

BALLOT PROPOSITION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Brad J. Galvez

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill amends and enacts provisions in Title 20A, Election Code, relating to ballot propositions.

Highlighted Provisions:

This bill:

- ▶ defines terms;

~~H→ [→ repeals a provision restricting an initiative or referendum related to a land use ordinance;]~~ ←H

- ▶ provides an exception for the residency requirement for a person who verifies a signature on a petition in certain circumstances;
- ▶ requires a verification on the final page of a local petition packet;
- ▶ amends the signature requirements for a referendum on a local obligation law; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-1-102**, as last amended by Laws of Utah 2011, Chapters 17, 40, 310, and 335

31 **20A-7-101**, as last amended by Laws of Utah 2011, Chapters 17 and 331

32 ~~H→ [20A-7-401, as last amended by Laws of Utah 2008, Chapter 24] ←H~~

33 **20A-7-503**, as last amended by Laws of Utah 2011, Chapter 17

34 **20A-7-505**, as last amended by Laws of Utah 2011, Chapter 17

35 **20A-7-506**, as last amended by Laws of Utah 2011, Chapter 17

36 **20A-7-601**, as last amended by Laws of Utah 2011, Chapters 17 and 331

37 **20A-7-603**, as last amended by Laws of Utah 2007, Chapter 78

38 **20A-7-605**, as last amended by Laws of Utah 2011, Chapter 17

39 **20A-7-606**, as last amended by Laws of Utah 2011, Chapter 17

40 ENACTS:

41 **20A-1-307**, Utah Code Annotated 1953



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

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

45 **20A-1-102. Definitions.**

46 As used in this title:

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

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

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

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

55 (4) "Ballot sheet":

56 (a) means a ballot that:

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

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

400 (10) "Local attorney" means the county attorney, city attorney, or town attorney in
401 whose jurisdiction a local initiative or referendum petition is circulated.

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

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

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

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

408 ~~H~~→ [f] (14) "Local obligation law" means a local law passed by the local legislative
408a body

409 regarding ~~[the issuance of a bond, note, lease, finance agreement, or other similar obligation]~~ a
409a bond that was approved by a majority of qualified voters in an election. . [f] ←~~H~~

410 ~~[(15)]~~ (14) "Measure" means a proposed constitutional amendment, an initiative, or
411 referendum.

412 ~~[(16)]~~ (15) "Referendum" means a process by which a law passed by the Legislature or
413 by a local legislative body is submitted or referred to the voters for their approval or rejection.

414 ~~[(17)]~~ (16) "Referendum packet" means a copy of the referendum petition, a copy of
415 the law being submitted or referred to the voters for their approval or rejection, and the
416 signature sheets, all of which have been bound together as a unit.

417 ~~[(18)]~~ (17) (a) "Signature" means a holographic signature.

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

419 ~~[(19)]~~ (18) "Signature sheets" means sheets in the form required by this chapter that are
420 used to collect signatures in support of an initiative or referendum.

421 ~~[(20)]~~ (19) "Sponsors" means the legal voters who support the initiative or referendum
422 and who sign the application for petition copies.

423 ~~[(21)]~~ (20) "Sufficient" means that the signatures submitted in support of an initiative
424 or referendum petition have been certified and verified as required by this chapter.

425 ~~[(22)]~~ (21) "Verified" means acknowledged by the person circulating the petition as
426 required in Sections 20A-7-205 and 20A-7-305.

427 ~~H~~→ [Section 4. Section 20A-7-401 is amended to read:

428 ~~20A-7-401. Limitation of initiative or referendum on budgets.~~

429 ~~— (1) The legal voters of any county, city, or town may not initiate[: (a)] a budget or a~~
430 ~~change in a budget[: or (b) a land use ordinance or a change in a land use ordinance].~~

431 ~~———— (2) The legal voters of any county, city, or town may not require any budget adopted by~~
 432 ~~the local legislative body [or the implementation of a land use ordinance adopted by the local~~
 433 ~~legislative body] to be submitted to the voters.] ←H~~

434 Section H→ [5] 4 ←H . Section 20A-7-503 is amended to read:

435 **20A-7-503. Form of initiative petitions and signature sheets.**

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

438 "INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town
 439 Clerk:

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

444 Each signer says:

445 I have personally signed this petition;

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

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

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

451 (2) Each signature sheet shall:

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

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

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

456 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
 457 officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and
 458 distributing information related to the initiative petition according to Subsection
 459 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each
 460 signature sheet under the title of the initiative;

461 (e) contain the word "Warning" printed or typed at the top of each signature sheet

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

494 All the names that appear ~~[on]~~ in this ~~[sheet]~~ initiative packet were signed by persons
495 who professed to be the persons whose names appear in it, and each of them signed his name
496 on it in my presence;

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

500 _____ "

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

504 Section ~~H~~→ [6] 5 ←~~H~~ . Section **20A-7-505** is amended to read:

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

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

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

510 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
511 and

512 (ii) verifies each signature sheet by completing the verification printed on the ~~[back of~~
513 ~~each signature sheet]~~ last page of each initiative packet.

