

1 **GOVERNMENT OPERATIONS AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Gregory H. Hughes

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Election Code to establish procedures for submitting a
10 nonbinding opinion question to the voters of Utah.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ establishes procedures for submitting a nonbinding opinion question to the voters of
14 Utah;
- 15 ▶ outlines the duties of the lieutenant governor and election officials in submitting the
16 opinion question to the voters;
- 17 ▶ establishes procedures for the ballot form, voter information pamphlet, public
18 notice, manner of voting, and canvass of returns in relation to the opinion question;
- 19 ▶ repeals Sections 36-16a-101 through 36-16a-108 and related provisions on January
20 1, 2013; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:

28 **36-16a-101**, Utah Code Annotated 1953

29 **36-16a-102**, Utah Code Annotated 1953

- 30 **36-16a-103**, Utah Code Annotated 1953
- 31 **36-16a-104**, Utah Code Annotated 1953
- 32 **36-16a-105**, Utah Code Annotated 1953
- 33 **36-16a-106**, Utah Code Annotated 1953
- 34 **36-16a-107**, Utah Code Annotated 1953
- 35 **36-16a-108**, Utah Code Annotated 1953
- 36 **63I-2-236**, Utah Code Annotated 1953



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

39 Section 1. Section **36-16a-101** is enacted to read:

40 **CHAPTER 16a. ELECTION PROCESS FOR STATEWIDE PUBLIC OPINION**

41 **36-16a-101. Definitions.**

42 As used in this chapter:

43 (1) "Election official" means the county clerk.

44 (2) "Opinion question" means a nonbinding question that is submitted to all the legal
45 voters of the state according to the procedures established in this chapter.

46 (3) "Originating house" means:

47 (a) the Utah House of Representatives if the resolution is a House joint resolution; or

48 (b) the Utah Senate if the resolution is a Senate joint resolution.

49 (4) "Regular general election" has the same meaning as provided under Section
50 20A-1-102.

51 Section 2. Section **36-16a-102** is enacted to read:

52 **36-16a-102. Submission of opinion questions to Utah voters.**

53 (1) The Legislature may submit an opinion question to the legal voters of the state by
54 passing a joint resolution meeting the requirements of this section.

55 (2) The joint resolution required under Subsection (1) shall include:

56 (a) the language of the opinion question as it will appear on the ballot;

57 (b) a statement directing that the lieutenant governor submit the language of the

58 opinion question to the legal voters of the state for their approval or rejection; and

59 (c) language designating the regular general election date as the date the election in
60 which the opinion question shall be submitted to the voters.

61 (3) After passage by both houses of the Legislature, the originating house shall submit
62 the joint resolution to the lieutenant governor with instructions that the opinion question
63 specified in the joint resolution be submitted to the legal voters on the election date specified in
64 the resolution.

65 Section 3. Section **36-16a-103** is enacted to read:

66 **36-16a-103. Lieutenant governor's duties.**

67 (1) After receipt of a joint resolution on an opinion question that has been submitted
68 under Section 36-16a-102, the lieutenant governor shall:

69 (a) submit the opinion question to the legal voters of Utah as required by resolution;

70 (b) comply with the procedures of Section 36-16a-106; and

71 (c) except as provided in Section 36-16a-105, comply with all relevant provisions of
72 Title 20A, Election Code, relating to the conduct of elections.

73 (2) The lieutenant governor may establish additional requirements for election officials
74 to facilitate the conduct of the election.

75 Section 4. Section **36-16a-104** is enacted to read:

76 **36-16a-104. Election official duties.**

77 Each election official shall comply with:

78 (1) the requirements of Title 20A, Election Code, relating to regular general elections;

79 (2) the requirements of Section 36-16a-106; and

80 (3) any other requirement imposed by the lieutenant governor.

81 Section 5. Section **36-16a-105** is enacted to read:

82 **36-16a-105. Exemption.**

83 Title 20A, Chapter 7, Issues Submitted to the Voters, does not apply to an opinion
84 question submitted under the authority of this chapter.

85 Section 6. Section **36-16a-106** is enacted to read:

86 **36-16a-106. Procedures for submission of opinion questions to popular vote.**

87 (1) The lieutenant governor, the Office of Legislative Research and General Counsel,
88 and each election official shall comply with the procedures contained in this section whenever
89 the Legislature authorizes an opinion question under Section 36-16a-102.

90 (2) No later than July 20 before the election, the Office of Legislative Research and
91 General Counsel shall:

92 (a) draft and designate a ballot title that summarizes the subject matter of the opinion
93 question; and

94 (b) deliver the materials created under Subsection (2)(a) to the lieutenant governor.

95 (3) No later than August 31 before the election, the lieutenant governor shall certify the
96 number and ballot title of the opinion question to each election official as provided in Section
97 20A-6-107.

98 (4) No more than 60 days nor less than 14 days before the date of the election, the
99 lieutenant governor shall cause the full text of the opinion question to be published in at least
100 one newspaper in every county of the state where a newspaper is published.

101 (5) Each election official shall cause both the number and title of the opinion question
102 to be:

103 (a) printed on the ballot to be used on election day;

104 (b) printed on the sample ballots; and

105 (c) otherwise published as provided by law.

106 Section 7. Section **36-16a-107** is enacted to read:

107 **36-16a-107. Ballot form -- Manner of voting.**

108 The lieutenant governor shall ensure that a ballot containing an opinion question
109 includes:

110 (1) a number and ballot title;

111 (2) the text of the opinion question; and

112 (3) (a) the words "FOR" and "AGAINST," each word presented with an adjacent
113 square in which the voter may indicate the voter's vote; or

114 (b) all possible responses to the opinion question, each response presented with an
115 adjacent square in which the voter may indicate the voter's vote.

116 Section 8. Section **36-16a-108** is enacted to read:

117 **36-16a-108. Canvass of returns.**

118 (1) The county legislative body shall conduct a public canvass of the returns from the
119 opinion question election no later than 14 days after the election.

120 (2) Each election official shall:

121 (a) make a certified abstract of the record of the canvassers detailing the votes cast on
122 the opinion question; and

123 (b) seal the transcript, endorse it "Election Returns," and transmit it to the lieutenant
124 governor's office so that the lieutenant governor receives it by the fifth day before the day
125 designated for the meeting of the state board of canvassers.

126 (3) The state board of canvassers established by Section 20A-4-306 shall meet to
127 compute and determine the vote on the opinion question.

128 (4) After consulting existing statutes governing elections, the lieutenant governor may
129 determine any issues relating to the canvassing process that are not governed by this section.

130 Section 9. Section **63I-2-236** is enacted to read:

131 **63I-2-236. Repeal dates, Title 36.**

132 Sections 36-16a-101 through 36-16a-108 are repealed January 1, 2013.