

**Representative Brad L. Dee** proposes the following substitute bill:

**GEOGRAPHIC DIVERSITY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stuart C. Reid**

House Sponsor: Brad L. Dee

---

---

**LONG TITLE**

**General Description:**

This bill amends the signature requirements for an initiative or referendum petition.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires that an initiative or referendum petition in a city, county, or town meet certain signature requirements within a majority of precincts in the city, county, or town; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill coordinates with H.B. 238, Local Referendum Requirements Amendments, by providing substantive amendments.

**Utah Code Sections Affected:**

AMENDS:

**20A-7-101**, as last amended by Laws of Utah 2012, Chapters 17 and 72

**20A-7-501**, as last amended by Laws of Utah 2011, Chapter 17



26 [20A-7-601](#), as last amended by Laws of Utah 2012, Chapter 72

27 **Utah Code Sections Affected by Coordination Clause:**

28 [20A-7-601](#), as last amended by Laws of Utah 2012, Chapter 72

29 

---

---

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

31 Section 1. Section [20A-7-101](#) is amended to read:

32 **[20A-7-101](#). Definitions.**

33 As used in this chapter:

34 (1) "Budget officer" means:

35 (a) (i) for a county of the first class, the person designated as budget officer in Section  
36 [17-19a-203](#); or

37 (ii) for a county not described in Subsection (1)(a)(i), a person designated as budget  
38 officer in Section [17-19-19](#);

39 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(5\)](#); or

40 (c) for a town, the town council.

41 (2) "Certified" means that the county clerk has acknowledged a signature as being the  
42 signature of a registered voter.

43 (3) "Circulation" means the process of submitting an initiative or referendum petition  
44 to legal voters for their signature.

45 (4) "Final fiscal impact statement" means a financial statement prepared after voters  
46 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or  
47 [20A-7-502.5\(2\)](#).

48 (5) "Initial fiscal impact estimate" means a financial statement prepared according to  
49 the terms of Section [20A-7-202.5](#) or [20A-7-502.5](#) after the filing of an application for an  
50 initiative petition.

51 (6) "Initiative" means a new law proposed for adoption by the public as provided in  
52 this chapter.

53 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
54 law, and the signature sheets, all of which have been bound together as a unit.

55 (8) "Legal signatures" means the number of signatures of legal voters that:

56 (a) meet the numerical requirements of this chapter; and

57 (b) have been certified and verified as provided in this chapter.

58 (9) "Legal voter" means a person who:

59 (a) is registered to vote; or

60 (b) becomes registered to vote before the county clerk certifies the signatures on an  
61 initiative or referendum petition.

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

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

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

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

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

70 (14) "Local obligation law" means a local law passed by the local legislative body  
71 regarding a bond that was approved by a majority of qualified voters in an election.

72 (15) "Measure" means a proposed constitutional amendment, an initiative, or  
73 referendum.

74 (16) "Precinct" means, for a county, city, or town in which a person seeks to submit an  
75 initiative or referendum petition:

76 (a) a voting precinct that is completely within the geographic boundaries of the county,  
77 city, or town; or

78 (b) for a voting precinct that is partially within the geographic boundaries of the  
79 county, city, or town, the portion of the precinct that is within the geographic boundaries of the  
80 county, city, or town.

81 [~~(16)~~] (17) "Referendum" means a process by which a law passed by the Legislature or  
82 by a local legislative body is submitted or referred to the voters for their approval or rejection.

83 [~~(17)~~] (18) "Referendum packet" means a copy of the referendum petition, a copy of  
84 the law being submitted or referred to the voters for their approval or rejection, and the  
85 signature sheets, all of which have been bound together as a unit.

86 [~~(18)~~] (19) (a) "Signature" means a holographic signature.

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

88           [(19)] (20) "Signature sheets" means sheets in the form required by this chapter that are  
89 used to collect signatures in support of an initiative or referendum.

90           [(20)] (21) "Sponsors" means the legal voters who support the initiative or referendum  
91 and who sign the application for petition copies.

92           [(21)] (22) "Sufficient" means that the signatures submitted in support of an initiative  
93 or referendum petition have been certified and verified as required by this chapter.

94           [(22)] (23) "Verified" means acknowledged by the person circulating the petition as  
95 required in Sections 20A-7-205 and 20A-7-305.

96           Section 2. Section 20A-7-501 is amended to read:

97           **20A-7-501. Initiatives.**

98           (1) (a) [~~Except as provided in~~] Subject to Subsection (1)(b), a person seeking to have  
99 an initiative submitted to a local legislative body or to a vote of the people for approval or  
100 rejection shall obtain legal signatures equal to:

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

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

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

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

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

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

119 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to  
120 have an initiative submitted to a local legislative body or to a vote of the people for approval or  
121 rejection in a county, city, or town [~~where the local legislative body is elected from council~~  
122 ~~districts~~] that contains more than two precincts shall obtain, from each of a majority of [~~council~~  
123 ~~districts~~] the precincts, legal signatures equal to the percentages established in Subsection  
124 (1)(a).

125 (2) If the total number of certified names from each verified signature sheet equals or  
126 exceeds the number of names required by this section, the clerk or recorder of the county, city,  
127 or town shall deliver the proposed law to the local legislative body at [~~its~~] the local legislative  
128 body's next meeting.