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

516 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature
517 removed from the petition by submitting a notarized statement to that effect to the local clerk.

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

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

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

524 Section ~~H~~→ [7] 6 ←~~H~~ . Section 20A-7-506 is amended to read:

525 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
526 **county clerks -- Transfer to local clerk.**

527 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
528 county clerk of the county in which the packet was circulated on or before the sooner of:

529 (i) for county initiatives:

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

531 (B) the April 15 immediately before the next regular general election immediately after
532 the application is filed under Section 20A-7-502; or

533 (ii) for municipal initiatives:

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

535 (B) the April 15 immediately before the next municipal general election immediately
536 after the application is filed under Section 20A-7-502.

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

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

540 (i) check the names of all persons completing the verification on the [~~back of each~~
541 ~~signature sheet~~] last page of each initiative packet to determine whether those persons are
542 residents of Utah and are at least 18 years old; and

543 (ii) submit the name of each of those persons who is not a Utah resident or who is not
544 at least 18 years old to the attorney general and county attorney.

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

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

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

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

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

552 Section ~~H~~→ [8] 7 ←~~H~~ . Section 20A-7-601 is amended to read:

553 **20A-7-601. Referenda -- General signature requirements -- Signature**
554 **requirements for land use laws -- Time requirements.**

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

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

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

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

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

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

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

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

577 (b) A person seeking to have a land use law ~~or~~ [F] or local obligation law [F] ~~or~~
577a passed by the

578 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

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

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

585 ~~[(3) A local obligation law or a proceeding related to the local obligation law is not~~

586 subject to referendum except as provided by this section.]

587 [~~(4)~~] (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or
588 (2), any local law passed by a local legislative body shall file the application within five days
589 after the passage of the local law.

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

593 [~~(5)~~] (4) If the referendum passes, the local law that was challenged by the referendum
594 is repealed as of the date of the election.

595 Section ~~Ĥ~~ → [9] § ~~Ĥ~~ . Section 20A-7-603 is amended to read:

596 **20A-7-603. Form of referendum petition and signature sheets.**

597 (1) (a) Each proposed referendum petition shall be printed in substantially the
598 following form:

599 "REFERENDUM PETITION To the Honorable _____, County Clerk/City
600 Recorder/Town Clerk:

601 We, the undersigned citizens of Utah, respectfully order that Ordinance No. _____,
602 entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth
603 here the part or parts on which the referendum is sought), passed by the _____ be referred to the
604 voters for their approval or rejection at the regular/municipal general election to be held on
605 _____(month\day\year);

606 Each signer says:

607 I have personally signed this petition;

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

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

611 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
612 referendum to each referendum petition.

613 (2) Each signature sheet shall:

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

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

648 State of Utah, County of _____

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

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

651 All the names that appear [~~on this sheet~~] in this referendum packet were signed by
652 persons who professed to be the persons whose names appear in it, and each of them signed his
653 name on it in my presence;

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

657 _____"

658 (3) The forms prescribed in this section are not mandatory, and, if substantially
659 followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical
660 errors.

661 Section ~~H~~→ [10] 9 ←~~H~~ . Section 20A-7-605 is amended to read:

662 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

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

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

667 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
668 and

669 (ii) verifies each signature sheet by completing the verification printed on the [~~back of~~]
670 last page of each referendum packet.

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

673 (3) (a) Any voter who has signed a referendum petition may have the voter's signature
674 removed from the petition by submitting a notarized statement to that effect to the local clerk.

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

678 (c) A local clerk may not remove signatures from a referendum petition after the

679 petition has been submitted to the county clerk to be certified.

680 Section ~~H~~→ [H] 10 ←~~H~~ . Section **20A-7-606** is amended to read:

681 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
682 **the county clerks -- Transfer to local clerk.**

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

685 (i) for county referenda, no later than 45 days after the passage of the local law;

686 (ii) for municipal referenda, no later than 45 days after the passage of the local law; or

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

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

692 (2) (a) No later than 60 days after the local law passes, the county clerk shall:

693 (i) check the names of all persons completing the verification on the [~~back~~] last page of
694 each referendum packet to determine whether those persons are Utah residents and are at least
695 18 years old; and

696 (ii) submit the name of each of those persons who is not a Utah resident or who is not
697 at least 18 years old to the attorney general and county attorney.

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

700 (3) No later than 75 days after the local law passes, the county clerk shall:

701 (a) determine whether each signer is a registered voter according to the requirements of
702 Section 20A-7-606.3;

703 (b) certify on the referendum petition whether each name is that of a registered voter;
704 and

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