

SB0228S01 compared with SB0228

~~deleted text~~ shows text that was in SB0228 but was deleted in SB0228S01.

inserted text shows text that was not in SB0228 but was inserted into SB0228S01.

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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:

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~~{ None}~~ 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

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

Utah Code Sections Affected by Coordination Clause:

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

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

Section 1. Section **20A-7-101** is amended to read:

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

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

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

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

(c) for a town, the town council.

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

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

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

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

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

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

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

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

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

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

(a) is registered to vote; or

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

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

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

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

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

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

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

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

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

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

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

~~(16)~~ (17) "Referendum" means a process by which a law passed by the Legislature or

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by a local legislative body is submitted or referred to the voters for their approval or rejection.

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

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

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

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

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

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

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

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

20A-7-501. Initiatives.

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

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

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

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

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

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

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

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

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

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

(b) The local legislative body may:

- (i) adopt the proposed law and refer it to the people;
- (ii) adopt the proposed law without referring it to the people; or
- (iii) reject the proposed law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) When a referendum petition has been declared sufficient, the local law that is the

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subject of the petition does not take effect unless and until the local law is approved by a vote of the people.

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

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Legislative Review Note

as of ~~2-20-14 2:32 PM~~

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

If this S.B. 228 and H.B. 238, Local Referendum Requirements Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Section 20A-7-601 to read:

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

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

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

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

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

[(d)] (iv) 20% of all the votes cast in the county, city, or town for all candidates for

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President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

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

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

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

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

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

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

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

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

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precincts, legal signatures equal to the percentages established in Subsection (2)(b).

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

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

(ii) "Subjurisdictional law" means a law or local obligation law passed by a local legislative body

that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

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

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

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

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

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

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

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

[~~(3)~~] (4) (a) Sponsors of any referendum petition challenging, under Subsection (1) [~~or~~], (2), or (3) any local law passed by a local legislative body shall file the application within

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five days after the passage of the local law.

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

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

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

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