

1 **SUPREME COURT REVIEW OF AN**
2 **INITIATIVE OR REFERENDUM**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad L. Dee**

6 Senate Sponsor: Wayne L. Niederhauser

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions that establish time requirements for the Supreme Court to
11 review an issue related to an initiative or referendum.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ deletes certain statutory time requirements for the Supreme Court to review
- 15 initiative and referendum issues;
- 16 ▶ amends statutory time requirements for the governor and a local legislative body;
- 17 and
- 18 ▶ authorizes the Supreme Court to refer certain fiscal impact estimate issues to a
- 19 master for examination and a report.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **20A-7-202.5**, as enacted by Laws of Utah 2005, Chapter 236

27 **20A-7-207**, as last amended by Laws of Utah 2008, Chapter 237



- 28 **20A-7-209**, as last amended by Laws of Utah 2008, Chapters 225 and 315
- 29 **20A-7-211**, as enacted by Laws of Utah 1994, Chapter 1
- 30 **20A-7-308**, as last amended by Laws of Utah 2008, Chapter 315
- 31 **20A-7-310**, as enacted by Laws of Utah 1994, Chapter 1
- 32 **20A-7-502.5**, as enacted by Laws of Utah 2005, Chapter 236
- 33 **20A-7-510**, as enacted by Laws of Utah 1994, Chapter 272
- 34 **20A-7-610**, as enacted by Laws of Utah 1994, Chapter 272



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

37 Section 1. Section **20A-7-202.5** is amended to read:

38 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
39 **to estimate.**

40 (1) Within three working days of receipt of an application for an initiative petition, the
41 lieutenant governor shall submit a copy of the application to the Governor's Office of Planning
42 and Budget.

43 (2) (a) The Governor's Office of Planning and Budget shall prepare an unbiased, good
44 faith estimate of the fiscal impact of the law proposed by the initiative that contains:

45 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

46 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
47 the total estimated increase or decrease for each type of tax affected under the proposed law
48 and a dollar amount representing the total estimated increase or decrease in taxes under the
49 proposed law;

50 (iii) if the proposed law would result in the issuance or a change in the status of bonds,
51 notes, or other debt instruments, a dollar amount representing the total estimated increase or
52 decrease in public debt under the proposed law;

53 (iv) a listing of all sources of funding for the estimated costs associated with the
54 proposed law showing each source of funding and the percentage of total funding provided
55 from each source;

56 (v) a dollar amount representing the estimated costs or savings, if any, to state and
57 local government entities under the proposed law; and

58 (vi) a concise explanation, not exceeding 100 words, of the above information and of

59 the estimated fiscal impact, if any, under the proposed law.

60 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office
61 of Planning and Budget shall include a summary statement in the initial fiscal impact statement
62 in substantially the following form:

63 "The Governor's Office of Planning and Budget estimates that the law proposed by this
64 initiative would have no significant fiscal impact and would not result in either an increase or
65 decrease in taxes or debt."

66 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of
67 Planning and Budget shall include a summary statement in the initial fiscal impact estimate in
68 substantially the following form:

69 "The Governor's Office of Planning and Budget estimates that the law proposed by this
70 initiative would result in a total fiscal expense/savings of \$_____, which includes a (type of
71 tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in state debt."

72 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
73 difficult to reasonably express in a summary statement, the Governor's Office of Planning and
74 Budget may include in the summary statement a brief explanation that identifies those factors
75 affecting the variability or difficulty of the estimate.

76 (3) Within 25 calendar days from the date that the lieutenant governor delivers a copy
77 of the application, the Governor's Office of Planning and Budget shall:

78 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's
79 office; and

80 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
81 the initiative application.

82 (4) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of
83 the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a
84 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a
85 whole, is an inaccurate estimate of the fiscal impact of the initiative.

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

88 (A) any person or group that has filed an argument with the lieutenant governor's office
89 for or against the measure that is the subject of the challenge; and

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

94 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
95 Governor's Office of Planning and Budget is based upon reasonable assumptions, uses
96 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact
97 of the initiative.

98 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
99 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
100 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate
101 statement of the estimated fiscal impact of the initiative.

102 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
103 to a master to examine the issue and make a report in accordance with Utah Rules of Civil
104 Procedure, Rule 53.

