

BALLOT QUESTION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: Margaret Dayton

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill modifies the Election Code by amending provisions related to the length of ballot titles.

Highlighted Provisions:

This bill:

► amends the number of words allowed for a ballot title from not more than 100 words to not more than 75 words for state initiatives, state referendums, county or municipal initiatives, and county or municipal referendums.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-209, as last amended by Laws of Utah 2008, Chapters 225 and 315

20A-7-308, as last amended by Laws of Utah 2008, Chapter 315

20A-7-508, as last amended by Laws of Utah 2008, Chapter 315

20A-7-608, as last amended by Laws of Utah 2008, Chapter 315



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

Section 1. Section **20A-7-209** is amended to read:

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

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

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

(i) entitle each state initiative that has qualified for the ballot " Proposition Number ___ " and give it a number as assigned under Section 20A-6-107;

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

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

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than [~~100~~] 75 words.

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

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

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

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

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

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

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

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

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

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

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

68 (c) The Supreme Court shall:

69 (i) examine the ballot title;

70 (ii) hear arguments; and

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

73 (d) The lieutenant governor shall, no later than September 8, certify the title verified by
74 the Supreme Court to the county clerks to be printed on the official ballot.

75 Section 2. Section **20A-7-308** is amended to read:

76 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
77 **Research and General Counsel.**

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

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

82 (i) entitle each state referendum that has qualified for the ballot "Proposition Number
83 ___" and give it a number as assigned under Section 20A-6-107;

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

86 (iii) return the petition and the ballot title to the lieutenant governor within 15 days
87 after its receipt.

88 (b) The ballot title may be distinct from the title of the law that is the subject of the
89 petition, and shall be not more than [~~100~~] 75 words.

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

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

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

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

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

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

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

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

111 (c) The Supreme Court shall:

112 (i) examine the ballot title;

113 (ii) hear arguments; and

114 (iii) within five days of its decision, certify to the lieutenant governor a ballot title for
115 the measure that meets the requirements of this section.

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

118 Section 3. Section **20A-7-508** is amended to read:

119 **20A-7-508. Ballot title -- Duties of local clerk and local attorney.**

120 (1) Whenever an initiative petition is declared sufficient for submission to a vote of the

121 people, the local clerk shall deliver a copy of the petition and the proposed law to the local
122 attorney.

123 (2) The local attorney shall:

124 (a) entitle each county or municipal initiative that has qualified for the ballot

125 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

126 (b) prepare a proposed ballot title for the initiative;

127 (c) file the proposed ballot title and the numbered initiative titles with the local clerk

128 within 15 days after the date the initiative petition is declared sufficient for submission to a

129 vote of the people; and

130 (d) promptly provide notice of the filing of the proposed ballot title to:

131 (i) the sponsors of the petition; and

132 (ii) the local legislative body for the jurisdiction where the initiative petition was

133 circulated.

134 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the

135 initiative petition, and shall express, in not exceeding [~~100~~] 75 words, the purpose of the

136 measure.

137 (b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a

138 true and impartial statement of the purpose of the measure.

139 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,

140 for or against the measure.

141 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot

142 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative

143 petition was circulated and the sponsors of the petition may file written comments in response

144 to the proposed ballot title with the local clerk.

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

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

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

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

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

150 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall

151 be printed on the official ballot.

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

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

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

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

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

167 Section 4. Section **20A-7-608** is amended to read:

168 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

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

172 (2) The local attorney shall:

173 (a) entitle each county or municipal referendum that has qualified for the ballot
174 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

175 (b) prepare a proposed ballot title for the referendum;

176 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
177 within 15 days after the date the referendum petition is declared sufficient for submission to a
178 vote of the people; and

179 (d) promptly provide notice of the filing of the proposed ballot title to:

180 (i) the sponsors of the petition; and

181 (ii) the local legislative body for the jurisdiction where the referendum petition was
182 circulated.

183 (3) (a) The ballot title may be distinct from the title of the law that is the subject of the
184 petition, and shall express, in not exceeding [~~100~~] 75 words, the purpose of the measure.

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (c) The local clerk shall print the title certified by the Supreme Court on the official

214 ballot.

Legislative Review Note
as of 11-20-08 12:08 PM

Office of Legislative Research and General Counsel

H.B. 48 - Ballot Question Amendments

Fiscal Note

2009 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 for individuals, businesses, or local governments. Possible savings to counties may result, however the amount is unquantifiable at this time.
