

1                   **REMOVING SIGNATURE FROM INITIATIVE AND**  
2                                   **REFERENDUM PETITION**

3                                   2010 GENERAL SESSION

4                                   STATE OF UTAH

5                           **Chief Sponsor: Howard A. Stephenson**

6                           House Sponsor: Carl Wimmer

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8 **LONG TITLE**

9 **General Description:**

10           This bill modifies the Election Code by amending provisions related to removing  
11 signatures from a statewide initiative and referendum petition.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ repeals the requirement that a voter must submit a notarized statement to the county  
15 clerk to have the voter's signature removed from a statewide initiative or  
16 referendum petition;

17           ▶ provides that to remove a voter's name from a statewide initiative or referendum  
18 petition, a voter shall sign a statement requesting removal, which includes the  
19 voter's address and identification information;

20           ▶ requires a county clerk to deliver to the lieutenant governor a voter statement  
21 requesting removal of a voter's name from a statewide initiative or referendum  
22 petition;

23           ▶ provides that the lieutenant governor, instead of the county clerk, remove the name  
24 of a voter who requests removal from a statewide initiative or referendum petition;

25           ▶ provides that the lieutenant governor does not count a name removed from the  
26 petition; and

27           ▶ makes technical changes.

28 **Monies Appropriated in this Bill:**

29           None

30 **Other Special Clauses:**

31 This bill provides an immediate effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-7-205**, as last amended by Laws of Utah 2000, Chapter 3

35 **20A-7-206**, as last amended by Laws of Utah 2008, Chapter 237

36 **20A-7-207**, as last amended by Laws of Utah 2008, Chapter 237

37 **20A-7-305**, as last amended by Laws of Utah 2000, Chapter 3

38 **20A-7-306**, as last amended by Laws of Utah 2007, Chapter 78

39 **20A-7-307**, as last amended by Laws of Utah 1995, Chapters 153 and 165



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

42 Section 1. Section **20A-7-205** is amended to read:

43 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

44 (1) ~~[Any]~~ A Utah voter may sign an initiative petition if the voter is a legal voter.

45 (2) The sponsors shall ensure that the person in whose presence each signature sheet  
46 was signed:

47 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;  
48 and

49 (b) verifies each signature sheet by completing the verification printed on the last page  
50 of each initiative packet.

51 (3) (a) ~~[(i) Any]~~ A voter who has signed an initiative petition may have ~~[his]~~ the  
52 voter's signature removed from the petition by submitting [a notarized statement to that effect]  
53 to the county clerk[-] a statement requesting that the voter's signature be removed.

54 (b) The statement shall include:

55 (i) the name of the voter;

56 (ii) the resident address at which the voter is registered to vote;

57 (iii) the last four digits of the voter's Social Security number;

58 (iv) the driver license or identification card number; and

59 (v) the signature of the voter.

60 (c) A voter may not submit a statement by email or other electronic means.

61 ~~[(ii)]~~ (d) In order for the signature to be removed, the statement must be received by  
62 the county clerk before ~~[he delivers the petition to the lieutenant governor]~~ May 15.

63 ~~[(b)]~~ (e) ~~[Upon receipt of the statement, the]~~ The county clerk shall ~~[remove the~~  
64 ~~signature of the person submitting the statement from]~~ deliver all statements received under  
65 this Subsection (3):

66 (i) with the initiative petition[-] packets delivered to the lieutenant governor; or

67 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted  
68 after the county clerk delivered the initiative packets.

69 ~~[(e)]~~ (f) ~~[No one may remove signatures]~~ A person may only remove a signature from  
70 an initiative petition ~~[after the petition is submitted to the lieutenant governor]~~ in accordance  
71 with this Subsection (3).

72 Section 2. Section **20A-7-206** is amended to read:

73 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
74 **county clerks -- Transfer to lieutenant governor.**

75 (1) In order to qualify an initiative petition for placement on the regular general  
76 election ballot, the sponsors shall deliver each signed and verified initiative packet to the  
77 county clerk of the county in which the packet was circulated no later than April 15 before the  
78 regular general election.

