

ELECTION LAW - BALLOT PROPOSITION

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine A. Johnson

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies ballot proposition numbering requirements under the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ requires that the certified ballot titles of ballot propositions or ballot questions be submitted to the election officer before a set time before each election;
- ▶ requires that proposed constitutional amendments appearing on a ballot be identified by a letter of the alphabet;
- ▶ provides that bond issues on the ballot are identified by a title as provided according to procedures in Title 11, Chapter 14, Local Government Bonding Act;
- ▶ requires that all state and local ballot propositions, including opinion questions, state and local initiatives, state and local referendums, and other ballot issues appearing on the ballot, be identified by a unique number assigned by the lieutenant governor;
- ▶ provides that numbers for ballot propositions be assigned by the lieutenant governor in the order that each number request is received;
- ▶ provides procedures for determining whether similar ballot issues should be assigned the same number;
- ▶ eliminates duplicate references; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-1-102**, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329

36 **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326

37 **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198

38 **20A-6-304**, as last amended by Laws of Utah 2007, Chapter 198

39 **20A-6-402**, as last amended by Laws of Utah 2007, Chapter 75

40 **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238

41 **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236

42 **20A-7-308**, as last amended by Laws of Utah 2001, Chapters 57, 65, and 169

43 **20A-7-508**, as last amended by Laws of Utah 2007, Chapter 27

44 **20A-7-608**, as last amended by Laws of Utah 2007, Chapter 27

45 ENACTS:

46 **20A-6-106**, Utah Code Annotated 1953

47 **20A-6-107**, Utah Code Annotated 1953



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

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

51 **20A-1-102. Definitions.**

52 As used in this title:

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

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

57 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon

58 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
59 secrecy envelopes.

60 (4) "Ballot sheet":

61 (a) means a ballot that:

62 (i) consists of paper or a card where the voter's votes are marked or recorded; and

63 (ii) can be counted using automatic tabulating equipment; and

64 (b) includes punch card ballots, and other ballots that are machine-countable.

65 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
66 contain the names of offices and candidates and statements of ballot propositions to be voted on
67 and which are used in conjunction with ballot sheets that do not display that information.

68 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
69 on the ballot for their approval or rejection including:

70 (a) an opinion [questions] question specifically authorized by the Legislature[?];

71 (b) a constitutional [amendments, initiatives, referenda, and] amendment;

72 (c) an initiative;

73 (d) a referendum;

74 (e) a bond proposition;

75 (f) a judicial retention [questions that are submitted to the voters for their approval or
76 rejection] question; or

77 (g) any other ballot question.

78 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
79 20A-4-306 to canvass election returns.

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

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

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

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

88 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
89 the canvass.

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

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

94 (15) "Counting judge" means a poll worker designated to count the ballots during
95 election day.

96 (16) "Counting poll watcher" means a person selected as provided in Section
97 20A-3-201 to witness the counting of ballots.

98 (17) "Counting room" means a suitable and convenient private place or room,
99 immediately adjoining the place where the election is being held, for use by the poll workers and
100 counting judges to count ballots during election day.

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

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

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

105 (21) "Election" means a regular general election, a municipal general election, a
106 statewide special election, a local special election, a regular primary election, a municipal
107 primary election, and a local district election.

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

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

112 (24) "Election judge" means a poll worker that is assigned to:

113 (a) preside over other poll workers at a polling place;

- 114 (b) act as the presiding election judge; or
- 115 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 116 (25) "Election officer" means:
- 117 (a) the lieutenant governor, for all statewide ballots;
- 118 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
- 119 as provided in Section 20A-5-400.5;
- 120 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
- 121 provided in Section 20A-5-400.5;
- 122 (d) the local district clerk or chief executive officer for certain ballots and elections as
- 123 provided in Section 20A-5-400.5; and
- 124 (e) the business administrator or superintendent of a school district for certain ballots or
- 125 elections as provided in Section 20A-5-400.5.
- 126 (26) "Election official" means any election officer, election judge, or poll worker.
- 127 (27) "Election results" means, for bond elections, the count of those votes cast for and
- 128 against the bond proposition plus any or all of the election returns that the board of canvassers
- 129 may request.
- 130 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
- 131 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
- 132 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled
- 133 ballots, the ballot disposition form, and the total votes cast form.
- 134 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 135 device or other voting device that records and stores ballot information by electronic means.
- 136 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 137 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 138 (31) "Inactive voter" means a registered voter who has been sent the notice required by
- 139 Section 20A-2-306 and who has failed to respond to that notice.
- 140 (32) "Inspecting poll watcher" means a person selected as provided in this title to
- 141 witness the receipt and safe deposit of voted and counted ballots.

142 (33) "Judicial office" means the office filled by any judicial officer.

