

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: Bradley M. Daw

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a person to vote in an election if the person registers online to vote 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 and requires the use of a holographic signature to:
 - qualify a candidate for the ballot;
 - qualify a ballot proposition for the ballot; or
 - sign a petition to organize and register a political party;
- ▶ requires an estimate of the cost of printing and distributing information related to a petition;
- ▶ prohibits a person from verifying the person's own signature;
- ▶ prohibits a county clerk from certifying a signature on a packet that is not verified;



- 26 ▶ requires the county clerk to compare a signature on a packet to the voter registration
- 27 database;
- 28 ▶ authorizes the lieutenant governor or county clerk to declare a petition insufficient if
- 29 all the requirements are not met;
- 30 ▶ prohibits the sponsors of a local initiative from submitting additional signatures to
- 31 qualify for a ballot in subsequent elections;
- 32 ▶ repeals a section regarding a financial report;
- 33 ▶ establishes the time by which a petitioner shall deliver petition packets to the county
- 34 clerk and qualify a petition for the ballot;
- 35 ▶ requires the amount of signatures necessary for an initiative or referendum to be
- 36 submitted to a legislative body or qualify for placement on the ballot to be
- 37 calculated based on the votes cast for President of the United States;
- 38 ▶ clarifies when a local law subject to a referendum takes effect; and
- 39 ▶ makes technical changes.

40 Money Appropriated in this Bill:

41 None

42 Other Special Clauses:

43 This bill provides an immediate effective date.

44 Utah Code Sections Affected:

45 AMENDS:

- 46 **20A-1-102**, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254
- 47 **20A-2-102.5**, as last amended by Laws of Utah 2008, Chapter 225
- 48 **20A-2-206**, as enacted by Laws of Utah 2009, Chapter 89
- 49 **20A-3-304**, as last amended by Laws of Utah 2009, Chapter 191
- 50 **20A-7-101**, as last amended by Laws of Utah 2010, Chapter 294
- 51 **20A-7-201**, as last amended by Laws of Utah 2008, Chapter 237
- 52 **20A-7-202**, as last amended by Laws of Utah 2008, Chapter 237
- 53 **20A-7-202.5**, as last amended by Laws of Utah 2010, Chapter 367
- 54 **20A-7-203**, as last amended by Laws of Utah 2007, Chapter 78
- 55 **20A-7-205**, as last amended by Laws of Utah 2010, Chapter 225
- 56 **20A-7-206**, as last amended by Laws of Utah 2010, Chapter 225

- 57 **20A-7-206.3**, as last amended by Laws of Utah 2007, Chapter 78
- 58 **20A-7-207**, as last amended by Laws of Utah 2010, Chapters 225 and 367
- 59 **20A-7-301**, as last amended by Laws of Utah 1995, Chapter 153
- 60 **20A-7-305**, as last amended by Laws of Utah 2010, Chapter 225
- 61 **20A-7-306**, as last amended by Laws of Utah 2010, Chapter 225
- 62 **20A-7-306.3**, as enacted by Laws of Utah 2007, Chapter 78
- 63 **20A-7-307**, as last amended by Laws of Utah 2010, Chapter 225
- 64 **20A-7-501**, as last amended by Laws of Utah 2010, Chapter 324
- 65 **20A-7-502.5**, as last amended by Laws of Utah 2010, Chapter 367
- 66 **20A-7-503**, as last amended by Laws of Utah 2008, Chapter 225
- 67 **20A-7-505**, as last amended by Laws of Utah 2000, Chapter 3
- 68 **20A-7-506**, as last amended by Laws of Utah 2008, Chapter 237
- 69 **20A-7-506.3**, as last amended by Laws of Utah 2007, Chapter 78
- 70 **20A-7-507**, as last amended by Laws of Utah 2002, Chapter 133
- 71 **20A-7-601**, as last amended by Laws of Utah 2004, Chapter 258
- 72 **20A-7-605**, as last amended by Laws of Utah 2000, Chapter 3
- 73 **20A-7-606**, as last amended by Laws of Utah 2008, Chapter 237
- 74 **20A-7-606.3**, as enacted by Laws of Utah 2007, Chapter 78
- 75 **20A-7-607**, as last amended by Laws of Utah 1995, Chapter 165
- 76 **20A-7-609**, as last amended by Laws of Utah 2010, Chapter 294
- 77 **20A-8-103**, as last amended by Laws of Utah 1999, Chapter 45
- 78 **20A-9-203**, as last amended by Laws of Utah 2010, Chapter 197
- 79 **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256
- 80 **20A-9-502**, as last amended by Laws of Utah 2009, Chapter 202
- 81 **20A-11-103**, as last amended by Laws of Utah 2010, Chapter 389

82 ENACTS:

- 83 **20A-1-306**, Utah Code Annotated 1953

84 REPEALS:

- 85 **20A-7-206.5**, as enacted by Laws of Utah 1999, Chapter 109



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

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

89 **20A-1-102. Definitions.**

90 As used in this title:

91 (1) "Active voter" means a registered voter who has not been classified as an inactive
92 voter by the county clerk.

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

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

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

99 (4) "Ballot sheet":

100 (a) means a ballot that:

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

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

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

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

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

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

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

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

111 (b) a constitutional amendment;

112 (c) an initiative;

113 (d) a referendum;

114 (e) a bond proposition;

115 (f) a judicial retention question; or

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

117 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
118 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

135 (16) "Counting poll watcher" means a person selected as provided in Section
136 20A-3-201 to witness the counting of ballots.

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

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

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

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

145 (b) does not include:

146 (i) deadlines established for absentee voting; or

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

149 (20) "Election" means a regular general election, a municipal general election, a

150 statewide special election, a local special election, a regular primary election, a municipal
151 primary election, and a local district election.

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

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

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

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

160 (24) "Election officer" means:

- 161 (a) the lieutenant governor, for all statewide ballots;
- 162 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
163 as provided in Section 20A-5-400.5;
- 164 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
165 provided in Section 20A-5-400.5;
- 166 (d) the local district clerk or chief executive officer for certain ballots and elections as
167 provided in Section 20A-5-400.5; and
- 168 (e) the business administrator or superintendent of a school district for certain ballots
169 or elections as provided in Section 20A-5-400.5.

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

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

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

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

180 (29) "Electronic signature" means an electronic sound, symbol, or process attached to

181 or logically associated with a record and executed or adopted by a person with the intent to sign
182 the record.

183 [~~(29)~~] (30) (a) "Electronic voting device" means a voting device that uses electronic
184 ballots.

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

186 [~~(30)~~] (31) "Inactive voter" means a registered voter who has:

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

188 (b) failed to respond to that notice.

189 [~~(31)~~] (32) "Inspecting poll watcher" means a person selected as provided in this title to
190 witness the receipt and safe deposit of voted and counted ballots.

191 [~~(32)~~] (33) "Judicial office" means the office filled by any judicial officer.

192 [~~(33)~~] (34) "Judicial officer" means any justice or judge of a court of record or any
193 county court judge.

194 [~~(34)~~] (35) "Local district" means a local government entity under Title 17B, Limited
195 Purpose Local Government Entities - Local Districts, and includes a special service district
196 under Title 17D, Chapter 1, Special Service District Act.

197 [~~(35)~~] (36) "Local district officers" means those local district officers that are required
198 by law to be elected.

199 [~~(36)~~] (37) "Local election" means a regular municipal election, a local special
200 election, a local district election, and a bond election.

201 [~~(37)~~] (38) "Local political subdivision" means a county, a municipality, a local
202 district, or a local school district.

203 [~~(38)~~] (39) "Local special election" means a special election called by the governing
204 body of a local political subdivision in which all registered voters of the local political
205 subdivision may vote.

206 [~~(39)~~] (40) "Municipal executive" means:

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

209 (b) the mayor in the council-manager form of government defined in Subsection
210 10-3b-103(6).

211 [~~(40)~~] (41) "Municipal general election" means the election held in municipalities and

212 local districts on the first Tuesday after the first Monday in November of each odd-numbered
213 year for the purposes established in Section 20A-1-202.

214 [~~(41)~~] (42) "Municipal legislative body" means the council of the city or town in any
215 form of municipal government.

216 [~~(42)~~] (43) "Municipal officers" means those municipal officers that are required by
217 law to be elected.

218 [~~(43)~~] (44) "Municipal primary election" means an election held to nominate
219 candidates for municipal office.

220 [~~(44)~~] (45) "Official ballot" means the ballots distributed by the election officer to the
221 poll workers to be given to voters to record their votes.

222 [~~(45)~~] (46) "Official endorsement" means:

223 (a) the information on the ballot that identifies:

224 (i) the ballot as an official ballot;

225 (ii) the date of the election; and

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

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

228 (i) the poll worker's initials; and

229 (ii) the ballot number.

230 [~~(46)~~] (47) "Official register" means the official record furnished to election officials
231 by the election officer that contains the information required by Section 20A-5-401.

232 [~~(47)~~] (48) "Paper ballot" means a paper that contains:

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

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

237 [~~(48)~~] (49) "Political party" means an organization of registered voters that has
238 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
239 Formation and Procedures.

240 [~~(49)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
241 with an election, voting, or counting votes.

242 (b) "Poll worker" includes election judges.

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

244 [~~(50)~~] (51) "Pollbook" means a record of the names of voters in the order that they
245 appear to cast votes.

246 [~~(51)~~] (52) "Polling place" means the building where voting is conducted.

247 [~~(52)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
248 ballot in which the voter marks the voter's choice.

249 [~~(53)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:

250 (a) whose name is not listed on the official register at the polling place;

251 (b) whose legal right to vote is challenged as provided in this title; or

252 (c) whose identity was not sufficiently established by a poll worker.

253 [~~(54)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
254 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
255 information to verify a person's legal right to vote.

256 [~~(55)~~] (56) "Primary convention" means the political party conventions at which
257 nominees for the regular primary election are selected.

258 [~~(56)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that:

259 (a) is built into a voting machine; and

260 (b) records the total number of movements of the operating lever.

261 [~~(57)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
262 performing the duties of the position for which the person was elected.

263 [~~(58)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the
264 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
265 after the voter has voted.

266 [~~(59)~~] (60) "Registration form" means a book voter registration form and a by-mail
267 voter registration form.

268 [~~(60)~~] (61) "Regular ballot" means a ballot that is not a provisional ballot.

269 [~~(61)~~] (62) "Regular general election" means the election held throughout the state on
270 the first Tuesday after the first Monday in November of each even-numbered year for the
271 purposes established in Section 20A-1-201.

272 [~~(62)~~] (63) "Regular primary election" means the election on the fourth Tuesday of
273 June of each even-numbered year, to nominate candidates of political parties and nonpolitical

274 groups to advance to the regular general election.

275 ~~[(63)]~~ (64) "Resident" means a person who resides within a specific voting precinct in
276 Utah.

