

**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 1, 2013; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



- 28           **36-16a-101**, Utah Code Annotated 1953
- 29           **36-16a-102**, Utah Code Annotated 1953
- 30           **36-16a-103**, Utah Code Annotated 1953
- 31           **36-16a-104**, Utah Code Annotated 1953
- 32           **36-16a-105**, Utah Code Annotated 1953
- 33           **36-16a-106**, Utah Code Annotated 1953
- 34           **36-16a-107**, Utah Code Annotated 1953
- 35           **36-16a-108**, Utah Code Annotated 1953
- 36           **63I-2-236**, Utah Code Annotated 1953

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

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

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

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

42           As used in this chapter:

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

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

46           (3) "Originating house" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 Each election official shall comply with:

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

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

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

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

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

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

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

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

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

90 (2) Not later than 60 days before the date of the election, the Office of Legislative  
91 Research and General Counsel shall:

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

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

95 (3) Not later than 35 days before the date of the election, the lieutenant governor shall  
96 certify the number and ballot title of the opinion question to each election official.

97 (4) Not later than 30 days before the date of the election, the lieutenant governor shall  
98 cause the full text of the opinion question to be published in at least one newspaper in every  
99 county of the state where a newspaper is published.

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

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

103 (b) printed on the sample ballots; and

104 (c) otherwise published as provided by law.

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

106 **36-16a-107. Ballot form -- Manner of voting.**

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

109 (1) a number and ballot title;

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

111 (3) (a) the words "YES" and "NO," each adjacent to a square which the voter may  
112 select or mark to indicate the voter's vote; or

113 (b) all possible responses to the opinion question, each adjacent to a square which the  
114 voter may select or mark to indicate the voter's vote.

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

116 **36-16a-108. Canvass of returns.**

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

119 (2) Each election official shall:

120 (a) make a certified abstract of the record of the canvassers detailing the votes cast on

121 the opinion question; and

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

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

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

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

130 **63I-2-236. Repeal dates, Title 36.**

131 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

# FISCAL NOTE

S.B. 280

SHORT TITLE: **Government Operations Amendments**

SPONSOR: **Okerlund, R.**

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.