143 (34) "Judicial officer" means any justice or judge of a court of record or any county
144 court judge.

145 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
146 Local Government Entities - Local Districts, and includes a special service district under Title
147 17A, Chapter 2, Part 13, Utah Special Service District Act.

148 (36) "Local district officers" means those local district officers that are required by law
149 to be elected.

150 (37) "Local election" means a regular municipal election, a local special election, a local
151 district election, and a bond election.

152 (38) "Local political subdivision" means a county, a municipality, a local district, or a
153 local school district.

154 (39) "Local special election" means a special election called by the governing body of a
155 local political subdivision in which all registered voters of the local political subdivision may
156 vote.

157 (40) "Municipal executive" means:

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

160 (b) the mayor in the council-mayor optional form of government defined in Section
161 10-3-101; and

162 (c) the manager in the council-manager optional form of government defined in Section
163 10-3-101.

164 (41) "Municipal general election" means the election held in municipalities and local
165 districts on the first Tuesday after the first Monday in November of each odd-numbered year for
166 the purposes established in Section 20A-1-202.

167 (42) "Municipal legislative body" means:

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

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

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

174 (43) "Municipal officers" means those municipal officers that are required by law to be
175 elected.

176 (44) "Municipal primary election" means an election held to nominate candidates for
177 municipal office.

178 (45) "Official ballot" means the ballots distributed by the election officer to the poll
179 workers to be given to voters to record their votes.

180 (46) "Official endorsement" means:

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

182 (i) the ballot as an official ballot;

183 (ii) the date of the election; and

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

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

186 (i) the poll worker's initials; and

187 (ii) the ballot number.

188 (47) "Official register" means the official record furnished to election officials by the
189 election officer that contains the information required by Section 20A-5-401.

190 (48) "Paper ballot" means a paper that contains:

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

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

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

198 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
199 election, voting, or counting votes.

200 (b) "Poll worker" includes election judges.

201 (c) "Poll worker" does not include a watcher.

202 (51) "Pollbook" means a record of the names of voters in the order that they appear to
203 cast votes.

204 (52) "Polling place" means the building where voting is conducted.

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

207 (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

209 (b) whose legal right to vote is challenged as provided in this title; or

210 (c) whose identity was not sufficiently established by a poll worker.

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

214 (56) "Primary convention" means the political party conventions at which nominees for
215 the regular primary election are selected.

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

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

220 (59) "Receiving judge" means the poll worker that checks the voter's name in the
221 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
222 after the voter has voted.

223 (60) "Registration form" means a book voter registration form and a by-mail voter
224 registration form.

225 (61) "Regular ballot" means a ballot that is not a provisional ballot.

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

229 (63) "Regular primary election" means the election on the fourth Tuesday of June of
230 each even-numbered year, at which candidates of political parties and nonpolitical groups are
231 voted for nomination.

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

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

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

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

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

241 (69) "Spoiled ballot" means each ballot that:

242 (a) is spoiled by the voter;

243 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

244 (c) lacks the official endorsement.

245 (70) "Statewide special election" means a special election called by the governor or the
246 Legislature in which all registered voters in Utah may vote.

247 (71) "Stub" means the detachable part of each ballot.

248 (72) "Substitute ballots" means replacement ballots provided by an election officer to
249 the poll workers when the official ballots are lost or stolen.

250 (73) "Ticket" means each list of candidates for each political party or for each group of
251 petitioners.

252 (74) "Transfer case" means the sealed box used to transport voted ballots to the
253 counting center.

254 (75) "Vacancy" means the absence of a person to serve in any position created by
255 statute, whether that absence occurs because of death, disability, disqualification, resignation, or
256 other cause.

257 (76) "Valid voter identification" means:

258 (a) a form of identification that bears the name and photograph of the voter which may
259 include:

260 (i) a currently valid Utah driver license;

261 (ii) a currently valid identification card that is issued by:

262 (A) the state;

263 (B) a local government within the state; or

264 (C) a branch, department, or agency of the United States;

265 (iii) an identification card that is issued by an employer for an employee;

266 (iv) a currently valid identification card that is issued by a college, university, technical
267 school, or professional school that is located within the state;

268 (v) a currently valid Utah permit to carry a concealed weapon;

269 (vi) a currently valid United States passport; or

270 (vii) a valid tribal identification card; or

271 (b) two forms of identification that bear the name of the voter and provide evidence that
272 the voter resides in the voting precinct, which may include:

273 (i) a voter identification card;

274 (ii) a current utility bill or a legible copy thereof;

275 (iii) a bank or other financial account statement, or a legible copy thereof;

276 (iv) a certified birth certificate;

277 (v) a valid Social Security card;

278 (vi) a check issued by the state or the federal government or a legible copy thereof;

279 (vii) a paycheck from the voter's employer, or a legible copy thereof;

280 (viii) a currently valid Utah hunting or fishing license;

281 (ix) a currently valid United States military identification card;

- 282 (x) certified naturalization documentation;
- 283 (xi) a currently valid license issued by an authorized agency of the United States;
- 284 (xii) a certified copy of court records showing the voter's adoption or name change;
- 285 (xiii) a Bureau of Indian Affairs card;
- 286 (xiv) a tribal treaty card;
- 287 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 288 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 289 photograph, but establishes the name of the voter and provides evidence that the voter resides in
- 290 the voting precinct.