277 ~~[(64)]~~ (65) "Sample ballot" means a mock ballot similar in form to the official ballot
278 printed and distributed as provided in Section 20A-5-405.

279 ~~[(65)]~~ (66) "Scratch vote" means to mark or punch the straight party ticket and then
280 mark or punch the ballot for one or more candidates who are members of different political
281 parties.

282 ~~[(66)]~~ (67) "Secrecy envelope" means the envelope given to a voter along with the
283 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
284 secrecy of the voter's vote.

285 ~~[(67)]~~ (68) "Special election" means an election held as authorized by Section
286 20A-1-204.

287 ~~[(68)]~~ (69) "Spoiled ballot" means each ballot that:

288 (a) is spoiled by the voter;

289 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

290 (c) lacks the official endorsement.

291 ~~[(69)]~~ (70) "Statewide special election" means a special election called by the governor
292 or the Legislature in which all registered voters in Utah may vote.

293 ~~[(70)]~~ (71) "Stub" means the detachable part of each ballot.

294 ~~[(71)]~~ (72) "Substitute ballots" means replacement ballots provided by an election
295 officer to the poll workers when the official ballots are lost or stolen.

296 ~~[(72)]~~ (73) "Ticket" means each list of candidates for each political party or for each
297 group of petitioners.

298 ~~[(73)]~~ (74) "Transfer case" means the sealed box used to transport voted ballots to the
299 counting center.

300 ~~[(74)]~~ (75) "Vacancy" means the absence of a person to serve in any position created
301 by statute, whether that absence occurs because of death, disability, disqualification,
302 resignation, or other cause.

303 ~~[(75)]~~ (76) "Valid voter identification" means:

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

305 include:

- 306 (i) a currently valid Utah driver license;
- 307 (ii) a currently valid identification card that is issued by:
- 308 (A) the state; or
- 309 (B) a branch, department, or agency of the United States;
- 310 (iii) a currently valid Utah permit to carry a concealed weapon;
- 311 (iv) a currently valid United States passport; or
- 312 (v) a currently valid United States military identification card;
- 313 (b) one of the following identification cards, whether or not the card includes a
- 314 photograph of the voter:
- 315 (i) a valid tribal identification card;
- 316 (ii) a Bureau of Indian Affairs card; or
- 317 (iii) a tribal treaty card; or
- 318 (c) two forms of identification not listed under Subsection [~~(75)~~ (76)(a) or (b) but that
- 319 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
- 320 which may include:
- 321 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 322 election;
- 323 (ii) a bank or other financial account statement, or a legible copy thereof;
- 324 (iii) a certified birth certificate;
- 325 (iv) a valid Social Security card;
- 326 (v) a check issued by the state or the federal government or a legible copy thereof;
- 327 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 328 (vii) a currently valid Utah hunting or fishing license;
- 329 (viii) certified naturalization documentation;
- 330 (ix) a currently valid license issued by an authorized agency of the United States;
- 331 (x) a certified copy of court records showing the voter's adoption or name change;
- 332 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 333 (xii) a currently valid identification card issued by:
- 334 (A) a local government within the state;
- 335 (B) an employer for an employee; or

336 (C) a college, university, technical school, or professional school located within the
337 state; or

338 (xiii) a current Utah vehicle registration.

339 [~~76~~] (77) "Valid write-in candidate" means a candidate who has qualified as a
340 write-in candidate by following the procedures and requirements of this title.

341 [~~77~~] (78) "Voter" means a person who:

342 (a) meets the requirements for voting in an election;

343 (b) meets the requirements of election registration;

344 (c) is registered to vote; and

345 (d) is listed in the official register book.

346 [~~78~~] (79) "Voter registration deadline" means the registration deadline provided in
347 Section 20A-2-102.5.

348 [~~79~~] (80) "Voting area" means the area within six feet of the voting booths, voting
349 machines, and ballot box.

350 [~~80~~] (81) "Voting booth" means:

351 (a) the space or compartment within a polling place that is provided for the preparation
352 of ballots, including the voting machine enclosure or curtain; or

353 (b) a voting device that is free standing.

354 [~~81~~] (82) "Voting device" means:

355 (a) an apparatus in which ballot sheets are used in connection with a punch device for
356 piercing the ballots by the voter;

357 (b) a device for marking the ballots with ink or another substance;

358 (c) an electronic voting device or other device used to make selections and cast a ballot
359 electronically, or any component thereof;

360 (d) an automated voting system under Section 20A-5-302; or

361 (e) any other method for recording votes on ballots so that the ballot may be tabulated
362 by means of automatic tabulating equipment.

363 [~~82~~] (83) "Voting machine" means a machine designed for the sole purpose of
364 recording and tabulating votes cast by voters at an election.

365 [~~83~~] (84) "Voting poll watcher" means a person appointed as provided in this title to
366 witness the distribution of ballots and the voting process.

367 [(84)] (85) "Voting precinct" means the smallest voting unit established as provided by
368 law within which qualified voters vote at one polling place.

369 [(85)] (86) "Watcher" means a voting poll watcher, a counting poll watcher, an
370 inspecting poll watcher, and a testing watcher.

371 [(86)] (87) "Western States Presidential Primary" means the election established in
372 [~~Title 20A,~~] Chapter 9, Part 8.

373 [(87)] (88) "Write-in ballot" means a ballot containing any write-in votes.

374 [(88)] (89) "Write-in vote" means a vote cast for a person whose name is not printed on
375 the ballot according to the procedures established in this title.

376 Section 2. Section **20A-1-306** is enacted to read:

377 **20A-1-306. Electronic signatures.**

378 Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and
379 Subsections 68-3-12(1)(e) and 68-3-12.5(24) and (33), an electronic signature may not be used
380 to sign a petition to:

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

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

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

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

388 **20A-2-102.5. Voter registration deadline.**

389 (1) Except as provided in [~~Section~~] Sections 20A-2-201 and 20A-2-206 and [~~in Title~~
390 ~~20A,~~] Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or
391 Serving Abroad, a person who fails to submit a correctly completed voter registration form on
392 or before the voter registration deadline shall not be permitted to vote in the election.

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

395 Section 4. Section **20A-2-206** is amended to read:

396 **20A-2-206. Electronic registration -- Requests for application.**

397 (1) The lieutenant governor may create and maintain an electronic system for voter

398 registration and requesting an absentee ballot that is publicly available on the Internet.

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

400 (a) that an applicant have a valid driver license or identification card, issued under Title
401 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
402 residence;

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

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

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

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

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

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

417 (6) Upon receiving all information from an applicant and the Driver License Division,
418 the lieutenant governor shall send the information to the county clerk for the county in which
419 the applicant's principal place of residence is found for further action as required by Section
420 20A-2-304.

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

423 (8) (a) If an individual applies to register under this section during the period beginning
424 on the date after the voter registration deadline and ending on the date that is 15 calendar days
425 before the date of an election, the county clerk shall:

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

428 (ii) inform the individual that:

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

433 (b) If an individual applies to register under this section during the 14 calendar days
 434 before an election, the county clerk shall:

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

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

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

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

444 Section 5. Section **20A-3-304** is amended to read:

445 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

446 (1) Any registered voter who wishes to vote an absentee ballot may either:

447 (a) file an absentee ballot application;

448 (i) on the electronic system maintained by the lieutenant governor under Section
 449 20A-2-206; or

450 (ii) with the appropriate election officer for an official absentee ballot as provided in
 451 this section; or

452 (b) vote in person at the office of the appropriate election officer as provided in Section
 453 20A-3-306.

454 (2) (a) Except as provided in Subsection (2)(b), ~~[each]~~ the lieutenant governor or
 455 election officer shall prepare [blank applications] an application form for absentee ballot
 456 applications in substantially the following form:

457 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
 458 apply for an official absentee ballot to be voted by me at the election.

459 Date _____ (month\day\year) Signed _____

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Voter"

(b) ~~[Each]~~ The lieutenant governor or election officer shall prepare blank applications for absentee ballot applications for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

Dated _____ (month\day\year) _____ Signed _____

Voter"

(c) If requested by the applicant, the election officer shall:

(i) mail or fax the application blank to the absentee voter; or

(ii) deliver the application blank to any voter who personally applies for it at the office of the election officer.

(3) (a) Except as provided in Subsection (3)(b), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Friday before election day.

(b) Overseas applicants shall file their applications with the appropriate election officer no later than 20 days before election day.

(4) (a) A county clerk may establish a permanent absentee voter list.

(b) The clerk shall place on the list the name of any person who:

(i) requests permanent absentee voter status; and

(ii) meets the requirements of this section.

(c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the absentee voter list.

(ii) The questionnaire shall allow the absentee person to verify the voter's residence.

(iii) The clerk may remove the names of any voter from the absentee voter registration list if:

(A) the voter is no longer listed in the official register; or

(B) the voter fails to verify the voter's residence and absentee status.

491 (d) The clerk shall provide a copy of the permanent absentee voter list to election
492 officers for use in elections.

493 Section 6. Section **20A-7-101** is amended to read:

494 **20A-7-101. Definitions.**

495 As used in this chapter:

496 (1) "Budget officer" means:

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

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

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

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

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

504 (4) "Final fiscal impact statement" means a financial statement prepared after voters
505 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
506 20A-7-502.5(2).

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

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

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

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

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

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

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

518 (a) is registered to vote; or

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

521 (10) "Local attorney" means the county attorney, city attorney, or town attorney in

522 whose jurisdiction a local initiative or referendum petition is circulated.

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

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

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

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

529 (14) "Measure" means a proposed constitutional amendment, an initiative, or
530 referendum.

531 (15) "Referendum" means a process by which a law passed by the Legislature or by a
532 local legislative body is submitted or referred to the voters for their approval or rejection.

533 (16) "Referendum packet" means a copy of the referendum petition, a copy of the law
534 being submitted or referred to the voters for their approval or rejection, and the signature
535 sheets, all of which have been bound together as a unit.

536 (17) (a) "Signature" means a holographic signature.

537 (b) "Signature" does not mean an electronic signature.

538 [~~17~~] (18) "Signature sheets" means sheets in the form required by this chapter that are
539 used to collect signatures in support of an initiative or referendum.

540 [~~18~~] (19) "Sponsors" means the legal voters who support the initiative or referendum
541 and who sign the application for petition copies.

542 [~~19~~] (20) "Sufficient" means that the signatures submitted in support of an initiative
543 or referendum petition have been certified and verified as required by this chapter.

544 [~~20~~] (21) "Verified" means acknowledged by the person circulating the petition as
545 required in Sections 20A-7-205 and 20A-7-305.

546 Section 7. Section **20A-7-201** is amended to read:

547 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**
548 **Legislature or to a vote of the people.**

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

551 (i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this
552 state for all candidates for [~~governor~~] President of the United States at the last regular general

553 election at which a [governor] President of the United States was elected; and

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

558 (b) If, at any time not less than 10 days before the beginning of [an] the next annual
559 general session of the Legislature, immediately after the application is filed under Section
560 20A-7-202 and specified on the petition under Section 20A-7-203 the lieutenant governor
561 declares sufficient any initiative petition that is signed by enough voters to meet the
562 requirements of this Subsection (1), the lieutenant governor shall deliver a copy of the petition
563 and the cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of
564 the House, and the director of the Office of Legislative Research and General Counsel.