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

131 (b) The local legislative body may:

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

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

134 (iii) reject the proposed law.

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

137 (d) (i) If a county legislative body rejects a proposed county ordinance or amendment,  
138 or takes no action on it, the county clerk shall submit it to the voters of the county at the next  
139 regular general election immediately after the petition is filed under Section [20A-7-502](#).

140 (ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or  
141 takes no action on it, the municipal recorder or clerk shall submit it to the voters of the  
142 municipality at the next municipal general election immediately after the petition is filed under  
143 Section [20A-7-502](#).

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

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

148 (iii) If the local legislative body adopts a competing local law, the clerk or recorder  
149 shall submit it to the voters of the county or municipality at the same election at which the

150 initiative proposal is submitted.

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

154 Section 3. Section **20A-7-601** is amended to read:

155 **20A-7-601. Referenda -- General signature requirements -- Signature**  
156 **requirements for land use laws -- Time requirements.**

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

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

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

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

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

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

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

178 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to  
179 have a law, which was passed by the local legislative body, submitted to a vote of the people in  
180 a county, city, or town that contains more than two precincts shall obtain, from each of a

181 majority of the precincts, legal signatures equal to the percentages established in Subsection  
182 (1)(a).

183 (2) (a) As used in this Subsection (2), "local land use law" includes [~~a land use~~  
184 ~~development code, an annexation ordinance, and comprehensive zoning ordinances.~~] an  
185 ordinance, resolution, master plan, or comprehensive zoning regulation adopted by ordinance  
186 or resolution under Title 10, Chapter 9a, Municipal Land Use, Development, and Management  
187 Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act.

188 (b) [A] Subject to Subsection (2)(c), a person seeking to have a local land use law or  
189 local obligation law passed by the local legislative body submitted to a vote of the people shall  
190 obtain legal signatures equal to:

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

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

197 (c) In addition to the signature requirements of Subsection (2)(b), a person seeking to  
198 have a local land use law or local obligation law, which was passed by the local legislative  
199 body, submitted to a vote of the people in a county, city, or town that contains more than two  
200 precincts shall obtain, from each of a majority of the precincts, legal signatures equal to the  
201 percentages established in Subsection (2)(b).

202 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),  
203 any local law passed by a local legislative body shall file the application within five days after  
204 the passage of the local law.

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

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

210 Section 4. **Coordinating S.B. 228 with H.B. 238 -- Substantive amendments.**

211 If this S.B. 228 and H.B. 238, Local Referendum Requirements Amendments, both pass

212 and become law, it is the intent of the Legislature that the Office of Legislative Research and  
213 General Counsel shall prepare the Utah Code database for publication by amending Section  
214 20A-7-601 to read:

215 **"20A-7-601. Referenda -- General signature requirements -- Signature**  
216 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

217 (1) (a) Except as provided in Subsection (2) or (3), and subject to Subsection (1)(b), a  
218 person seeking to have a law passed by the local legislative body submitted to a vote of the  
219 people shall obtain legal signatures equal to:

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

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

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

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

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

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

238 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to  
239 have a law, which was passed by the local legislative body, submitted to a vote of the people in  
240 a county, city, or town that contains more than two precincts shall obtain, from each of a  
241 majority of the precincts, legal signatures equal to the percentages established in Subsection  
242 (1)(a).



243 (2) (a) As used in this Subsection (2), "local land use law" includes [~~a land use~~  
244 ~~development code, an annexation ordinance, and comprehensive zoning ordinances~~] an  
245 ordinance, resolution, master plan, or comprehensive zoning regulation adopted by ordinance  
246 or resolution under Title 10, Chapter 9a, Municipal Land Use, Development, and Management  
247 Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act.

248 (b) [~~A~~] Except as provided in Subsection (3), and subject to Subsection (2)(c), a person  
249 seeking to have a local land use law or local obligation law passed by the local legislative body  
250 submitted to a vote of the people shall obtain legal signatures equal to:

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

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

257 (c) Except as provided in Subsection (3), in addition to the signature requirements of  
258 Subsection (2)(b), a person seeking to have a local land use law or local obligation law, which  
259 was passed by the local legislative body, submitted to a vote of the people in a county, city, or  
260 town that contains more than two precincts shall obtain, from each of a majority of the  
261 precincts, legal signatures equal to the percentages established in Subsection (2)(b).

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

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

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

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

272 (i) 10% of the total votes cast in the subjurisdiction for all candidates for president of  
273 the United States at the last election at which a president of the United States was elected if the

274 total number of votes exceeds 25,000;

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

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

281 (iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of  
282 the United States at the last election at which a president of the United States was elected if the  
283 total number of votes does not exceed 2,500 but is more than 500;

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

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

290 [~~3~~] (4) (a) Sponsors of any referendum petition challenging, under Subsection (1)  
291 [~~or~~], (2), or (3) any local law passed by a local legislative body shall file the application within  
292 five days after the passage of the local law.

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

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

300 [~~4~~] (5) If the referendum passes, the local law that was challenged by the referendum  
301 is repealed as of the date of the election.

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