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

293 (78) "Voter" means a person who meets the requirements for voting in an election,
294 meets the requirements of election registration, is registered to vote, and is listed in the official
295 register book.

296 (79) "Voter registration deadline" means the registration deadline provided in Section
297 20A-2-102.5.

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

300 (81) "Voting booth" means:

301 (a) the space or compartment within a polling place that is provided for the preparation
302 of ballots, including the voting machine enclosure or curtain; or

303 (b) a voting device that is free standing.

304 (82) "Voting device" means:

305 (a) an apparatus in which ballot sheets are used in connection with a punch device for
306 piercing the ballots by the voter;

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

308 (c) an electronic voting device or other device used to make selections and cast a ballot
309 electronically, or any component thereof;

310 (d) an automated voting system under Section 20A-5-302; or

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

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

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

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

319 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll
320 watcher, and a testing watcher.

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

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

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

326 Section 2. Section **20A-6-106** is enacted to read:

327 **20A-6-106. Deadline for submission of ballot titles.**

328 Unless otherwise specifically provided for by statute, the certified ballot title of each
329 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer no
330 later than 60 days before the date of the election at which the matter will be submitted to the
331 voters.

332 Section 3. Section **20A-6-107** is enacted to read:

333 **20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of**
334 **election officer and lieutenant governor.**

335 (1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall
336 be listed on the ballot under the heading "Proposition # _____", with the number of the ballot
337 proposition placed in the blank.

338 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot
339 under the heading "Constitutional Amendment _____", with a letter placed in the blank.

340 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot
341 under the title assigned to each bond proposition under Section 11-14-206.

342 (2) (a) When an election officer or other person given authority to prepare or number
343 ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they
344 shall ask the lieutenant governor to assign a number to the ballot proposition.

345 (b) (i) Upon request from an election officer or other person given authority to prepare
346 or number ballot propositions, the lieutenant governor shall assign each ballot proposition a
347 unique number, except as provided under Subsection (2)(b)(iii).

348 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for
349 ballot proposition numbers are received.

350 (iii) The same ballot proposition number may be assigned to multiple ballot propositions
351 if:

352 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and

353 (B) the ballot propositions sharing the same number are identical in their terms,
354 purpose, and effect, with jurisdiction being the only significant difference between the ballot
355 propositions.

356 Section 4. Section **20A-6-301** is amended to read:

357 **20A-6-301. Paper ballots -- Regular general election.**

358 (1) Each election officer shall ensure that:

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

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

363 (ii) the ballot number and the words " Poll Worker's Initial _____ " are printed on the
364 stub; and

365 (iii) ballot stubs are numbered consecutively;

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

368 (i) "Official Ballot for ____ County, Utah";

369 (ii) the date of the election; and

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

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

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

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

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

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

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

386 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
387 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
388 an inch apart;

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

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

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

397 (i) for each office on the ballot, the office to be filled plainly printed immediately above:

398 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a square
399 with sides measuring not less than 1/4 of an inch in length printed at the right of the blank
400 horizontal line; or

401 (B) for the offices of president and vice president and governor and lieutenant
402 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
403 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
404 length printed opposite a double bracket enclosing the right side of the two blank horizontal
405 lines; and

406 (ii) the words "Write-In Voting Column" printed at the head of the column without a
407 1/2 inch circle;

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

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

413 (2) Each election officer shall ensure that:

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

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

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

419 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter
420 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

421 (c) the names of the candidates for president and vice president are used on the ballot