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

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

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

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

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

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

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

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

584 was elected.

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

588 (i) immediately after the application is filed under Section 20A-7-202; and

589 (ii) specified on the petition under Section 20A-7-203.

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

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

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

597 Section 8. Section **20A-7-202** is amended to read:

598 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**
599 **gather signatures -- Grounds for rejection.**

600 (1) Persons wishing to circulate an initiative petition shall file an application with the
601 lieutenant governor.

602 (2) The application shall contain:

603 (a) the name and residence address of at least five sponsors of the initiative petition;

604 (b) a statement indicating that each of the sponsors:

605 (i) is a resident of Utah; and

606 (ii) has voted in a regular general election in Utah within the last three years;

607 (c) the signature of each of the sponsors, attested to by a notary public;

608 (d) a copy of the proposed law that includes:

609 (i) the title of the proposed law, which clearly expresses the subject of the law; and

610 (ii) the text of the proposed law; and

611 (e) a statement indicating whether or not persons gathering signatures for the petition
612 may be paid for doing so.

613 (3) The application and its contents are public when filed with the lieutenant governor.

614 [~~(4)(a) The sponsors shall qualify the petition for the regular general election ballot no~~

615 later than one year after the application is filed.]

616 ~~[(b)]~~ (4) If the ~~[sponsors fail]~~ petition fails to qualify ~~[the petition for that]~~ for the
617 ballot of the election described in Subsection 20A-7-201(2)(b), the sponsors must:

618 ~~[(i)]~~ (a) submit a new application;

619 ~~[(ii)]~~ (b) obtain new signature sheets; and

620 ~~[(iii)]~~ (c) collect signatures again.

621 (5) The lieutenant governor shall reject the application and not issue circulation sheets
622 if:

623 (a) the law proposed by the initiative is patently unconstitutional;

624 (b) the law proposed by the initiative is nonsensical;

625 (c) the proposed law could not become law if passed;

626 (d) the law contains more than one subject;

627 (e) the subject of the law is not clearly expressed in the law's title; or

628 (f) the law proposed by the initiative is identical or substantially similar to a law
629 proposed by an initiative that was submitted to the county clerks and lieutenant governor for
630 certification and evaluation within two years preceding the date on which the application for
631 this initiative was filed.

632 Section 9. Section 20A-7-202.5 is amended to read:

633 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
634 **to estimate.**

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

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

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

641 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
642 the total estimated increase or decrease for each type of tax affected under the proposed law
643 and a dollar amount representing the total estimated increase or decrease in taxes under the
644 proposed law;

645 (iii) if the proposed law would result in the issuance or a change in the status of bonds,

646 notes, or other debt instruments, a dollar amount representing the total estimated increase or
647 decrease in public debt under the proposed law;

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

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

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

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

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

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

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

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

671 (3) The Governor's Office of Planning and Budget shall prepare an unbiased, good
672 faith estimate of the cost of printing and distributing information related to the initiative
673 petition in:

674 (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter
675 Information Pamphlet; or

676 (b) the newspaper, as required by Section 20A-7-702.

677 [~~(3)~~] (4) Within 25 calendar days from the date that the lieutenant governor delivers a
678 copy of the application, the Governor's Office of Planning and Budget shall:

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

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

683 [~~(4)~~] (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar
684 days of the date of delivery of the initial fiscal impact estimate to the lieutenant governor's
685 office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate,
686 taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

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

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

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

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

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

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

706 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate
707 for the measure that meets the requirements of this section.

708 Section 10. Section **20A-7-203** is amended to read:

709 **20A-7-203. Form of initiative petition and signature sheets.**

710 (1) (a) Each proposed initiative petition shall be printed in substantially the following
711 form:

712 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

713 We, the undersigned citizens of Utah, respectfully demand that the following proposed
714 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the
715 regular general election/session to be held/ beginning on _____(month\day\year);

716 Each signer says:

717 I have personally signed this petition;

718 I am registered to vote in Utah or intend to become registered to vote in Utah before the
719 certification of the petition names by the county clerk; and

720 My residence and post office address are written correctly after my name.

721 NOTICE TO SIGNERS:

722 Public hearings to discuss this petition were held at: (list dates and locations of public
723 hearings.)"

724 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
725 initiative petition.

726 (2) Each signature sheet shall:

727 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

728 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
729 blank for the purpose of binding;

730 (c) contain the title of the initiative printed below the horizontal line;

731 (d) contain the initial fiscal impact estimate's summary statement issued by the
732 Governor's Office of Planning and Budget according to Subsection 20A-7-202.5(2)(b) and the
733 cost estimate for printing and distributing information related to the initiative petition
734 according to Subsection 20A-7-202.5(3), printed or typed in not less than 12-point, bold type,
735 at the top of each signature sheet under the title of the initiative;

736 (e) contain the word "Warning" printed or typed at the top of each signature sheet
737 under the initial fiscal impact estimate's summary statement;

738 (f) contain, to the right of the word "Warning," the following statement printed or

739 typed in not less than eight-point, single leaded type:

740 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
741 name than his own, or knowingly to sign his name more than once for the same measure, or to
742 sign an initiative petition when he knows he is not a registered voter and knows that he does
743 not intend to become registered to vote before the certification of the petition names by the
744 county clerk."; and

745 (g) be vertically divided into columns as follows:

746 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
747 headed with "For Office Use Only," and be subdivided with a light vertical line down the
748 middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

749 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
750 Name (must be legible to be counted)";

751 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
752 Voter";

753 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

754 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
755 Code"; and

756 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
757 information is not required, but it may be used to verify your identity with voter registration
758 records. If you choose not to provide it, your signature may not be verified as a valid signature
759 if you change your address before petition signatures are verified or if the information you
760 provide does not match your voter registration records."

761 (3) The final page of each initiative packet shall contain the following printed or typed
762 statement:

763 "Verification

764 State of Utah, County of _____

765 I, _____, of _____, hereby state that:

766 I am a resident of Utah and am at least 18 years old;

767 All the names that appear in this packet were signed by persons who professed to be the
768 persons whose names appear in it, and each of them signed his name on it in my presence;

769 I believe that each has printed and signed his name and written his post office address

770 and residence correctly, and that each signer is registered to vote in Utah or intends to become
771 registered to vote before the certification of the petition names by the county clerk.

772 I have not paid or given anything of value to any person who signed this petition to
773 encourage that person to sign it.

774 _____
775 (Name) (Residence Address) (Date)"

776 (4) The forms prescribed in this section are not mandatory, and, if substantially
777 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
778 errors.

779 Section 11. Section **20A-7-205** is amended to read:

780 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

781 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

782 (2) (a) The sponsors shall ensure that the person in whose presence each signature
783 sheet was signed:

784 [~~(a)~~] (i) is at least 18 years old and meets the residency requirements of Section
785 20A-2-105; and

786 [~~(b)~~] (ii) verifies each signature sheet by completing the verification printed on the last
787 page of each initiative packet.

788 (b) A person may not sign the verification printed on the last page of the initiative
789 packet if the person signed a signature sheet in the initiative packet.

790 (3) (a) A voter who has signed an initiative petition may have the voter's signature
791 removed from the petition by submitting to the county clerk a statement requesting that the
792 voter's signature be removed.

793 (b) The statement shall include:

794 (i) the name of the voter;

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

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

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

798 (v) the signature of the voter.

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

800 (d) In order for the signature to be removed, the statement must be received by the

801 county clerk before May 15.

802 (e) The county clerk shall deliver all statements received under this Subsection (3):

803 (i) with the initiative petition packets delivered to the lieutenant governor; or

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

806 (f) A person may only remove a signature from an initiative petition in accordance with
807 this Subsection (3).

808 Section 12. Section **20A-7-206** is amended to read:

809 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
810 **county clerks -- Transfer to lieutenant governor.**

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

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

816 (ii) the April 15 immediately before the next regular general election immediately after
817 the application is filed under Section 20A-7-202.

818 (b) A sponsor may not submit an initiative packet after the deadline established in this
819 Subsection (1).

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

821 [~~(a)~~] (i) check the names of all persons completing the verification for the initiative
822 packet to determine whether [~~or not~~] those persons are residents of Utah and are at least 18
823 years old; and

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

826 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
827 packet that is not verified in accordance with Section 20A-7-205.

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

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

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

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

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

837 (5) In order to qualify an initiative petition for submission to the Legislature, the
838 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
839 county in which the packet was circulated by the November 15 before the next annual general
840 session of the Legislature immediately after the application is filed under Section 20A-7-202.

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

843 [~~(a)~~] (i) check the names of all persons completing the verification for the initiative
844 packet to determine whether [~~or not~~] those persons are Utah residents and are at least 18 years
845 old; and

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

848 (b) The county clerk may not certify a signature under Subsection (7) on an initiative
849 packet that is not verified in accordance with Section 20A-7-205.

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

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

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

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

856 (8) Initiative packets are public once they are delivered to the county clerks.

857 (9) The sponsor or their representatives may not retrieve initiative packets from the
858 county clerks once they have submitted them.

859 Section 13. Section **20A-7-206.3** is amended to read:

860 **20A-7-206.3. Verification of petition signatures.**

861 (1) (a) For the purposes of this section, "substantially similar name" means:

862 (i) the given name and surname shown on the petition, or both, contain only minor

863 spelling differences when compared to the given name and surname shown on the official
864 register;

865 (ii) the surname shown on the petition exactly matches the surname shown on the
866 official register, and the given names differ only because one of the given names shown is a
867 commonly used abbreviation or variation of the other;

868 (iii) the surname shown on the petition exactly matches the surname shown on the
869 official register, and the given names differ only because one of the given names shown is
870 accompanied by a first or middle initial or a middle name which is not shown on the other
871 record; or

872 (iv) the surname shown on the petition exactly matches the surname shown on the
873 official register, and the given names differ only because one of the given names shown is an
874 alphabetically corresponding initial that has been provided in the place of a given name shown
875 on the other record.

876 (b) For the purposes of this section, "substantially similar name" does not mean a name
877 having an initial or a middle name shown on the petition that does not match a different initial
878 or middle name shown on the official register.

879 (2) The county clerk shall use the following procedures in determining whether or not a
880 signer is a registered voter:

881 (a) When a signer's name and address shown on the petition exactly match a name and
882 address shown on the official register and the signer's signature appears substantially similar to
883 the signature on the statewide voter registration database, the county clerk shall declare the
884 signature valid.

