

ELECTION LAW AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ authorizes a person to vote in an election if the person registers to vote online at least 15 days before an election;

▶ requires the amount of signatures necessary for an initiative or referendum to be submit to a legislative body or qualify for placement on the ballot to be calculated based on the votes cast for President of the United States; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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



28 **20A-7-501**, as last amended by Laws of Utah 2010, Chapter 324

29 **20A-7-601**, as last amended by Laws of Utah 2004, Chapter 258



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

32 Section 1. Section **20A-2-102.5** is amended to read:

33 **20A-2-102.5. Voter registration deadline.**

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

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

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

41 **20A-2-206. Electronic registration.**

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

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

45 (a) that an applicant have a valid driver license or identification card, issued under Title
46 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
47 residence;

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

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

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

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

58 (4) A system created and maintained under this section shall provide the notices

59 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

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

62 (6) Upon receiving all information from an applicant and the Driver License Division,
63 the lieutenant governor shall send the information to the county clerk for the county in which
64 the applicant's principal place of residence is found for further action as required by Section
65 20A-2-304.

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

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

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

73 (ii) inform the individual that:

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

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

78 (b) If an individual applies to register under this section during the 14 calendar days
79 before a statewide election, the lieutenant governor shall:

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

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

84 Section 3. Section **20A-7-201** is amended to read:

85 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**
86 **Legislature or to a vote of the people.**

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

89 (i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this

90 state for all candidates for [governor] President of the United States at the last regular general
91 election at which a [governor] President of the United States was elected; and

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

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

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

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

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

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

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

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

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

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

121 was elected.

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

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

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

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

132 Section 4. Section **20A-7-301** is amended to read:

133 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

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

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

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

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

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

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

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

151 (3) The lieutenant governor shall provide to any interested person from the official

152 canvass of the last regular general election at which a [governor] President of the United States
153 was elected:

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

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

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

159 **20A-7-501. Initiatives.**

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

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

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

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

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

178 (v) 25% of all the votes cast in the county, city, or town for all candidates for
179 [governor] President of the United States at the last election at which a [governor] President of
180 the United States was elected if the total number of votes does not exceed 500 but is more than
181 250; and

182 (vi) 30% of all the votes cast in the county, city, or town for all candidates for

183 ~~governor~~ President of the United States at the last election at which a ~~governor~~ President of
184 the United States was elected if the total number of votes does not exceed 250.

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

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

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

195 (b) The local legislative body may:

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

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

198 (iii) reject the proposed law.

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

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

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

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

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

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

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

217 Section 6. Section **20A-7-601** is amended to read:

218 **20A-7-601. Referenda -- General signature requirements -- Signature**
219 **requirements for land use laws -- Time requirements.**

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

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

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

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

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

237 (e) 25% of all the votes cast in the county, city, or town for all candidates for
238 ~~[governor]~~ President of the United States at the last election at which a ~~[governor]~~ President of
239 the United States was elected if the total number of votes does not exceed 500 but is more than
240 250; and

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

244 (2) (a) As used in this Subsection (2), "land use law" includes a land use development

245 code, an annexation ordinance, and comprehensive zoning ordinances.

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

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

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

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

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

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

Legislative Review Note
as of 2-25-11 12:33 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 165

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.