79 (2) No later than May 1 before the regular general election, the county clerk shall:

80 (a) check the names of all persons completing the verification for the initiative packet  
81 to determine whether or not those persons are residents of Utah and are at least 18 years old;  
82 and

83 (b) submit the name of each of those persons who is not a Utah resident or who is not  
84 at least 18 years old to the attorney general and county attorney.

85 (3) No later than May 15 before the regular general election, the county clerk shall:

86 (a) determine whether or not each signer is a registered voter according to the  
87 requirements of Section 20A-7-206.3;

88 (b) certify on the petition whether or not each name is that of a registered voter; and

89 (c) deliver all of the packets to the lieutenant governor.

90 (4) Upon receipt of an initiative packet under Subsection (3) and any statement  
91 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the  
92 initiative petition a voter's signature if the voter has requested the removal in accordance with  
93 Subsection 20A-7-205(3).

94 [~~4~~] (5) In order to qualify an initiative petition for submission to the Legislature, the  
95 sponsors shall deliver each signed and verified initiative packet to the county clerk of the  
96 county in which the packet was circulated by the November 15 before the annual general  
97 session of the Legislature.

98 [~~5~~] (6) No later than December 1 before the annual general session of the  
99 Legislature, the county clerk shall:

100 (a) check the names of all persons completing the verification for the initiative packet  
101 to determine whether or not those persons are Utah residents and are at least 18 years old; and

102 (b) submit the name of each of those persons who is not a Utah resident or who is not  
103 at least 18 years old to the attorney general and county attorney.

104 [~~6~~] (7) No later than December 15 before the annual general session of the  
105 Legislature, the county clerk shall:

106 (a) determine whether or not each signer is a registered voter according to the  
107 requirements of Section 20A-7-206.3;

108 (b) certify on the petition whether or not each name is that of a registered voter; and

109 (c) deliver all of the packets to the lieutenant governor.

110 [~~7~~] (8) Initiative packets are public once they are delivered to the county clerks.

111 [~~8~~] (9) The sponsor or their representatives may not retrieve initiative packets from  
112 the county clerks once they have submitted them.

113 Section 3. Section **20A-7-207** is amended to read:

114           **20A-7-207. Evaluation by the lieutenant governor.**

115           (1) When each initiative packet is received from a county clerk, the lieutenant  
116 governor shall check off from ~~[his]~~ the record the number of each initiative packet filed.

117           (2) (a) After all of the initiative packets have been received by the lieutenant governor  
118 and the lieutenant governor has removed the signatures as required by Section 20A-7-206, the  
119 lieutenant governor shall:

120           (i) count the number of the names certified by the county clerks that ~~[appear]~~ remain  
121 on each verified signature sheet; and

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

124           (b) If the total number of ~~[certified names from each verified signature sheet]~~ names  
125 counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section  
126 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word  
127 "sufficient."

128           (c) If the total number of ~~[certified names from each verified signature sheet]~~ names  
129 counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by  
130 Section 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word  
131 "insufficient."

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

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

136           (4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a  
137 sponsor believes is legally sufficient, any voter may, by June 15, apply to the supreme court  
138 for an extraordinary writ to compel the lieutenant governor to do so.

139           (b) The supreme court shall:

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

141           (ii) certify its findings to the lieutenant governor by July 30.

142 (c) If the supreme court certifies that the initiative petition is legally sufficient, the  
143 lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the  
144 date on which it was originally offered for filing in his office.

145 (d) If the supreme court determines that any petition filed is not legally sufficient, the  
146 supreme court may enjoin the lieutenant governor and all other officers from certifying or  
147 printing the ballot title and numbers of that measure on the official ballot for the next election.

148 Section 4. Section **20A-7-305** is amended to read:

149 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

150 (1) ~~[Any]~~ A Utah voter may sign a referendum petition if the voter is a legal voter.