422 instead of the names of the presidential electors; and
423 (d) the ballots contain no other names.
424 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
425 (a) the designation of the office to be filled in the election and the number of candidates
426 to be elected are printed in type not smaller than eight-point;
427 (b) the words designating the office are printed flush with the left-hand margin;
428 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
429 the column;
430 (d) the nonpartisan candidates are grouped according to the office for which they are
431 candidates;
432 (e) the names in each group are placed in alphabetical order with the surnames last,
433 except for candidates for the State Board of Education and local school boards;
434 (f) the names of candidates for the State Board of Education are placed on the ballot as
435 certified by the lieutenant governor under Section 20A-14-105;
436 (g) if candidates for membership on a local board of education were selected in a
437 primary election, the name of the candidate who received the most votes in the primary election
438 is listed first on the ballot;
439 (h) if candidates for membership on a local board of education were not selected in the
440 primary election, the names of the candidates are listed on the ballot in the order determined by
441 a lottery conducted by the county clerk; and
442 (i) each group is preceded by the designation of the office for which the candidates seek
443 election, and the words, "Vote for one" or "Vote for two or more," according to the number to
444 be elected.
445 (4) Each election officer shall ensure that:
446 (a) proposed amendments to the Utah Constitution are listed on the ballot [~~under the~~
447 ~~heading "Constitutional Amendment Number ___" with the number of the constitutional~~
448 ~~amendment as assigned under Section 20A-7-103 placed in the blank]~~ in accordance with
449 Section 20A-6-107;

450 (b) ballot propositions submitted to the voters [~~by the Utah Legislature~~] are listed on
451 the ballot [~~under the heading "State Proposition Number ___" with the number of the state~~
452 ~~proposition as assigned under Section 20A-7-103 placed in the blank;~~] in accordance with
453 Section 20A-6-107; and

454 [~~(c) propositions submitted to the voters by a county are listed on the ballot under the~~
455 ~~heading "County Proposition Number ___" with the number of the county proposition as~~
456 ~~assigned by the county legislative body placed in the blank;~~]

457 [~~(d) propositions submitted to the voters by a school district are listed on the ballot~~
458 ~~under the heading "School District Proposition Number ___" with the number of the school~~
459 ~~district proposition as assigned by the county legislative body placed in the blank;~~]

460 [~~(e) state initiatives that have qualified for the ballot are listed on the ballot under the~~
461 ~~heading "Citizen's State Initiative Number ___" with the number of the state initiative as assigned~~
462 ~~by Section 20A-7-209 placed in the blank;~~]

463 [~~(f) county initiatives that have qualified for the ballot are listed on the ballot under the~~
464 ~~heading "Citizen's County Initiative Number ___" with the number of the county initiative as~~
465 ~~assigned under Section 20A-7-508 placed in the blank;~~]

466 [~~(g) state referenda that have qualified for the ballot are listed on the ballot under the~~
467 ~~heading "Citizen's State Referendum Number ___" with the number of the state referendum as~~
468 ~~assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;~~]

469 [~~(h) county referenda that have qualified for the ballot are listed on the ballot under the~~
470 ~~heading "Citizen's County Referendum Number ___" with the number of the county referendum~~
471 ~~as assigned under Section 20A-7-608 placed in the blank; and]~~

472 [(†) (c) bond propositions that have qualified for the ballot are listed on the ballot under
473 the title assigned to each bond proposition under Section 11-14-206.

474 Section 5. Section **20A-6-303** is amended to read:

475 **20A-6-303. Regular general election -- Ballot sheets.**

476 (1) Each election officer shall ensure that:

477 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in

478 approximately the same order as paper ballots;

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

481 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
482 include, after the list of candidates:

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

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

485 (d) (i) a voting square or position is included where the voter may record a straight
486 party ticket vote for all the candidates of one party by one mark or punch; and

487 (ii) the name of each political party listed in the straight party selection area includes the
488 word "party" at the end of the party's name;

489 (e) the tickets are printed in the order determined by the county clerk;

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

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

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

496 (ii) if all candidates for one office cannot be listed in one column or grouped on one
497 page:

498 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
499 candidates is continued on the following column or page; and

500 (B) approximately the same number of names shall be printed in each column or on
501 each page; and

502 (i) arrows shall be used to indicate the place to vote for each candidate and on each
503 measure.

504 (2) Each election officer shall ensure that:

505 (a) proposed amendments to the Utah Constitution are listed [~~under the heading~~

506 "~~Constitutional Amendment Number ___~~" with the number of the constitutional amendment₂ as
507 assigned under ~~Section 20A-7-103 placed in the blank~~] in accordance with Section 20A-6-107;

508 (b) ballot propositions submitted to the voters [~~by the Utah Legislature~~] are listed
509 [~~under the heading "State Proposition Number ___" with the number of the state proposition as~~
510 ~~assigned under Section 20A-7-103 placed in the blank~~] in accordance with Section 20A-6-107;
511 and

512 [~~(c) propositions submitted to the voters by a county are listed under the heading~~
513 ~~"County Proposition Number ___" with the number of the county proposition as assigned by the~~
514 ~~county legislative body placed in the blank;~~]

515 [~~(d) propositions submitted to the voters by a school district are listed under the~~
516 ~~heading "School District Proposition Number ___" with the number of the school district~~
517 ~~proposition as assigned by the county legislative body placed in the blank;~~]