885 (b) When there is no exact match of an address and a name, the county clerk shall
886 declare the signature valid if:

887 (i) the address on the petition matches the address of a person on the official register
888 with a substantially similar name[-]; and

889 (ii) the signer's signature appears substantially similar to the signature on the statewide
890 voter registration database of the person described in Subsection (2)(b)(i).

891 (c) When there is no match of an address and a substantially similar name, the county
892 clerk shall declare the signature valid if:

893 (i) the birth date or age on the petition matches the birth date or age of a person on the

894 official register with a substantially similar name[-]; and

895 (ii) the signer's signature appears substantially similar to the signature on the statewide
896 voter registration database of the person described in Subsection (2)(c)(i).

897 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
898 county clerk shall declare the signature to be invalid.

899 Section 14. Section **20A-7-207** is amended to read:

900 **20A-7-207. Evaluation by the lieutenant governor.**

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

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

906 (i) count the number of the names certified by the county clerks that remain on each
907 verified signature sheet; and

908 (ii) declare the petition to be sufficient or insufficient by June 1 before the regular
909 general election described in Subsection 20A-7-201(2)(b).

910 (b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds
911 the number of names required by Section 20A-7-201 and the requirements of this part are met,
912 the lieutenant governor shall mark upon the front of the petition the word "sufficient."

913 (c) If the total number of names counted under Subsection (2)(a)(i) does not equal or
914 exceed the number of names required by Section 20A-7-201 or a requirement of this part is not
915 met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

916 (d) The lieutenant governor shall immediately notify any one of the sponsors of [~~his~~]
917 the lieutenant governor's finding.

918 (3) Once a petition is declared insufficient, the sponsors may not submit additional
919 signatures to qualify the petition [~~for the pending regular general election~~] for the ballot.

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

923 (b) The supreme court shall:

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

925 (ii) certify its findings to the lieutenant governor.

926 (c) If the supreme court certifies that the initiative petition is legally sufficient, the
927 lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
928 date on which it was originally offered for filing in [~~his~~] the lieutenant governor's office.

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

933 (5) A petition determined to be sufficient in accordance with this section is qualified
934 for the ballot.

935 Section 15. Section **20A-7-301** is amended to read:

936 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

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

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

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

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

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

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

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

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

956 was elected:

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

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

961 Section 16. Section **20A-7-305** is amended to read:

962 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

963 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

964 (2) ~~(a)~~ (a) The sponsors shall ensure that the person in whose presence each signature
965 sheet was signed:

966 ~~[(a)]~~ (i) is at least 18 years old and meets the residency requirements of Section
967 20A-2-105; and

968 ~~[(b)]~~ (ii) verifies each signature sheet by completing the verification printed on the last
969 page of each ~~[signature sheet]~~ referendum packet.

970 (b) A person may not sign the verification printed on the last page of the referendum
971 packet if the person signed a signature sheet in the referendum packet.

972 (3) (a) (i) A voter who has signed a referendum petition may have the voter's signature
973 removed from the petition by submitting to the county clerk a statement requesting that the
974 voter's signature be removed.

975 (b) The statement shall include:

976 (i) the name of the voter;

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

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

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

980 (v) the signature of the voter.

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

982 (d) In order for the signature to be removed, the statement must be received by the
983 county clerk before the day which is 55 days after the end of the legislative session at which the
984 law passed.

985 (e) The county clerk shall deliver all statements received under this Subsection (3):

986 (i) with the referendum petition packets to the lieutenant governor; or

987 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
988 after the county clerk delivered the referendum petition packets.

989 (f) A person may only remove a signature from a referendum petition in accordance
990 with this Subsection (3).

991 Section 17. Section **20A-7-306** is amended to read:

992 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
993 **the county clerks -- Transfer to lieutenant governor.**

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

997 (b) A sponsor may not submit a referendum packet after the deadline established in this
998 Subsection (1).

999 (2) (a) No later than 55 days after the end of the legislative session at which the law
1000 passed, the county clerk shall:

1001 [~~(a)~~] (i) check the names of all persons completing the verification on the [~~back of~~] last
1002 page of each [signature sheet] referendum packet to determine whether or not those persons are
1003 Utah residents and are at least 18 years old; and

1004 [~~(b)~~] (ii) submit the name of each of those persons who is not a Utah resident or who is
1005 not at least 18 years old to the attorney general and county attorney.

1006 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
1007 packet that is not verified in accordance with Section 20A-7-305.

1008 (3) No later than 55 days after the end of the legislative session at which the law
1009 passed, the county clerk shall:

1010 (a) determine whether [~~or not~~] each signer is a registered voter according to the
1011 requirements of Section 20A-7-306.3;

1012 (b) certify on the referendum petition whether [~~or not~~] each name is that of a registered
1013 voter; and

1014 (c) deliver all of the verified referendum packets to the lieutenant governor.

1015 (4) Upon receipt of a referendum packet under Subsection (3) and any statement
1016 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the
1017 referendum petition a voter's signature if the voter has requested the removal in accordance

1018 with Subsection 20A-7-305(3).

1019 Section 18. Section **20A-7-306.3** is amended to read:

1020 **20A-7-306.3. Verification of petition signatures.**

1021 (1) (a) For the purposes of this section, "substantially similar name" means:

1022 (i) the given name and surname shown on the petition, or both, contain only minor
1023 spelling differences when compared to the given name and surname shown on the official
1024 register;

1025 (ii) the surname shown on the petition exactly matches the surname shown on the
1026 official register, and the given names differ only because one of the given names shown is a
1027 commonly used abbreviation or variation of the other;

1028 (iii) the surname shown on the petition exactly matches the surname shown on the
1029 official register, and the given names differ only because one of the given names shown is
1030 accompanied by a first or middle initial or a middle name which is not shown on the other
1031 record; or

1032 (iv) the surname shown on the petition exactly matches the surname shown on the
1033 official register, and the given names differ only because one of the given names shown is an
1034 alphabetically corresponding initial that has been provided in the place of a given name shown
1035 on the other record.

1036 (b) For the purposes of this section, "substantially similar name" does not mean a name
1037 having an initial or a middle name shown on the petition that does not match a different initial
1038 or middle name shown on the official register.

1039 (2) The county clerk shall use the following procedures in determining whether or not a
1040 signer is a registered voter:

1041 (a) When a signer's name and address shown on the petition exactly match a name and
1042 address shown on the official register and the signer's signature appears substantially similar to
1043 the signature on the statewide voter registration database, the county clerk shall declare the
1044 signature valid.

1045 (b) When there is no exact match of an address and a name, the county clerk shall
1046 declare the signature valid if:

1047 (i) the address on the petition matches the address of a person on the official register
1048 with a substantially similar name[-]; and

1049 (ii) the signer's signature appears substantially similar to the signature on the statewide
1050 voter registration database of the person described in Subsection (2)(b)(i).

1051 (c) When there is no match of an address and a substantially similar name, the county
1052 clerk shall declare the signature valid if:

1053 (i) the birth date or age on the petition matches the birth date or age of a person on the
1054 official register with a substantially similar name[-]; and

1055 (ii) the signer's signature appears substantially similar to the signature on the statewide
1056 voter registration database of the person described in Subsection (2)(c)(i).

1057 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1058 clerk shall declare the signature to be invalid.

1059 Section 19. Section **20A-7-307** is amended to read:

1060 **20A-7-307. Evaluation by the lieutenant governor.**

1061 (1) When each referendum packet is received from a county clerk, the lieutenant
1062 governor shall check off from the record the number of each referendum packet filed.

1063 (2) (a) After all of the referendum packets have been received by the lieutenant
1064 governor and the lieutenant governor has removed the signatures as required by Section
1065 20A-7-306, the lieutenant governor shall:

1066 (i) count the number of the names certified by the county clerks that remain on each
1067 verified signature sheet; and

1068 (ii) declare the petition to be sufficient or insufficient no later than 60 days after the
1069 end of the legislative session at which the law passed.

1070 (b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds
1071 the number of names required by Section 20A-7-301 and the requirements of this part are met,
1072 the lieutenant governor shall mark upon the front of the petition the word "sufficient."

1073 (c) If the total number of names counted under Subsection (2)(a)(i) does not equal or
1074 exceed the number of names required by Section 20A-7-301 or a requirement of this part is not
1075 met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

1076 (d) The lieutenant governor shall immediately notify any one of the sponsors of ~~his~~
1077 the lieutenant governor's finding.

1078 (3) (a) If the lieutenant governor refuses to accept and file any referendum petition, any
1079 voter may apply to the supreme court for an extraordinary writ to compel ~~him~~ the lieutenant

1080 governor to do so within 10 days after the refusal.

1081 (b) If the supreme court determines that the referendum petition is legally sufficient,
1082 the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
1083 date on which it was originally offered for filing in [~~his~~] the lieutenant governor's office.

1084 (c) If the supreme court determines that any petition filed is not legally sufficient, the
1085 supreme court may enjoin the lieutenant governor and all other officers from certifying or
1086 printing the ballot title and numbers of that measure on the official ballot [~~for the next~~
1087 ~~election~~].

1088 (4) A petition determined to be sufficient in accordance with this section is qualified
1089 for the ballot.

1090 Section 20. Section **20A-7-501** is amended to read:

1091 **20A-7-501. Initiatives.**

1092 (1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative
1093 submitted to a local legislative body or to a vote of the people for approval or rejection shall
1094 obtain legal signatures equal to:

1095 (i) 10% of all the votes cast in the county, city, or town for all candidates for
1096 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1097 the United States was elected if the total number of votes exceeds 25,000;

1098 (ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
1099 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1100 the United States was elected if the total number of votes does not exceed 25,000 but is more
1101 than 10,000;

1102 (iii) 15% of all the votes cast in the county, city, or town for all candidates for
1103 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1104 the United States was elected if the total number of votes does not exceed 10,000 but is more
1105 than 2,500;

1106 (iv) 20% of all the votes cast in the county, city, or town for all candidates for
1107 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1108 the United States was elected if the total number of votes does not exceed 2,500 but is more
1109 than 500;

1110 (v) 25% of all the votes cast in the county, city, or town for all candidates for

1111 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1112 the United States was elected if the total number of votes does not exceed 500 but is more than
1113 250; and

1114 (vi) 30% of all the votes cast in the county, city, or town for all candidates for
1115 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1116 the United States was elected if the total number of votes does not exceed 250.

1117 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to
1118 have an initiative submitted to a local legislative body or to a vote of the people for approval or
1119 rejection in a county, city, or town where the local legislative body is elected from council
1120 districts shall obtain, from each of a majority of council districts, legal signatures equal to the
1121 percentages established in Subsection (1)(a).

1122 (2) If the total number of certified names from each verified signature sheet equals or
1123 exceeds the number of names required by this section, the clerk or recorder shall deliver the
1124 proposed law to the local legislative body at its next meeting.

1125 (3) (a) The local legislative body shall either adopt or reject the proposed law without
1126 change or amendment within 30 days of receipt of the proposed law.