105 (c) The Supreme Court shall~~[, within 30 calendar days of the date that the appeal is~~
106 ~~filed,]~~ certify to the lieutenant governor a fiscal impact estimate for the measure that meets the
107 requirements of this section.

108 Section 2. Section **20A-7-207** is amended to read:

109 **20A-7-207. Evaluation by the lieutenant governor.**

110 (1) When each initiative packet is received from a county clerk, the lieutenant governor
111 shall check off from his record the number of each initiative packet filed.

112 (2) (a) After all of the initiative packets have been received by the lieutenant governor,
113 the lieutenant governor shall:

114 (i) count the number of the names certified by the county clerks that appear on each
115 verified signature sheet; and

116 (ii) declare the petition to be sufficient or insufficient by June 1 before the regular
117 general election.

118 (b) If the total number of certified names from each verified signature sheet equals or
119 exceeds the number of names required by Section 20A-7-201, the lieutenant governor shall
120 mark upon the front of the petition the word "sufficient."

121 (c) If the total number of certified names from each verified signature sheet does not
122 equal or exceed the number of names required by Section 20A-7-201, the lieutenant governor
123 shall mark upon the front of the petition the word "insufficient."

124 (d) The lieutenant governor shall immediately notify any one of the sponsors of his
125 finding.

126 (3) Once a petition is declared insufficient, the sponsors may not submit additional
127 signatures to qualify the petition for the pending regular general election.

128 (4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a
129 sponsor believes is legally sufficient, any voter may, by June 15, apply to the Supreme Court
130 for an extraordinary writ to compel the lieutenant governor to do so.

131 (b) The Supreme Court shall:

132 (i) determine whether or not the initiative petition is legally sufficient; and

133 (ii) certify its findings to the lieutenant governor [~~by July 30~~].

134 (c) If the Supreme Court certifies that the initiative petition is legally sufficient, the
135 lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
136 date on which it was originally offered for filing in his office.

137 (d) If the Supreme Court determines that any petition filed is not legally sufficient, the
138 Supreme Court may enjoin the lieutenant governor and all other officers from certifying or
139 printing the ballot title and numbers of that measure on the official ballot for the next election.

140 Section 3. Section **20A-7-209** is amended to read:

141 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
142 **Research and General Counsel.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178 (c) The Supreme Court shall:

179 (i) examine the ballot title;

180 (ii) hear arguments; and

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

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

185 Section 4. Section **20A-7-211** is amended to read:

186 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**
187 **proclamation.**

188 (1) The votes on the law proposed by the initiative petition shall be counted,
189 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

190 (2) After the state board of canvassers completes its canvass, the lieutenant governor
191 shall certify to the governor the vote for and against the law proposed by the initiative petition.

192 (3) (a) The governor shall immediately issue a proclamation that:

193 (i) gives the total number of votes cast in the state for and against each law proposed by
194 an initiative petition; and

195 (ii) declares those laws proposed by an initiative petition that were approved by
196 majority vote to be in full force and effect as the law of [~~the state of~~] Utah.

197 (b) When the governor believes that two proposed laws, or that parts of two proposed
198 laws approved by the people at the same election are entirely in conflict, he shall proclaim that
199 measure to be law that has received the greatest number of affirmative votes, regardless of the
200 difference in the majorities which those measures have received.

201 (c) (i) Within 10 days after the governor's proclamation, any qualified voter who signed
202 the initiative petition proposing the law that is declared by the governor to be superseded by
203 another measure approved at the same election may apply to the Supreme Court to review the
204 governor's decision.

205 (ii) The court shall:

206 (A) [~~immediately~~] consider the matter and decide whether or not the proposed laws are
207 in conflict; and

208 (B) [~~within 10 days after the matter is submitted to it for decision,~~] certify its decision
209 to the governor.

210 (4) Within [~~30~~] 10 days after [~~his previous proclamation~~] the Supreme Court certifies
211 its decision, the governor shall:

212 (a) proclaim all those measures approved by the people as law that the Supreme Court
213 has determined are not in conflict; and

214 (b) of all those measures approved by the people as law that the Supreme Court has
215 determined to be in conflict, proclaim as law the one that received the greatest number of
216 affirmative votes, regardless of difference in majorities.

217 Section 5. Section **20A-7-308** is amended to read:

218 **20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative**
219 **Research and General Counsel.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

253 (c) The Supreme Court shall:

254 (i) examine the ballot title;

255 (ii) hear arguments; and

256 (iii) [~~within five days of its decision,~~] certify to the lieutenant governor a ballot title for
257 the measure that meets the requirements of this section.

