

GEOGRAPHIC DIVERSITY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Mike K. McKell

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 the precincts in the city, county, or town; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-101, as last amended by Laws of Utah 2014, Chapters 364 and 396

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

20A-7-601, as last amended by Laws of Utah 2014, Chapter 242

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



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

29 **20A-7-101. Definitions.**

30 As used in this chapter:

31 (1) "Budget officer" means:

32 (a) for a county, the person designated as budget officer in Section 17-19a-203;

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

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

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

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

39 (4) "Final fiscal impact statement" means a financial statement prepared after voters
40 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
41 20A-7-502.5(2).

42 (5) "Initial fiscal impact estimate" means:

43 (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an
44 application for an initiative petition; or

45 (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5
46 for an initiative or referendum petition.

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

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

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

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

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

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

55 (a) is registered to vote; or

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

58 (10) "Local attorney" means the county attorney, city attorney, or town attorney in

59 whose jurisdiction a local initiative or referendum petition is circulated.

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

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

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

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

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

68 (15) "Local tax law" means a local law, passed by a political subdivision with an
69 annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

70 (16) "Measure" means a proposed constitutional amendment, an initiative, or
71 referendum.

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

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

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

79 [~~(17)~~] (18) "Referendum" means a process by which a law passed by the Legislature or
80 by a local legislative body is submitted or referred to the voters for their approval or rejection.

81 [~~(18)~~] (19) "Referendum packet" means a copy of the referendum petition, a copy of
82 the law being submitted or referred to the voters for their approval or rejection, and the
83 signature sheets, all of which have been bound together as a unit.

84 [~~(19)~~] (20) (a) "Signature" means a holographic signature.

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

86 [~~(20)~~] (21) "Signature sheets" means sheets in the form required by this chapter that are
87 used to collect signatures in support of an initiative or referendum.

88 [~~(21)~~] (22) "Sponsors" means the legal voters who support the initiative or referendum
89 and who sign the application for petition copies.

90 [(22)] (23) "Sufficient" means that the signatures submitted in support of an initiative
91 or referendum petition have been certified and verified as required by this chapter.

92 [(23)] (24) "Verified" means acknowledged by the person circulating the petition as
93 required in Sections 20A-7-205 and 20A-7-305.

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

95 **20A-7-501. Initiatives.**

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

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

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

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

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

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

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

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

121 ~~districts]~~ the precincts, legal signatures equal to the percentages established in Subsection
122 (1)(a).

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

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

129 (b) The local legislative body may:

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

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

132 (iii) reject the proposed law.

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

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

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

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

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

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

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

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

153 **20A-7-601. Referenda -- General signature requirements -- Signature**
154 **requirements for land use laws and jurisdictional laws -- Time requirements.**

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

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

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

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

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

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

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

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

181 (2) (a) As used in this Subsection (2), "local land use law" includes [~~a land use~~
182 ~~development code, an annexation ordinance, and comprehensive zoning ordinances~~] an

183 ordinance, resolution, master plan, or comprehensive zoning regulation adopted by ordinance
184 or resolution under Title 10, Chapter 9a, Municipal Land Use, Development, and Management
185 Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act.

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

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

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

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

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

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

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

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

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

212 (ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president
213 of the United States at the last election at which a president of the United States was elected if

214 the total number of votes does not exceed 25,000 but is more than 10,000;

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of 12-30-14 8:56 AM

Office of Legislative Research and General Counsel