1127 (b) The local legislative body may:

1128 (i) adopt the proposed law and refer it to the people;

1129 (ii) adopt the proposed law without referring it to the people; or

1130 (iii) reject the proposed law.

1131 (c) If the local legislative body adopts the proposed law but does not refer it to the
1132 people, it is subject to referendum as with other local laws.

1133 (d) (i) If a county legislative body rejects a proposed county ordinance or amendment,
1134 or takes no action on it, the county clerk shall submit it to the voters of the county at the next
1135 regular general election immediately after the petition is filed under Section 20A-7-502.

1136 (ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or
1137 takes no action on it, the municipal recorder or clerk shall submit it to the voters of the
1138 municipality at the next municipal general election immediately after the petition is filed under
1139 Section 20A-7-502.

1140 (e) (i) If the local legislative body rejects the proposed ordinance or amendment, or
1141 takes no action on it, the local legislative body may adopt a competing local law.

1142 (ii) The local legislative body shall prepare and adopt the competing local law within
1143 the 30 days allowed for its action on the measure proposed by initiative petition.

1144 (iii) If the local legislative body adopts a competing local law, the clerk or recorder
1145 shall submit it to the voters of the county or municipality at the same election at which the
1146 initiative proposal is submitted.

1147 (f) If conflicting local laws are submitted to the people at the same election and two or
1148 more of the conflicting measures are approved by the people, then the measure that receives the
1149 greatest number of affirmative votes shall control all conflicts.

1150 Section 21. Section **20A-7-502.5** is amended to read:

1151 **20A-7-502.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
1152 **to estimate.**

1153 (1) Within three working days of receipt of an application for an initiative petition, the
1154 local clerk shall submit a copy of the application to the budget officer.

1155 (2) (a) The budget officer shall prepare an unbiased, good faith estimate of the fiscal
1156 impact of the law proposed by the initiative that contains:

1157 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

1158 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
1159 the total estimated increase or decrease for each type of tax affected under the proposed law
1160 and a dollar amount representing the total estimated increase or decrease in taxes under the
1161 proposed law;

1162 (iii) if the proposed law would result in the issuance or a change in the status of bonds,
1163 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1164 decrease in public debt under the proposed law;

1165 (iv) a listing of all sources of funding for the estimated costs associated with the
1166 proposed law showing each source of funding and the percentage of total funding provided
1167 from each source;

1168 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1169 local government entities under the proposed law; and

1170 (vi) a concise explanation, not exceeding 100 words, of the above information and of
1171 the estimated fiscal impact, if any, under the proposed law.

1172 (b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer

1173 shall include a summary statement in the initial fiscal impact statement in substantially the
1174 following form:

1175 "The (title of the local budget officer) estimates that the law proposed by this initiative
1176 would have no significant fiscal impact and would not result in either an increase or decrease in
1177 taxes or debt."

1178 (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer
1179 shall include a summary statement in the initial fiscal impact estimate in substantially the
1180 following form:

1181 "The (title of the local budget officer) estimates that the law proposed by this initiative
1182 would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or
1183 taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in public debt."

1184 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
1185 difficult to reasonably express in a summary statement, the local budget officer may include in
1186 the summary statement a brief explanation that identifies those factors affecting the variability
1187 or difficulty of the estimate.

1188 (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of
1189 printing and distributing information related to the initiative petition in the voter information
1190 pamphlet as required by Section 20A-7-402.

1191 [~~3~~] (4) Within 25 calendar days from the date that the local clerk delivers a copy of
1192 the application, the budget officer shall:

1193 (a) deliver a copy of the initial fiscal impact estimate to the local clerk's office; and

1194 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
1195 the application.

1196 [~~4~~] (5) (a) Three or more of the sponsors of the petition may, within 20 calendar days
1197 of the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a
1198 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a
1199 whole, is an inaccurate estimate of the fiscal impact of the initiative.

1200 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
1201 budget officer is based upon reasonable assumptions, uses reasonable data, and applies
1202 accepted analytical methods to present the estimated fiscal impact of the initiative.

1203 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the

1204 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
1205 evidence that establishes that the fiscal estimate, taken as a whole, is an inaccurate statement of
1206 the estimated fiscal impact of the initiative.

1207 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
1208 to a master to examine the issue and make a report in accordance with Utah Rules of Civil
1209 Procedure, Rule 53.

1210 (c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate
1211 for the measure that meets the requirements of this section.

1212 Section 22. Section **20A-7-503** is amended to read:

1213 **20A-7-503. Form of initiative petitions and signature sheets.**

1214 (1) (a) Each proposed initiative petition shall be printed in substantially the following
1215 form:

1216 "INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town
1217 Clerk:

1218 We, the undersigned citizens of Utah, respectfully demand that the following proposed
1219 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
1220 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
1221 no action on it.

1222 Each signer says:

1223 I have personally signed this petition;

1224 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1225 certification of the petition names by the county clerk; and

1226 My residence and post office address are written correctly after my name."

1227 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
1228 initiative petition.

1229 (2) Each signature sheet shall:

1230 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1231 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
1232 blank for the purpose of binding;

1233 (c) contain the title of the initiative printed below the horizontal line;

1234 (d) contain the initial fiscal impact estimate's summary statement issued by the budget

1235 officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
1236 distributing information related to the initiative petition according to Subsection
1237 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each
1238 signature sheet under the title of the initiative;

1239 (e) contain the word "Warning" printed or typed at the top of each signature sheet
1240 under the initial fiscal impact estimate's summary statement;

1241 (f) contain, to the right of the word "Warning," the following statement printed or
1242 typed in not less than eight-point, single leaded type:

1243 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
1244 name than his own, or knowingly to sign his name more than once for the same measure, or to
1245 sign an initiative petition when he knows he is not a registered voter and knows that he does
1246 not intend to become registered to vote before the certification of the petition names by the
1247 county clerk.";

1248 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
1249 required by this section;

1250 (h) be vertically divided into columns as follows:

1251 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
1252 headed with "For Office Use Only", and be subdivided with a light vertical line down the
1253 middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

1254 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1255 Name (must be legible to be counted)";

1256 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
1257 Voter";

1258 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

1259 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1260 Code"; and

1261 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
1262 information is not required, but it may be used to verify your identity with voter registration
1263 records. If you choose not to provide it, your signature may not be verified as a valid signature
1264 if you change your address before petition signatures are verified or if the information you
1265 provide does not match your voter registration records."; and

1266 (i) contain the following statement, printed or typed upon the back of each sheet:

1267 "Verification

1268 State of Utah, County of ____

1269 I, _____, of _____, hereby state that:

1270 I am a resident of Utah and am at least 18 years old;

1271 All the names that appear on this sheet were signed by persons who professed to be the
1272 persons whose names appear in it, and each of them signed his name on it in my presence;

1273 I believe that each has printed and signed his name and written his post office address
1274 and residence correctly, and that each signer is registered to vote in Utah or intends to become
1275 registered to vote before the certification of the petition names by the county clerk.

1276 _____"

1277 (3) The forms prescribed in this section are not mandatory, and, if substantially
1278 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
1279 errors.

1280 Section 23. Section **20A-7-505** is amended to read:

1281 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

1282 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and
1283 resides in the local jurisdiction.

1284 (2) (a) The sponsors shall ensure that the person in whose presence each signature
1285 sheet was signed:

1286 [~~(a)~~] (i) is at least 18 years old and meets the residency requirements of Section
1287 20A-2-105; and

1288 [~~(b)~~] (ii) verifies each signature sheet by completing the verification printed on the
1289 back of each signature sheet.

1290 (b) A person may not sign the verification printed on the last page of the initiative
1291 packet if the person signed a signature sheet in the initiative packet.

1292 (3) (a) (i) Any voter who has signed an initiative petition may have [~~his~~] the voter's
1293 signature removed from the petition by submitting a notarized statement to that effect to the
1294 local clerk.

1295 (ii) In order for the signature to be removed, the statement must be received by the
1296 local clerk before he delivers the petition to the county clerk to be certified.

1297 (b) Upon receipt of the statement, the local clerk shall remove the signature of the
1298 person submitting the statement from the initiative petition.

1299 (c) No one may remove signatures from an initiative petition after the petition is
1300 submitted to the county clerk to be certified.

1301 Section 24. Section **20A-7-506** is amended to read:

1302 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
1303 **county clerks -- Transfer to local clerk.**

1304 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
1305 county clerk of the county in which the packet was circulated [~~no later than~~] on or before the
1306 sooner of:

1307 [~~(a)~~] (i) for county initiatives[~~, no later than~~]:

1308 (A) 316 days after the day on which the application is filed; or

1309 (B) the April 15 [~~falling~~] immediately before the next regular general election
1310 immediately after the application is filed under Section 20A-7-502; or

1311 [~~(b)~~] (ii) for municipal initiatives[~~, no later than~~]:

1312 (A) 316 days after the day on which the application is filed; or

1313 (B) the April 15 [~~falling~~] immediately before the next municipal general election
1314 immediately after the application is filed under Section 20A-7-502.

1315 (b) A sponsor may not submit an initiative packet after the deadline established in this
1316 Subsection (1).

1317 (2) (a) No later than May 1, the county clerk shall:

1318 [~~(a)~~] (i) check the names of all persons completing the verification on the back of each
1319 signature sheet to determine whether [~~or not~~] those persons are residents of Utah and are at
1320 least 18 years old; and

1321 [~~(b)~~] (ii) submit the name of each of those persons who is not a Utah resident or who is
1322 not at least 18 years old to the attorney general and county attorney.

1323 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
1324 packet that is not verified in accordance with Section 20A-7-505.

1325 (3) No later than May 15, the county clerk shall:

1326 (a) determine whether or not each signer is a voter according to the requirements of
1327 Section 20A-7-506.3;

1328 (b) certify on the petition whether or not each name is that of a voter; and

1329 (c) deliver all of the verified packets to the local clerk.

1330 Section 25. Section **20A-7-506.3** is amended to read:

1331 **20A-7-506.3. Verification of petition signatures.**

1332 (1) (a) For the purposes of this section, "substantially similar name" means:

1333 (i) the given name and surname shown on the petition, or both, contain only minor
1334 spelling differences when compared to the given name and surname shown on the official
1335 register;

1336 (ii) the surname shown on the petition exactly matches the surname shown on the
1337 official register, and the given names differ only because one of the given names shown is a
1338 commonly used abbreviation or variation of the other;

1339 (iii) the surname shown on the petition exactly matches the surname shown on the
1340 official register, and the given names differ only because one of the given names shown is
1341 accompanied by a first or middle initial or a middle name which is not shown on the other
1342 record; or

1343 (iv) the surname shown on the petition exactly matches the surname shown on the
1344 official register, and the given names differ only because one of the given names shown is an
1345 alphabetically corresponding initial that has been provided in the place of a given name shown
1346 on the other record.

