

## SB0165S01 compared with SB0165

~~deleted text~~ shows text that was in SB0165 but was deleted in SB0165S01.

inserted text shows text that was not in SB0165 but was inserted into SB0165S01.

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Senator Curtis S. Bramble proposes the following substitute bill:

### ELECTION LAW AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions in ~~the~~ Title 20A, Election Code.

##### Highlighted Provisions:

This bill:

- ▶ defines terms:
- ▶ authorizes a person to vote in an election if the person registers to vote online at least 15 days before an election;
- ▶ authorizes the chief election officer to extend the time to file a financial statement in certain circumstances;
- ▶ prohibits the use of an electronic signature to:
  - qualify a candidate for the ballot;
  - qualify a ballot proposition for the ballot; or

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- sign a petition to organize and register a political party;
- ▶ establishes the time by which a petitioner shall deliver initiative packets to the county clerk;
- ▶ requires the amount of signatures necessary for an initiative or referendum to be submit to a legislative body or qualify for placement on the ballot to be calculated based on the votes cast for President of the United States; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides an immediate effective date.

### Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254

20A-2-102.5, as last amended by Laws of Utah 2008, Chapter 225

20A-2-206, as enacted by Laws of Utah 2009, Chapter 89

20A-7-201, as last amended by Laws of Utah 2008, Chapter 237

20A-7-206, as last amended by Laws of Utah 2010, Chapter 225

20A-7-301, as last amended by Laws of Utah 1995, Chapter 153

20A-7-501, as last amended by Laws of Utah 2010, Chapter 324

20A-7-506, as last amended by Laws of Utah 2008, Chapter 237

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

20A-11-103, as last amended by Laws of Utah 2010, Chapter 389

### ENACTS:

20A-1-306, Utah Code Annotated 1953

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

Section 1. Section 20A-1-102 is amended to read:

**20A-1-102. Definitions.**

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive

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voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.

(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

(4) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) are used in conjunction with ballot sheets that do not display that information.

(6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question; or

(g) any other ballot question specifically authorized by the Legislature.

(7) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(8) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

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(10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(13) "Convention" means the political party convention at which party officers and delegates are selected.

(14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(15) "Counting judge" means a poll worker designated to count the ballots during election day.

(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(17) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day.

(18) "County officers" means those county officers that are required by law to be elected.

(19) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for absentee voting; or

(ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early Voting.

(20) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(21) "Election Assistance Commission" means the commission established by Public Law 107-252, the Help America Vote Act of 2002.

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(22) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(23) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(24) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots;

(b) the county clerk or clerks for all county ballots and for certain ballots and elections as provided in Section 20A-5-400.5;

(c) the municipal clerk for all municipal ballots and for certain ballots and elections as provided in Section 20A-5-400.5;

(d) the local district clerk or chief executive officer for certain ballots and elections as provided in Section 20A-5-400.5; and

(e) the business administrator or superintendent of a school district for certain ballots or elections as provided in Section 20A-5-400.5.

(25) "Election official" means any election officer, election judge, or poll worker.

(26) "Election results" means, for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(27) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(28) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.

(29) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~[(29)]~~ (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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(b) "Electronic voting device" includes a direct recording electronic voting device.

~~[(30)]~~ (31) "Inactive voter" means a registered voter who has:

(a) been sent the notice required by Section 20A-2-306; and

(b) failed to respond to that notice.

~~[(31)]~~ (32) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

~~[(32)]~~ (33) "Judicial office" means the office filled by any judicial officer.

~~[(33)]~~ (34) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(34)]~~ (35) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

~~[(35)]~~ (36) "Local district officers" means those local district officers that are required by law to be elected.

~~[(36)]~~ (37) "Local election" means a regular municipal election, a local special election, a local district election, and a bond election.

~~[(37)]~~ (38) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

~~[(38)]~~ (39) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

~~[(39)]~~ (40) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;  
or

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

~~[(40)]~~ (41) "Municipal general election" means the election held in municipalities and local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

~~[(41)]~~ (42) "Municipal legislative body" means the council of the city or town in any form of municipal government.

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~~[(42)]~~ [(43)] "Municipal officers" means those municipal officers that are required by law to be elected.

~~[(43)]~~ [(44)] "Municipal primary election" means an election held to nominate candidates for municipal office.

~~[(44)]~~ [(45)] "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.

~~[(45)]~~ [(46)] "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the poll worker's initials; and

(ii) the ballot number.