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

260 Section 6. Section **20A-7-310** is amended to read:

261 **20A-7-310. Return and canvass -- Conflicting measures -- Law effective on**
262 **proclamation.**

263 (1) The votes on the law proposed by the referendum petition shall be counted,
264 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

265 (2) After the state board of canvassers completes its canvass, the lieutenant governor
266 shall certify to the governor the vote for and against the law proposed by the referendum
267 petition.

268 (3) (a) The governor shall immediately issue a proclamation that:

269 (i) gives the total number of votes cast in the state for and against each law proposed by
270 a referendum petition; and

271 (ii) declares those laws proposed by a referendum petition that were approved by
272 majority vote to be in full force and effect as the law of Utah.

273 (b) When the governor believes that two proposed laws, or that parts of two proposed
274 laws approved by the people at the same election are entirely in conflict, he shall proclaim that
275 measure to be law that has received the greatest number of affirmative votes, regardless of the

276 difference in the majorities which those measures have received.

277 (4) (a) Within 10 days after the governor's proclamation, any qualified voter who
278 signed the referendum petition proposing the law that is declared by the governor to be
279 superseded by another measure approved at the same election may apply to the Supreme Court
280 to review the governor's decision.

281 (b) The Supreme Court shall:

282 (i) [~~immediately~~] consider the matter and decide whether or not the proposed laws are
283 in conflict; and

284 (ii) [~~within 10 days after the matter is submitted to it for decision,]~~ certify its decision
285 to the governor.

286 (5) Within [~~30~~] 10 days after [~~his previous proclamation~~] the Supreme Court certifies
287 its decision, the governor shall:

288 (a) proclaim all those measures approved by the people as law that the Supreme Court
289 has determined are not in conflict; and

290 (b) of all those measures approved by the people as law that the Supreme Court has
291 determined to be in conflict, proclaim as law the one that received the greatest number of
292 affirmative votes, regardless of difference in majorities.

293 Section 7. Section **20A-7-502.5** is amended to read:

294 **20A-7-502.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
295 **to estimate.**

296 (1) Within three working days of receipt of an application for an initiative petition, the
297 local clerk shall submit a copy of the application to the budget officer.

298 (2) (a) The budget officer shall prepare an unbiased, good faith estimate of the fiscal
299 impact of the law proposed by the initiative that contains:

300 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

301 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
302 the total estimated increase or decrease for each type of tax affected under the proposed law
303 and a dollar amount representing the total estimated increase or decrease in taxes under the
304 proposed law;

305 (iii) if the proposed law would result in the issuance or a change in the status of bonds,
306 notes, or other debt instruments, a dollar amount representing the total estimated increase or

307 decrease in public debt under the proposed law;

308 (iv) a listing of all sources of funding for the estimated costs associated with the
309 proposed law showing each source of funding and the percentage of total funding provided
310 from each source;

311 (v) a dollar amount representing the estimated costs or savings, if any, to state and
312 local government entities under the proposed law; and

313 (vi) a concise explanation, not exceeding 100 words, of the above information and of
314 the estimated fiscal impact, if any, under the proposed law.

315 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer
316 shall include a summary statement in the initial fiscal impact statement in substantially the
317 following form:

318 "The (title of the local budget officer) estimates that the law proposed by this initiative
319 would have no significant fiscal impact and would not result in either an increase or decrease in
320 taxes or debt."

321 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer
322 shall include a summary statement in the initial fiscal impact estimate in substantially the
323 following form:

324 "The (title of the local budget officer) estimates that the law proposed by this initiative
325 would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or
326 taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in public debt."

327 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
328 difficult to reasonably express in a summary statement, the local budget officer may include in
329 the summary statement a brief explanation that identifies those factors affecting the variability
330 or difficulty of the estimate.

331 (3) Within 25 calendar days from the date that the local clerk delivers a copy of the
332 application, the budget officer shall:

333 (a) deliver a copy of the initial fiscal impact estimate to the local clerk's office; and

334 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
335 the application.

336 (4) (a) Three or more of the sponsors of the petition may, within 20 calendar days of
337 the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition

338 with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an
339 inaccurate estimate of the fiscal impact of the initiative.