1347 (b) For the purposes of this section, "substantially similar name" does not mean a name
1348 having an initial or a middle name shown on the petition that does not match a different initial
1349 or middle name shown on the official register.

1350 (2) The county clerk shall use the following procedures in determining whether or not a
1351 signer is a registered voter:

1352 (a) When a signer's name and address shown on the petition exactly match a name and
1353 address shown on the official register and the signer's signature appears substantially similar to
1354 the signature on the statewide voter registration database, the county clerk shall declare the
1355 signature valid.

1356 (b) When there is no exact match of an address and a name, the county clerk shall
1357 declare the signature valid if:

1358 (i) the address on the petition matches the address of a person on the official register

1359 with a substantially similar name[-]; and

1360 (ii) the signer's signature appears substantially similar to the signature on the statewide
1361 voter registration database of the person described in Subsection (2)(b)(i).

1362 (c) When there is no match of an address and a substantially similar name, the county
1363 clerk shall declare the signature valid if:

1364 (i) the birth date or age on the petition matches the birth date or age of a person on the
1365 official register with a substantially similar name[-]; and

1366 (ii) the signer's signature appears substantially similar to the signature on the statewide
1367 voter registration database of the person described in Subsection (2)(c)(i).

1368 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
1369 county clerk shall declare the signature to be invalid.

1370 Section 26. Section **20A-7-507** is amended to read:

1371 **20A-7-507. Evaluation by the local clerk.**

1372 (1) When each initiative packet is received from a county clerk, the local clerk shall
1373 check off from [~~his~~] the local clerk's record the number of each initiative packet filed.

1374 (2) (a) After all of the initiative packets have been received by the local clerk, the local
1375 clerk shall count the number of the names certified by the county clerk that appear on each
1376 verified signature sheet.

1377 (b) If the total number of certified names from each verified signature sheet equals or
1378 exceeds the number of names required by Section 20A-7-501 and the requirements of this part
1379 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

1380 (c) If the total number of certified names from each verified signature sheet does not
1381 equal or exceed the number of names required by Section 20A-7-501 or a requirement of this
1382 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

1383 (d) The local clerk shall immediately notify any one of the sponsors of [~~his~~] the local
1384 clerk's finding.

1385 (3) If the local clerk finds the total number of certified signatures from each verified
1386 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1387 for a recount of the signatures appearing on the initiative petition in the presence of any
1388 sponsor.

1389 (4) [~~(a)~~] Once a petition is declared insufficient, the sponsors may not submit

1390 additional signatures to qualify the petition [~~for the pending election~~] for the ballot.

1391 [~~(b) If the petition is declared insufficient, the petition sponsors may submit additional~~
1392 ~~signatures to qualify the petition for:]~~

1393 [~~(i) the next regular general election following the pending regular general election if~~
1394 ~~the petition was a county initiative petition; or]~~

1395 [~~(ii) the next municipal general election if the petition was a municipal initiative~~
1396 ~~petition.]~~

1397 (5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may
1398 apply to the supreme court for an extraordinary writ to compel him to do so within 10 days
1399 after the refusal.

1400 (b) If the supreme court determines that the initiative petition is legally sufficient, the
1401 local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on
1402 which it was originally offered for filing in [~~his~~] the local clerk's office.

1403 (c) If the supreme court determines that any petition filed is not legally sufficient, the
1404 supreme court may enjoin the local clerk and all other officers from certifying or printing the
1405 ballot title and numbers of that measure on the official ballot [~~for the next election~~].

1406 (6) A petition determined to be sufficient in accordance with this section is qualified
1407 for the ballot.

1408 Section 27. Section **20A-7-601** is amended to read:

1409 **20A-7-601. Referenda -- General signature requirements -- Signature**
1410 **requirements for land use laws -- Time requirements.**

1411 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the
1412 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

1413 (a) 10% of all the votes cast in the county, city, or town for all candidates for
1414 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1415 the United States was elected if the total number of votes exceeds 25,000;

1416 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
1417 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
1418 the United States was elected if the total number of votes does not exceed 25,000 but is more
1419 than 10,000;

1420 (c) 15% of all the votes cast in the county, city, or town for all candidates for

1421 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1422 the United States was elected if the total number of votes does not exceed 10,000 but is more
1423 than 2,500;

1424 (d) 20% of all the votes cast in the county, city, or town for all candidates for
1425 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1426 the United States was elected if the total number of votes does not exceed 2,500 but is more
1427 than 500;

1428 (e) 25% of all the votes cast in the county, city, or town for all candidates for
1429 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1430 the United States was elected if the total number of votes does not exceed 500 but is more than
1431 250; and

1432 (f) 30% of all the votes cast in the county, city, or town for all candidates for
1433 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
1434 the United States was elected if the total number of votes does not exceed 250.

1435 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
1436 code, an annexation ordinance, and comprehensive zoning ordinances.

1437 (b) A person seeking to have a land use law passed by the local legislative body
1438 submitted to a vote of the people shall obtain legal signatures equal to:

1439 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
1440 county or city for all candidates for ~~[governor]~~ President of the United States at the last election
1441 at which a ~~[governor]~~ President of the United States was elected; and

1442 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
1443 city or town for all candidates for ~~[governor]~~ President of the United States at the last election
1444 at which a ~~[governor]~~ President of the United States was elected.

1445 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),
1446 any local law passed by a local legislative body shall file the ~~[petition]~~ application within ~~[45]~~
1447 5 days after the passage of the local law.

1448 ~~[(b) The local law remains in effect until repealed by the voters via referendum.]~~

1449 (b) When a referendum petition has been declared sufficient, the local law that is the
1450 subject of the petition does not take effect unless and until the local law is approved by a vote
1451 of the people.

1452 (4) If the referendum passes, the local law that was challenged by the referendum is
1453 repealed as of the date of the election.

1454 Section 28. Section **20A-7-605** is amended to read:

1455 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1456 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1457 resides in the local jurisdiction.

1458 (2) (a) The sponsors shall ensure that the person in whose presence each signature
1459 sheet was signed:

1460 ~~[(a)]~~ (i) is at least 18 years old and meets the residency requirements of Section
1461 20A-2-105; and

1462 ~~[(b)]~~ (ii) verifies each signature sheet by completing the verification printed on the
1463 back of each ~~[signature sheet]~~ referendum packet.

1464 (b) A person may not sign the verification printed on the last page of the referendum
1465 packet if the person signed a signature sheet in the referendum packet.

1466 (3) (a) Any voter who has signed a referendum petition may have ~~[his]~~ the voter's
1467 signature removed from the petition by submitting a notarized statement to that effect to the
1468 local clerk.

1469 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1470 clerk shall remove the signature of the person submitting the statement from the referendum
1471 petition.

1472 (c) A local clerk may not remove signatures from a referendum petition after the
1473 petition has been submitted to the county clerk to be certified.

1474 Section 29. Section **20A-7-606** is amended to read:

1475 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1476 **the county clerks -- Transfer to local clerk.**

1477 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1478 county clerk of the county in which the packet was circulated:

1479 ~~[(a)]~~ (i) for county referenda, no later than ~~[the April 15 falling before the regular~~
1480 ~~general election]~~ 45 days after the passage of the local law;

1481 ~~[(b)]~~ (ii) for municipal referenda, no later than ~~[the April 15 falling before the~~
1482 ~~municipal general election]~~ 45 days after the passage of the local law; or

1483 [~~(e)~~] (iii) for referenda held in relation to the adoption of an ordinance imposing a
1484 county option sales and use tax under Section 59-12-1102, no later than 100 days before the
1485 election that the referendum qualifies for under Subsection 20A-7-609(2)(c).

1486 **(b) A sponsor may not submit a referendum packet after the deadline established in this**
1487 **Subsection (1).**

1488 (2) (a) No later than [~~May 1~~] 60 days after the local law passes, the county clerk shall:

1489 [~~(a)~~] (i) check the names of all persons completing the verification on the back of each
1490 [~~signature sheet~~] referendum packet to determine whether [~~or not~~] those persons are Utah
1491 residents and are at least 18 years old; and

1492 [~~(b)~~] (ii) submit the name of each of those persons who is not a Utah resident or who is
1493 not at least 18 years old to the attorney general and county attorney.

1494 **(b) The county clerk may not certify a signature under Subsection (3) on an referendum**
1495 **packet that is not verified in accordance with Section 20A-7-605.**

1496 (3) No later than [~~May 15~~] 75 days after the local law passes, the county clerk shall:

1497 (a) determine whether [~~or not~~] each signer is a registered voter according to the
1498 requirements of Section 20A-7-606.3;

1499 (b) certify on the referendum petition whether [~~or not~~] each name is that of a registered
1500 voter; and

1501 (c) deliver all of the verified referendum packets to the local clerk.

1502 Section 30. Section **20A-7-606.3** is amended to read:

1503 **20A-7-606.3. Verification of petition signatures.**

1504 (1) (a) For the purposes of this section, "substantially similar name" means:

1505 (i) the given name and surname shown on the petition, or both, contain only minor
1506 spelling differences when compared to the given name and surname shown on the official
1507 register;

1508 (ii) the surname shown on the petition exactly matches the surname shown on the
1509 official register, and the given names differ only because one of the given names shown is a
1510 commonly used abbreviation or variation of the other;

1511 (iii) the surname shown on the petition exactly matches the surname shown on the
1512 official register, and the given names differ only because one of the given names shown is
1513 accompanied by a first or middle initial or a middle name which is not shown on the other

1514 record; or

1515 (iv) the surname shown on the petition exactly matches the surname shown on the
1516 official register, and the given names differ only because one of the given names shown is an
1517 alphabetically corresponding initial that has been provided in the place of a given name shown
1518 on the other record.

1519 (b) For the purposes of this section, "substantially similar name" does not mean a name
1520 having an initial or a middle name shown on the petition that does not match a different initial
1521 or middle name shown on the official register.

1522 (2) The county clerk shall use the following procedures in determining whether or not a
1523 signer is a registered voter:

1524 (a) When a signer's name and address shown on the petition exactly match a name and
1525 address shown on the official register and the signer's signature appears substantially similar to
1526 the signature on the statewide voter registration database, the county clerk shall declare the
1527 signature valid.

1528 (b) When there is no exact match of an address and a name, the county clerk shall
1529 declare the signature valid if:

1530 (i) the address on the petition matches the address of a person on the official register
1531 with a substantially similar name[-]; and

1532 (ii) the signer's signature appears substantially similar to the signature on the statewide
1533 voter registration database of the person described in Subsection (2)(b)(i).

1534 (c) When there is no match of an address and a substantially similar name, the county
1535 clerk shall declare the signature valid if:

1536 (i) the birth date or age on the petition matches the birth date or age of a person on the
1537 official register with a substantially similar name[-]; and

1538 (ii) the signer's signature appears substantially similar to the signature on the statewide
1539 voter registration database of the person described in Subsection (2)(c)(i).

1540 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1541 clerk shall declare the signature to be invalid.