~~[(46)]~~ [(47)] "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

~~[(47)]~~ [(48)] "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

~~[(48)]~~ [(49)] "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

~~[(49)]~~ [(50)] (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

~~[(50)]~~ [(51)] "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

~~[(51)]~~ [(52)] "Polling place" means the building where voting is conducted.

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~~[(52)]~~ [(53)] "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

~~[(53)]~~ [(54)] "Provisional ballot" means a ballot voted provisionally by a person:

- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

~~[(54)]~~ [(55)] "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(55)]~~ [(56)] "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

~~[(56)]~~ [(57)] "Protective counter" means a separate counter, which cannot be reset, that:

- (a) is built into a voting machine; and
- (b) records the total number of movements of the operating lever.

~~[(57)]~~ [(58)] "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

~~[(58)]~~ [(59)] "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

~~[(59)]~~ [(60)] "Registration form" means a book voter registration form and a by-mail voter registration form.

~~[(60)]~~ [(61)] "Regular ballot" means a ballot that is not a provisional ballot.

~~[(61)]~~ [(62)] "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(62)]~~ [(63)] "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and nonpolitical groups to advance to the regular general election.

~~[(63)]~~ [(64)] "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(64)]~~ [(65)] "Sample ballot" means a mock ballot similar in form to the official ballot



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printed and distributed as provided in Section 20A-5-405.

~~[(65)]~~ [(66)] "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

~~[(66)]~~ [(67)] "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

~~[(67)]~~ [(68)] "Special election" means an election held as authorized by Section 20A-1-204.

~~[(68)]~~ [(69)] "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

~~[(69)]~~ [(70)] "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(70)]~~ [(71)] "Stub" means the detachable part of each ballot.

~~[(71)]~~ [(72)] "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

~~[(72)]~~ [(73)] "Ticket" means each list of candidates for each political party or for each group of petitioners.

~~[(73)]~~ [(74)] "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(74)]~~ [(75)] "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(75)]~~ [(76)] "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or

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- (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;
- (b) one of the following identification cards, whether or not the card includes a photograph of the voter:
  - (i) a valid tribal identification card;
  - (ii) a Bureau of Indian Affairs card; or
  - (iii) a tribal treaty card; or
  - (c) two forms of identification not listed under Subsection ~~[(75)]~~ [(76)](a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
    - (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
    - (ii) a bank or other financial account statement, or a legible copy thereof;
    - (iii) a certified birth certificate;
    - (iv) a valid Social Security card;
    - (v) a check issued by the state or the federal government or a legible copy thereof;
    - (vi) a paycheck from the voter's employer, or a legible copy thereof;
    - (vii) a currently valid Utah hunting or fishing license;
    - (viii) certified naturalization documentation;
    - (ix) a currently valid license issued by an authorized agency of the United States;
    - (x) a certified copy of court records showing the voter's adoption or name change;
    - (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
    - (xii) a currently valid identification card issued by:
      - (A) a local government within the state;
      - (B) an employer for an employee; or
      - (C) a college, university, technical school, or professional school located within the state; or
    - (xiii) a current Utah vehicle registration.

~~[(76)]~~ [(77)] "Valid write-in candidate" means a candidate who has qualified as a

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write-in candidate by following the procedures and requirements of this title.

~~[(77)]~~ [(78)] "Voter" means a person who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

~~[(78)]~~ [(79)] "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(79)]~~ [(80)] "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(80)]~~ [(81)] "Voting booth" means:

- (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or
- (b) a voting device that is free standing.

~~[(81)]~~ [(82)] "Voting device" means:

- (a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;
- (b) a device for marking the ballots with ink or another substance;
- (c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;
- (d) an automated voting system under Section 20A-5-302; or
- (e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

~~[(82)]~~ [(83)] "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

~~[(83)]~~ [(84)] "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

~~[(84)]~~ [(85)] "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

~~[(85)]~~ [(86)] "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

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~~[(86)]~~ (87) "Western States Presidential Primary" means the election established in ~~[Title 20A,]~~ Chapter 9, Part 8.

~~[(87)]~~ (88) "Write-in ballot" means a ballot containing any write-in votes.

~~[(88)]~~ (89) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section ~~{1}~~2. Section ~~{20A-2-102.5 is amended to read:~~

~~}{20A-1-306 is enacted to read:~~

### **20A-1-306. Electronic signatures.**

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Sections 68-3-12 and 68-3-12.5, an electronic signature may not be used to sign a petition to:

(1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;

(2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or

(3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Section 3. Section 20A-2-102.5 is amended to read:

### **20A-2-102.5. Voter registration deadline.**

(1) Except as provided in Section 20A-2-201, Section 20A-2-206, and ~~[in Title 20A,]~~ Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving Abroad, a person who fails to submit a correctly completed voter registration form on or before the voter registration deadline shall not be permitted to vote in the election.