518 [~~(e) state initiatives that have qualified for the ballot are listed under the heading~~
519 ~~"Citizen's State Initiative Number ___" with the number of the state initiative as assigned under~~
520 ~~Section 20A-7-209 placed in the blank;~~]

521 [~~(f) county initiatives that have qualified for the ballot are listed under the heading~~
522 ~~"Citizen's County Initiative Number ___" with the number of the county initiative as assigned~~
523 ~~under Section 20A-7-508 placed in the blank;~~]

524 [~~(g) state referenda that have qualified for the ballot are listed under the heading~~
525 ~~"Citizen's State Referendum Number ___" with the number of the state referendum as assigned~~
526 ~~under Sections 20A-7-209 and 20A-7-308 placed in the blank;~~]

527 [~~(h) county referenda that have qualified for the ballot are listed under the heading~~
528 ~~"Citizen's County Referendum Number ___" with the number of the county referendum as~~
529 ~~assigned under Section 20A-7-608 placed in the blank; and~~]

530 [(i) (c) bond propositions that have qualified for the ballot are listed under the title
531 assigned to each bond proposition under Section 11-14-206.

532 Section 6. Section **20A-6-304** is amended to read:

533 **20A-6-304. Regular general election -- Electronic ballots.**

- 534 (1) Each election officer shall ensure that:
- 535 (a) the format and content of the electronic ballot is arranged in approximately the same
- 536 order as paper ballots;
- 537 (b) the titles of offices and the names of candidates are displayed in vertical columns or
- 538 in a series of separate display screens;
- 539 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
- 540 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
- 541 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 542 (d) (i) a voting square or position is included where the voter may record a straight
- 543 party ticket vote for all the candidates of one party by making a single selection; and
- 544 (ii) the name of each political party listed in the straight party selection area includes the
- 545 word "party" at the end of the party's name;
- 546 (e) the tickets are displayed in the order determined by the county clerk;
- 547 (f) the office titles are displayed above or at the side of the names of candidates so as to
- 548 indicate clearly the candidates for each office and the number to be elected;
- 549 (g) the party designation of each candidate is displayed adjacent to the candidate's
- 550 name; and
- 551 (h) if possible, all candidates for one office are grouped in one column or upon one
- 552 display screen.
- 553 (2) Each election officer shall ensure that:
- 554 (a) proposed amendments to the Utah Constitution are displayed [~~under the heading~~
- 555 ~~"Constitutional Amendment Number ___" with the number of the constitutional amendment, as~~
- 556 ~~assigned under Section 20A-7-103 placed in the blank]~~ in accordance with Section 20A-6-107;
- 557 (b) ballot propositions submitted to the voters [~~by the Utah Legislature]~~ are displayed
- 558 [~~under the heading "State Proposition Number ___" with the number of the state proposition as~~
- 559 ~~assigned under Section 20A-7-103 placed in the blank;]~~ in accordance with Section 20A-6-107;
- 560 and
- 561 [~~(c) propositions submitted to the voters by a county are displayed under the heading~~

562 "County Proposition Number ___" with the number of the county proposition as assigned by the
563 county legislative body placed in the blank;]

564 [(d) propositions submitted to the voters by a school district are displayed under the
565 heading "School District Proposition Number ___" with the number of the school district
566 proposition as assigned by the county legislative body placed in the blank;]

567 [(e) state initiatives that have qualified for the ballot are displayed under the heading
568 "Citizen's State Initiative Number ___" with the number of the state initiative as assigned under
569 Section 20A-7-209 placed in the blank;]

570 [(f) county initiatives that have qualified for the ballot are displayed under the heading
571 "Citizen's County Initiative Number ___" with the number of the county initiative as assigned
572 under Section 20A-7-508 placed in the blank;]

573 [(g) state referenda that have qualified for the ballot are displayed under the heading
574 "Citizen's State Referendum Number ___" with the number of the state referendum as assigned
575 under Sections 20A-7-209 and 20A-7-308 placed in the blank;]

576 [(h) county referenda that have qualified for the ballot are displayed under the heading
577 "Citizen's County Referendum Number ___" with the number of the county referendum as
578 assigned under Section 20A-7-608 placed in the blank; and]

579 [(i)] (c) bond propositions that have qualified for the ballot are displayed under the title
580 assigned to each bond proposition under Section 11-14-206.