1542 Section 31. Section **20A-7-607** is amended to read:

1543 **20A-7-607. Evaluation by the local clerk.**

1544 (1) When each referendum packet is received from a county clerk, the local clerk shall

1545 check off from [his] the local clerk's record the number of each referendum packet filed.

1546 (2) (a) After all of the referendum packets have been received by the local clerk, the
1547 local clerk shall count the number of the names certified by the county clerks that appear on
1548 each verified signature sheet.

1549 (b) If the total number of certified names from each verified signature sheet equals or
1550 exceeds the number of names required by Section 20A-7-601 and the requirements of this part
1551 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

1552 (c) If the total number of certified names from each verified signature sheet does not
1553 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this
1554 part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

1555 (d) The local clerk shall immediately notify any one of the sponsors of [his] the local
1556 clerk's finding.

1557 (3) If the local clerk finds the total number of certified signatures from each verified
1558 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
1559 for a recount of the signatures appearing on the referendum petition in the presence of any
1560 sponsor.

1561 (4) (a) If the local clerk refuses to accept and file any referendum petition, any voter
1562 may apply to the Supreme Court for an extraordinary writ to compel [him] the local clerk to do
1563 so within 10 days after the refusal.

1564 (b) If the Supreme Court determines that the referendum petition is legally sufficient,
1565 the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on
1566 which it was originally offered for filing in [his] the local clerk's office.

1567 (c) If the Supreme Court determines that any petition filed is not legally sufficient, the
1568 Supreme Court may enjoin the local clerk and all other officers from certifying or printing the
1569 ballot title and numbers of that measure on the official ballot for the next election.

1570 (5) A petition determined to be sufficient in accordance with this section is qualified
1571 for the ballot.

1572 Section 32. Section **20A-7-609** is amended to read:

1573 **20A-7-609. Form of ballot -- Manner of voting.**

1574 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1575 official ballot with, immediately adjacent to them, the words "For" and "Against," each word

1576 presented with an adjacent square in which the elector may indicate the elector's vote.

1577 (2) (a) Except as provided in Subsection (2)(c) or (d)(i), and unless the county
1578 legislative body calls a special election, the county clerk shall ensure that county referenda that
1579 have qualified for the ballot appear on the next regular general election ballot.

1580 (b) [~~Unless~~] Except as provided in Subsection (2)(d)(ii) and unless the municipal
1581 legislative body calls a special election, the municipal recorder or clerk shall ensure that
1582 municipal referenda that have qualified for the ballot appear on the next regular municipal
1583 election ballot.

1584 (c) For referenda held in relation to the adoption of an ordinance imposing a county
1585 option sales and use tax under Section 59-12-1102, the county clerk shall ensure that referenda
1586 that have qualified for the ballot appear on the ballot at the earlier of:

1587 (i) the next regular general election that is more than 155 days after the date of the
1588 adoption of the ordinance; or

1589 (ii) the next municipal general election that is more than 155 days after the date of the
1590 adoption of the ordinance.

1591 (d) (i) If a local law passes after January 30 of the year in which there is a regular
1592 general election, the county clerk shall ensure that a county referendum that has qualified for
1593 the ballot appears on the ballot at the second regular general election immediately following the
1594 passage of the local law unless the county legislative body calls a special election.

1595 (ii) If a local law passes after January 30 of the year in which there is a municipal
1596 general election, the municipal recorder or clerk shall ensure that a municipal referendum that
1597 has qualified for the ballot appears on the ballot at the second municipal general election
1598 immediately following the passage of the local law unless the municipal legislative body calls a
1599 special election.

1600 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the
1601 referendum shall mark the square adjacent to the word "For."

1602 (ii) The law that is the subject of the referendum is effective if a majority of voters
1603 mark "For."

1604 (b) (i) A voter desiring to vote against the law that is the subject of the referendum
1605 petition shall mark the square following the word "Against."

1606 (ii) The law that is the subject of the referendum is not effective if a majority of voters

1607 mark "Against."

1608 Section 33. Section **20A-8-103** is amended to read:

1609 **20A-8-103. Petition procedures.**

1610 (1) As used in this section, the proposed name or emblem of a registered political party
1611 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
1612 difference between the proposed name or emblem and any name or emblem currently being
1613 used by another registered political party.

1614 (2) To become a registered political party, an organization of registered voters that is
1615 not a continuing political party shall:

1616 (a) circulate a petition seeking registered political party status beginning no earlier than
1617 the date of the statewide canvass held after the last regular general election and ending no later
1618 than the February 15 of the year in which the next regular general election will be held; and

1619 (b) file a petition with the lieutenant governor that is signed, with a holographic
1620 signature, by at least 2,000 registered voters on or before February 15 of the year in which a
1621 regular general election will be held.

1622 (3) The petition shall:

1623 (a) state that the signers are or desire to become members of the designated party or
1624 group;

1625 (b) state the name, which may not exceed four words, and identify the emblem of the
1626 party or group;

1627 (c) state the process that the organization will follow to organize and adopt a
1628 constitution and bylaws; and

1629 (d) be signed by a filing officer, who agrees to receive communications on behalf of the
1630 organization.

1631 (4) The lieutenant governor shall:

1632 (a) determine whether [~~or not~~] the required number of voters appears on the petition;

1633 (b) review the proposed name and emblem to determine if they are "distinguishable"
1634 from the names and emblems of other registered political parties; and

1635 (c) certify [~~his~~] the lieutenant governor's findings to the filing officer of the group
1636 within 30 days of the filing of the petition.

1637 (5) (a) If the lieutenant governor determines that the petition meets the requirements of

1638 this section, and that the proposed name and emblem are distinguishable, he shall authorize the
1639 filing officer to organize the prospective political party.

1640 (b) If the lieutenant governor finds that the name, emblem, or both are not
1641 distinguishable from the names and emblems of other registered political parties, the lieutenant
1642 governor shall notify the filing officer that ~~he~~ the filing officer has seven days to submit a
1643 new name or emblem to the lieutenant governor.

1644 (6) A registered political party may not change its name or emblem during the regular
1645 general election cycle.

1646 Section 34. Section **20A-9-203** is amended to read:

1647 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1648 (1) (a) (i) A person may become a candidate for any municipal office if:

1649 (A) the person is a registered voter; and

1650 (B) (I) the person has resided within the municipality in which that person seeks to
1651 hold elective office for the 12 consecutive months immediately before the date of the election;
1652 or

1653 (II) if the territory in which the person resides was annexed into the municipality, the
1654 person has resided within the annexed territory or the municipality the 12 consecutive months
1655 immediately before the date of the election.

1656 (ii) For purposes of determining whether a person meets the residency requirement of
1657 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
1658 the election, the municipality shall be considered to have been incorporated 12 months before
1659 the date of the election.

1660 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
1661 council position shall, if elected from a district, be a resident of the council district from which
1662 elected.

1663 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
1664 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1665 crime against the elective franchise may not hold office in this state until the right to hold
1666 elective office is restored under Section 20A-2-101.5.

1667 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
1668 become a candidate for a municipal office shall:

1669 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
1670 office hours and not later than the close of normal office hours, between July 1 and July 15 of
1671 any odd numbered year; and

1672 (ii) pay the filing fee, if one is required by municipal ordinance.

1673 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
1674 persons registered to vote in the municipality on the January 1 of the municipal election year.

1675 (ii) A third, fourth, or fifth class city that used the convention system to nominate
1676 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
1677 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
1678 convention system to nominate candidates in the last municipal election as authorized by
1679 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
1680 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
1681 for municipal office file a nominating petition signed by a percentage of registered voters at the
1682 same time that the candidate files a declaration of candidacy.

1683 (iii) The ordinance shall specify the number of holographic signatures that the
1684 candidate must obtain on the nominating petition in order to become a candidate for municipal
1685 office under this Subsection (2), but that number may not exceed 5% of registered voters.

1686 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1687 (i) filing a nomination petition with the city recorder or town clerk during office hours,
1688 but not later than the close of normal office hours, between July 1 and July 15 of any
1689 odd-numbered year; and

1690 (ii) paying the filing fee, if one is required by municipal ordinance.

1691 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
1692 petition, the filing officer shall:

1693 (i) read to the prospective candidate or person filing the petition the constitutional and
1694 statutory qualification requirements for the office that the candidate is seeking; and

1695 (ii) require the candidate or person filing the petition to state whether [~~or not~~] the
1696 candidate meets those requirements.

1697 (b) If the prospective candidate does not meet the qualification requirements for the
1698 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1699 (c) If it appears that the prospective candidate meets the requirements of candidacy, the

1700 filing officer shall:

1701 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1702 written on the declaration of candidacy;

1703 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1704 for the office the candidate is seeking and inform the candidate that failure to comply will
1705 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1706 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1707 Electronic Voter Information Website Program and inform the candidate of the submission
1708 deadline under Subsection 20A-7-801(4)(a);

1709 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1710 described under Section 20A-9-206 and inform the candidate that:

- 1711 (A) signing the pledge is voluntary; and
- 1712 (B) signed pledges shall be filed with the filing officer; and
- 1713 (v) accept the declaration of candidacy or nomination petition.

1714 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1715 officer shall:

- 1716 (i) accept the candidate's pledge; and
- 1717 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1718 candidate's pledge to the chair of the county or state political party of which the candidate is a
1719 member.

1720 (4) The declaration of candidacy shall substantially comply with the following form:

1721 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1722 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1723 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
1724 the legal qualifications required of candidates for this office. I will file all campaign financial
1725 disclosure reports as required by law and I understand that failure to do so will result in my
1726 disqualification as a candidate for this office and removal of my name from the ballot. I
1727 request that my name be printed upon the applicable official ballots. (Signed)

1728 _____

1729 Subscribed and sworn to (or affirmed) before me by ____ on this
1730 _____(month\day\year).

1731 (Signed) _____ (Clerk or other officer qualified to administer oath)"

1732 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
1733 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
1734 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
1735 for municipal office by submitting a petition signed, with a holographic signature, by:

1736 (i) 25 residents of the municipality who are at least 18 years old; or

1737 (ii) 20% of the residents of the municipality who are at least 18 years old.

1738 (b) (i) The petition shall substantially conform to the following form:

1739 "NOMINATION PETITION

1740 The undersigned residents of (name of municipality) being 18 years old or older
1741 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
1742 applicable)."

1743 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1744 persons signing the petition and their addresses and telephone numbers.

1745 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
1746 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
1747 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
1748 signed, with a holographic signature, by the same percentage of registered voters in the
1749 municipality as required by the ordinance passed under authority of Subsection (2)(b).

1750 (b) (i) The petition shall substantially conform to the following form:

1751 "NOMINATION PETITION

1752 The undersigned residents of (name of municipality) being 18 years old or older
1753 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
1754 whichever is applicable)."

1755 (ii) The remainder of the petition shall contain lines and columns for the holographic
1756 signatures of persons signing the petition and their addresses and telephone numbers.

