

**Representative Kraig Powell** proposes the following substitute bill:

**REFERENDUM AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: Kraig Powell

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code to clarify the referendum procedures applicable to the issuance of municipal obligations.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a referendum petition on a local obligation law to obtain a certain number of signatures; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-7-101**, as last amended by Laws of Utah 2010, Chapter 294

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

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

27 Section 1. Section **20A-7-101** is amended to read:

28 **20A-7-101. Definitions.**

29 As used in this chapter:

30 (1) "Budget officer" means:

31 (a) for a county, the person designated as budget officer in Section 17-19-19;

32 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

33 (c) for a town, the town council.

34 (2) "Certified" means that the county clerk has acknowledged a signature as being the  
35 signature of a registered voter.

36 (3) "Circulation" means the process of submitting an initiative or referendum petition  
37 to legal voters for their signature.

38 (4) "Final fiscal impact statement" means a financial statement prepared after voters  
39 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
40 20A-7-502.5(2).

41 (5) "Initial fiscal impact estimate" means a financial statement prepared according to  
42 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an  
43 initiative petition.

44 (6) "Initiative" means a new law proposed for adoption by the public as provided in  
45 this chapter.

46 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
47 law, and the signature sheets, all of which have been bound together as a unit.

48 (8) "Legal signatures" means the number of signatures of legal voters that:

49 (a) meet the numerical requirements of this chapter; and

50 (b) have been certified and verified as provided in this chapter.

51 (9) "Legal voter" means a person who:

52 (a) is registered to vote; or

53 (b) becomes registered to vote before the county clerk certifies the signatures on an  
54 initiative or referendum petition.

55 (10) "Local attorney" means the county attorney, city attorney, or town attorney in  
56 whose jurisdiction a local initiative or referendum petition is circulated.

57 (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
58 jurisdiction a local initiative or referendum petition is circulated.

59 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any  
60 comprehensive zoning regulation adopted by ordinance or resolution.

61 (b) "Local law" does not include an individual property zoning decision.

62 (13) "Local legislative body" means the legislative body of a county, city, or town.

63 (14) "Local obligation law" means a local law passed by the local legislative body  
64 regarding the issuance of a bond, note, lease, finance agreement, or other similar obligation.

65 [~~(14)~~] (15) "Measure" means a proposed constitutional amendment, an initiative, or  
66 referendum.

67 [~~(15)~~] (16) "Referendum" means a process by which a law passed by the Legislature or  
68 by a local legislative body is submitted or referred to the voters for their approval or rejection.

69 [~~(16)~~] (17) "Referendum packet" means a copy of the referendum petition, a copy of  
70 the law being submitted or referred to the voters for their approval or rejection, and the  
71 signature sheets, all of which have been bound together as a unit.

72 [~~(17)~~] (18) "Signature sheets" means sheets in the form required by this chapter that are  
73 used to collect signatures in support of an initiative or referendum.

74 [~~(18)~~] (19) "Sponsors" means the legal voters who support the initiative or referendum  
75 and who sign the application for petition copies.

76 [~~(19)~~] (20) "Sufficient" means that the signatures submitted in support of an initiative  
77 or referendum petition have been certified and verified as required by this chapter.

78 [~~(20)~~] (21) "Verified" means acknowledged by the person circulating the petition as  
79 required in Sections 20A-7-205 and 20A-7-305.

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

81 **20A-7-601. Referenda -- General signature requirements -- Signature**  
82 **requirements for land use laws -- Time requirements.**

83 (1) Except as provided in [~~Subsection~~] Subsections (2) ~~¶~~→ [~~and (3)~~] ←~~¶~~ , a person  
83a seeking to

84 have a law passed by the local legislative body submitted to a vote of the people shall obtain  
85 legal signatures equal to:

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

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

91 (c) 15% of all the votes cast in the county, city, or town for all candidates for governor  
92 at the last election at which a governor was elected if the total number of votes does not exceed  
93 10,000 but is more than 2,500;

94 (d) 20% of all the votes cast in the county, city, or town for all candidates for governor  
95 at the last election at which a governor was elected if the total number of votes does not exceed  
96 2,500 but is more than 500;

97 (e) 25% of all the votes cast in the county, city, or town for all candidates for governor  
98 at the last election at which a governor was elected if the total number of votes does not exceed  
99 500 but is more than 250; and

100 (f) 30% of all the votes cast in the county, city, or town for all candidates for governor  
101 at the last election at which a governor was elected if the total number of votes does not exceed  
102 250.

103 (2) (a) As used in this Subsection (2), "land use law" includes a land use development  
104 code, an annexation ordinance, and comprehensive zoning ordinances.

105 (b) A person seeking to have a land use law or local obligation law passed by the local  
106 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

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

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

112 (3) A local obligation law or a proceeding related to the local obligation law is not  
113 subject to referendum except as provided by this section.

114 [~~3~~] (4) (a) Sponsors of any referendum petition challenging, under Subsection (1) or  
115 (2), any local law passed by a local legislative body shall file the petition within 45 days after  
116 the passage of the local law.

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

118 [~~4~~] (5) If the referendum passes, the local law that was challenged by the referendum

119 is repealed as of the date of the election.

120 Section 3. **Effective date.**

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

# FISCAL NOTE

S.B. 236 1st Sub. (Green)

SHORT TITLE: Referendum Amendments

SPONSOR: Powell, K.

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.