(2) The voter registration deadline shall be the date that is 30 calendar days before the date of the election.

Section ~~{2}~~4. Section **20A-2-206** is amended to read:

### **20A-2-206. Electronic registration -- Requests for application.**

(1) The lieutenant governor may create and maintain an electronic system for voter registration that is publicly available on the Internet.

(2) An electronic system for voter registration shall require:

(a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of

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residence;

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (4);

(c) that the applicant attest to the truth of the information provided; and

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes.

(3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration created under this section is not required to complete a printed registration form.

(4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

(5) The lieutenant governor shall obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division.

(6) Upon receiving all information from an applicant and the Driver License Division, the lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) (a) If an individual applies to register under this section during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of ~~{a state wide}~~an election, the ~~{lieutenant governor}~~county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that:

(A) the individual is registered to vote in the pending election; and

(B) for the pending election, the individual must vote on the day of the election and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the individual registered too late.

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(b) If an individual applies to register under this section during the 14 calendar days before ~~{a statewide}~~an election, the ~~{lieutenant governor}~~county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that the individual is registered to vote but may not vote in the pending election because the individual registered too late.

(9) (a) A registered voter may file an application for an absentee ballot for a statewide ballot in accordance with Section 20A-3-304 on the electronic system for voter registration established under this section.

(b) The lieutenant governor shall provide a means by which a registered voter shall sign the application form as provided in Section 20A-3-304.

Section ~~{3}~~5. Section **20A-7-201** is amended to read:

**20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.**

(1) (a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall obtain:

(i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this state for all candidates for [~~governor~~] President of the United States at the last regular general election at which a [~~governor~~] President of the United States was elected; and

(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 5% of the total of all votes cast in that district for all candidates for [~~governor~~] President of the United States at the last regular general election at which a [~~governor~~] President of the United States was elected.

(b) If, at any time not less than 10 days before the beginning of an annual general session of the Legislature, the lieutenant governor declares sufficient any initiative petition that is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.

(c) In delivering a copy of the petition, the lieutenant governor shall include a cover sheet that contains:

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(i) the cumulative total of all votes cast by voters of this state for all candidates for [governor] President of the United States at the last regular general election at which a [governor] President of the United States was elected;

(ii) the total of all votes cast in each Utah State Senate district for all candidates for [governor] President of the United States at the last regular general election at which a [governor] President of the United States was elected;

(iii) the total number of certified signatures received for the submitted initiative; and

(iv) the total number of certified signatures received from each Utah State Senate district for the submitted initiative.

(2) (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of this state for all candidates for [governor] President of the United States at the last regular general election at which a [governor] President of the United States was elected; and

(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 10% of the total of all votes cast in that district for all candidates for [governor] President of the United States at the last regular general election at which a [governor] President of the United States was elected.

(b) If an initiative petition meets the requirements of this part and the lieutenant governor declares the initiative petition to be sufficient, the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election.

(3) The lieutenant governor shall provide the following information from the official canvass of the last regular general election at which a [governor] President of the United States was elected to any interested person:

(a) the cumulative total of all votes cast by voters in this state for all candidates for [governor] President of the United States; and

(b) for each Utah State Senate district, the total of all votes cast in that district for all candidates for [governor] President of the United States.

Section 6. Section 20A-7-206 is amended to read:

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

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(1) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated ~~[no later than { April 15 before the }]~~ on or before the sooner of:

(a) 316 days after the day on which the application is filed; or

(b) April 15 immediately before the next regular general election.

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

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are residents of Utah 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 May 15 before the regular general election, the county clerk shall:

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

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

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

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

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

(6) No later than December 1 before the annual general session of the Legislature, the county clerk shall:

(a) check the names of all persons completing the verification for the initiative packet 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.



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(7) No later than December 15 before the annual general session of the Legislature, the county clerk shall:

- (a) determine whether or not each signer is a registered voter according to the requirements of Section 20A-7-206.3;
  - (b) certify on the petition whether or not each name is that of a registered voter; and
  - (c) deliver all of the packets to the lieutenant governor.
- (8) Initiative packets are public once they are delivered to the county clerks.
- (9) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them.

Section ~~44~~7. Section **20A-7-301** is amended to read:

### **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

(1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of this state for all candidates for [~~governor~~] President of the United States at the last regular general election at which a [~~governor~~] President of the United States was elected; and

(ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes cast in that county for all candidates for [~~governor~~] President of the United States at the last regular general election at which a [~~governor~~] President of the United States was elected.