1757 (7) If the declaration of candidacy or nomination petition fails to state whether the
1758 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
1759 the four-year term.

1760 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
1761 voters.

1762 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1763 print the candidate's name on the ballot.

1764 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
1765 clerk shall:

1766 (a) cause the names of the candidates as they will appear on the ballot to be published:

1767 (i) in at least two successive publications of a newspaper with general circulation in the
1768 municipality; and

1769 (ii) as required in Section 45-1-101; and

1770 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1771 the ballot.

1772 (10) A declaration of candidacy or nomination petition filed under this section may not
1773 be amended after the expiration of the period for filing a declaration of candidacy.

1774 (11) (a) A declaration of candidacy or nomination petition filed under this section is
1775 valid unless a written objection is filed with the clerk within five days after the last day for
1776 filing.

1777 (b) If an objection is made, the clerk shall:

1778 (i) mail or personally deliver notice of the objection to the affected candidate
1779 immediately; and

1780 (ii) decide any objection within 48 hours after it is filed.

1781 (c) If the clerk sustains the objection, the candidate may correct the problem by
1782 amending the declaration or petition within three days after the objection is sustained or by
1783 filing a new declaration within three days after the objection is sustained.

1784 (d) (i) The clerk's decision upon objections to form is final.

1785 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1786 prompt application is made to the district court.

1787 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1788 of its discretion, agrees to review the lower court decision.

1789 (12) Any person who filed a declaration of candidacy and was nominated, and any
1790 person who was nominated by a nomination petition, may, any time up to 23 days before the
1791 election, withdraw the nomination by filing a written affidavit with the clerk.

1792 Section 35. Section **20A-9-404** is amended to read:

1793 **20A-9-404. Municipal primary elections.**

1794 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
1795 all municipalities shall be nominated at a municipal primary election.

1796 (b) Municipal primary elections shall be held:

1797 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1798 Monday in the September before the regular municipal election; and

1799 (ii) whenever possible, at the same polling places as the regular municipal election.

1800 (2) If the number of candidates for a particular municipal office does not exceed twice
1801 the number of persons needed to fill that office, a primary election for that office may not be
1802 held and the candidates are considered nominated.

1803 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1804 of voters or delegates.

1805 (b) (i) By ordinance adopted before the June 1 that falls before a regular municipal
1806 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1807 by providing that the nomination of candidates for municipal office to be voted upon at a
1808 municipal election be nominated by a political party convention or committee.

1809 (ii) Any primary election exemption ordinance adopted under the authority of this
1810 subsection remains in effect until repealed by ordinance.

1811 (c) (i) A convention or committee may not nominate more than one group of
1812 candidates or have placed on the ballot more than one group of candidates for the municipal
1813 offices to be voted upon at the municipal election.

1814 (ii) A convention or committee may nominate a person who has been nominated by a
1815 different convention or committee.

1816 (iii) A political party may not have more than one group of candidates placed upon the
1817 ballot and may not group the same candidates on different tickets by the same party under a
1818 different name or emblem.

1819 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1820 person nominated.

1821 (ii) The certificate of nomination shall:

1822 (A) contain the name of the office for which each person is nominated, the name, post
1823 office address, and, if in a city, the street number of residence and place of business, if any, of

1824 each person nominated;

1825 (B) designate in not more than five words the political party that the convention or
1826 committee represents;

1827 (C) contain a copy of the resolution passed at the convention that authorized the
1828 committee to make the nomination;

1829 (D) contain a statement certifying that the name of the candidate nominated by the
1830 political party will not appear on the ballot as a candidate for any other political party;

1831 (E) be signed by the presiding officer and secretary of the convention or committee;
1832 and

1833 (F) contain a statement identifying the residence and post office address of the
1834 presiding officer and secretary and certifying that the presiding officer and secretary were
1835 officers of the convention or committee and that the certificates are true to the best of their
1836 knowledge and belief.

1837 (iii) Certificates of nomination shall be filed with the clerk not later than the sixth
1838 Tuesday before the November municipal election.

1839 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1840 may also make nominations or fill vacancies in nominations made at a convention.

1841 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1842 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1843 be included with the candidate's name.

1844 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the June 1
1845 that falls before the regular municipal election that:

1846 (i) exempts the city from the other methods of nominating candidates to municipal
1847 office provided in this section; and

1848 (ii) provides for a partisan primary election method of nominating candidates as
1849 provided in this Subsection (4).

1850 (b) (i) Any party that was a registered political party at the last regular general election
1851 or regular municipal election is a municipal political party under this section.

1852 (ii) Any political party may qualify as a municipal political party by presenting a
1853 petition to the city recorder that:

1854 (A) is signed, with a holographic signature, by registered voters within the municipality

1855 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1856 municipal election at which a mayor was elected;

1857 (B) is filed with the city recorder by the seventh Tuesday before the date of the
1858 municipal primary election;

1859 (C) is substantially similar to the form of the signature sheets described in Section
1860 20A-7-303; and

1861 (D) contains the name of the municipal political party using not more than five words.

1862 (c) (i) If the number of candidates for a particular office does not exceed twice the
1863 number of offices to be filled at the regular municipal election, no partisan primary election for
1864 that office shall be held and the candidates are considered to be nominated.

1865 (ii) If the number of candidates for a particular office exceeds twice the number of
1866 offices to be filled at the regular municipal election, those candidates for municipal office shall
1867 be nominated at a partisan primary election.

1868 (d) The clerk shall ensure that:

1869 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1870 Sections 20A-6-401 and 20A-6-401.1;

1871 (ii) the candidates for each municipal political party are listed in one or more columns
1872 under their party name and emblem;

1873 (iii) the names of candidates of all parties are printed on the same ballot, but under
1874 their party designation;

1875 (iv) every ballot is folded and perforated so as to separate the candidates of one party
1876 from those of the other parties and so as to enable the elector to separate the part of the ballot
1877 containing the names of the party of his choice from the remainder of the ballot; and

1878 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1879 when detached, are similar in appearance to inside sections when detached.

1880 (e) After marking a municipal primary ballot, the voter shall:

1881 (i) detach the part of the ballot containing the names of the candidates of the party he
1882 has voted from the rest of the ballot;

1883 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1884 and

1885 (iii) fold the remainder of the ballot containing the names of the candidates of the

1886 parties for whom the elector did not vote and deposit it in the blank ballot box.

1887 (f) Immediately after the canvass, the election judges shall, without examination,
1888 destroy the tickets deposited in the blank ballot box.

1889 Section 36. Section **20A-9-502** is amended to read:

1890 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

1891 (1) The candidate shall:

1892 (a) prepare a certificate of nomination in substantially the following form:

1893 "State of Utah, County of _____

1894 I, _____, declare my intention of becoming an unaffiliated candidate for the
1895 political group designated as ____ for the office of _____. I do solemnly swear that I can
1896 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
1897 Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that I
1898 am providing, or have provided, the required number of holographic signatures of registered
1899 voters required by law; that as a candidate at the next election I will not knowingly violate any
1900 election or campaign law; I will file all campaign financial disclosure reports as required by
1901 law; and I understand that failure to do so will result in my disqualification as a candidate for
1902 this office and removal of my name from the ballot.

1903 _____

1904 Subscribed and sworn to before me this _____(month\day\year).

1905 _____

1906 Notary Public (or other officer
1907 qualified to administer oaths)"; and

1908 (b) attach signature sheets to the certificate that contain a place for the registered
1909 voter's holographic signature, a place for the registered voter to print [~~his~~] the registered voter's
1910 name, and a place for the registered voter's address.

1911 (2) (a) The candidate shall circulate the nomination petition and submit it to the county
1912 clerk for certification when the petition has been completed by:

1913 (i) at least 1,000 registered voters residing within the state when the nomination is for
1914 an office to be filled by the voters of the entire state; or

1915 (ii) at least 300 registered voters residing within a political division or at least 5% of
1916 the registered voters residing within a political division, whichever is less, when the

1917 nomination is for an office to be filled by the voters of any political division smaller than the
1918 state.

1919 (b) In reviewing the petition, the county clerk shall count and certify only those persons
1920 who signed the petition with a holographic signature who:

1921 (i) are registered voters within the political division that the candidate seeks to
1922 represent; and

1923 (ii) did not sign any other certificate of nomination for that office.

1924 (c) The candidate may supplement or amend the certificate of nomination at any time
1925 on or before the filing deadline.

1926 Section 37. Section **20A-11-103** is amended to read:

1927 **20A-11-103. Notice of pending interim and summary reports -- Form of**
1928 **submission -- Public availability.**

1929 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
1930 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
1931 the chief election officer shall inform the filing entity by postal mail or, if requested by the
1932 filing entity, by electronic mail:

1933 (i) that the financial statement is due;

1934 (ii) of the date that the financial statement is due; and

1935 (iii) of the penalty for failing to file the financial statement.

1936 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief
1937 election officer is not required to provide notice:

1938 (i) to a candidate or political party of the financial statement that is due before the
1939 candidate's political convention;

1940 (ii) of a financial statement due in connection with a public hearing for an initiative
1941 under the requirements of Section 20A-7-204.1; or

1942 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

1943 (2) A filing entity shall electronically file a financial statement via electronic mail or
1944 the Internet according to specifications established by the chief election officer.

1945 (3) (a) A financial statement is considered timely filed if it is received by the chief
1946 election officer's office before the close of regular office hours on the date that it is due.

1947 (b) A chief election officer may extend the time in which a filing entity is required to

1948 file a financial statement if a filing entity notifies the chief election officer of the existence of
1949 an extenuating circumstance that is outside the control of the filing entity.

1950 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
1951 Access and Management Act, the lieutenant governor shall:

1952 (a) make each campaign finance statement filed by a candidate available for public
1953 inspection and copying no later than one business day after the statement is filed; and

1954 (b) post an electronic copy or the contents of each financial statement in a searchable
1955 format on a website established by the lieutenant governor:

1956 (i) for campaign finance statements submitted to the lieutenant governor under the
1957 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
1958 the date of receipt of the campaign finance statement; or

1959 (ii) for a summary report or interim report filed under the requirements of this chapter
1960 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
1961 date the statement is electronically filed.

1962 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
1963 elects to provide campaign finance disclosure on its own website, rather than through the
1964 lieutenant governor, the website established by the lieutenant governor shall contain a link or
1965 other access point to the municipality or county website.

1966 Section 38. **Repealer.**

1967 This bill repeals:

1968 Section **20A-7-206.5, Financial disclosure -- Paid circulators.**

1969 Section 39. **Effective date.**

1970 If approved by two-thirds of all the members elected to each house, this bill takes effect
1971 upon approval by the governor, or the day following the constitutional time limit of Utah
1972 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
1973 the date of veto override.

FISCAL NOTE

S.B. 165 2nd Sub. (Salmon)

SHORT TITLE: Election Law Amendments

SPONSOR: **Bramble, C.**

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.