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

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

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

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

201 \_\_\_\_\_"

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

205 Section 5. Section **20A-7-606** is amended to read:

206 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**  
207 **the county clerks -- Transfer to local clerk.**

208 (1) No later than 120 days before any regular general election for county referenda, or  
209 municipal general election for local referenda, the sponsors shall deliver each signed and  
210 verified referendum packet to the county clerk of the county in which the packet was  
211 circulated.

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

213 (a) check the names of all persons completing the verification on the back of each

214 signature sheet to determine whether or not those persons are Utah residents and are at least 18  
215 years old; and

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

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

219 (a) ~~[check all the names of the signers against the official registers to]~~ determine  
220 whether or not ~~[the]~~ each signer is a registered voter according to the requirements of Section  
221 20A-7-606.3;

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

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

225 Section 6. Section **20A-7-606.3** is enacted to read:

226 **20A-7-606.3. Verification of petition signatures.**

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

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

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

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

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

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



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

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

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

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

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

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**Legislative Review Note**  
as of 11-27-06 11:18 AM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-12-06 11:26 AM

The Government Operations Interim Committee recommended this bill.

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**H.B. 63 - Referendum - Signature Verification Procedures**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*12/22/2006, 10:34:17 AM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**