581 Section 7. Section **20A-6-402** is amended to read:

582 **20A-6-402. Ballots for municipal general elections.**

583 (1) When using a paper ballot at municipal general elections, each election officer shall
584 ensure that:

585 (a) the names of the two candidates who received the highest number of votes for
586 mayor in the municipal primary are placed upon the ballot;

587 (b) if no municipal primary election was held, the names of the candidates who filed
588 declarations of candidacy for municipal offices are placed upon the ballot;

589 (c) for other offices:

590 (i) twice the number of candidates as there are positions to be filled are certified as
591 eligible for election in the municipal general election from those candidates who received the
592 greater number of votes in the primary election; and

593 (ii) the names of those candidates are placed upon the municipal general election ballot;

594 (d) a write-in area is placed upon the ballot that contains, for each office:

595 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

596 (ii) a square or other conforming area that is adjacent to or opposite the blank

597 horizontal line to enable the voter to indicate the voter's vote;

598 (e) ballot propositions that have qualified for the ballot, including propositions

599 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are

600 listed on the ballot [~~under the heading "City (or Town) Proposition Number ___" with the~~

601 ~~number of the proposition,~~ as assigned by the municipal legislative body placed in the blank;] in

602 accordance with Section 20A-6-107; and

603 [~~(f) municipal initiatives that have qualified for the ballot are listed on the ballot under~~

604 ~~the heading "Citizen's City (or Town) Initiative Number ___" with the number of the municipal~~

605 ~~initiative as assigned by Section 20A-7-508 placed in the blank;]~~

606 [~~(g) municipal referenda that have qualified for the ballot are listed on the ballot under~~

607 ~~the heading "Citizen's City (or Town) Referendum Number ___" with the number of the~~

608 ~~municipal referendum as assigned by Section 20A-7-608 placed in the blank; and]~~

609 [~~(h)~~] (f) bond propositions that have qualified for the ballot are listed on the ballot

610 under the title assigned to each bond proposition under Section 11-14-206.

611 (2) When using a punch card ballot at municipal general elections, each election officer
612 shall ensure that:

613 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
614 the top of the ballot;

615 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
616 stub; and

617 (iii) ballot stubs are numbered consecutively;

- 618 (b) immediately below the perforated ballot stub, the following endorsements are
619 printed in 18-point bold type:
- 620 (i) "Official Ballot for ____ (City or Town), Utah";
 - 621 (ii) the date of the election; and
 - 622 (iii) a facsimile of the signature of the election officer and the election officer's title in
623 eight-point type;
- 624 (c) immediately below the election officer's title, two one-point parallel horizontal rules
625 separate endorsements from the rest of the ballot;
- 626 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
627 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
628 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
629 office." followed by two one-point parallel rules;
- 630 (e) after the rules, the designation of the office for which the candidates seek election is
631 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or
632 more" are printed to extend to the extreme right of the column in ten-point bold type, followed
633 by a hair-line rule;
- 634 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
635 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
636 and grouped according to the office that they seek;
- 637 (g) a square with sides not less than 1/4 inch long is printed to the right of the names of
638 the candidates;
- 639 (h) following the name of the last candidate for each office, the ballot contains:
- 640 (i) a write-in space for each elective office where the voter may enter the name of a
641 valid write-in candidate; and
 - 642 (ii) a square printed to the right of the write-in space or line where the voter may vote
643 for the valid write-in candidate; and
 - 644 (i) the candidate groups are separated from each other by one light and one heavy line
645 or rule.

- 646 (3) When using a ballot sheet other than a punch card ballot at municipal general
647 elections, each election officer shall ensure that:
- 648 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;
649 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
650 stub; and
- 651 (iii) ballot stubs are numbered consecutively;
- 652 (b) immediately below the perforated ballot stub, the following endorsements are
653 printed:
- 654 (i) "Official Ballot for ____ (City or Town), Utah";
655 (ii) the date of the election; and
656 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 657 (c) immediately below the election officer's title, a distinct border or line separates
658 endorsements from the rest of the ballot;
- 659 (d) immediately below the border or line, an "Instructions to Voters" section is printed
660 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
661 candidate(s) for each respective office." followed by another border or line;
- 662 (e) after the border or line, the designation of the office for which the candidates seek
663 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,
664 followed by a line or border;
- 665 (f) after the line or border, the names of the candidates are printed alphabetically
666 according to surnames with surnames last and grouped according to the office that they seek;
- 667 (g) an oval is printed adjacent to the names of the candidates;
- 668 (h) following the name of the last candidate for each office, the ballot contains:
- 669 (i) a write-in space or blank line for each elective office where the voter may enter the
670 name of a valid write-in candidate; and
- 671 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
672 the valid write-in candidate; and
- 673 (i) the candidate groups are separated from each other by a line or border.

