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**USE OF INITIATIVE AND REFERENDUM  
FOR ADMINISTRATIVE LAND USE AND  
ZONING MATTERS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brent H. Goodfellow**

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

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code relating to initiatives and referenda.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the use of local initiatives or referenda for land use or zoning measures

that are administrative in nature.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-7-401**, as last amended by Laws of Utah 1994, Chapter 272

**20A-7-601**, as last amended by Laws of Utah 2004, Chapter 258

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

Section 1. Section **20A-7-401** is amended to read:

**20A-7-401. Limitation -- Budgets.**



28 (1) The legal voters of any county, city, or town may not initiate budgets or changes in  
29 budgets.

30 (2) The legal voters of any county, city, or town may not require any budget adopted by  
31 the local legislative body to be submitted to the voters.

32 (3) The legal voters of a county, city, or town may not:

33 (a) initiate a measure related to land use or zoning that is administrative in nature; or

34 (b) require a measure related to land use or zoning to be submitted to the voters if the  
35 measure is administrative in nature.

36 Section 2. Section **20A-7-601** is amended to read:

37 **20A-7-601. Referenda -- General signature requirements -- Signature**  
38 **requirements for land use laws -- Time requirements.**

39 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the  
40 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

41 (a) 10% of all the votes cast in the county, city, or town for all candidates for governor  
42 at the last election at which a governor was elected if the total number of votes exceeds 25,000;

43 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for  
44 governor at the last election at which a governor was elected if the total number of votes does  
45 not exceed 25,000 but is more than 10,000;

46 (c) 15% of all the votes cast in the county, city, or town for all candidates for governor  
47 at the last election at which a governor was elected if the total number of votes does not exceed  
48 10,000 but is more than 2,500;

49 (d) 20% of all the votes cast in the county, city, or town for all candidates for governor  
50 at the last election at which a governor was elected if the total number of votes does not exceed  
51 2,500 but is more than 500;

52 (e) 25% of all the votes cast in the county, city, or town for all candidates for governor  
53 at the last election at which a governor was elected if the total number of votes does not exceed  
54 500 but is more than 250; and

55 (f) 30% of all the votes cast in the county, city, or town for all candidates for governor  
56 at the last election at which a governor was elected if the total number of votes does not exceed  
57 250.

58 (2) (a) As used in this Subsection (2), "land use law" includes a land use development

59 code, an annexation ordinance, and comprehensive zoning ordinances.

60 (b) [~~A~~] Subject to Subsection 20A-7-401(3), a person seeking to have a land use law  
61 passed by the local legislative body submitted to a vote of the people shall obtain legal  
62 signatures equal to:

63 (i) in a county or in a city of the first or second class, 20% of all votes cast in the  
64 county or city for all candidates for governor at the last election at which a governor was  
65 elected; and

66 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the  
67 city or town for all candidates for governor at the last election at which a governor was elected.

68 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),  
69 any local law passed by a local legislative body shall file the petition within 45 days after the  
70 passage of the local law.

71 (b) The local law remains in effect until repealed by the voters via referendum.

72 (4) If the referendum passes, the local law that was challenged by the referendum is  
73 repealed as of the date of the election.

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**Legislative Review Note**  
as of 12-14-07 3:40 PM

**Office of Legislative Research and General Counsel**

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**Fiscal Note**

**S.B. 53 - Use of Initiative and Referendum for Administrative Land Use and  
Zoning Matters**

2008 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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