

## SB0280S01 compared with SB0280

~~deleted text~~ shows text that was in SB0280 but was deleted in SB0280S01.

inserted text shows text that was not in SB0280 but was inserted into SB0280S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Ralph Okerlund proposes the following substitute bill:

### GOVERNMENT OPERATIONS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

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

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ establishes procedures for submitting a nonbinding opinion question to the voters of Utah;
- ▶ outlines the duties of the lieutenant governor and election officials in submitting the opinion question to the voters;
- ▶ establishes procedures for the ballot form, voter information pamphlet, public notice, manner of voting, and canvass of returns in relation to the opinion question;
- ▶ repeals Sections 36-16a-101 through 36-16a-108 and related provisions on January

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1, 2013; and

- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

**36-16a-103**, Utah Code Annotated 1953

**36-16a-104**, Utah Code Annotated 1953

**36-16a-105**, Utah Code Annotated 1953

**36-16a-106**, Utah Code Annotated 1953

**36-16a-107**, Utah Code Annotated 1953

**36-16a-108**, Utah Code Annotated 1953

**63I-2-236**, Utah Code Annotated 1953

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

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

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

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

As used in this chapter:

(1) "Election official" means the county clerk ~~or municipal clerk~~.

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

(3) "Originating house" means:

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

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

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

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

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

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

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

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

(b) a statement directing that the lieutenant governor submit the language of the opinion question to the legal voters of the state for their approval or rejection; and

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

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

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

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

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

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

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

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

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

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

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

Each election official shall comply with:

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

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

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

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

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

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

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

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

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

(2) ~~{Not}~~ ~~No~~ later than ~~{60 days}~~ ~~July 20~~ before ~~{ the date of }~~ the election, the Office of Legislative Research and General Counsel shall:

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

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

(3) ~~{Not}~~ ~~No~~ later than ~~{35 days}~~ ~~August 31~~ before ~~{ the date of }~~ the election, the lieutenant governor shall certify the number and ballot title of the opinion question to each election official as provided in Section 20A-6-107.

(4) ~~{Not later}~~ ~~No more~~ than ~~{30}~~ ~~60 days nor less than 14~~ days before the date of the election, the lieutenant governor shall cause the full text of the opinion question to be published in at least one newspaper in every county of the state where a newspaper is published.

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

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

(b) printed on the sample ballots; and

(c) otherwise published as provided by law.

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

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

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

(1) a number and ballot title;

(2) the text of the opinion question; and

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(3) (a) the words "~~{YES}~~FOR" and "~~{NO}~~AGAINST," each word presented with an adjacent {to a }square in which the voter may {select or mark to} indicate the voter's vote; or

(b) all possible responses to the opinion question, each response presented with an adjacent {to a }square in which the voter may {select or mark to} indicate the voter's vote.

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

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

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

(2) Each election official shall:

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

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

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

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

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

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

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

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### **Legislative Review Note**

~~as of 2-25-11 3:35 PM~~

~~Office of Legislative Research and General Counsel}~~