674 (4) When using an electronic ballot at municipal general elections, each election officer
675 shall ensure that:

676 (a) the following endorsements are displayed on the first screen of the ballot:

677 (i) "Official Ballot for ____ (City or Town), Utah";

678 (ii) the date of the election; and

679 (iii) a facsimile of the signature of the election officer and the election officer's title;

680 (b) immediately below the election officer's title, a distinct border or line separates the
681 endorsements from the rest of the ballot;

682 (c) immediately below the border or line, an "Instructions to Voters" section is
683 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
684 the candidate(s) for each respective office." followed by another border or line;

685 (d) after the border or line, the designation of the office for which the candidates seek
686 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
687 followed by a line or border;

688 (e) after the line or border, the names of the candidates are displayed alphabetically
689 according to surnames with surnames last and grouped according to the office that they seek;

690 (f) a voting square or position is located adjacent to the name of each candidate;

691 (g) following the name of the last candidate for each office, the ballot contains a
692 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
693 the office; and

694 (h) the candidate groups are separated from each other by a line or border.

695 (5) When a municipality has chosen to nominate candidates by convention or
696 committee, the election officer shall ensure that the party name is included with the candidate's
697 name on the ballot.

698 Section 8. Section **20A-7-103** is amended to read:

699 **20A-7-103. Constitutional amendments and other questions submitted by the**
700 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

701 (1) The procedures contained in this section govern when[:(a)] the Legislature submits

702 a proposed constitutional amendment or other question to the voters[~~;~~ and].

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

704 (2) In addition to the publication in the voter information pamphlet required by Section
705 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ten days before the
706 regular general election, publish the full text of the amendment, question, or statute in at least
707 one newspaper in every county of the state where a newspaper is published.

708 (3) The legislative general counsel shall:

709 (a) entitle each proposed constitutional amendment "Constitutional Amendment
710 [Number] __" ~~[and give it a number]~~ and assign it a letter according to the requirements of
711 Section 20A-6-107;

712 (b) entitle each proposed question "[State] Proposition Number __" ~~[and give it a~~
713 ~~number]~~ with the number assigned to the proposition under Section 20A-6-107 placed in the
714 blank;

715 ~~[(c) entitle each state referendum that has qualified for the ballot "Citizen's State~~
716 ~~Referendum Number __" and give it a number;]~~

717 ~~[(d)]~~ (c) draft and designate a ballot title for each proposed amendment or question
718 submitted by the Legislature that summarizes the subject matter of the amendment or question;
719 and

720 ~~[(e)]~~ (d) deliver them to the lieutenant governor.

721 (4) The lieutenant governor shall certify the number and ballot title of each amendment
722 or question to the county clerk of each county no later than September 1 of each regular general
723 election year.

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

725 (a) ensure that both the number and title of ~~[the]~~ each amendment[~~;~~] and question[~~;~~ ~~or~~
726 ~~referendum]~~ is printed on the sample ballots and official ballots; and

727 (b) publish them as provided by law.

728 Section 9. Section **20A-7-209** is amended to read:

729 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**

730 **Research and General Counsel.**

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

734 (2) (a) The Office of Legislative Research and General Counsel shall:

735 (i) entitle each state initiative that has qualified for the ballot "~~[Citizen's State Initiative]~~
736 Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

737 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
738 measure; and

739 (iii) return each petition and ballot title to the lieutenant governor by July 20.

740 (b) The ballot title may be distinct from the title of the proposed law attached to the
741 initiative petition, and shall be not more than 100 words.

742 (c) For each state initiative, the official ballot shall show:

743 (i) the number of the initiative as determined by the Office of Legislative Research and
744 General Counsel;

745 (ii) the ballot title as determined by the Office of Legislative Research and General
746 Counsel; and

747 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

748 (3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any
749 sponsor of the petition.

750 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
751 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
752 to the Supreme Court.

753 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
754 to send notice of the appeal to:

755 (A) any person or group that has filed an argument for or against the measure that is the
756 subject of the challenge; or

757 (B) any political issues committee established under Section 20A-11-801 that has filed

758 written or electronic notice with the lieutenant governor that identifies the name, mailing or
759 email address, and telephone number of the person designated to receive notice about any issues
760 relating to the initiative.

761 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
762 Research and General Counsel is an impartial summary of the contents of the initiative.

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

766 (c) The Supreme Court shall:

767 (i) examine the ballot title;

768 (ii) hear arguments; and

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

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

773 Section 10. Section **20A-7-308** is amended to read:

774 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
775 **Research and General Counsel.**

776 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
777 people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the
778 Office of Legislative Research and General Counsel.

779 (2) (a) The Office of Legislative Research and General Counsel shall:

780 (i) entitle each state referendum that has qualified for the ballot "~~Citizen's State~~
781 ~~Referendum~~ Proposition Number __" and give it a number as assigned under Section
782 20A-6-107;

783 (ii) prepare an impartial ballot title for the referendum summarizing the contents of the
784 measure; and

785 (iii) return the petition and the ballot title to the lieutenant governor within 15 days after

786 its receipt.

787 (b) The ballot title may be distinct from the title of the law that is the subject of the
788 petition, and shall be not more than 100 words.