340 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
341 budget officer is based upon reasonable assumptions, uses reasonable data, and applies
342 accepted analytical methods to present the estimated fiscal impact of the initiative.

343 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
344 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
345 evidence that establishes that the fiscal estimate, taken as a whole, is an inaccurate statement of
346 the estimated fiscal impact of the initiative.

347 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
348 to a master to examine the issue and make a report in accordance with Utah Rules of Civil
349 Procedure, Rule 53.

350 (c) The Supreme Court shall~~[, within 30 calendar days of the date that the appeal is~~
351 ~~filed,]~~ certify to the local clerk an initial fiscal impact estimate for the measure that meets the
352 requirements of this section.

353 Section 8. Section **20A-7-510** is amended to read:

354 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
355 **proclamation.**

356 (1) The votes on the law proposed by the initiative petition shall be counted,
357 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

358 (2) After the local board of canvassers completes its canvass, the local clerk shall
359 certify to the local legislative body the vote for and against the law proposed by the initiative
360 petition.

361 (3) (a) The local legislative body shall immediately issue a proclamation that:

362 (i) gives the total number of votes cast in the local jurisdiction for and against each law
363 proposed by an initiative petition; and

364 (ii) declares those laws proposed by an initiative petition that were approved by
365 majority vote to be in full force and effect as the law of the local jurisdiction.

366 (b) When the local legislative body determines that two proposed laws, or that parts of
367 two proposed laws approved by the people at the same election are entirely in conflict, they
368 shall proclaim that measure to be law that has received the greatest number of affirmative

369 votes, regardless of the difference in the majorities which those measures have received.

370 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
371 voter who signed the initiative petition proposing the law that is declared by the local
372 legislative body to be superseded by another measure approved at the same election may apply
373 to the Supreme Court to review the decision.

374 (ii) The court shall:

375 (A) [~~immediately~~] consider the matter and decide whether or not the proposed laws are
376 in conflict; and

377 (B) [~~within 10 days after the matter is submitted to it for decision,]~~ certify its decision
378 to the local legislative body.

379 (4) Within [~~30~~] 10 days after [~~its previous proclamation~~] the Supreme Court certifies
380 its decision, the local legislative body shall:

381 (a) proclaim all those measures approved by the people as law that the Supreme Court
382 has determined are not in conflict; and

383 (b) of all those measures approved by the people as law that the Supreme Court has
384 determined to be in conflict, proclaim as law the one that received the greatest number of
385 affirmative votes, regardless of difference in majorities.

386 Section 9. Section **20A-7-610** is amended to read:

387 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**
388 **proclamation.**

389 (1) The votes on the law proposed by the referendum petition shall be counted,
390 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

391 (2) After the local board of canvassers completes its canvass, the local clerk shall
392 certify to the local legislative body the vote for and against the law proposed by the referendum
393 petition.

394 (3) (a) The local legislative body shall immediately issue a proclamation that:

395 (i) gives the total number of votes cast in the local jurisdiction for and against each law
396 proposed by a referendum petition; and

397 (ii) declares those laws proposed by a referendum petition that were approved by
398 majority vote to be in full force and effect as the law of the local jurisdiction.

399 (b) When the local legislative body determines that two proposed laws, or that parts of

400 two proposed laws approved by the people at the same election are entirely in conflict, they
401 shall proclaim that measure to be law that has received the greatest number of affirmative
402 votes, regardless of the difference in the majorities which those measures have received.

403 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
404 voter who signed the referendum petition proposing the law that is declared by the local
405 legislative body to be superseded by another measure approved at the same election may apply
406 to the Supreme Court to review the decision.

407 (b) The Supreme Court shall:

408 (i) [~~immediately~~] consider the matter and decide whether or not the proposed laws are
409 in conflict; and

410 (ii) [~~within 10 days after the matter is submitted to it for decision,~~] certify its decision
411 to the local legislative body.

412 (5) Within [~~30~~] 10 days after [~~its previous proclamation~~] the Supreme Court certifies
413 its decision, the local legislative body shall:

414 (a) proclaim all those measures approved by the people as law that the Supreme Court
415 has determined are not in conflict; and

416 (b) of all those measures approved by the people as law that the Supreme Court has
417 determined to be in conflict, proclaim as law the one that received the greatest number of
418 affirmative votes, regardless of difference in majorities.

Legislative Review Note
as of 1-5-10 3:19 PM

Office of Legislative Research and General Counsel