

LOCAL INITIATIVE AND PETITION

BALLOT TITLES

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

This bill modifies Election Code provisions related to ballot titles for local initiatives and local referendums.

Highlighted Provisions:

This bill:

- ▶ provides that a local attorney that drafts a ballot title for a local initiative or referendum shall:
 - prepare a proposed ballot title;
 - permit the local legislative body and the sponsors of the petition to submit written comments on the proposed ballot title; and
 - review the written comments when preparing a final ballot title;
- ▶ provides procedures and a time line for preparation of the ballot title;
- ▶ permits the local legislative body to appeal the local attorney's determination of a ballot title;
- ▶ provides that the Supreme Court may be permitted to certify a local ballot title upon appeal, rather than requiring the Supreme Court to do so; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-7-508**, as last amended by Chapter 57, Laws of Utah 2001

33 **20A-7-608**, as last amended by Chapter 57, Laws of Utah 2001



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

36 Section 1. Section **20A-7-508** is amended to read:

37 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

38 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the
39 people, the local clerk shall deliver a copy of the petition and the proposed law to the local
40 attorney.

41 (2) ~~(a)~~ The local attorney shall:

42 ~~(i)~~ (a) entitle each county initiative that has qualified for the ballot "Citizen's County
43 Initiative Number ___" and give it a number;

44 ~~(ii)~~ (b) entitle each municipal initiative that has qualified for the ballot "Citizen's City
45 (or Town) Initiative Number ___" and give it a number;

46 ~~(iii)~~ (c) prepare a proposed ballot title for the initiative; ~~and~~

47 ~~(iv)~~ (d) ~~return the petition and~~ file the proposed ballot title ~~to~~ and the numbered
48 initiative titles with the local clerk within 15 days after ~~its receipt~~ the date the initiative
49 petition is declared sufficient for submission to a vote of the people; and

50 (e) promptly provide notice of the filing of the proposed ballot title to:

51 (i) the sponsors of the petition; and

52 (ii) the local legislative body for the jurisdiction where the initiative petition was
53 circulated.

54 ~~(b)~~ (3) (a) The ballot title may be distinct from the title of the proposed law attached
55 to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the
56 measure.

57 ~~(c) The ballot title and the number of the measure as determined by the local attorney~~
58 ~~shall be printed on the official ballot.]~~

59 ~~[(d)]~~ (b) In preparing a ballot ~~[titles]~~ title, the local attorney shall, to the best of his
60 ability, give a true and impartial statement of the purpose of the measure.

61 ~~[(e)]~~ (c) The ballot title may not intentionally be an argument, or likely to create
62 prejudice, for or against the measure.

63 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
64 title under Subsection (2)(d), the local legislative body for the jurisdiction where the initiative
65 petition was circulated and the sponsors of the petition may file written comments in response
66 to the proposed ballot title with the local clerk.

67 (b) Within five calendar days after the last date to submit written comments under
68 Subsection (4)(a), the local attorney shall:

69 (i) review any written comments filed in accordance with Subsection (4)(a);

70 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

71 (iii) return the petition and file the ballot title with the local clerk.

72 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
73 be printed on the official ballot.

74 ~~[(3)]~~ (5) Immediately after the local attorney files a copy of the ballot title with the
75 local clerk, the local clerk shall serve a copy of the ballot title by mail upon ~~[any of]~~ the
76 sponsors of the petition and the local legislative body for the jurisdiction where the initiative
77 petition was circulated.

78 ~~[(4)]~~ (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does
79 not comply with the requirements of this section, ~~[at least three of the sponsors of the petition~~
80 ~~may, by motion, appeal]~~ the decision of the local attorney may be appealed by a motion to the
81 Supreme Court that is brought by:

82 (i) at least three sponsors of the petition; or

83 (ii) a majority of the local legislative body for the jurisdiction where the initiative
84 petition was circulated.

85 (b) The Supreme Court shall examine the measures and ~~[hear]~~ consider arguments,
86 and, in its decision, ~~[shall]~~ may certify to the local clerk a ballot title for the measure that
87 fulfills the intent of this section.

88 (c) The local clerk shall print the title ~~[verified to him]~~ certified by the Supreme Court
89 on the official ballot.

90 Section 2. Section **20A-7-608** is amended to read:

91 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

92 (1) Whenever a referendum petition is declared sufficient for submission to a vote of
93 the people, the local clerk shall deliver a copy of the petition and the proposed law to the local
94 attorney.

95 (2) ~~(a)~~ The local attorney shall:

96 ~~(i)~~ (a) entitle each county referendum that has qualified for the ballot "Citizen's
97 County Referendum Number ___" and give it a number;

98 ~~(ii)~~ (b) entitle each municipal referendum that has qualified for the ballot "Citizen's
99 City (or Town) Referendum Number ___" and give it a number;

100 ~~(iii)~~ (c) prepare a proposed ballot title for the referendum; ~~and~~

101 ~~(iv)~~ (d) ~~[return the petition and]~~ file the proposed ballot title ~~[to]~~ and the numbered
102 referendum titles with the local clerk within 15 days after ~~[its receipt]~~ the date the referendum
103 petition is declared sufficient for submission to a vote of the people; and

104 (e) promptly provide notice of the filing of the proposed ballot title to:

105 (i) the sponsors of the petition; and

106 (ii) the local legislative body for the jurisdiction where the referendum petition was
107 circulated.

108 ~~(b)~~ (3) (a) The ballot title may be distinct from the title of the law that is the subject
109 of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

110 ~~(c) The ballot title and the number of the measure as determined by the local attorney~~
111 ~~shall be printed on the official ballot.]~~

112 ~~(d)~~ (b) In preparing a ballot ~~[titles]~~ title, the local attorney shall, to the best of his
113 ability, give a true and impartial statement of the purpose of the measure.

114 ~~(e)~~ (c) The ballot title may not intentionally be an argument, or likely to create
115 prejudice, for or against the measure.

116 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
117 title under Subsection (2)(d), the local legislative body for the jurisdiction where the
118 referendum petition was circulated and the sponsors of the petition may file written comments
119 in response to the proposed ballot title with the local clerk.

120 (b) Within five calendar days after the last date to submit written comments under

121 Subsection (4)(a), the local attorney shall:

122 (i) review any written comments filed in accordance with Subsection (4)(a);

123 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and

124 (iii) return the petition and file the ballot title with the local clerk.

125 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
126 be printed on the official ballot.

127 [~~3~~] (5) Immediately after the local attorney files a copy of the ballot title with the
128 local clerk, the local clerk shall serve a copy of the ballot title by mail upon [any of] the
129 sponsors of the petition and the local legislative body for the jurisdiction where the referendum
130 petition was circulated.

131 [~~4~~] (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does
132 not comply with the requirements of this section, [at least three of the sponsors of the petition
133 may, by motion, appeal] the decision of the local attorney may be appealed by a motion to the
134 Supreme Court[-] that is brought by:

135 (i) at least three sponsors of the petition; or

136 (ii) a majority of the local legislative body for the jurisdiction where the referendum
137 petition was circulated.

138 (b) The Supreme Court shall examine the measures and [hear] consider arguments,
139 and, in its decision, [shall] may certify to the local clerk a ballot title for the measure that
140 fulfills the intent of this section.

141 (c) The local clerk shall print the title [verified to him] certified by the Supreme Court
142 on the official ballot.

143 **Section 3. Effective date.**

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

Legislative Review Note
as of 1-26-07 2:38 PM

Office of Legislative Research and General Counsel

S.B. 197 - Local Initiative and Petition Ballot Titles

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