151 (2) The sponsors shall ensure that the person in whose presence each signature sheet  
152 was signed:

153 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;  
154 and

155 (b) verifies each signature sheet by completing the verification printed on the last page  
156 of each signature sheet.

157 (3) (a) (i) ~~[Any]~~ A voter who has signed a referendum petition may have ~~[his]~~ the  
158 voter's signature removed from the petition by submitting ~~[a notarized statement to that effect]~~  
159 to the county clerk[-] a statement requesting that the voter's signature be removed.

160 (b) The statement shall include:

161 (i) the name of the voter;

162 (ii) the resident address at which the voter is registered to vote;

163 (iii) the last four digits of the voter's Social Security number;

164 (iv) the driver license or identification card number; and

165 (v) the signature of the voter.

166 (c) A voter may not submit a statement by email or other electronic means.

167 ~~[(ii)]~~ (d) In order for the signature to be removed, the statement must be received by  
168 the county clerk before ~~[he delivers the petition to the lieutenant governor]~~ the day which is 55  
169 days after the end of the legislative session at which the law passed.

- 170 ~~[(b) Upon receipt of the statement, the]~~
- 171 ~~(e) The county clerk shall [remove the signature of the person submitting the statement~~
- 172 ~~from] deliver all statements received under this Subsection (3):~~
- 173 ~~(i) with the referendum petition[-] packets to the lieutenant governor; or~~
- 174 ~~(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~
- 175 ~~after the county clerk delivered the referendum petition packets.~~
- 176 ~~[(c) No one may remove signatures]~~
- 177 ~~(f) A person may only remove a signature from a referendum petition [after the~~
- 178 ~~petition is submitted to the lieutenant governor] in accordance with this Subsection (3).~~

Section 5. Section 20A-7-306 is amended to read:

**20A-7-306. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

(1) No later than 40 days after the end of the legislative session at which the law passed, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.

(2) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are Utah residents and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(3) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:

(a) determine whether or not each signer is a registered voter according to the requirements of Section 20A-7-306.3;

(b) certify on the referendum petition whether or not each name is that of a registered voter; and

198 (c) deliver all of the referendum packets to the lieutenant governor.

199 (4) Upon receipt of a referendum packet under Subsection (3) and any statement  
200 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the  
201 referendum petition a voter's signature if the voter has requested the removal in accordance  
202 with Subsection 20A-7-305(3).

203 Section 6. Section **20A-7-307** is amended to read:

204 **20A-7-307. Evaluation by the lieutenant governor.**

205 (1) When each referendum packet is received from a county clerk, the lieutenant  
206 governor shall check off from [~~his~~] the record the number of each referendum packet filed.

207 (2) (a) After all of the referendum packets have been received by the lieutenant  
208 governor and the lieutenant governor has removed the signatures as required by Section  
209 20A-7-306, the lieutenant governor shall:

210 (i) count the number of the names certified by the county clerks that [~~appear~~] remain  
211 on each verified signature sheet; and

212 (ii) declare the petition to be sufficient or insufficient no later than 60 days after the  
213 end of the legislative session at which the law passed.

214 (b) If the total number of [~~certified names from each verified signature sheet~~] names  
215 counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section  
216 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word  
217 "sufficient."

218 (c) If the total number of [~~certified names from each verified signature sheet~~] names  
219 counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by  
220 Section 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word  
221 "insufficient."

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

224 (3) (a) If the lieutenant governor refuses to accept and file any referendum petition,  
225 any voter may apply to the supreme court for an extraordinary writ to compel him to do so



226 within 10 days after the refusal.

227 (b) If the supreme court determines that the referendum petition is legally sufficient,  
228 the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of  
229 the date on which it was originally offered for filing in his office.

230 (c) If the supreme court determines that any petition filed is not legally sufficient, the  
231 supreme court may enjoin the lieutenant governor and all other officers from certifying or  
232 printing the ballot title and numbers of that measure on the official ballot for the next election.

233 **Section 7. Effective date.**

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