

1 **LOCAL REFERENDUM REQUIREMENTS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: Kevin T. Van Tassell

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to local referenda.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ provides that when a law passed by a local legislative body imposes a tax or other
- 14 payment obligation on property in an area that does not include all precincts and
- 15 subprecincts under the jurisdiction of the county, city, or town, the signatures
- 16 required for a referendum, and the subsequent vote on the referendum, shall be by
- 17 residents of the precincts and subprecincts to which the tax or other payment
- 18 obligation applies;
- 19 ▶ establishes the number of signatures required for a referendum relating to a law
- 20 described in the preceding paragraph; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **20A-7-601**, as last amended by Laws of Utah 2012, Chapter 72

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

31 Section 1. Section **20A-7-601** is amended to read:

32 **20A-7-601. Referenda -- General signature requirements -- Signature**
33 **requirements for land use laws and jurisdictional laws -- Time requirements.**

34 (1) Except as provided in Subsection (2) or (3), a person seeking to have a law passed
35 by the local legislative body submitted to a vote of the people shall obtain legal signatures
36 equal to:

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

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

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

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

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

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

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

57 (b) [~~A~~] Except as provided in Subsection (3), a person seeking to have a land use law

58 or local obligation law passed by the local legislative body submitted to a vote of the people
59 shall obtain legal signatures equal to:

60 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
61 county or city for all candidates for president of the United States at the last election at which a
62 president of the United States was elected; and

63 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
64 city or town for all candidates for president of the United States at the last election at which a
65 president of the United States was elected.

66 (3) (a) As used in this Subsection (3):

67 (i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
68 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

69 (ii) "Subjurisdictional law" means a law or local obligation law passed by a local
70 legislative body that imposes a tax or other payment obligation on property in an area that does
71 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

72 (b) A person seeking to have a subjurisdictional law passed by the local legislative
73 body submitted to a vote of the people shall obtain legal signatures of the residents in the
74 subjurisdiction equal to:

75 (i) 10% of the total votes cast in the subjurisdiction for all candidates for president of
76 the United States at the last election at which a president of the United States was elected if the
77 total number of votes exceeds 25,000;

78 (ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president
79 of the United States at the last election at which a president of the United States was elected if
80 the total number of votes does not exceed 25,000 but is more than 10,000;

81 (iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of
82 the United States at the last election at which a president of the United States was elected if the
83 total number of votes does not exceed 10,000 but is more than 2,500;

84 (iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of
85 the United States at the last election at which a president of the United States was elected if the

86 total number of votes does not exceed 2,500 but is more than 500;

87 (v) 25% of all the votes cast in the subjurisdiction for all candidates for president of the
88 United States at the last election at which a president of the United States was elected if the
89 total number of votes does not exceed 500 but is more than 250; and

90 (vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of
91 the United States at the last election at which a president of the United States was elected if the
92 total number of votes does not exceed 250.

93 ~~[(3)]~~ (4) (a) Sponsors of any referendum petition challenging, under Subsection (1)
94 ~~[or]~~, (2), or (3) any local law passed by a local legislative body shall file the application within
95 five days after the passage of the local law.

96 (b) ~~[When]~~ Except as provided in Subsection (4)(c), when a referendum petition has
97 been declared sufficient, the local law that is the subject of the petition does not take effect
98 unless and until the local law is approved by a vote of the people.

99 (c) When a referendum petition challenging a subjurisdictional law has been declared
100 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
101 and until the subjurisdictional law is approved by a vote of the people who reside in the
102 subjurisdiction.

103 ~~[(4)]~~ (5) If the referendum passes, the local law that was challenged by the referendum
104 is repealed as of the date of the election.

105 (6) Nothing in this section authorizes a local legislative body to impose a tax or other
106 payment obligation on a subjurisdiction in order to benefit an area outside of the
107 subjurisdiction.