789 (c) The ballot title and the number of the measure as determined by the Office of
790 Legislative Research and General Counsel shall be printed on the official ballot.

791 (3) Immediately after the Office of Legislative Research and General Counsel files a
792 copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of
793 the ballot title to any of the sponsors of the petition.

794 (4) (a) (i) At least three of the sponsors of the petition may, within 15 days of the date
795 the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared
796 by the Office of Legislative Research and General Counsel to the Supreme Court.

797 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
798 to send notice of the appeal to:

799 (A) any person or group that has filed an argument for or against the measure that is the
800 subject of the challenge; or

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

805 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
806 Research and General Counsel is an impartial summary of the contents of the referendum.

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

810 (c) The Supreme Court shall:

811 (i) examine the ballot title;

812 (ii) hear arguments; and

813 (iii) within five days of its decision, certify to the lieutenant governor a ballot title for

814 the measure that meets the requirements of this section.

815 (d) The lieutenant governor shall certify the title verified by the Supreme Court to the
816 county clerks to be printed on the official ballot.

817 Section 11. Section **20A-7-508** is amended to read:

818 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

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

822 (2) The local attorney shall:

823 (a) entitle each county or municipal initiative that has qualified for the ballot "[~~Citizen's~~
824 ~~County Initiative~~] Proposition Number ___" and give it a number as assigned under Section
825 20A-6-107;

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

828 [~~(c)~~] (b) prepare a proposed ballot title for the initiative;

829 [~~(d)~~] (c) file the proposed ballot title and the numbered initiative titles with the local
830 clerk within 15 days after the date the initiative petition is declared sufficient for submission to a
831 vote of the people; and

832 [~~(e)~~] (d) promptly provide notice of the filing of the proposed ballot title to:

833 (i) the sponsors of the petition; and

834 (ii) the local legislative body for the jurisdiction where the initiative petition was
835 circulated.

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

838 (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a
839 true and impartial statement of the purpose of the measure.

840 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
841 for or against the measure.

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

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

- 848 (i) review any written comments filed in accordance with Subsection (4)(a);
- 849 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 850 (iii) return the petition and file the ballot title with the local clerk.

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

853 (5) Immediately after the local attorney files a copy of the ballot title with the local
854 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
855 petition and the local legislative body for the jurisdiction where the initiative petition was
856 circulated.

857 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
858 comply with the requirements of this section, the decision of the local attorney may be appealed
859 by a petition to the Supreme Court that is brought by:

- 860 (i) at least three sponsors of the initiative petition; or
- 861 (ii) a majority of the local legislative body for the jurisdiction where the initiative
862 petition was circulated.

863 (b) The Supreme Court shall examine the measures and consider arguments, and, in its
864 decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this
865 section.

866 (c) The local clerk shall print the title certified by the Supreme Court on the official
867 ballot.

868 Section 12. Section **20A-7-608** is amended to read:

869 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

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

873 (2) The local attorney shall:

874 (a) entitle each county or municipal referendum that has qualified for the ballot
875 "[~~Citizen's County Referendum~~] Proposition Number ___" and give it a number as assigned
876 under Section 20A-6-107;

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

879 [~~(c)~~] (b) prepare a proposed ballot title for the referendum;

880 [~~(d)~~] (c) file the proposed ballot title and the numbered referendum titles with the local
881 clerk within 15 days after the date the referendum petition is declared sufficient for submission
882 to a vote of the people; and

883 [~~(e)~~] (d) promptly provide notice of the filing of the proposed ballot title to:

884 (i) the sponsors of the petition; and

885 (ii) the local legislative body for the jurisdiction where the referendum petition was
886 circulated.

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

889 (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a
890 true and impartial statement of the purpose of the measure.

891 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
892 for or against the measure.

893 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
894 title under Subsection (2)[~~(d)~~] (c), the local legislative body for the jurisdiction where the
895 referendum petition was circulated and the sponsors of the petition may file written comments
896 in response to the proposed ballot title with the local clerk.

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

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

- 899 (i) review any written comments filed in accordance with Subsection (4)(a);
- 900 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
- 901 (iii) return the petition and file the ballot title with the local clerk.

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

904 (5) Immediately after the local attorney files a copy of the ballot title with the local
905 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
906 petition and the local legislative body for the jurisdiction where the referendum petition was
907 circulated.

908 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
909 comply with the requirements of this section, the decision of the local attorney may be appealed
910 by a petition to the Supreme Court that is brought by:

- 911 (i) at least three sponsors of the referendum petition; or
- 912 (ii) a majority of the local legislative body for the jurisdiction where the referendum
913 petition was circulated.

914 (b) The Supreme Court shall examine the measures and consider arguments, and, in its
915 decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this
916 section.

917 (c) The local clerk shall print the title certified by the Supreme Court on the official
918 ballot.