(b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:

(i) directs that the referendum be submitted to the voters at the next regular general election; or

(ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

(2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

(3) The lieutenant governor shall provide to any interested person from the official canvass of the last regular general election at which a [~~governor~~] President of the United States was elected:

## SB0165S01 compared with SB0165

(a) the cumulative total of all votes cast by voters of this state for all candidates for [governor] President of the United States; and

(b) for each county, the total of all votes cast in that county for all candidates for [governor] President of the United States.

Section ~~5~~8. Section **20A-7-501** is amended to read:

### **20A-7-501. Initiatives.**

(1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

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

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

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

(iv) 20% of all the votes cast in the county, city, or town for all candidates for [governor] President of the United States at the last election at which a [governor] President of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

(v) 25% of all the votes cast in the county, city, or town for all candidates for [governor] President of the United States at the last election at which a [governor] President of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and

(vi) 30% of all the votes cast in the county, city, or town for all candidates for [governor] President of the United States at the last election at which a [governor] President of the United States was elected if the total number of votes does not exceed 250.

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(b) In addition to the signature requirements of Subsection (1)(a), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection in a county, city, or town where the local legislative body is elected from council districts shall obtain, from each of a majority of council districts, legal signatures equal to the percentages established in Subsection (1)(a).

(2) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at its next meeting.

(3) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days of receipt of the proposed law.

(b) The local legislative body may:

- (i) adopt the proposed law and refer it to the people;
- (ii) adopt the proposed law without referring it to the people; or
- (iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer it to the people, it is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed county ordinance or amendment, or takes no action on it, the county clerk shall submit it to the voters of the county at the next regular general election.

(ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or takes no action on it, the municipal recorder or clerk shall submit it to the voters of the municipality at the next municipal general election.

(e) (i) If the local legislative body rejects the proposed ordinance or amendment, or takes no action on it, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30 days allowed for its action on the measure proposed by initiative petition.

(iii) If the local legislative body adopts a competing local law, the clerk or recorder shall submit it to the voters of the county or municipality at the same election at which the initiative proposal is submitted.

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, then the measure that receives the

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greatest number of affirmative votes shall control all conflicts.

Section 9. Section 20A-7-506 is amended to read:

**20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.**

(1) The sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated ~~[no later than]~~ on or before the sooner of:

(a) for county initiatives ~~{, no later than the April 15 falling before the}~~ [, no later than]:

(i) 316 days after the day on which the application is filed; or

(ii) the April 15 [falling] immediately before the next regular general election; or

(b) for municipal initiatives ~~{, no later than the April 15 falling before the}~~ [, no later than]:

(i) 316 days after the day on which the application is filed; or

(ii) the April 15 [falling] immediately before the next municipal general election.

(2) No later than May 1, 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 residents of Utah 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 May 15, the county clerk shall:

(a) determine whether or not each signer is a voter according to the requirements of Section 20A-7-506.3;

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

(c) deliver all of the packets to the local clerk.

Section ~~{6}~~ 10. Section 20A-7-601 is amended to read:

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

(1) Except as provided in Subsection (2), a person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for

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[governor] President of the United States at the last election at which a [governor] President of the United States was elected if the total number of votes exceeds 25,000;

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

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

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

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

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

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

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

(i) in a county or in a city of the first or second class, 20% of all votes cast in the county or city for all candidates for [governor] President of the United States at the last election at which a [governor] President of the United States was elected; and

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

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

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

(4) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

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### Legislative Review Note

as of ~~2-25-11 12:33 PM~~

~~Office of Legislative Research and General Counsel~~ Section 11. Section 20A-11-103 is amended to read:

#### 20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public availability.

(1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by postal mail or, if requested by the filing entity, by electronic mail:

(i) that the financial statement is due;

(ii) of the date that the financial statement is due; and

(iii) of the penalty for failing to file the financial statement.

(b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief election officer is not required to provide notice:

(i) to a candidate or political party of the financial statement that is due before the candidate's political convention;

(ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

(iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

## **SB0165S01 compared with SB0165**

(2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

(3) (a) A financial statement is considered timely filed if it is received by the chief election officer's office before the close of regular office hours on the date that it is due.

(b) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.

(4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:

(i) for campaign finance statements submitted to the lieutenant governor under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after the date of receipt of the campaign finance statement; or

(ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the statement is electronically filed.

(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects to provide campaign finance disclosure on its own website, rather than through the lieutenant governor, the website established by the lieutenant governor shall contain a link or other access point to the municipality or county website.

### Section 12. Effective date.

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